



LATROBE CITY COUNCIL

**AGENDA FOR THE
SPECIAL COUNCIL MEETING**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 6.00PM ON
31 OCTOBER 2019**

SCM540

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1. OPENING PRAYER

Our Father who art in Heaven, hallowed be thy name. Thy kingdom come, thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us, and lead us not into temptation but deliver us from evil. For the kingdom, the power, and the glory are yours now and forever. Amen.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

I would like to acknowledge that we are meeting here today on the traditional land of the Braiakaulung people of the Gunaikurnai nation and I pay respect to their elders past and present.

If there are other Elders present I would also like to acknowledge them.

3. APOLOGIES AND LEAVE OF ABSENCE

4. DECLARATION OF INTERESTS

ORDER OF EVENTS

5. ORDER OF EVENTS

Agenda Item: 5.1

Agenda Item: Outgoing Mayor Speech

Sponsor: General Manager, Organisational Performance

Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.

Status: For Information

Executive Summary:

An opportunity will be provided for the outgoing Mayor to speak and reflect on their Mayoral term at the meeting.

Attachments
Nil

Agenda Item: 5.2

Agenda Item: Election of the Mayor

Sponsor: General Manager, Organisational Performance

Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.

Status: For Decision

Proposed Resolution:

That Council proceed to elect the Mayor in accordance with the Meeting Procedure Local Law 2017 to serve for the 2019/20 Mayoral term.

Executive Summary:

At the Special Council meeting held on 09 November 2016, Council resolved that an election for the Mayor role was to occur annually for the 2016-2020 Council term.

In summary, the process for the election of the Mayor is as follows:

Appointment of a Temporary Chair

- The Chief Executive Officer invites nominations for the appointment of a temporary Chair. The vote is counted as per the procedure for election of the Mayor.
- The temporary Chair then takes the Chair and assumes the running of the meeting.

Election of the Mayor

- The temporary Chair must call for nominations for the office of the Mayor. Councillors may self-nominate, but each nomination must be seconded.
- If there is more than one nomination, the Councillors present at the meeting must vote by a show of hands.
- The voting must be carried out in accordance with the procedure in the Meeting Procedure Local Law 2017.
- The Chair confirms the Mayor for the 2019/2020 Mayoral term.
- The newly elected Mayor then assumes the Chair for the remainder of the meeting.

Declaration of Interests:

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Supporting Documents:

Nil.

Attachments

1 [↓](#). Meeting Procedure Local Law 2017

5.2

Election of the Mayor

1	Meeting Procedure Local Law 2017	9
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Latrobe City Council
Local Law No. 1

Meeting Procedure Local Law 2017
Adopted

Latrobe City Council Local Law No. 1 Meeting Procedure Local Law 2017 ADOPTED

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Part A: Introduction

1. Title

This is the Latrobe City Council Meeting Procedure Local Law which will be known as the "Meeting Procedure Local Law".

2. Objectives of this Local Law

The objectives of this Local Law are to:

- 2.1. prescribe the procedures governing the conduct of Council meetings and Special Committee Meetings;
- 2.2. prescribe the processes for the election of the Mayor and Deputy Mayor;
- 2.3. regulate the use of the Council's Common Seal; and
- 2.4. provide opportunities for community participation in Council's decision making processes.

3. Authorising Provision

This Local Law is made under sections 5, 91 and 111 of the *Local Government Act 1989*.

4. Scope of the Local Law

This Local Law applies to all Council meetings and Divisions 1-12 applies to all meetings of Special Committees appointed by the Council unless this Local Law says otherwise.

5. Period of Operation of the Local Law

This Local Law:

- 5.1. 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 operates throughout the municipal district; and
- 5.2. ends on the 10th anniversary of the day on which it commenced operation.

6. Revocation of Local Law No. 1 - 2014

On the commencement of this Local Law, the Meeting Procedure Local Law No.1 2014 is revoked.

