



# **Meeting Procedure Local Law No 1**

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## **Part A**

### **Introduction**

#### **1 Title**

This Local Law will be known as the “Meeting Procedure Local Law No 1”.

#### **2 Purpose of this Local Law**

The purpose of this Local Law is to:

- 2.1 provide for the peace order and good government of the municipal district;
- 2.2 provide for the administration of Council powers and functions;
- 2.3 provide for the election of the Mayor, Deputy Mayor and Chairmen’s of Special Committees;
- 2.4 regulate the use of the common seal;
- 2.5 regulate proceedings at Council meetings, committee meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply;
- 2.6 provide for the procedures governing the conduct of Council meetings and Special Committee meetings; and
- 2.7 promote and encourage community participation in the system of local government by providing mechanisms with the meeting arrangements for Council to ascertain the community’s views and expectations.

#### **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 operates throughout the whole of the municipal district and:

- 4.1 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
- 4.2 ends on the 10th anniversary of the day on which it commenced operation.

## 5 Revocation of Current Local Law No 1 (as amended)

On the commencement of this Local Law, Council's Meeting Procedure Local Law No. 1 (as amended) which commenced on 01 January 2003 is revoked.

## 6 Definitions and Notes

6.1 In this Local Law:

- 6.1.1 **“Act”** means the Local Government Act 1989;
- 6.1.2 **“Advisory Committee”** means any committee of Council which is not a Special Committee;
- 6.1.3 **“Agenda”** means the notice of a meeting setting out the business to be transacted at the meeting;
- 6.1.4 **“Assembly”** means a meeting of at least two Councillors and staff for the purpose of being briefed on relevant matters and at which no formal decisions are made
- 6.1.5 **“Authorised Officer”** means a person who is authorised by Council to carry out specific functions under this Local Law;
- 6.1.6 **“Chamber”** means any room where Council holds a Council meeting;
- 6.1.7 **“Chairman”** means the Chair manager of a meeting and includes acting, temporary and substitute Chairman;
- 6.1.8 **“Chief Executive Officer”** means the Chief Executive Officer of Council;
- 6.1.9 **“Common Seal”** means the common seal of Council;
- 6.1.10 **“Council”** means Swan Hill Rural City Council;
- 6.1.11 **“Council meeting”** includes a meeting at which the Mayor is elected, an Ordinary meeting, a Special meeting and a meeting of a Special Committee;
- 6.1.12 **“Delegate”** means a natural person chosen or elected to act for or represent Council;
- 6.1.13 **“Deputy Mayor”** means the Deputy Mayor of Council;
- 6.1.14 **“Mayor”** means the Mayor of Council;
- 6.1.15 **“Minute”** means the collective record of proceedings of Council;
- 6.1.16 **“Municipal district”** means the municipal district of Council;
- 6.1.17 **“notice of motion”** means a notice setting out the text of a motion, which is proposed to be moved at the relevant meeting;
- 6.1.18 **“notice of rescission”** means a notice of motion to rescind a

resolution made by Council;

- 6.1.19 **“Offence”** means a contravention of or failure to comply with this Local Law;
- 6.1.20 **“Ordinary meeting”** means any meeting of Council which is not a Special meeting;
- 6.1.21 **“Penalty unit”** means a penalty unit as prescribed in the Sentencing Act 1992;
- 6.1.22 **“Special Committee”** means a special committee established by Council under Section 86 of the Act;
- 6.1.23 **“Special meeting”** means a special meeting of Council convened and held in accordance with Section 84 of the Act;
- 6.1.24 **“Standing orders”** means an item which is currently being considered at a Council meeting;
- 6.1.25 **“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
- 6.1.26 **“Written”** includes duplicated, lithographed, photocopied, printed, typed and e-mailed and extends to both hard copy and soft copy form.
- 6.1.27 **“Working Days”** mean Monday to Friday with the exception of Public Holidays.

6.2 Introductions to parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

## 7 Notice to comply

- 7.1 Where, in the opinion of an Authorised Officer any person is failing to comply or is acting in contravention of any of the provisions of this Local Law, the officer may serve a notice on that person directing him or her to comply with the Local Law or cease acting in contravention of the Local Law (as the case may be).
- 7.2 The notice to comply must state the nature of the failure or contravention and the date and time by which the situation must be remedied.
- 7.3 Any person who fails to comply with a notice served in accordance with this clause is guilty of an offence.

Penalty: 20 Penalty Units

Infringement Notice Penalty: 15 Penalty Units

## **8 Alternative to prosecution**

An infringement notice may be issued by an Authorised Officer as an alternative to prosecution in respect of offences against this Local Law.

## **9 Infringement notices**

- 9.1 An infringement notice must be generally in accordance with that in Attachment 1 to this Local Law.
- 9.2 The penalty for an infringement notice shall be:
- 9.2.1 the amount indicated as the Infringement Notice penalty at the foot of the provision, or
  - 9.2.2 if no Infringement Notice penalty is indicated, 1 penalty unit.
- 9.3 A person issued with an Infringement Notice is entitled to disregard the notice and defend the prosecution in Court.
- 9.4 To avoid prosecution the penalty indicated must be paid within 28 days from the date of issue of such notice and paid to the Council Office, Splatt Street, Swan Hill or Robinvale office as identified on the infringement notice.

## **10 Waiver of infringement notice**

Council, or a person authorised by Council may, following consideration of a submission from any person issued with an infringement notice, waive the said notice.

## **11 Setting of fees and charges**

- 11.1 Council may from time to time by resolution determine the fees and charges to apply under this Local Law which may include an administrative or processing fee or charge.
- 11.2 The fees and charges shall come into operation upon publication of the fees and charges in a newspaper with circulation in the municipal district.

## **12 Waiver of fees**

The Council may waive, reduce or alter any fee or charge with or without conditions generally or with respect to a specific situation.



