



Ararat Rural City

# Meeting Procedure

Incorporated by reference in the  
Ararat Rural City Council  
Governance Local Law 2012

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## 1. Purpose

- (1) The purpose of this Meeting Procedure is to provide guidance and direction with regard to how Council regulates the conduct of Council meetings, Special committees (S86), Council committees, and Assembly of Councillors (S80A) (*Refer to Section 35 – Assembly of Councillors – Requirements to be observed by an Assembly of Councillors*).

This document is incorporated by reference in Council's Governance Local Law.

## 2. Fixing Meeting Dates

- (1) Council must fix the date, time and place of all Ordinary Meetings and reasonable notice be provided to the public.
- (2) Council may change the date, time and place of any Ordinary meeting, which have been fixed and must provide reasonable notice of the change to the public in accordance with *the Act* by resolution, unless exceptional circumstances apply.

## 3. Special Meetings

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

## 4. Notice of Meeting

- (1) A notice of meeting which states the date, time and place 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, Special and Advisory Committee Meetings at least 48 hours before the meeting.
- (2) A period less than 48 hours notice may in exceptional circumstances exist subject to the approval of the Chief Executive Officer.
- (3) Notice of no less than 7 days in accordance with Section 89 of *the Act* of each Ordinary Meeting, Special and Advisory Committee Meeting must be provided to the public. Council may do this by preparing an annual schedule of meetings and arranging publication of that schedule in a local newspaper either at various times throughout the year or prior to each meeting and by publishing the schedule on the Council's website.
- (4) Copies of the Agenda and any related material for Ordinary Meetings, Special Meetings, Special Committee and Advisory Committee meetings must be made available to members of the public on Council's website not less than 48 hours prior

to the meeting unless the exceptional circumstances referred to in subclause (2) makes it impractical to do so.

## 5. Special (Emergency) Meetings

- (1) In the case of an emergency, the Chief Executive Officer or, in his or her absence, a senior officer, may call or postpone a meeting of the Council, without the necessity to comply with clauses 2 to 4 provided reasonable attempts are made to notify every Councillor.
- (2) The Chief Executive Officer or senior officer must submit a full written report of the circumstances requiring his or her action to the next ordinary meeting of the Council.

## 6. Quorum

- (1) The quorum for Ordinary Meetings and Special Meetings of the Council is the presence of a majority of the members of the Council or special committee.
- (2) The quorum for an emergency meeting where the Chief Executive Officer, or in his or her absence a senior officer, has acted on clause 5, the quorum for a special (emergency) meeting will be not less than three Councillors.

### (3) Inability to Obtain a Quorum:

- (a) If, after 30 minutes from the scheduled starting time of any Ordinary Meeting or Special Meeting or any adjournment, a quorum cannot be obtained:

or

any adjournment of the meeting, a quorum cannot be achieved or maintained,

6.3.a.1. The meeting will be deemed to have lapsed;

6.3.a.2. The Mayor must convene another Ordinary Meeting or Special Meeting, the Agenda for which will be identical to the Agenda for the lapsed meeting; and

6.3.a.3. The Chief Executive Officer may give all Councillors notice of the meeting convened by the Mayor. Where that is not practicable because time does not permit that to occur, then provided a reasonable attempt is made to contact each member, notice by telephone, email, facsimile, text, in person or by some other means will be sufficient.

### (4) Inability to achieve or maintain a Quorum due to Conflict of Interest

If a quorum cannot be achieved or maintained due to the disclosure of Conflicts of Interest by one or more Councillors, the Chair must:

- (a) Defer the item of business in respect of which there is or is likely to be a disclosure of a Conflict of Interest by one or more Councillors, and direct

the Chief Executive Officer to include that item of business on an Agenda for a future Council meeting; or

- (b) Adjourn the meeting for a length of time sufficient to enable the Chief Executive Officer to seek exemption from the Minister administering *the Act* under section 80 of *the Act*.

## 7. Time Limits for Meetings

- (1) Unless the meeting otherwise resolves:
  - (a) The order of business at a meeting must be as it is set out in the agenda;
  - (b) The meeting must conclude by 10.00pm unless a majority of Councillors present vote in favour of its continuance; and
  - (c) Council must vote for an extension of the meeting in 30 minute blocks.
  - (d) In the absence of such extension, the meeting shall stand adjourned to a time, date and place to be then and there announced by the Chair.

## 8. Order of Business Procedures

- (1) The procedure and order of business of council meetings will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- (2) Although preparation should aim at consistent agendas from meeting to meeting, this should not preclude altering the order of business to enhance the fluent and open process of government of the Council, to meet identified needs of council or to take advantage of opportunities which may arise from time to time.
- (3) In determining the agenda, the Chief Executive Officer should consider
  - (a) The general attitude of the Council;
  - (b) Convenience to the community and interested community groups particularly in relation to the administration of the municipal district;
  - (c) The sensitivity of issues;
  - (d) The interest of the community and community groups; and
  - (e) Any other relevant factor which may impact on the fluent and open processes of the government of the Council.
- (4) As a guide the Chief Executive Officer might list the order of business at an Ordinary Meeting as follows:
  - (a) Traditional Acknowledgement/Prayers
  - (b) Apologies
  - (c) Confirmation of Minutes
  - (d) Public Question Time
  - (e) Disclosure of Interests

- (f) Petitions
- (g) Information Reports
- (h) Officers Reports
- (i) Notice Of Motion
- (j) Councillors Reports
- (k) Urgent Business
- (l) Officers Reports – Confidential Items
- (m) Meeting Closure.