7. Definitions and Notes

In this Local Law:

Act Means the *Local Government Act 1989*

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Authorised Officer	Means a member of Council staff who is authorised by Council or the Chief Executive Officer under delegation to carry out specific functions under this Local Law
Chief Executive Officer	means the Chief Executive Officer of Council
Common Seal	means the Common Seal of Council
Council	means Latrobe City Council
Council meeting	means an Ordinary Meeting or a Special Meeting
Division	means a formal count and recording in the minutes of the meeting of those Councillors for and against a motion
Election Period	has the same meaning as in the <i>Local Government Act 1989</i>
Minister	means the Minister responsible for administering the <i>Local Government Act 1989</i>
Municipal District	means the municipal district of Council
Notice of Motion	means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting
Notice of rescission	means a notice of motion to rescind or amend a resolution made by Council
Penalty units	mean penalty units as prescribed in the <i>Sentencing Act 1992</i>
Quorum	means the majority of members of the Council or a special committee
Rescind	means to repeal or amend a resolution and 'rescinded' includes 'amended'
Senior Officer	has the same meaning as in the <i>Local Government Act 1989</i>
Significant expenditure	means one (1) percent or more of general rate income of the Council
Special Committee	means a special committee established by Council under section 86 of the Act

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Special Meeting means a Special Meeting of Council convened and held in accordance with section 84 or 84A of the Act

The Latrobe City *Council Meetings Policy* is incorporated by reference from time to time into this Local Law. It provides ways in which members of the public can have input to Council's decision making processes.

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Part B: Election of the Mayor

Summary: This Part complements section 71 of the Act and sets out the process to be followed for the election of the Mayor and any Deputy Mayor.

8. Determining the Election of the Mayor

- 8.1. The Chief Executive Officer or a member of Council staff nominated by the Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for a temporary Chair.
- 8.2. If there is more than one nomination, the temporary Chair will be elected in accordance with sub-clause 8.6 as if that provision applied to candidates for the position of temporary Chair.
- 8.3. The temporary Chair takes the Chair and must invite nominations for the office of Mayor.
- 8.4. Councillors may nominate themselves but each nomination must be seconded.
- 8.5. If there is only one nomination, the candidate nominated is declared elected. If a Councillor nominates himself or herself and they are the only Councillor nominated, then that Councillor is elected even if the nomination is not seconded.
- 8.6. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.
 - 8.6.1. If a candidate receives a majority of the votes, that candidate is declared to have been elected;
 - 8.6.2. If no candidate receives a majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates.
 - 8.6.3. If one of the remaining candidates receives a majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
 - 8.6.4. If two or more candidates have an equality of votes and one of them has to be declared, the declaration will be determined by lot.

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- 8.6.5. If a lot is conducted, the Chief Executive Officer or the nominated Council staff member will conduct the lot and the following provisions will apply:
- 8.6.5.1. each candidate will draw one lot;
 - 8.6.5.2. the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - 8.6.5.3. as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a container. If the lot is being conducted to determine which is a defeated candidate, the word "Defeated" will be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it will be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates). Where there are only 2 candidates remaining and the lot is being conducted to determine which candidate is to be duly elected, the word "Elected" must be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Elected" written on it must be declared to have been duly elected.
- 8.6.6. The procedure provided for in this clause also applies to the election of a temporary Chair and Chair of a Special Committee.
- 8.7. Immediately following the election, the Mayor is to take the chair.

Explanatory Note

As an example, if 4 candidates are nominated and candidate A receives 3 votes and candidates B, C and D each receive 2 votes, a lot must be used to determine which of candidates B, C or D is considered defeated. This is because candidate A did not receive a majority of the votes (having received only 3 of a possible 9 votes).

In this instance, a lot is used to determine which of the 3 candidates is defeated and then the vote is re-taken for all candidates to determine if a candidate receives an absolute majority.

If the vote is taken and 2 candidates each receive equal votes, a lot is used to determine which candidate is elected. In this instance, the word "Elected" is written on the paper and the person who draws that piece of paper is elected.

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9. Determining the Election of any Deputy Mayor

If Council resolves that there will be an office of Deputy Mayor, the Deputy Mayor is to be elected in the manner provided for in clause 8 except that any reference in that sub-clause to:

- 9.1. a temporary Chair is to be taken as a reference to the Mayor; and
- 9.2. the Mayor is to be taken as a reference to the Deputy Mayor.

Latrobe City Council Local Law No. 1 Meeting Procedure Local Law 2017 ADOPTED**Part C: Council's Common Seal**

Summary: The Common Seal is a formal legal means of evidencing the Council's "signature" on documents when required. 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.