## **PART B**

### **ELECTION OF MAYOR**

**Introduction:** The purpose of this Part is to regulate the proceedings for the election of the Mayor and Deputy Mayor pursuant to Section 71 of the Act.

#### **13 ELECTION OF MAYOR AND DEPUTY MAYOR**

- 13.1 The Chief Executive Officer will preside at the election of the Mayor and undertake the role of acting Chairman and preside as the returning officer.
- 13.2 All Councillors are eligible to stand for election to the office of Mayor.
- 13.3 Voting shall be by a show of hands.
- 13.4 Candidates for the election of Mayor may address Council for up to five minutes prior to the election of Mayor being conducted.
- 13.5 In determining the election of Mayor, the following process will apply:
  - 13.5.1 Where only one nomination is received, that Councillor must be declared elected upon acceptance by the nominee.
  - 13.5.2 Where two nominations are received, the Councillor with the majority of votes cast will be declared elected.
  - 13.5.3 Where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot.
  - 13.5.4 Where there are more than two nominations received and the result has not been determined under paragraphs 13.5.2 or 13.5.3, the nominee with fewest number of votes cast must be eliminated (and if there is more than one nominee with an equal number of the fewest votes then a lot will determine the successful nominee in this instance) and the names of the remaining nominees must be put to the vote again, and
  - 13.5.5 The procedure in paragraph 13.5.3 must be repeated until the circumstances in paragraph 13.5.4 apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with the majority will be declared elected, or if there is an equal division of votes, the election must be determined by lot.
- 13.6 The procedure for the election of Deputy Mayor shall follow the same procedure as that for the Mayor.

## **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 as required by Section 5(3) (c) of the Act.

#### **14 Council's Common Seal**

14.1 The Chief Executive Officer must ensure the security of Council's Common Seal at all times.

14.2 The affixing of Council's Common Seal to any document must be attested to by the signatures of:

14.2.1 the Mayor, one Councillor and the Chief Executive Officer; or

14.2.2 in the absence of the Mayor, by two Councillors and the Chief Executive Officer or any other member of Council staff authorised by Council; or

14.2.3 in the absence of the Chief Executive Officer any two Directors can sign in substitution for the Chief Executive Officer.

14.3 A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council.

**Penalty:** 20 penalty units

**PART D**  
**COUNCIL'S OFFICE HOLDERS**

**15 Appointment of Councillors to Committees, Boards, and Advisory Committees:**

- 15.1 At the first Council meeting after the meeting to elect the Mayor, Council must appoint Councillors to Special Committee positions, board positions, and Advisory Committee positions.
- 15.2 The Mayor must call for nominations from the Councillors for the positions referred to in clause 15.1 and in the event that two or more Councillors nominate for the one position, the procedure for the election of the Mayor shall be followed for the filling of that position.

## **PART E**

### **16 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 meetings.

## **DIVISION 1 – NOTICES OF MEETINGS/ASSEMBLIES AND DELIVERY OF AGENDAS**

### **17 Dates and Times of Meetings**

- 17.1 Council must fix the date, time and place of all Ordinary meetings and Councillor assemblies at the start of each calendar year for the current year.
- 17.2 Council may change the date, time and place of any Ordinary meeting which has been fixed provided reasonable notice and a reason of the change are given to the public.
- 17.3 The Mayor, or at least 3 Councillors, may by a written notice call a Special meeting.

### **18 Notice of Meeting**

- 18.1 A notice of meeting, incorporating or accompanied by an Agenda of the business to be dealt with must be circulated to every Councillor for all Ordinary meetings at least 3 working days before the meeting.
- 18.2 A notice of meeting, incorporating or accompanied by an Agenda of the business to be dealt with must be delivered to every Councillor for any Special meeting not less than 48 hours before the meeting unless the Mayor or the Chief Executive Officer are satisfied that exceptional circumstances exist which warrant less than 48 hours notice and those circumstances are detailed in the Agenda. .

[Note: Sections 89(4) and 89(4A) of the Local Government Act 1989 specify the period of public notice that is to be given of Ordinary and Special meetings of Council and Special Committee meetings.]

## **DIVISION 2 – QUORUMS**

### **19 Ordinary Meetings**

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

### **20 Special Meetings**

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

### **21 Inability to Gain a Quorum**

Subject to the provisions of the Act, if after 30 minutes from the scheduled starting time of any Ordinary or Special meeting, a quorum cannot be obtained:

21.1 those Councillors present; or

21.2 if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, an Authorised Officer must adjourn the meeting for a period which must not exceed four weeks from the date of the meeting.

### **22 Inability to Maintain a Quorum**

Subject to the provisions of the Act, if during any Ordinary or Special meeting, a quorum cannot be maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, an Authorised Officer, must adjourn the meeting for:

22.1 a period not exceeding seven days from the date of the meeting; or

22.2 if the inability to maintain the quorum is the result of the Councillors being precluded from being present at the meeting (whether that be due to a disclosure of a conflict of interest or otherwise), for such period as the Chief Executive Officer requires to obtain the dispensations required to achieve a quorum.

22.3 If a Councillor does not attend within thirty (30) minutes after the time fixed for a call of the Council meeting or remain at the meeting, the Chief Executive shall advise the Minister in writing.