## **9. Change to Order of Business**

- (1) Once an agenda has been sent to Councillors, the order of business for that meeting may only be altered by resolution of the Council.

## **10. Chief Executive Officer May Include Items on an Agenda**

- (1) The Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered by the meeting.

## **11. Contents of Minutes**

- (1) The Chief Executive Officer is responsible for arranging and keeping of minutes on behalf of Council.
- (2) In keeping the minutes of any meeting, the chief executive officer must arrange the recording of minutes so as to show:
  - (a) The names of Councillors with the ward/riding they represent and whether they are PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc;
  - (b) The names of Officers IN ATTENDANCE with their organisational title;
  - (c) The name of any other person IN ATTENDANCE at the meeting and the organisation they represent or the capacity of their attendance;
  - (d) The arrival and departure times of Councillors, Officers and other attendants during the course of the meeting (including any temporary departures or arrivals);
  - (e) Every motion and amendment moved, including the mover (and seconder\*) of any motion or amendment;
  - (f) The outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED etc.
  - (g) Procedural motions (which might be highlighted);
  - (h) Where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;

- (i) When requested by a Councillor, a record of that Councillor's support or opposition for any motion;
  - (j) Details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
  - (k) Details of any question directed or taken upon notice;
  - (l) Details of any deputations made to the Council;
  - (m) The time and reason for any adjournment of the meeting or suspension of standing orders;
  - (n) Disclosure of the declaration and the nature of any pecuniary interest of a councillor declared at or identified to a meeting; and
  - (o) Any other matter which the chief executive officer thinks should be recorded to clarify the intention of the meeting or the reading of the Minutes.
- (3) In addition the Minutes should:
- (a) Bear the date, time and place the meeting was commenced, adjourned, resumed and concluded;
  - (b) Be consecutively page numbered; and
  - (c) Contain consecutive item numbers which are clearly headed with a subject titles and where appropriate sub-titles and file references.
  - (d) Every minute and the item that it relates to be indexed through a central indexing system established and maintained by the direction of the Chief Executive Officer.

## **12. Disclosure of Conflict of Interest (Local Government Act, Section 79)**

As per the Local Government Act, Section 79 states:

- (1) If a Councillor or member of a Special Committee has a conflict of interest in a matter which is to be, or is likely to be, considered or discussed at a meeting of the Council or the Special Committee, the Councillor or member must -
  - (a) If he or she intends to be present at the meeting, disclose the conflict of interest in accordance with subsection (2);
  - (b) If he or she does not intend to be present at the meeting, disclose the conflict of interest in accordance with subsection (3).
- (2) A Councillor or member of a Special Committee who has a conflict of interest and is attending the meeting of the Council or Special Committee must make a full disclosure of that interest –

- (a) By either:
    - (i) Advising the Council or Special Committee at the meeting of the details required under paragraph (b) and (c) immediately before the matter is considered at the meeting; or
    - (ii) Advising the Chief Executive Officer in writing of the details required under paragraph (b) and (c) before the meeting; and
  - (b) Classifying the type of interest that has given rise to the conflict as either –
    - (i) A direct interest; or
    - (ii) An indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, or 78D; and
    - (c) Describing the nature of the interest; and
  - (d) If the Councillor or member advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.
- (3) A Councillor or member of a Special Committee who has a conflict of interest and will not be attending the meeting of Council or Special Committee must make a full disclosure of that interest to the Chief Executive Officer or Chairperson that –
- (a) Is in writing; and
  - (b) Classifies the type of interest that has given rise to the conflict as either –
    - (i) A direct interest; or
    - (j) An indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, or 78D; and
  - (c) Describes the nature of the interest.
- (4) If a Chairperson has been given a written disclosure under subsection (3), he or she must give the written disclosure to the Chief Executive Officer.
- (5) The Chief Executive Officer must –
- (a) Keep written disclosures given to him or her under this section in a secure place for 3 years after the date the Councillor or member of a Special Committee who made the disclosure ceases to be Councillor or member of a committee; and
  - (b) Destroy the written disclosure when the 3 year period referred to in paragraph (a) has expired.
- (6) While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a Special Committee must –

- (a) Leave the room and notify the Mayor or the Chairperson of the Special Committee that he or she is doing so; and
  - (b) Remain outside the room and any gallery or other area in view of hearing of the room.
- (7) The Mayor or the Chairperson of the Special Committee must cause the Councillor or member of a Special Committee to be notified that he or she may return to the room after –
- (a) Consideration of the matter; and
  - (b) All votes on the matter.
- (8) If a Councillor or member of a Special Committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting –
- (a) The declaration of the conflict of interest; and
  - (b) The classification of the interest that has given rise to the conflict, and if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- (9) Unless section 80 applies, a Councillor or member of a Special Committee who fails to comply with this section is guilty of an offence.