10. Council's Common Seal

- 10.1. The Chief Executive Officer must ensure the security of Council's Common Seal at all times.
- 10.2. The use of the Common Seal shall be in accordance with a specific decision of the Council.
- 10.3. The affixing of Council's Common Seal to any document must be attested to by the signature of the Chief Executive Officer or any other member of Council staff duly authorised by Council.
- 10.4. A person must not use the Common Seal or any device resembling the Common Seal without authority of Council under subclause 10.2.

Penalty: 10 penalty units

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Part D: Meetings Procedure

Summary: This Part complements requirements in the Act applying to ordinary and special meetings of Council and deals with procedural elements of Council meetings. Voting is also conducted in accordance with the Act.

Division 1 - Notices of Meetings and Delivery of Agendas

11. Council meetings

- 11.1. The dates, times and places Council meetings are to be held will be determined by Council.
- 11.2. In addition to the requirements in the Act about the notice to be given for Council meetings, reasonable notice, including on the Council's website, must be given when Council has changed a meeting date, time or place.
- 11.3. A Council meeting must not go longer than three hours, unless a majority of Councillors present vote in favour of it continuing. If the Councillors present vote against the meeting continuing, the meeting is adjourned to a time, date and place to be determined by the Chair.

12. Agendas

- 12.1. For all ordinary meetings of Council, the Chief Executive Officer must provide notice of the meeting and a meeting agenda, which includes the Minutes of previous meetings to every Councillor at least three working days before the meeting.
- 12.2. For any special meeting of Council, the Chief Executive Officer must provide notice of the meeting and a meeting agenda to every Councillor within a reasonable time of the special meeting being called but not less than 24 hours prior to the meeting unless there are urgent or exceptional circumstances.
- 12.3. The requirements to provide notice and an agenda under subclauses 12.1 and 12.2 do not apply to a Councillor who has been granted leave of absence and who has advised the Chief Executive Officer in writing not to provide the notice and agenda.

Division 2 – Quorums

13. Inability to gain a Quorum

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

- 13.1. those Councillors present; or

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13.2. if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a senior officer appointed as a member of Council's Executive Team,

must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

14. Inability to maintain a Quorum

If, during any Ordinary or Special Meeting or any adjournment of the meeting, a quorum cannot be maintained:

14.1. those Councillors present; or

14.2. if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a senior officer appointed as a member of Council's Executive Team,

must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

15. Inability to achieve or maintain a Quorum due to Conflicts of Interest of Councillors

If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, the Chief Executive Officer, or in his or her absence, a senior officer appointed as a member of Council's Executive Team, must adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors to be applied for from the Minister.

16. Adjourning or postponing a meeting

16.1. Council may adjourn any meeting.

16.2. If the Chair is of the opinion that the conduct of those present at the meeting is obstructing the progress of business at the meeting, the Chair may adjourn the meeting to a later time on the same day or to a day that he or she considers appropriate.

16.3. The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining.

16.4. If there is an emergency, the Chief Executive Officer or his or her delegate may postpone a Council meeting provided reasonable attempts are made to notify every Councillor.

16.5. The Chief Executive Officer must provide a report to the next ordinary meeting of the Council of the circumstances causing the postponement of the Council meeting.

16.6. The Chief Executive Officer must provide written notice of a meeting adjourned under clauses 13, 14 or 15 but where this is not practicable because time does not permit that to occur, then, provided every reasonable

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attempt is made to contact every Councillor, notice by telephone, facsimile, email, in person or by some other means is sufficient.

Division 3 – Business of Meetings**17. The Order of Business**

The order of business to be included in an agenda for an Ordinary Meeting will be determined by the Chief Executive Officer and the Mayor having regard to the principles of open, efficient and effective processes of government.

18. Change to Order of Business

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

19. Urgent Business

Business which has not been listed on the Agenda must not be admitted as urgent business other than by resolution of Council and only then if it:

- 19.1. relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 19.2. cannot reasonably or conveniently be deferred until the next Ordinary Meeting.

Division 4 – Motions and Debate**20. Councillors may propose Notices of Motion**

- 20.1. A Councillor may submit a notice of motion to the CEO for a matter to be listed on a meeting agenda.
- 20.2. A notice of motion cannot be accepted by the Chair, unless it has been listed on the agenda for the meeting at which it was proposed to be moved or unless it is accepted by Council as urgent business.