## **23 Call of the Council**

- 23.1 If a quorum of Council cannot be formed or maintained due to the absence of Councillors, the Chief Executive shall advise the Minister.
- 23.2 The Minister or the Chief Executive may require all Councillors to attend a Call of the Council meeting.
- 23.3 A Call of the Council meeting must be treated as a Special Council meeting.
- 23.4 The Minister, a person nominated by the Minister or the Chief Executive is entitled to attend and speak at a Call of the Council meeting, which he or she has required the Councillors to attend.
- 23.5 If a Call of Council has been required, immediately after the opening of the meeting:
  - 23.5.1.1 the Chief Executive must call the name of the Mayor and each Councillor in alphabetical order;
  - 23.5.1.2 each person present must answer his or her name;
  - 23.5.1.3 all excuses for absence must be considered;
  - 23.5.1.4 after each excuse is considered a vote must be taken to determine whether a majority of the Councillors present at the meeting consider the excuse to be reasonable to excuse the Councillor from being present at the meeting; and
  - 23.5.1.5 if a majority of the Councillors determine that the absence of any Councillor is not reasonable the Chief Executive shall advise the Minister.

## **24 Adjourned Meetings**

- 24.1 Council may adjourn any meeting.
- 24.2 The Chief Executive Officer, or an Authorised 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.
- 24.3 The Chief Executive Officer must provide written notice of a meeting adjourned under this clause or Clauses 21 and 22 but where this is not practicable because time does not permit that to occur, then, provided every reasonable attempt is made to contact every Councillor, notice by telephone, facsimile, email, in person or by some other means is sufficient.

## **25 Time Limits for Meetings**

- 25.1 An Ordinary and Special meeting must start within 30 minutes of the advertised start time.
- 25.2 An Ordinary and Special meeting must not continue after 4 hours unless a majority of Councillors present vote in favour of its continuance.
- 25.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the Chairman.

## **26 Mayor may Speak**

The Mayor may address the meeting upon any matter under discussion but not enter the debate and is not deemed to have left the Chair on such occasions.

## **27 Mayor may Vacate the Chair**

The Mayor may vacate the Chair for the duration of any item under debate where upon a temporary Chairman is elected by the meeting and must take the Chair until such item has been disposed of.



## **DIVISION 3 – BUSINESS OF MEETINGS**

### **28 The Order of Business**

The order of business is to be determined by the Chief Executive Officer.

### **29 Change to Order of Business**

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

### **30 Chairman**

The Mayor must preside at all Council meetings at which he or she is present, in the role of Chairman.

### **31 Absence of Chairman**

31.1 In the absence of the Mayor, the Deputy Mayor must preside at any Council meeting at which he or she is present, in the role of Chairman.

31.2 In the event that both the Mayor and Deputy Mayor are absent, Council must elect a Chairman to preside at that meeting.

### **32 Leave of Absence**

32.1 If a Councillor is absent from a Council meeting the Councillor must request a leave of absence.

32.2 Councillors may request a leave of absence no later than 48 hours before the Council meeting or, if this is not practicable, the Councillor must give the Chief Executive Officer notice of an apology prior to the Council meeting.

32.3 If a Councillor leaves a Council meeting the Councillor must request a leave of absence from the Chairman before leaving the Chamber for an extended leave of absence or does not mean to return.

32.4 A leave of absence requested during a meeting will only be granted at the end of a motion.

32.5 A leave of absence must not be requested or granted during a debate apart from illness or any other matter deemed urgent by the Chair and may not return until conclusion of the debate.

### **33 Urgent Business**

Urgent business not detailed in the Agenda may only be transacted at the Ordinary or Special meeting if Council is satisfied that:

- 33.1 the public would not reasonably want to raise a question on the item; and
- 33.2 the item relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- 33.3 the item cannot reasonably be deferred until the next Ordinary meeting.

## **DIVISION 4 – MOTIONS AND DEBATE**

### **34 Councillors May Propose Notices of Motion**

Councillors may ensure that an issue is listed on an agenda by completing in writing a notice of motion.

### **35 Notice of Motion**

35.1 A notice of motion must be in writing, signed by the Councillor, and be lodged with the Chief Executive Officer to allow sufficient time for him or her to give each Councillor at least 4 working days notice of such notice of motion.

35.2 The Chief Executive Officer may reject any notice of motion which is vague or unclear in intention but must:

35.2.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

35.2.2 notify in writing all the Councillors of the rejection and reasons for the rejection.

35.3 The full text of any notice of motion accepted by the Chief Executive Officer must be included in the material accompanying the Agenda.

35.4 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion book in the order in which they were received.

35.5 Except by leave of Council, each notice of motion, before the meeting, must be considered in the order in which it is received by the Chief Executive Officer.

35.6 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 Chairman, any other Councillor may move the motion.

35.7 If a notice of motion is not moved at the meeting at which it is listed, it lapses.

## **36 Chairman's Duty**

Any motion which is determined by the Chairman to be:

- 36.1 defamatory;
  - 36.2 objectionable in language or nature;
  - 36.3 vague or unclear in intention;
  - 36.4 outside the powers of Council; or
  - 36.5 irrelevant to the item of business on the agenda and has not been admitted as urgent or general business, or purports to be an amendment but is not -
- must not be accepted by the Chairman.

## **37 Clarifying a Notice of Motion**

Before a notice of motion is moved, a Councillor may introduce it by tabling a written preamble which provides for;

- 37.1 its intent; or
- 37.2 the desired outcome, if it is passed.

## **38 Introducing a Motion or an Amendment**

38.1 The procedure for moving any motion or amendment is:

- 38.1.1 the mover must state the motion;
- 38.1.2 the motion must be seconded by a Councillor other than the mover;
- 38.1.3 once the motion amendment is moved and seconded the Chairman must ask; "Is the motion or amendment opposed?";
- 38.1.4 if no Councillor indicates opposition, the Chairman will give each Councillor an opportunity to speak to the motion or amendment starting with the mover and seconder. Each Councillor may only speak once and for not more than 2 minutes. At the conclusion of Councillor statements the Chairman must declare the motion or amendment carried;
- 38.1.5 if a Councillor indicates opposition, the Chairman must call on the mover to address the meeting. After the mover has addressed the meeting, the seconder may address the meeting. After the seconder has addressed the meeting (or after the

mover has addressed the meeting if the seconder does not address the meeting), the Chairman must invite debate by calling on any Councillor who wishes to speak to the motion or amendment, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion. If, after the mover has addressed the meeting, the Chairman has invited debate and no Councillor speaks to the motion, then the Chairman must put the motion to the vote.