### **13. Leave of Absence**

- (1) Unless illness or an emergency prevents any Councillor from doing so, a Councillor must first provide a request to the Council for leave of absence, and the Chief Executive Officer must submit the request to the next available meeting of the Council.
- (2) Council must not unreasonably refuse to grant the request for leave of absence.
- (3) It will not be necessary for a notice of meeting or agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.

### **14. Confirmation of the Minutes of a Meeting**

- (1) No discussion or debate is permitted on the minutes except as to their accuracy as a record of the proceedings of the meeting to which they relate.
- (2) If no Councillor indicates opposition, the Chair must ask for a resolution for the minutes to be confirmed.

The appropriate motion to confirm the minutes would be:

*“That the minutes of the < > Council Meeting held on < >20< > be confirmed.”*

- (3) If any Councillor indicates opposition, he or she must specify the particular item or items in the minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the minutes.

The appropriate motion to covering alterations to minutes would be:

*“That the minutes of the < > Council Meeting held on < > 20< > be confirmed, subject to the following alterations < >.”*

- (4) The Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate. If the Confirmation of Minutes is to be postponed, an appropriate motion would be:

*“That the minutes of the < > Council Meeting held on < > 20< > be deferred until the < > Council Meeting.”*

- (5) Once the minutes are confirmed they must be signed by the Chair and are considered to be the official record of proceedings of the meeting.

## **15. Petitions**

- (1) A petition presented to Council must lay on the table until the next Ordinary Meeting of Council and no motion, other than to receive the petition or joint letter may be accepted by the Chair, unless the Council agrees to deal with it earlier.
- (2) Petitions received by Ararat Rural City Council will be tabled under “Petitions” in the Order of Business.
- (3) At the meeting the petition will be formally received by Council and referred to the relevant area of Council for consideration and action which will be reported to the next ordinary meeting of Council for decision if one is required.
- (4) When a petition relates to an item already on the agenda at the meeting at which the petition is tabled, the matter will be dealt with at that meeting.
- (5) Any Councillor presenting a petition will be responsible for ensuring that he or she is familiar with the contents and purpose of the petition and that the petition is not derogatory or defamatory.
- (6) Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence.

## **16. Joint Letters**

- (1) A Joint Letter must be referred to the relevant Council area for action and must not be tabled at an Ordinary Council Meeting.

## **17. Urgent Business**

- (1) Items proposed as urgent business must not be submitted to the meeting other than by resolution of the Council and only if it relates to or arises out of a matter which has arisen since distribution of the Agenda or which cannot be reasonably deferred for inclusion in the agenda of the next meeting

- (2) The nature of the urgency must be stated by the Councillor and outlined in the minutes of the meeting.

## **18. Notice of Motions**

- (1) Councillors wishing to raise a matter for discussion at a meeting of the Council must only do so by the following process.
- (2) A notice of motion cannot be accepted by the Chair unless it has been listed on the agenda for the meeting at which it is proposed to be moved.
- (3) A Councillor may give notice of motion on any matter he or she wants discussed at a meeting by delivering a notice of motion outlining the subject and the motion proposed for discussion with the Chief Executive Officer.
- (4) A notice of motion must be in writing and lodged with the Chief Executive Officer no later than 5pm on the Wednesday which is at least four business days before the meeting at which it is intended to be considered, unless public holidays fall within that four day period.
- (5) Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of motion and if more than one, in the order they were received, on the next appropriate meeting agenda.
- (6) The Chief Executive Officer may reject any notice of motion that is too vague, but must give the Councillor delivering the notice an opportunity to amend it and must notify the relevant Councillor of any notice of motion which has been rejected and give the reasons for its rejection.
- (7) The Chief Executive Officer must ensure that all notices of motion are sequentially numbered, signed by the Councillor proposing the notice of motion, are dated and entered in the notice of motion register in the order in which they were received.
- (8) A notice of motion listed on a meeting agenda, may be moved by any Councillor present and, except where the notice of motion is to confirm a previous resolution of the Council, may be amended.
- (9) If a notice of motion is not moved at the meeting at which it is listed, it lapses.
- (10) If a notice of motion is moved but not seconded, it lapses.
- (11) Once a notice of motion has been moved and seconded, the mover cannot amend it.
- (12) Notwithstanding clause 18.10 another Councillor may move an amendment to the notice of motion.
- (13) Once a notice of motion, whether or not amended, has been voted on or lapsed it cannot be resubmitted in materially the same form until a period of three months has elapsed after the date of the meeting at which it was last considered.