21. Notice of motion

- 21.1. A notice of motion must:
 - 21.1.1. be in writing;
 - 21.1.2. signed and dated by the Councillor proposing the notice of motion; and
 - 21.1.3. lodged with the Chief Executive Officer by 10:00 am three business days before the next scheduled Council meeting to allow sufficient notice to each Councillor of the matters and inclusion in the Agenda in accordance with subclause 12.1.
- 21.2. The Chief Executive Officer must reject a notice of motion which:

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- 21.2.1. is vague;
 - 21.2.2. is identical or substantially similar to a notice of motion or a rescission motion that has been considered by the Council and lost in the preceding six months;
 - 21.2.3. is defamatory;
 - 21.2.4. may be prejudicial to any person or Council;
 - 21.2.5. is objectionable in language or nature;
 - 21.2.6. is outside the powers of Council;
 - 21.2.7. is a notice of motion submitted during the Election period; or
 - 21.2.8. is a matter subject to a Council decision making process which has commenced but is not yet complete.
- 21.3. If the Chief Executive Officer rejects a notice of motion under subclause 21.2, he or she will inform the Councillor who lodged the notice of motion of that rejection and the reasons for it. The Councillor will be provided with an opportunity to amend the proposed notice of motion provided that the Council meeting at which the notice of motion is to be considered is more than 24 hours from the time of rejection.
- 21.4. The Chief Executive Officer may reject and refer any notice of motion to the Council's operational service request process if it relates to a matter that he or she determines is more appropriately addressed that way.
- 21.5. Subject to subclause 21.6 a notice of motion must call for a Council report if the notice of motion:
- 21.5.1. substantially affects the level of Council services;
 - 21.5.2. commits the Council to expenditure in excess of \$5,000 and that has not been included in the adopted budget;
 - 21.5.3. establishes or amends a Council policy; or
 - 21.5.4. commits the Council to any contractual arrangement, as determined by the Chief Executive Officer.
- 21.6. Where a notice of motion is likely to commit Council to significant expenditure not included in the adopted budget then the notice of motion must only call for referral to and for Council's consideration as part of its future year's annual budget and public submission process.
- 21.7. The Chief Executive Officer may designate a notice of motion to be confidential in accordance with the Act, in which case the notice of motion will be confidential unless the Council resolves otherwise.
- 21.8. The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.

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- 21.9. The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they are received.
- 21.10. Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register under subclause 21.9.
- 21.11. If a Councillor who has given a notice of motion is absent from the meeting, or fails to move the motion when called upon to do so by the Chair, any other Councillor may move the motion.
- 21.12. If a notice of motion is not moved at the meeting at which it is listed, it lapses.

22. Chair's Duty

The Chair must not accept any motion or amendment which he or she considers to be:

- 22.1. defamatory;
- 22.2. objectionable in language or nature;
- 22.3. vague or unclear in intention;
- 22.4. outside the powers of Council;
- 22.5. irrelevant to the item of business on the agenda and which has not been admitted as urgent business; or
- 22.6. an amendment that is contrary to subclause 25.3.

23. Motion Procedure

The procedure for moving any motion is:

- 23.1. The mover must state the motion without speaking to it.
- 23.2. The motion must be seconded by a Councillor other than the mover.
- 23.3. The motion will lapse if it is not seconded.
- 23.4. If the motion is seconded, the Chair must ask: "Is the motion opposed?"
- 23.5. If the motion is not opposed the Chair must ask: "Does any Councillor wish to speak in favour of the motion?"
- 23.6. If no Councillor opposes the motion, or wishes to speak on the motion, the Chair must declare the motion carried.
- 23.7. If a Councillor opposes the motion, the Chair must ask the mover to address the Council on the motion.
- 23.8. The Chair must ask the seconder to address the Council on the motion who may reserve his or her address until later in debate.
- 23.9. The Chair will then invite any Councillor opposed to the motion to debate it and then must provide an opportunity for any Councillor to speak in favour of

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the motion, allowing any other Councillors wanting to speak in favour or against the motion to speak in turn.

23.10. If no further Councillor wishes to speak for or against the motion, the Chair must ask the mover if they wish to exercise their right of reply in accordance with clause 24 prior to the motion being put to the vote.