38.2 If a motion or amendment is not seconded, the motion lapses.

## **39 Right of Reply**

39.1 The mover of a motion or amendment, has a right of reply to matters raised during debate or close the debate even if there is no opposition.

39.2 After the right of reply has been taken, the motion or amendment must immediately be put to the vote without any further discussion or debate.

## **40 Moving an Amendment**

40.1 Subject to Clause 40.2 a motion which has been moved and seconded may be amended by leaving out or adding words, provided the amendment is relevant to the subject of the motion.

40.2 A motion to confirm a previous resolution of Council cannot be amended.

40.3 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

40.4 Any number of amendments may be proposed to a motion but only 1 amendment may be accepted by the Chairman at any one time.

40.5 No second or subsequent amendment, whether to the motion or an amendment of it, may be considered by Council until the previous amendment has been dealt with.

40.6 If the amendment is carried, the motion as amended then becomes the motion before the meeting.

## **41 Withdrawal of Motions**

Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of the majority of Councillors at the meeting..

## **42 Separation of Motions**

- 42.1 Where a motion contains more than 1 part, a Councillor may request the Chairman to put the motion to the vote in separate parts.
- 42.2 The Chairman may decide to put any motion to the vote in several parts, whether requested to do so by a Councillor or of his or her own volition .

## **43 Motions in Writing**

- 43.1 The Chairman may require that a complex or detailed motion be in writing.
- 43.2 Council may adjourn the meeting while the motion is being written or, alternatively, defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.
- 43.3 The Chairman may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the vote is taken.

## **44 Debate Must be Relevant to the Question**

- 44.1 Debate must be relevant to the question before the Chair, and, if not, the Chairman may request the speaker to confine debate to the question before the chair.
- 44.2 If after being requested to confine debate to the question before the chair, the speaker continues to debate irrelevant matters, the Chairman may direct the speaker to not speak further in respect of the question then before the chair.
- 44.3 A speaker to whom a direction has been given under Clause 44.2 must comply with that direction.

## **45 Speaking Times**

A Councillor must not speak longer than the following times set, unless granted an extension by the Chairman.

- 45.1 the mover of a motion or amendment which has been opposed: 5 minutes;
- 45.2 a Councillor wishing to speak on the motion or amendment: 3 minutes;
- 45.3 the mover of the motion or amendment wishing to exercise a right of reply: 2 minutes; and

45.4 where a motion is not opposed, any Councillor: 2 minutes.

## **46 Addressing the Meeting**

Unless the Chairman so determines:

46.1 any person addressing the chair must refer to the Chairman as the Mayor or Chairman (as the case may be).

46.2 all Councillors, other than the Mayor, must be addressed as Cr ..... (name).

46.3 all members of Council staff, must be addressed as Mr or Ms (name) as appropriate or by their official title.

## **47 Foreshadowing Motions**

47.1 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.

47.2 A foreshadowed motion may be prefaced with a statement that in the event of a particular motion before the Chairman being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

47.3 The Chief Executive Officer or person taking the minutes of the meeting is not required to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

47.4 Nothing in this clause shall be taken as conferring upon a Councillor a right to foreshadow a motion.

## **48 Right to Ask Questions**

48.1 A Councillor may, at any time when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the chair.

## **49 GAG THE SPEAKER**

49.1 A gag may be moved in the terms "That the speaker no longer be heard" by a Councillor who has not moved, seconded or spoken to the matter.

49.2 A gag motion is not able to be debated if the Chairman accepts the motion.

49.3 If the motion is successful, the Chairman may invite further debate from other Councillors who have not spoken, provided that the mover of the motion shall always have the right of reply.

## **50 PRECEDENCE OF MAYOR/CHAIR**

If for whatever reason deemed appropriate by the Chairman, the Chairman stands up at a meeting of Council, the meeting must immediately come to order as the Chairman has precedence in any debate or discussion before Council.



## **DIVISION 5 – PROCEDURAL MOTIONS**

### **51 Procedural Motions**

- 51.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairman.
- 51.2 Procedural motions require a seconder.
- 51.3 Notwithstanding any other provision in this Local Law, a procedural motion must be dealt with in accordance with Attachment 2.

## DIVISION 6 – RESCISSION MOTIONS

### 52 Notice of Rescission

52.1 A Councillor may move a notice of rescission provided:

52.1.1 the resolution proposed to be rescinded has not been acted on;  
and

52.1.2 the notice of rescission is received in writing by the Chief Executive Officer setting out the resolution to be rescinded and the meeting and date when the resolution was carried.

52.1.3 A rescission motion must be received in writing by the Chief Executive Officer within three (3) working days after the meeting at which the notice of intention was given.

*[Note: 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.]*

52.2 For the purposes of this Clause, a resolution is deemed to have been acted on if:

52.2.1 its contents have, or substance has, been communicated in writing to a person whose interests are materially affected by it;  
or

52.2.2 a process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.

52.3 Neither the Chief Executive Officer nor any member of Council staff shall not implement a resolution which is the subject of a notice of rescission where, in the opinion of that officer or staff member, implementing the resolution would, by operation of this clause, preclude Council from considering the notice of rescission.

52.4 Clause 52 does not apply where, in the opinion of the officer or staff member, a failure to implement the resolution would make the resolution redundant or ineffective.

### 53 If Lost

53.1 If a motion for rescission is lost, a similar motion may not be put before Council for at least 2 months from the date it was lost, unless Council resolves that the notice of motion be re-listed at a future meeting.

53.2 If the motion is subsequently lost again, it may not be brought to Council for consideration for at least 12 months from the date it was lost.