## 19. Rescission Motions

- (1) Motions to revoke or alter a previous resolution can be made in the following ways:
  - (a) By notice of motion (refer to 18 Notice of Motions); or
  - (b) By recommendation contained in an officer's report included in the Agenda.
- (2) Any motion that proposes the revocation or alteration of a previous resolution of the Council must be included on the Agenda for the meeting at which it is to be considered and cannot be proposed as an item of urgent business.
- (3) A resolution of the Council can only be revoked if it has not been acted upon.
- (4) A resolution will be deemed to have been acted upon 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.
- (5) Unless the Council resolves to re-list at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council for at least three months from the date it was last lost.

## 20. Form of Motions

- (1) A motion or amendment to a motion, which is proposed by a Councillor at a Meeting, must be:
  - (a) Clearly expressed and unambiguous;
  - (b) Not be defamatory or objectionable in nature;
  - (c) Related to the powers or functions of Council; and
  - (d) Relevant to an item on the agenda (unless it relates to an item which has been agreed by the Meeting to be treated as urgent business).
- (2) Any motion or amendment which does not comply with clause 19.1 may be rejected by the Chair.
- (3) Any motion or amendment, which differs in wording from a recommendation or notice of motion, which is on the agenda, must, if requested by the Chair, be written out by the proposer and provided to the minute taker to ensure the accuracy of the motion in the minutes.

## 21. Procedure for Motions and Procedure for Amendments

- (1) A Councillor who is proposing a motion or amendment must first state briefly the nature of the motion or amendment and then move it without speaking to it.

- (2) The Chair must then call for the motion or amendment to be seconded and after it is seconded (by any Councillor other than the mover), the mover may then speak to it, or may with the consent of the Chair, defer speaking on it until later in the debate (reserving the right of reply).
- (3) Any motion or amendment which is not seconded lapses.
- (4) If the motion is seconded, the Chair must ask whether the motion is opposed or if any Councillor would like to speak in support of the motion.
- (5) A Councillor may only speak once on the motion and once on any amendment of a motion.
- (6) If no Councillor indicates opposition to the motion or if no Councillor indicates that they would like to speak in support of the motion, the motion must be put to the vote
- (7) If a Councillor indicates opposition, then the Chair must request:
  - (a) The mover to address the Council on the motion;
  - (b) The seconder to address the Council on the motion (who may without speaking on the motion, reserve his or her address until later in debate);
  - (c) Any Councillor opposed to debate the motion; and
  - (d) Any other Councillors for and against the motion to debate in turn.
- (8) The mover of a motion has the right of reply with respect to the debate on any motion immediately before the vote is taken, but that right of reply is lost if an amendment to the motion is carried. When a right of reply is exercised, the Chair must accept no further debate and put the motion to a vote.
- (9) The mover of an amendment has no right of reply.
- (10) Any Councillor including the mover or seconder of a motion, or an amendment, may move or second any amendment or any further amendment.
- (11) When any amendment is put to the vote and is declared carried by the Chair it thereupon becomes the substantive motion and can be further amended.
- (12) A motion having been moved may be amended by leaving out, inserting or adding words, which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.
- (13) Only one amendment can be before the meeting at a time and until it is put to the vote no further amendment can be proposed, but with the leave of the Chair another amendment or a new motion can be foreshadowed by any Councillor stating in brief terms the nature of it.
- (14) A Councillor may request at any time before a vote is taken on a motion or amendment, which is in two or more parts, that each part be put to the vote separately. The Chair may agree with or refuse such a request.

- (15) A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion, but debate must be confined to the terms of the amendment.
- (16) A Councillor calling a point of order or foreshadowing a new motion or further amendment or making a request is not deemed to be speaking on the motion or amendment before the Meeting.
- (17) Debate must always be relevant to the question before the Chair, and if not, the Chair may request the speaker to confine debate to the subject motion.
- (18) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may require the speaker to be seated and not speak further in respect of the matter then before the Chair.
- (19) Once a motion or amendment is seconded it cannot be withdrawn or amended, except with the leave of the Chair.
- (20) If the mover or seconder of a motion or of an amendment indicates that he or she wishes to withdraw from moving or seconding the motion or amendment, the Chair may seek another mover or seconder (as the case requires), but if no Councillor indicates a willingness to be the substitute mover or seconder, the motion lapses.
- (21) The Chair must not move or second a motion but may speak to a motion when all Councillors who wish to speak to it have done so, and just before closure of debate by the mover of the motion in exercising the right of reply.
- (22) If the Chair wishes to move, or second a motion then the Mayor or Deputy Mayor must take the Chair or, if there is no Mayor or Deputy Mayor the meeting must elect a temporary Chair where upon the Chair must vacate the Chair and not return to it until the motion has been resolved upon.
- (23) Despite any other provisions of this procedure, before putting a motion or amendment to the vote, the Chair may request the motion to be submitted in writing and the text of the motion or amendment read to the Meeting.
- (24) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.

## **22. Foreshadowing Motions**

- (1) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (2) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- (3) The Chief Executive Officer is not required to have foreshadowed motions recorded in the Minutes until the foreshadowed motion is formally moved, but may do if it is thought appropriate.