23.11. To determine a motion before a meeting, the Chair will:

23.11.1. First call for those in favour of the motion;

23.11.2. Then those opposed to the motion; and

then declares the result to the meeting.

24. Right of Reply

24.1. The mover of a motion, including an amendment, has a right of reply to matters raised during debate.

24.2. After the right of reply has been exercised but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion or amendment, the motion or amendment must immediately be put to the vote without any further discussion or debate.

25. Moving an Amendment

25.1. A motion which has been moved and seconded but not put to the vote may be amended.

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

25.3. A proposed amendment must:

25.3.1. be relevant to the subject of the motion;

25.3.2. not be in opposition to the motion; and

25.3.3. not contradict the form or substance of the motion.

25.4. If a proposed amendment is a simple alteration that:

25.4.1. adds a word or deletes a word from the motion; or

25.4.2. corrects an incorrect reference or typographical error –

the mover and seconder of the motion may agree to accept the changes in which case they will be incorporated into the motion without the need for the agreed changes to be recorded in the minutes of the meeting as an amendment.

25.5. If an amendment is more complex than that proposed under subclause 25.4, then the Chair will follow the process in clause 26.

25.6. Any debate arising from an amendment to a motion must be confined to the terms of the amendment.

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

26. How many Amendments may be Proposed

26.1. Only one amendment may be accepted by the Chair at any one time.

26.2. No second or subsequent amendment may be taken into consideration until the previous amendment has been dealt with.

27. Who may debate an amendment

A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion.

28. An Amendment Once Carried

28.1. If the amendment is carried:

28.1.1. the motion as amended becomes the substantive motion before the meeting; and

28.1.2. the mover and seconder of the amendment are deemed to be the mover and seconder of the amended motion before the meeting; and

28.1.3. the amended motion can then be further amended.

28.2. If the amendment is not carried, the debate returns to the motion, or a further amendment may be proposed.

29. Withdrawal of Motions and Amendments

29.1. Before any motion or amendment is put to the vote, it may be withdrawn by the mover and seconder with leave of Council.

30. Separation of Motions and Amendments

Where a motion or amendment contains more than one part, a Councillor may request the Chair before any vote is taken on the matter, to put the motion to the vote in separate parts.

31. Chair may Separate or Aggregate Motions and Amendments

The Chair may decide to put any motion to the vote in:

31.1. several parts; or

31.2. its aggregate form.

32. Foreshadowing Motions

32.1. At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

32.2. A foreshadowed motion must substantially relate to an item already listed on the agenda of the Ordinary Meeting, otherwise it can only be accepted by

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Council as urgent business and subject to the urgent business restrictions under clause 19.

- 32.3. A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 32.4. Upon a motion being foreshadowed, the Chair may request the Councillor who foreshadowed it to move that motion immediately or after the business currently before the meeting is disposed of provided that a foreshadowed motion cannot be moved whilst a motion or amendment is being considered by the meeting.
- 32.5. The minutes of the meeting do not have to record a foreshadowed motion until the foreshadowed motion is formally moved.

33. Motions and Amendments in Writing

- 33.1. The Chair must require that a complex or detailed motion or amendment be in writing and may adjourn the meeting while the motion or amendment is being written.
- 33.2. The Chair may defer a matter until a motion has been written, allowing the meeting to proceed uninterrupted.

34. Repeating Motion or Amendment

The Chair may request the Chief Executive Officer or the person taking the minutes to read the motion or amendment to the meeting before the vote is taken.

35. Debate must be relevant to the Motion

- 35.1. Debate must always be relevant to the motion before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion.
- 35.2. If the speaker continues to debate irrelevant matters after being requested to confine debate to the motion before the Chair, the Chair may direct the speaker not to speak any further.
- 35.3. A speaker to whom a direction has been given under subclause 35.2 must comply with that direction. If the speaker fails to comply with the Chair's direction, the Chair may require the speaker to leave the chamber until the motion has been put to the vote and the speaker must comply with that requirement.

36. Priority of address

In the case of competition for the right to speak, the Chair will determine the order in which the Councillors concerned will be heard.