#### **54 If Not Moved**

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

#### **55 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 by anyone other than the Councillor who moved it.

#### **56 When not Required**

56.1 For the purposes of this Local Law, a motion before the Council which calls for a change of a Council-adopted policy does not constitute a motion for the rescission of the resolution that adopted that policy.

56.2 Where the change of a Council-adopted policy is likely to have a significant impact on a section of the community and the policy has been adopted for less than 12 months, Council must not consider a motion which calls for a change to that policy unless Council is satisfied that notice of the motion has been given to the relevant section of the community.

## **DIVISION 7 – POINTS OF ORDER**

A point of order is taken when a Councillor officially draws the attention of the chair of a meeting to an alleged irregularity in the proceedings.

### **57 Chairman to Decide**

The Chairman 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.

### **58 Chairman May Adjourn to Consider**

58.1 The Chairman may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

58.2 All other questions before Council are suspended until the point of order is decided.

### **59 Dissent from Chairman's Ruling**

59.1 A Councillor may move that the meeting disagree with the Chairman's ruling on a point of order, by moving:

"That the Chairman's ruling (setting out that ruling or part of that ruling) be dissented from".

59.2 When a motion in accordance with this clause is moved and seconded, the Chairman must leave the chair and a temporary Chairman elected by the meeting must take his or her place.

59.3 The temporary Chairman must invite the mover to state the reasons for his or her dissent and the temporary Chairman may then reply.

59.4 The temporary Chairman must put the motion in the following form:

"That the Chairman's ruling be dissented from".

59.5 If the vote is in the negative, the Chairman resumes the chair and the meeting proceeds.

59.6 If the vote is in the affirmative, the Chairman must then resume the chair, reverse or vary (as the case may be) his or her previous ruling and proceed.

59.7 The defeat of the Chairman's ruling does not constitute and must not be recorded

in the Minutes as, a motion of censure or a motion of no confidence in the Chairman.

## **60 Procedure for Point of Order**

60.1 A Councillor raising a point of order must:

60.1.1 state the point of order; and

60.2 state the provision, rule, practice or procedure relevant to the point of order.

60.3 For the purposes of this Clause, *rising* to express a difference of opinion or to contradict a speaker is not a point of order.

## **DIVISION 8 – PUBLIC QUESTION TIME AND PUBLIC REPRESENTATIONS**

### **61 Question Time**

- 61.1 There shall be public question time at every Ordinary meeting to enable members of the public to submit questions to Council.
- 61.2 Question time shall only extend for 30 minutes unless Council resolves to extend the time.
- 61.3 Questions must be generally in accordance with Attachment 3 to this Local Law and submitted to Council by;
- 61.3.1 leaving it in the “Question Box” in the Council Chambers 5 minutes before the commencement of the meeting; or
  - 61.3.2 leaving it at the reception desk at the Council Offices by 5.00pm on the day of the meeting; or
  - 61.3.3 sending it be e-mail ([council@swanhill.vic.gov.au](mailto:council@swanhill.vic.gov.au)) or facsimile transmission (Fax: 5036 2340) by 4.00pm on the day of the meeting.
- and must include the name and address of the person submitting the question.
- 61.4 The person raising the question must be in attendance at the meeting in order for the question to be put to Council.
- 61.5 If a person has submitted more than 2 questions to a meeting, the third and further questions may, at the discretion of the Chairman:
- 61.5.1 be deferred until all other persons who have asked a question have had their questions asked and answered; and
  - 61.5.2 not be asked if the time allotted for public question time has expired.
- 61.6 A question may be disallowed by the Chairman if the Chairman determines that it:
- 61.6.1 relates to a matter outside the duties, functions and powers of Council;
  - 61.6.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

- 61.6.3 deals with a subject matter already answered;
  - 61.6.4 is aimed at embarrassing a Councillor or a member of Council staff;
  - 61.6.5 relates to personnel matters;
  - 61.6.6 relates to the personal hardship of any resident or ratepayer other than the person raising the question;
  - 61.6.7 relates to industrial matters;
  - 61.6.8 relates to confidential contractual matters;
  - 61.6.9 relates to proposed developments;
  - 61.6.10 relates to legal advice;
  - 61.6.11 relates to matters affecting the security of Council property; or
  - 61.6.12 relates to any other matter which the Chairman considers would prejudice Council or any person.
- 61.7 All questions and answers must be as brief as possible and no discussion may be allowed other than for the purposes of clarification.
- 61.8 The Mayor may either nominate a Councillor or member of Council staff to respond to a question or answer it himself or herself.
- 61.9 A Councillor or the Chief Executive Officer may request a question be put on notice, in which case:
- 61.9.1 the answer to it must be recorded in the minutes of Council;
  - 61.9.2 a written copy of the answer must be sent to the person who asked the question;
  - 61.9.3 the minutes will reflect responses until the matter is completed.
- 61.10 Council must keep an agenda item (with a report) that reflects unanswered questions from question time in order to keep a sequential dated record of questions asked and responses until completely answered.
- 61.11 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, in which case:
- 61.11.1 the Councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given; and
  - 61.11.2 unless Council resolves to the contrary, the reply to such question must be so given.

## **62 Public Representations**

- 62.1 Council may suspend its standing orders in order to permit consultants, section 86 committees of Council and other groups at the discretion of Council to make a presentation on an Agenda item in open Council.



## **DIVISION 9 – PETITIONS AND JOINT LETTERS**

Petitions and joint letters are ways in which the community can ensure that their views are heard by Council. In order to ensure that a petition or joint letter is valid and capable of being accepted by Council, the procedure set out in this Division must be adhered to.

### **63 Petitions and Joint Letters**

63.1 All petitions and joint letters either received directly or via Councillors must be presented to the Chief Executive Officer by 4pm on the business day prior to the meeting at which the petitioners want the petition presented.