### **23. Formal Motions**

- (1) Unless otherwise prohibited a formal motion may be moved at any time.
- (2) A formal motion must be dealt with immediately by the Chair.
- (3) Formal motions are not required to be seconded.
- (4) Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- (5) The mover of a formal motion must not have moved, seconded or spoken to the motion before the Chair or any amendment of it.
- (6) A formal motion may not be moved by the Chair.
- (7) A formal motion cannot be amended.

### **24. Voting**

- (1) Members of the Council or Committee must vote by a show of hands and all members present at the meeting must vote unless they are prohibited from doing so.
- (2) The Chair will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.
- (3) Subject to Section 90 of *the Act*, if there is an equality of votes, the Chair has a casting vote with the exception of the election of the Mayor, Deputy Mayor and members of Special Committees, where there is no provision for casting votes.
- (4) Secret Ballot – The Council may resolve to deal with any matter by secret ballot, except where the meeting is open to the public and the Local Government Act 1989 prohibits voting by secret ballot.

### **25. Closure of Debate**

- (1) A motion may be moved 'that the motion be now put':
- (2) The motion in sub-clause 24.1:
  - (a) Is a formal motion which if carried in respect to a motion, that motion must be put to the vote immediately without any further debate, discussion or amendment.
  - (b) If carried in respect to an amendment, that amendment must be put to the vote immediately without any further debate or discussion and debate on the substantive motion may continue unaffected.
  - (c) If lost, debate may continue unaffected.
- (3) When this formal motion is being dealt with no debate is permitted and the mover does not have a right of reply.

- (4) The closure of debate motion cannot be amended nor spoken to.
- (5) The Chair has a discretion to reject this motion if the Chair believes that the motion on which it is proposed has not been sufficiently debated.

## **26. Adjournment of Debate**

- (1) A motion may be moved 'that the debate be adjourned until \_\_\_\_\_' or 'indefinitely' or "that the motion and amendments now before the meeting be adjourned until \_\_\_\_\_"
- (2) The motion in sub-clause 25.1:
  - (a) Is a formal motion which may not be moved while any person is speaking or during the election of a Chair; or
  - (b) Debate is permitted but, which may only be amended in relation to the time, date and place of the proposed adjournment.
- (3) The mover of this motion does not have a right of reply.
- (4) If debate is adjourned indefinitely, some indication should be given to the Chief Executive Officer as to when the matter should be re-listed, otherwise it will be re-listed at the discretion of the Chief Executive Officer, or upon the subsequent resolution of the Council, whichever occurs first.

## **27. Points of Order**

- (1) The Chair is the final arbiter of all points of order.
- (2) The Chair must, when ruling upon a point of order state the grounds on which the ruling is based.
- (3) A point of order raised in relation to a procedural matter is a valid point of order if it relates to an alleged procedural irregularity such as a failure to comply with a procedure prescribed in the Governance Local Law or Meeting Procedure or being outside the scope of the meeting because it is not on the agenda or that a quorum is not present.
- (4) A Councillor may raise a point of order by stating briefly the matter which is the subject of the point of order and if it is related to this Meeting Procedure (the section, clause, paragraph or provision constituting the point of order).

Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

- (5) A point of order may be taken on the grounds that the matter is:
  - (a) Contrary to the Local Law or this Meeting Procedure;
  - (b) Defamatory;
  - (c) Irrelevant;

- (d) Outside the Council's or Committee's power; or
  - (e) Improper.
- (6) A Councillor may take a point of order by drawing the Chair's attention to an act of disorder or to a Councillor allegedly being out of order.
- (7) When a point of order is called the Councillor speaking at the time must stop and be seated (unless asked by the Chair for an explanation), until the Chair rules upon it.
- (8) The Chair may adjourn the Meeting to consider a point of order which has been taken and must rule upon it as soon as possible and before the business of the Meeting proceeds further.
- (9) All other matters before the Council will be suspended until the point of order is decided.
- (10) Final Ruling on a Point of Order
- (a) The decision of the Chair in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present move a motion of dissent.
  - (b) A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the Chair's ruling.
  - (c) A motion of dissent in relation to a point of order is not a motion of dissent in the Chair and the Chairperson must at all times remain in the Chair and he or she will maintain his or her right to a second vote.
  - (d) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Chair.

## **28. Time Limits for Debate**

- (1) A Councillor must not speak on any one motion or amendment or other matter before a Meeting for a time longer than that stated below unless granted an extension by the Chair:
- (a) The mover of a motion or an amendment –five (5) minutes
  - (b) Any other Councillor – three (3) minutes
  - (c) The mover of a motion exercising a right of reply – two (2) minutes.
- (2) The Chair will be responsible for ensuring that the timelines are adhered to.
- (3) An extension of speaking time may be granted by resolution of the Council, but only one extension is permitted for each speaker on any question.
- (4) A motion for an extension of speaking time must be proposed:
- (a) Immediately before the speaker commences debates;

- (b) During the speaker's debate; or
  - (c) Immediately after the speaker has concluded debate.
- (5) A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced his or her debate.
- (6) An extension of speaking time must not exceed three (3) minutes.