Latrobe City Council Local Law No. 1 Meeting Procedure Local Law 2017 ADOPTED**37. Speaking Times**

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

- 37.1. the mover of a motion or an amendment which has been opposed or where a Councillor has asked to speak in favour of the motion under clause 23: - 3 minutes;
- 37.2. any other Councillor – 3 minutes; and
- 37.3. the mover of a motion exercising a right of reply – 3 minutes.

38. Extension of Speaking Times

- 38.1. An extension of speaking time may be granted by resolution of Council at any time before, during or immediately after debate, but only one extension is permitted for each speaker on any question and the extension cannot be granted for longer than 3 minutes.
- 38.2. A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced participation in the debate.

39. Addressing the Meeting

A Councillor, member of Council staff or a member of the public present at a Council meeting should extend appropriate courtesy to each other when they are addressing the meeting and respect the processes under which Council operates.

40. Right to Ask Questions

- 40.1. 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.
- 40.2. The Chair has the discretion to restrict the number of questions asked and answered to allow for the orderly flow of the meeting.

Division 5 – Procedural Motions**41. Procedural Motions**

- 41.1. Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- 41.2. Procedural motions require a seconder.
- 41.3. Procedural motions do not need to be recorded in the minutes of the meeting, unless requested by the Chair.
- 41.4. Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the following table:

Latrobe City Council Local Law No. 1 Meeting Procedure Local Law 2017 ADOPTED

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover and Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Deferral of debate to later hour and/or date	That Council defers consideration of this matter to the XX Council meeting.	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a Chair; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. 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 Chair	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

Latrobe City Council Local Law No. 1 Meeting Procedure Local Law 2017 ADOPTED

Division 6 – Rescission Motions

42. Notice of Rescission

42.1. A Councillor may propose a notice of rescission provided:

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

42.1.2. the notice of rescission is provided to the Chief Executive Officer setting out:

42.1.2.1. the resolution to be rescinded; and

42.1.2.2. the meeting and date when the resolution was made.

Explanatory Note

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.

When the notice of rescission is before the meeting, it is like any other form of motion. It is referred to as a "rescission motion".

42.2. A resolution will be deemed to have been acted on if:

42.2.1. its contents or substance has been formally communicated to a person whose interests are materially affected by it; or

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

42.3. The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:

42.3.1. has not been acted on; and

42.3.2. is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with clause 42.1,

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy or in the CEO's opinion, place the Council at significant legal, financial or other risk.

Explanatory Note

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

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In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost. Clause 42.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

43. When a rescission Motion is Lost

- 43.1. If a rescission motion is lost, a similar motion may not be put before Council for at least six months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.
- 43.2. If a rescission motion is lost, the Chief Executive Officer or an appropriate member of Council staff is not prevented from acting upon the resolution even if a subsequent notice of rescission has been listed for a Council meeting at least six months subsequent to when the motion for rescission was lost.

Explanatory Note

By way of example, assume that Council resolves to write a letter to a Minister relating to a planning matter. Immediately after the resolution is made, a Councillor lodges a notice of motion to rescind that resolution at the next Council meeting. The notice of rescission is subsequently lost. Assume that the Councillor seeks to lodge a further notice of rescission to be heard in not less than six months' time.

Clause 43.2 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the original resolution rather than deferring implementation of it until after the further notice of rescission.

44. If Not Moved

If a rescission motion is not moved at the meeting at which it is listed, it lapses and cannot be put before Council for at least six months from the date it lapsed.

45. May be Moved by any Councillor

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

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Division 7 – Points of Order

46. Chair to Decide

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

47. Chair may Adjourn to Consider

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

47.2. All other proceedings before Council are suspended until the point of order is decided.

48. Dissent from Chair's Ruling

48.1. A Councillor may move that the Council disagree with the Chair's ruling on a point of order, by moving:

"That the Chair's ruling [setting out that ruling or part of that ruling] be dissented from".

48.2. When a motion in accordance with this clause is moved and seconded, the Chair must invite the mover to state the reasons for his or her dissent and the Chair may then reply.

48.3. The Chair must put the motion in the following form:

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

48.4. The Chair must remain in the Chair during the motion of dissent and he or she maintains their right to a second vote.

48.5. If the vote is in the negative, the meeting proceeds.

48.6. If the vote is in the affirmative, the Chair must reverse or vary (as the case may be) his or her previous ruling and proceed.