63.2 The Chief executive Officer must present all petitions and joint letters to Council in accordance with the Agenda.

63.3 Every petition or joint letter presented to Council must be in writing (other than pencil), typed or printed, contain the request of the petitioners or signatories and:

63.3.1 in the case of petitions, are to be signed by at least 20 people;  
and

63.3.2 joint letters, are to be signed by between 2 and 19 people.

63.4 Every petition or joint letter must:

63.4.1 commence with the following words “The Petitioners whose names, addresses and signatures appear hereunder petition the Swan Hill Rural City Council as follows;” and

63.4.2 then state the terms of the request.

63.5 Every petition or joint letter may only be signed by the persons whose names are appended to it by their names or marks , except in cases of incapacity or sickness, and must legibly state the address of every petitioner.

## **DIVISION 11 – VOTING**

### **64 How Motion Determined**

64.1 To determine a question, motion or amendment before a meeting, the Chairman 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.

### **65 Casting Vote**

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

### **66 By Show of Hands**

66.1 Unless the Council resolves otherwise, voting on any matter is by show of hands.

### **67 Procedure for a Division**

67.1 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.

67.2 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.

67.3 When a division is called for, the Chairman must:

67.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and upon such request being made, each Councillor wishing to vote in the affirmative must raise 1 of his or her hands, whereupon the Chairman must then state and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative; and

67.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and upon such request being made, each Councillor wishing to vote in the negative must raise 1 of his or her hands, whereupon the Chairman must then state and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the negative.

## 68 No Discussion Once Declared

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

68.1.1 a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes;

68.1.2 foreshadowing a notice of rescission where a resolution has just been made or a positive motion where a resolution has just been rescinded;

whereupon the Councillor's opposition, the foreshadowed notice of rescission or notice of positive motion (as the case may be) is to be recorded in the Minutes.

*For example, clause 68 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 68 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 68.1.2, to discussion about a positive motion were a resolution has just been rescinded.*

## DIVISION 12 – MINUTES

### 69 Confirmation of Minutes

69.1 At every meeting of Council the Minutes of the preceding meeting(s) must be dealt with as follows:

- 69.1.1 a copy of the Minutes must be circulated to each Councillor no later than 2 working days before the next meeting;
- 69.1.2 if no Councillor indicates opposition, the Minutes must be declared to be confirmed
- 69.1.3 if a Councillor indicates opposition to the Minutes;
  - 69.1.3.1 he or she must specify the item(s) to which he or she objects;
  - 69.1.3.2 the objected item(s) must be considered separately and in the order in which they appear in the Minutes;
  - 69.1.3.3 the Councillor objecting must move accordingly without speaking to the motion;
  - 69.1.3.4 the motion must be seconded;
  - 69.1.3.5 the Chairman must ask

“Is the motion opposed?”

- 69.1.4 if no Councillor indicates opposition, then the Chairman must declare the motion carried without discussion and then ask the second question described in clause 69.1.9;
- 69.1.5 if a Councillor indicates opposition, then the Chairman must call on the mover to address the meeting;
- 69.1.6 after the mover has addressed the meeting, the seconder may address the meeting;
- 69.1.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chairman 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;
- 69.1.8 if, after the mover has addressed the meeting, the Chairman invites debate and no Councillor speaks to the motion, the Chairman must put the motion; and

69.1.9 the Chairman must, after all objections have been dealt with,  
ask:

69.1.9.1 “That the minutes be confirmed” or

69.1.9.2 “That the minutes, as amended, be confirmed”,

and put the question to the vote accordingly.

69.2 A resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chairman of the meeting at which they have been confirmed;

69.3 The confirmed minutes along with the corresponding agenda must be placed in a bound book in chronological order and placed in a secure area until sent to the Public Record Office of Victoria;

69.4 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;

69.4.1 the date, place, time and nature of the meeting;

69.4.2 the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;

69.4.3 the names of the members of Council staff present;

69.4.4 any disclosure of an interest or a conflict of interest made by a Councillor or member of staff;

69.4.5 arrivals and departures (including temporary departures) of Councillors and members of staff during the course of the meeting;

69.4.6 each question, motion, amendment moved or foreshowed (including motions and amendments that lapse for the want of a seconder);

69.4.7 the vote cast by each Councillor upon a division;

69.4.8 the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;

69.4.9 questions upon notice;

69.4.10 the failure of a quorum;

69.4.11 any adjournment of the meeting and the reasons for that adjournment;

and

69.4.12 the time at which standing orders were suspended and resumed.

## **70 Recording of Meetings**

- 70.1 If Council resolves that the proceedings of a Council meeting be recorded, the Chief Executive Officer (or other person authorised by the Chief Executive Officer) must record on suitable audio recording equipment all the proceedings of the Council meeting.
- 70.2 Subject to clause 70.1, a person must not operate audiotape or other recording equipment at any Council meeting without first obtaining the consent of the Chairman.
- 70.3 Any consent given to the recording of the meeting may at any time during the course of such meeting be revoked by Council or the Chairman.

**Penalty:** 5 penalty units.

## DIVISION 13 – BEHAVIOUR

### 71 Public Addressing the Meeting

71.1 Any member of the public addressing a meeting of Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairman whenever called on to do so.

### 72 Chairman May Remove

72.1 The Chairman may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction.

### 73 Suspensions

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

### 74 Offences

74.1 It is an offence for:

74.1.1 a Councillor to not withdraw an expression considered by the Chairman to be offensive or disorderly and apologise when called on twice by the Chairman to do so;

**Penalty:** 2 penalty units

74.1.2 any person, not being a Councillor, to not leave the meeting room when requested by the Chairman to do so;

**Penalty:** 5 penalty units

74.1.3 any person to fail to comply with a direction of the Chairman in relation to the conduct of the meeting and the maintenance of order; or

**Penalty:** 2 penalty units

74.1.4 a Councillor to refuse to leave the Chamber on suspension.