## 29. Addressing the Meeting

- (1) Any person addressing the Chair should refer to the Chair as:
- (a) Madam Mayor; or
  - (b) Mr Mayor; or
  - (c) Madam Chairperson; or
  - (d) Mr Chairperson
- as the case may be.
- (2) All Councillors, other than the Mayor, must be addressed as Councillor <surname>.
- (3) All members of Council staff, must be addressed as Mr, Mrs, Miss or Ms <surname> as appropriate or by their official title.
- (4) Except for the Chair, any Councillor who addresses the meeting at an Ordinary meeting or Special meeting must stand unless they are excused by the Chair and direct all remarks through the Chair.
- (5) A Councillor or any other person who addresses a meeting must do so in a courteous manner.

## 30. Rules of Debate

- (1) In cases where there is competition for the right to speak at a Meeting the Chair must decide the order in which Councillors may speak.
- (2) If a debate is adjourned by motion, then the Councillor who moved the adjournment has the right to speak first when the debate is resumed.
- (3) A Councillor must not be interrupted except by the Chair or upon a point of order being taken.
- (4) When exercising a right of reply, a Councillor must not introduce any additional matter.
- (5) No resolution may be further discussed after it is dealt with, unless the Chair allows it.
- (6) A motion has been sufficiently debated if opposing views (where they exist) have been put (ie not whether all members have spoken, but whether all minority opposing views have been put).

- (7) It may be that several speakers have addressed the meeting, but their views may be similar. In this case, differing views should be sought by the Chair (if they exist).
- (8) On the other hand, if only a few speakers have addressed the meeting their views may be representative of the other members, in which case, the debate would be regarded as sufficient.

### **31. Divisions**

- (1) At any Meeting a division may be called by a Councillor immediately after the Chair has put any motion or amendment to the vote and has announced the result of that vote, but cannot request a division after the next item of business has commenced.
- (2) The calling of a division sets aside the result of the vote taken and announced by the Chair.
- (3) When a division has been called, the Chair must:
  - (a) Ask Councillors voting in the affirmative to hold up their hands, then announce the names of those Councillors; and
  - (b) Ask for those voting in the negative to hold up their hands and announce the names of those Councillors.
- (4) The names of Councillors voting in the affirmative and in the negative must be recorded in the minutes of the Meeting.
- (5) No Councillor is prevented from changing their original vote on the division at the meeting, and the voting by division will determine whether the motion or amendment is carried or is lost.
- (6) The Chair must announce the result of the vote immediately after the division is taken.

### **32. Recording of Opposition to a Vote**

- (1) At any Meeting a Councillor may ask that his or her name be recorded in the minutes as having voted in the negative, immediately after the Chair has put any motion or amendment to the vote and has announced the result of that vote.

### **33. Chair's Ruling**

- (1) Where this Meeting Procedure does not provide a procedure for a Meeting, the Chair must decide the procedure to be followed.
- (2) When the Chair makes a ruling during a Meeting, any motion dissenting from the Chair's ruling must be moved immediately.
- (3) The Chair is not required to stand down during the debate and voting on a dissent motion.
- (4) The Chair is bound by the result of the motion of dissent. If the vote is in the affirmative, the Chair must reverse or vary the previous ruling.

- (5) The defeat of the Chair's ruling is not a vote of no-confidence in the Chair.

#### **34. Suspension of Standing Orders**

- (1) To enable full discussion on an issue without the constraints of formal meeting procedure, Council may suspend standing orders by resolution of the Council or Special Committee.

- (2) An appropriate motion would be:

*“That standing orders be suspended to enable discussion on <...>”*

- (3) Any provision of this Meeting Procedure except that relating to a quorum may by resolution be suspended for any part of a Meeting.

- (4) No motion, except one which proposes the resumption of standing orders, may be accepted by the Chair during such suspension.

- (5) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary and must be done by resolution of the Council or Special Committee. An appropriate motion would be:

*“That standing orders be resumed.”*

#### **35. Assembly of Councillors (Local Government Act 80A)**

As per the Local Government Act, Section 80A – (Requirements to be observed by an Assembly of Councillors) states:

- (1) At an Assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of –

- (a) The names of all Councillors and members of Council staff attending;
- (b) The matters considered;
- (c) Any conflict of interest disclosures made by a Councillor attending under subsection (3).

- (2) The Chief Executive Officer must ensure that the written record of an Assembly of Councillors is –

- (a) Kept for a period of 4 years after the date of the Assembly; and
- (b) Made available for public inspection at the offices of the Council for a period of 12 months after the date of the Assembly.

- (3) If a Councillor attending an Assembly of Councillors knows that a matter being considered by the Assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under Section 79, the Councillor must, at the time set out in subsection (4), disclose to the Assembly that he or she has a conflict of interest and leave the Assembly whilst the matter is being considered by the Assembly.

- (4) A Councillor must disclose the conflict of interest either –

- (a) Immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
- (b) If the Councillor realises that he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that he or she has a conflict of interest.