48.7. The defeat of the Chair's ruling is in no way a motion of censure or non-confidence in the Chair, and should not be so regarded by the meeting.

49. Procedure for Point of Order

49.1. A Councillor raising a point of order must:

49.1.1. state the point of order; and

49.1.2. state any section, clause, paragraph or provision relevant to the point of order.

49.2. Any Councillor interrupted by another Councillor raising a point of order must remain silent until the Councillor raising the point of order has been heard and determined by the Chair.

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50. Valid Points of Order

A point of order may be raised in relation to:

- 50.1. a motion, which, under clause 23, or a question which, under clause 40, should not be accepted by the Chair;
- 50.2. a question of procedure; or
- 50.3. any act of disorder.

Explanatory Note

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

Raising issues irrelevant to the motion before the meeting can be considered a basis of a valid point of order.

Making defamatory remarks or verbally personally attacking another Councillor would be considered a basis for a valid point of order.

Division 8 – Divisions

51. Procedure for a Division

- 51.1. Immediately after any motion or amendment is put to a vote and before the next item of business has commenced, a Councillor may call for a division.
- 51.2. No Councillor is prevented from changing his or her original vote when voting on the division.
- 51.3. When a division is called for, the Chair must:
 - 51.3.1. first call for a show of hands from those Councillors voting in favour of the motion, then call for a show of hands from those Councillors voting against the motion; and
 - 51.3.2. declare the result to the meeting.
- 51.4. The outcome of the vote on the division will determine Council's decision on the matter.

52. No Discussion Once Declared

- 52.1. Once a vote on a motion or amendment has been taken, no further discussion relating to the motion or amendment is allowed unless the discussion involves:
 - 52.1.1. a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
 - 52.1.2. foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

Latrobe City Council Local Law No. 1 Meeting Procedure Local Law 2017 ADOPTED**Explanatory Note**

For example, clause 52.1.2 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 52.1.2 would permit discussion about a matter which would otherwise be left unresolved 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 unresolved; hence the reference in clause 52.1.2 to discussion about a positive motion where a resolution has just been rescinded.

Division 9 – Minutes**53. Confirmation of Minutes**

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

54. Process for confirming the Minutes

- 54.1 If no Councillor indicates opposition to the minutes, the Chair must declare the minutes confirmed.
- 54.2 If a Councillor indicates opposition to the minutes he or she must specify the particular matter in the minutes concerned and may, after asking any questions to clarify the matter, move a motion to correct the inaccuracy.
- 54.3 Once the minutes are confirmed the Chair of the meeting at which they are confirmed, must sign them.

55. Content of the Minutes

- 55.1. The Chief Executive Officer must ensure that minutes of each Council meeting are kept and those minutes include:
 - 55.1.1. The date, place, time and nature of the meeting;
 - 55.1.2. The names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
 - 55.1.3. The names of the members of Council staff present;
 - 55.1.4. Any disclosure of the existence and type (and, where appropriate, nature) of a conflict of interest made by a Councillor, and when such disclosure occurred;

Latrobe City Council Local Law No. 1 Meeting Procedure Local Law 2017 ADOPTED

- 55.1.5. Arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- 55.1.6. Each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
- 55.1.7. The vote cast by each Councillor;
- 55.1.8. The vote cast by each Councillor upon a division;
- 55.1.9. The vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
- 55.1.10. Questions upon notice;
- 55.1.11. The failure of a quorum;
- 55.1.12. The date and time the meeting was commenced, adjourned, resumed and concluded;
- 55.1.13. Any adjournment of the meeting and the reasons for that adjournment; and
- 55.1.14. The time at which standing orders were suspended and resumed; and
- 55.1.15. Any other matter that the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.

56. Recording and broadcasting Meetings

Except for a member of staff authorised by the Chief Executive Officer, a person must not record or broadcast, or any part of a Council meeting, without first obtaining the consent of Council or the Chair (as the case may be). Such consent may at any time during the course of such meeting be revoked by Council or the Chair (as the case may be).

Penalty: 5 penalty units.