**Penalty:** 5 penalty units

## **75 Chairman May Adjourn Disorderly Meeting**

If the Chairman 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 which case, the provisions of clause 24.1 and 24.2 apply.

## **76 Removal from Chamber**

76.1 The Chairman, or Council in the case of a suspension, may ask the Chief Executive Officer, the authorised member of Council staff 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 Chairman has ordered to be removed from the gallery under this Local Law or whom Council has suspended under this Local Law.



## **DIVISION 14 – ADDITIONAL DUTIES OF CHAIRMAN**

### **77 The Chairman's Duties and Discretions**

Without limiting the duties and discretions provided in this Local Law, the Chairman:

- 77.1 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
- 77.2 must call to order any person who is disruptive or unruly during any meeting.

## **DIVISION 15 – SUSPENSION OF STANDING ORDERS**

### **78 Suspension of Standing Orders**

The suspension of standing orders is 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.

78.1 Council may, upon the motion of a Councillor or request of the Chairman or Chief Executive Officer, decide to suspend the Council meeting to discuss the issues surrounding the item.

78.2 A Councillor wishing to suspend the standing orders must move:

“That standing order be suspended to enable discussion on.....”

78.3 Following suspension of the standing orders before any further motion can be put, a motion to resume the standing orders must be made by a Councillor moving:

“That standing orders be resumed.”

78.4 Any Councillor moving, or Chairman or Chief Executive Officer requesting, the suspension of standing orders must only do so where he or she considers that the question before the Council is better dealt with without the formalities of the meeting procedure.

## **DIVISION 16 – MISCELLANEOUS**

### **79 Procedure not provided in Local Law**

79.1 Eventualities occurring at a Council meeting which are not provided for by this Local Law, may be dealt with by the Chairman.

### **80 Criticism of Members of Council Staff**

80.1 The Chief Executive Officer may, with the permission of the Chairman, 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.

### **81 Documents**

81.1 A Councillor may obtain access to any document of Council relevant to the question or motion under discussion by either:

81.1.1 requiring the document to be produced at the meeting if it is available at the time and place of the meeting, or;

81.1.2 providing written notice, not less than 24 hours prior to the meeting, of the requirement for the document to be produced at the meeting.

81.2 Without limiting the provisions of the Act or any other Act, a Councillor must not disclose information obtained under this clause, or any other information that is received in the course of his or her service as a Councillor, to any person not entitled or authorised to receive the information.

**Penalty:** 10 Penalty Units.

## **DIVISION 17 – SPECIAL COMMITTEES AND OTHER COMMITTEES**

### **82 Application Generally**

82.1 If Council establishes a Special Committee, all of the provisions of Divisions 1-16 of this Local Law apply.

82.2 For the purposes of clause 82.1, a reference in Division 1-16 of this Local Law to:

82.2.1 a Council meeting is to be read as a reference to a meeting of the Special Committee;

82.2.2 a Councillor is to be read as a reference to a member of the Special Committee;

82.2.3 the Mayor is to be read as a reference to the Chairman of the Special Committee; and

82.2.4 the Chamber is to be read as the room or rooms where the meeting of the Special Committee takes place.

### **83 Application Specifically**

Notwithstanding clause 82, if Council establishes a Special Committee:

83.1 Council may; or

83.2 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 shall not apply until Council resolves, or the Special Committee with the approval of Council resolves, otherwise.

### **84 Other Committees**

Council may by resolution determine that Divisions 1-16 of this Local Law, or such part or parts of them as Council determines, (with or without modification), shall apply to Advisory Committees, Assemblies and such other meetings of Councillors, members of Council staff and members of the community, as Council may determine.

# ATTACHMENT 1

## SWAN HILL RURAL CITY COUNCIL – INFRINGEMENT NOTICE

Date of Notice: ..... No. of Notice: .....

To: Surname or.....

Organisation.....

Other Names.....

Address.....

I, ..... (full name of authorised officer) being a duly authorised officer of the above Council has reason to believe that you have committed an offence against the Local Laws of the Council. The nature of the alleged offence and the amount of penalty is indicated by the ticked box below:

| Local Law Number | Clause/Section Number | Nature of Infringement | Applicable Penalty |
|------------------|-----------------------|------------------------|--------------------|
|                  |                       |                        | \$                 |
|                  |                       |                        |                    |
|                  |                       |                        |                    |

Other particulars of alleged offence:

Date: .....

Time: .....

Location: .....

If you pay the penalty indicated within 28 days from the date of this notice to the Swan Hill Rural City Council: by cheque or money order for the FULL AMOUNT posted to PO Box 488, Swan Hill this matter will not be brought to Court and no conviction will be recorded.

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

Should you wish to make any submission concerning this infringement notice contact should be made with the Chief Executive Officer.

\_\_\_\_\_  
(Signed by Authorised Officer)

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## ATTACHMENT 2

### PROCEDURAL MOTIONS TABLE

| Procedural Motion                                  | Form   | Mover<br>Secunder  | &                 | When<br>Prohibited  | Motion   | Effect if Carried   | Effect if Lost              | Debate Permitted<br>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 seconded substantive motion or otherwise spoken to the substantive motion | Councillor or the | (a) During the election of a Chairman;<br>(b) When another Councillor is speaking   | the of a | 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 seconded substantive motion or otherwise spoken to the substantive motion | Councillor or the | (a) During the election of a Chairman;<br>(b) When another Councillor is speaking;<br>(c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with Section 85 of the Act: or<br>(d) When the motion would have the effect of causing Council to | the of a | Motion and any amendment postponed but may be resumed at any later meeting if on the agenda | Debate continues unaffected | Yes                           |