*(Also refer to Clause 12 - Disclosure of Conflict of Interest (Local Government Act, Section 79))*

### **36. Public Question Time**

- (1) Public question time may only take place at the Ordinary Meetings of the Council.
- (2) Questions must be submitted in writing on the Public Question Time form and addressed to the Chief Executive Officer, and must be received by 12noon the day prior to the Council Meeting.
- (3) Time allocated to Public Question Time is 15 minutes.
- (4) A maximum of two questions are to be asked by any one person and not more than 3 questions on the same subject.
- (5) The person submitting a question must be present in the gallery at the time the question is considered and identify themselves by stating their name and which town/city they are from.
- (6) The name of the questioner, the questioner's town/city, the question and a brief summary of the response must be recorded in the minutes as an official record of the questions submitted to the meeting.
- (7) The Mayor or Chair will nominate the appropriate person to respond to each question.
- (8) The Mayor or Chair may disallow a question, which is considered:
  - (a) To relate to a matter outside the Council's responsibility;
  - (b) Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or nature;
  - (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;
  - (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.
- (9) The Mayor or Chair will ascertain that the person asking the question is present in the gallery, the Mayor or Chair will read the question.
- (10) The Mayor or Chair has the discretion to seek clarification of the question if deemed necessary but otherwise the person asking the question is not permitted to enter into debate with or directly question Councillors or members of Council staff.
- (11) The person nominated to respond to the question has the right to either decline to answer a question or have the question put on notice in which case a written answer will be forwarded within 10 days or at the next Ordinary Council Meeting.
- (12) A Councillor or a member of Council staff may advise the meeting 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 member of Council staff will state briefly the reason why the reply should be so given and Council shall determine whether a resolution to close the meeting is required.
- (13) The Mayor or Chair shall advise the meeting in regard to any question which has been disallowed and such questions shall be available to Councillors on request.
- (14) The Councillor or the Chief Executive Officer may advise Council that an answer should be given in a meeting closed to members of the public and why.
- (15) Questions without notice may be accepted by the Mayor or Chair, at the completion of questions with notice. Such time shall occupy no more than the balance of total time allocated to Public Question Time.

### **37. Conduct at Meetings**

- (1) Councillors will have regard to the Councillor Code of Conduct in their participation in any meeting of the Council and must not make any defamatory, indecent, abusive, offensive or disorderly statement or comment.
- (2) Members of the public only have a right to address Council during public question time or with the consent of Council at any other time.
- (3) 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.
- (4) Members of the public present at a Council meeting must not interject during the proceedings of the meeting.
- (5) If a statement or comment is made by a Councillor contrary to subclause 1, the Chair may require the Councillor to withdraw it and the Councillor concerned must immediately and unreservedly do so.
- (6) The Chair may order and cause the removal of any person, including a Councillor who disrupts any meeting or otherwise affects the business of the meeting, or fails

to comply with a direction, by firstly counselling the parties to take a brief absence from the meeting.

- (7) The Chair may adjourn a disorderly Meeting partly to allow for a cooling off period or may adjourn the entire meeting to another time, location and date.
- (8) Should disorder escalate, the Chair may ask any Authorised Officer or police officer to remove any person from a room in which a meeting of Council or Special Committee is being held, if the Chair determines that the person is behaving in an improper or disorderly manner and so interrupting the orderly and lawful process of the meeting.<sup>1</sup>
- (9) The Chair may order and cause the removal of any object or material that is deemed by the Chair as being hazardous or defamatory or which is interfering with the conduct of the meeting.

### **38. Audio / Visual Recording of Meetings**

- (1) A person, including any representative of the media, must obtain the prior approval of the Chief Executive Officer to record any Council meeting by electronic means, whether by use of a tape recorder, video camera, mobile phone, dicta-phone or otherwise.
- (2) The Chief Executive Officer must advise the Chair before the commencement of the meeting of any approval to record the meeting that has been given and the Chair must inform those in attendance at the meeting that subject to the *Information Privacy Act 2000* and *Surveillance Devices Act 1999* proceedings will be recorded.
- (3) The approval to record a meeting is subject to the business of the meeting being able to continue in an orderly and lawful manner and in a way that the rights and responsibilities of all attendees can be appropriately managed.
- (4) This clause does not apply to any member of Council staff operating any recording device for the purpose of preparing draft minutes of the meeting or to any security camera installed in any place in which a Council Meeting is held.

### **39. Criticism of Council Staff**

- (1) A Councillor, who proposes to express criticism of an officer or Council employee at a meeting, must raise the matter by no later than 6 hours before the meeting with the Chief Executive Officer and the Chief Executive Officer must respond to that Councillor before the meeting.

### **40. Community Participation**

- (1) In addition to public question time at ordinary meetings of the Council, the Council will provide opportunities for public participation in processes that inform and assist the Council's decision making processes by establishing forums of committees where:

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<sup>1</sup> Councillors and staff should exercise due caution and implement Occupational Health and Safety procedures to leave the Chamber.