Division 10 – Behaviour

57. Public Addressing the Meeting

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

58. Chair May Remove

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

Latrobe City Council Local Law No. 1 Meeting Procedure Local Law 2017 ADOPTED**59. Suspensions**

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

60. Offences

It is an offence for:

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

Penalty: 2 penalty units

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

Penalty: 5 penalty units

- 60.3. any person to fail to comply with a lawful direction of the Chair in relation to the conduct of the meeting and the maintenance of order;

Penalty: 2 penalty units

- 60.4. a Councillor to not leave the Chamber on the Chair's order or suspension by Council;

Penalty: 5 penalty units

- 60.5. any person to fraudulently sign a petition or joint letter which is presented to Council or has the intention of being presented to Council.

Penalty: 10 penalty units

Explanatory Note

Some (but not all) breaches of this Local Law result in an offence being committed. Those breaches which result in an offence being committed are to be found in clause 60 and those clauses where a penalty and 'penalty units' appear below the text.

The penalty units shown are the maximum penalty which a Court can impose. It is always open to a Court to impose no penalty or a lesser penalty.

If an offence has been committed, the person who committed the offence can be prosecuted in a Court.

61. Removal from Chamber

The Chair, or Council in the case of a suspension, may ask a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Local Law and whom the Chair has ordered to be removed from the gallery under clause 58 of this Local Law or whom Council has suspended under clause 59.

Latrobe City Council Local Law No. 1 Meeting Procedure Local Law 2017 ADOPTED

Division 11 – Miscellaneous

62. Matters Not Provided For

Where a situation has not been provided for under this Local Law, the Council may determine the matter by resolution.

Division 12 – Suspension of Standing Orders

63. Suspension of Standing Orders

63.1. To expedite the business of a meeting, Council may suspend standing orders.

Explanatory Note

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

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

63.2. The suspension of standing orders should not be used purely to dispense with the processes and protocol of the governance of Council. An appropriate motion would be:

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

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

"That standing orders be resumed."

Latrobe City Council Local Law No. 1 Meeting Procedure Local Law 2017 ADOPTED

Certification

This Local Law was made by resolution of Latrobe City Council on Monday, 05 March 2018.

Date of public notice of the making of this Local Law in Latrobe Valley Express: Thursday, 22 March 2018.

Date of notice of the making of this Local Law in the Victoria Government Gazette: Thursday, 22 March 2018.

Date of sending this Local Law to the Minister: Thursday, 22 March 2018.

Date the Local Law came into force: Friday, 23 March 2018.

The Common Seal of the Latrobe City Council)
was affixed this 20th day of March 2018)
in the presence of: *[Signature]*)

[Signature]

Gary Van Driel
Chief Executive Officer



Agenda Item: 5.3

Agenda Item: Election of the Deputy Mayor

Sponsor: General Manager, Organisational Performance

Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.

Status: For Decision

Proposed Resolution:

That Council proceed to elect the Deputy Mayor in accordance with the Meeting Procedure Local Law 2017 to serve for the 2019/20 Deputy Mayoral term.

Executive Summary:

The role of a Deputy Mayor is not constituted in the same manner as that of the Mayor. In order for an office of Deputy Mayor to be in place, Council must first resolve that there is to be that position on Council.

Historically, Latrobe City Council has appointed a Deputy Mayor and it is recommended to continue with this arrangement as the position provides deputising functions to the Mayoral role and enhances the leadership of the Councillor group.

If Council resolves to elect a Deputy Mayor, the same procedure as outlined for the *Election of the Mayor* is to occur.

Declaration of Interests:

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Under the Act, Councillors are deemed to not have a conflict of interest as to the decision to appoint the position of Deputy Mayor, or for the election of a Deputy Mayor.

Supporting Documents:

Nil.

Attachments
Nil

Agenda Item: 5.4

Agenda Item: Presentations

Sponsor: General Manager, Organisational Performance

Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.

Status: For Information

Executive Summary:

An opportunity will be provided for presentations to occur to the outgoing Mayor and Deputy Mayor as required.

In addition, the newly elected Mayor and Deputy Mayor will have the opportunity to speak at the meeting on their incoming terms.

An opportunity for photos will be provided at the close of the meeting.

Attachments
Nil

Agenda Item: 5.5

Agenda Item: Meeting Close

Sponsor: General Manager, Organisational Performance

Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.

Status: For Information

Executive Summary:

At the close of the meeting, the newly elected Mayor will then invite guests to enjoy a light supper in the Nambur Wariga room.

Attachments
Nil