|                                 |                                    |   |              | be in breach of a legislative requirement  |  |  |                             |                                   |
|---------------------------------|------------------------------------|---|--------------|--|--|--|-----------------------------|-----------------------------------|
| <b>Procedural Motion</b>        | <b>Form</b>                        | <b>Mover<br/>Secunder</b>   | <b>&amp;</b> | <b>When Prohibited</b>   | <b>Motion</b>  | <b>Effect if Carried</b>   | <b>Effect if Lost</b>       | <b>Debate Permitted on Motion</b> |
| 3. The closure                  | That the motion be now put         | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion |              | During nominations for Chairman  | 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.            | 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                                |
| 4. Laying question on the table | That the question lie on the table | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion |              | (a) During the election of a Chairman;<br>(b) During a meeting which is a call of the Council has been made for that meeting in accordance with Section 85 of the Act; or<br>(c) When the motion would have the effect of causing Council to | Motion and amendment is not further discussed or voted on until:<br>(a) Council resolves to take the question from the table at the same meeting; or<br>(b) The matter is placed on a subsequent agenda and Council resolves to take the question from the | Motion and amendment is not further discussed or voted on until:<br>(a) Council resolves to take the question from the table at the same meeting; or<br>(b) The matter is placed on a subsequent agenda and Council resolves to take the question from the | Debate continues unaffected | No                                |

be in breach of a table  
legislative  
requirement

| <b>Procedural Motion</b>        | <b>Form</b>   | <b>Mover<br/>Secunder</b>   | <b>&amp;</b>      | <b>When Motion Prohibited</b>   | <b>Effect if Carried</b>  | <b>Effect if Lost</b>   | <b>Debate Permitted on Motion</b> |
|---------------------------------|---|---|-------------------|---|---|---|-----------------------------------|
| 5. Previous question            | That the question be not now put                                    | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | Councillor or the | (a) During the election of a Chairman;<br>(b) When another Councillor is speaking;<br>(c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with section 85 of the Act;<br>(d) When an amendment is before Council; or<br>(e) When a motion would have the effect of causing Council to be in breach of a legislative requirement | (a) No vote or further discussion on the motion until it is placed on a subsequent agenda for a later meeting;<br>and<br>(b) Proceed to next business | Motion (as amended up to that time) put immediately without further amendment or debate | Yes                               |
| 6. Proceedings to next business | That the meeting proceed to the next business<br>Note: This motion; | Any Councillor who has not moved or seconded the substantive  | Councillor or the | (a) During the election of a Chairman;<br>(b) When another  | If carried in respect of:<br>(a) An amendment, Council considers  | Debate continues unaffected   | No                                |



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|  |   |  |   |
|--|---|--|---|
| <p>(a) may not be amended;</p> <p>(b) may not be debated; and</p> <p>(c) must be put to the vote as soon as seconded</p> | <p>motion or otherwise spoken to the substantive motion</p> | <p>Councillor is speaking;</p> <p>(c) When the matter is one in respect of which a call of the Council has been made in accordance with Section 85 of the Act; or</p> <p>(d) When a motion would have the effect of causing Council to be in breach of a legislative requirement</p> | <p>the motion without reference to the amendment;</p> <p>(b) A motion – no vote or further discussion on the motion until it is placed on an agenda for a later meeting</p> |
|--|---|--|---|

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# ATTACHMENT 3



## PUBLIC QUESTION TIME FORM

Please see the back of this form for more information about question time

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ (AH) \_\_\_\_\_ (BH)

**Contact (optional)**

### Question (One question per form)

Statements or opinions are not permitted during question time and will not be read.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### Privacy Statement:

Council is collecting your name and address so that it may provide you with a written response if required to your question. If you do not provide this information, Council will be unable to provide you with a written response. Your telephone contact details are optional and may assist Council in seeking clarification from you on the information you are seeking. You may access or correct your personal information by contacting Council.

Your name will appear in the Council minutes along with details of the question and the Council response. The other personal information on the form will only be disclosed to Councillors' and Council Officers and will be retained on Council files until destroyed in accordance with the Public Records Act 1973.

Council regularly seeks input from the public on a range of Council matters including preparation of the Community Plan which sets Council's key strategic direction for the next four years. If you wish to be consulted in future on Council's Community Plan, please tick this box .

## PUBLIC QUESTION TIME PROCEDURE

1. Public question time provides the community with the opportunity to ask questions directly of Council at a Council Meeting.
2. All questions must be submitted in writing and legible (one question per form).
3. A question must be received in writing by:
  - a. Leaving it in the "Question Box" in the Council Chambers 5 minutes before the commencement of the Council meeting; or
  - b. Leaving it at the reception desk at the Council Offices by 5.00pm on the day of the Council meeting; or
  - c. Sending it by e-mail ([council@swanhill.vic.gov.au](mailto:council@swanhill.vic.gov.au)) or facsimile transmission (Fax: 5036 2340) by 4.00pm on the day of the Council meeting.
4. A time is set aside for public questions during a Council meeting at which time each question will be read after the Chairman has looked at its contents and determined that the question is appropriate. Statements and opinions are not permitted during question time and will not be read to the meeting.
5. The Chairman may disallow any question. This may be because the question is repetitive of a question already asked, objectionable, irrelevant, raises an issue of a confidential nature or is asked to embarrass a Councillor or Council officer. The Chairman will provide reasons where a question is disallowed. Questions considered to be inappropriate will be made available to Councillors on request.
6. The Chairman will nominate the appropriate Councillor or Council officer to answer the question or elect to answer it himself/herself. No debate or discussion of the questions or answers is permitted.
7. The Chairman may elect to take a question on notice in which case a written response will generally be provided within five (5) working days.
8. Persons submitting questions must be present at the Council meeting for the question to be answered and must identify themselves when requested by the Chairman to do so.
9. A summary of the text of the question and the response will be recorded in the minutes of the Council meeting.