- (a) The interaction enables open discussion between members of the community and Councillors; and
  - (b) Assists better understanding of issues between the Council and the community.
- (2) Unless the Council specifically resolves to do so, any forums or committees established will not have delegated power to make decisions but may make recommendations to the Council about a matter which it has considered.
  - (3) The ability for questions or representations to be made to these meetings is not a substitute for appeal and review systems, informal business procedures, formal public question time, formal Council decisions and other legal processes required for the proper transaction of business by the Council.
  - (4) Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the meeting) at all times during a meeting.
  - (5) If any visitor is called to order by the Chair for any improper or disorderly conduct and thereafter acts again in breach of this Local Law, the Chair may order him or her to leave the meeting room or building.
  - (6) Any person who has been called to order including any Councillor who fails to comply with the Chair's direction will be guilty of an offence.
  - (7) The Chair has the discretion to cause the removal of any person who disrupts any meeting or fails to comply with direction.
  - (8) The Chair may adjourn a disorderly meeting.

#### **41. Matters not provided for**

- (1) Where a situation has not been provided for or cannot be dealt with under this Local Law, the Council may determine the matter by resolution.

#### **42. Definitions**

- (1) In this Meeting Procedure –
  - (a) "**Act**" means the *Local Government Act 1989 (the Act)*.
  - (b) "**Agenda**" means a document containing the date time and place of a Meeting and a list of business to be transacted at the Meeting.
  - (c) "**Advisory Committee**" means any committee established by the Council which is not a Special Committee under Section 86 of *the Act*.
  - (d) "**Assembly of Councillors**" means a planned or scheduled meeting of at least 3 Councillors and one member of Council staff which considers matters that are intended or likely to be- (a) the subject of a decision of the Council; or (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee – but does

not include a meeting of the Council, a Special Committee of the Council, a club, association, peak body, political party or other organisation.

- (e) **“Authorised Officer”** means an authorised officer appointed pursuant to Section 224 of *the Act*.
- (f) **“Chair”** means the person chairing a meeting of Council or of a Committee and includes an acting, temporary or substitute Chair.
- (g) **“Chief Executive Officer”** means the person who is the Chief Executive Officer of the Council appointed by Council under Section 94(1) of *the Act* or any person acting in that position.
- (h) **“Council”** means the Ararat Rural City Council.
- (i) **“Councillor”** means a person who is an elected member of the Council.
- (j) **“Council Meeting”** includes a Statutory Meeting at which the Mayor is elected, an Ordinary Meeting or a Special Meeting.
- (k) **“Deputy Mayor”** means the Councillor elected to the position of Deputy Mayor.
- (l) **“Division”** means a formal count of those for and those against a motion, generally conducted to remove any doubt as to whether the motion is supported or opposed.
- (m) **“Formal motion”** means a motion which relates to a procedural matter only and which is not intended to produce any substantive result, but used merely as a formal procedural measure.
- (n) **“Infringement Notice”** means a notice served on any person, whether issued on the spot, delivered by hand or post, who has committed an offence against the Local Law.
- (o) **“Joint letter”** means any document which is in the form of a letter and bears the signature of two or more people.
- (p) **“Mayor”** means the Mayor of the Council and any person acting as Mayor.
- (q) **“Member”** refers to Councillors in the case of Council, all members appointed to Special Committees by Council under Section 86 of *the Act* and all members appointed to Advisory Committees by Council.
- (r) **“Minister”** means the Minister responsible for administering the Local Government Act 1989.
- (s) **“Notice of Motion”** means a notice setting out the text of a motion which a Councillor proposes to move at a Meeting.
- (t) **“Officer”** means an employee of the Council.

- (u) **"Ordinary Meeting"** means any meeting of Council which is not a Special Meeting.
- (v) **"Petition"** is a document signed by a group of people requesting the Council take some action in relation to a particular issue, is signed personally by the petitioners on each page of the document and is presented to the Council.
- (w) **"Quorum"** means the minimum number of members of the Council required by *the Act* to be present in order to constitute a valid meeting of the Council or a Special Committee of the Council.
- (x) **"Regulations"** means the Local Government Regulations 2004.
- (y) **"Special Committee of the Council"** means a special committee of the Council held in accordance with Section 86 of the Local Government Act 1989.
- (z) **"Special Council Meeting"** means a Special Meeting of Council convened and held in accordance with Section 84, 84A or 85 of *the Act*.
- (aa) **"Special Meeting"** means a Special Meeting of Council convened and held in accordance with Section 84, 84A or 85 of *the Act*.
- (bb) **"Statutory Meeting"** means the annual meeting of the Council held for the purpose of, swearing in of Councillors elected at the annual or general election of the Council in accordance with Section 63 of *the Act*, and electing a Mayor in accordance with Section 71 of *the Act*, and fixing any allowances in accordance with Section 74 of *the Act*.
- (cc) **"Suspension of standing orders"** means the suspension of the provision in this document to facilitate presentation or full discussion on an issue without formal constraints.
- (dd) **"Urgent Business"** means business which Council has resolved to admit as Urgent Business, that relates to, or arises out of a matter which has arisen since distribution of the Agenda, or which cannot be reasonably listed in the agenda of the next meeting.

