



# **Meeting Procedure and Use of Common Seal Local Law 2018**

**Incorporating relevant  
decisions of Council  
dated 27 August 2018**

**Please Note:**

Parts 3 and 4 of this Local Law (relating to Meeting Procedures and the Election of the Mayor and Deputy Mayor) are no longer applicable.

Please refer to Council's Governance Rules for these matters.

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## PART 1 - INTRODUCTION

### 1. Title

This Local Law is known as the **Meeting** Procedure and Use of **Common Seal** Local Law of 2018.

### 2. Period of Operation

This Local Law commences to operate on 10 July 2018 and ceases to operate on 9 July 2028 unless revoked earlier. Upon its commencement, the **Meeting** Procedure and Use of **Common Seal** Local Law 2008 is revoked.

### 3. Purpose

The purposes of this Local Law are to:

- (a) Revoke the **Meeting** Procedure and Use of **Common Seal** Local Law 2008;
- (b) Regulate the use and control of the **Council's common seal**;
- (c) Prohibit unauthorised use of the **common seal** or any device resembling the **common seal**;
- (d) Regulate the proceedings for the election of the **Mayor**;
- (e) Regulate proceedings of Ordinary and **Special meetings** of **Council** and **Meetings** of **Special Committees**;
- (f) Provide penalties for non observance of the provisions of this Local Law;
- (h) Generally maintain the peace, order and good government of the municipal district.

### 4. Authorising Provisions

This Local Law is made by the Knox City **Council** under the provisions of Sections 91 and 111 and Schedule 8 to the **Act**.

### 5. Area of Operation

This Local Law operates throughout the whole of the municipal district.

## 6. Definitions

Unless inconsistent with the subject matter, the following words and phrases in this Local Law have the meaning indicated:

<b>WORD(S)</b>	<b>MEANING</b>
Act	The Local Government Act 1989 or its successor.
Agenda	The notice of a <b>Meeting</b> setting out the business to be transacted at the <b>Meeting</b> .
Amendment	A minor alteration to a motion designed to improve the motion without altering its intent or material impact.
Authorised Signatory	Includes any <b>Director</b> , the Manager Governance & Strategy and any <b>Councillor</b> .
Call Up Item	Means a <b>Councillor</b> request seeking a <b>Council</b> resolution that a report on a specific matter is presented to Council.
Chairperson	The <b>Chairperson</b> of the <b>Meeting</b> and includes an acting, temporary or substitute <b>Chairperson</b> .
Chief Executive Officer	The <b>Chief Executive Officer</b> of <b>Council</b> .
Common Seal	The <b>common seal</b> of <b>Council</b> .
Communicate Electronically	In respect of communication to and from councillors includes an email sent to the email account that is provided by the <b>Council</b> or the provision of documents transmitted via a secure software application to a digital device.
Council	Means Knox City <b>Council</b> .
Council Meeting (or 'Meeting')	Any <b>Ordinary Meeting</b> or <b>Special Meeting</b> of <b>Council</b> .
Councillor	A Councillor of <b>Council</b> .
Director	A member of staff occupying a second-level position in the core part of the organisational structure of <b>Council</b> .
Deputy Mayor	The <b>Deputy Mayor</b> of <b>Council</b> , elected by <b>Council</b> whether in accordance with the Act, this Local Law or otherwise.
Foreshadowed Motion	A <b>foreshadowed motion</b> is an alternative, prefaced by a <b>Councillor</b> with a statement that in the event of a motion before the Chair being lost, a <b>Councillor</b> intends to move an alternative motion.
Mayor	The <b>Mayor</b> of <b>Council</b> .
Meeting	An <b>Ordinary Meeting</b> or a <b>Special Meeting</b> of <b>Council</b> or a <b>Special Committee meeting</b> .
Minutes	The collective record of proceedings of <b>Council Meetings</b> .
Notice of Motion	A notice setting out the text of a motion which is proposed to be moved at the next relevant <b>Meeting</b> .
Offence	A wilful act or default contrary to the Local Law.
Officer	A person employed on <b>Council</b> staff.
Ordinary Meeting	Has the same meaning as in Local Government <b>Act</b> 1989.
Penalty Unit	Has the same meaning as in the Sentencing Act 1991.
Point of Order	A procedural point, not involving the substance of a matter before a <b>Meeting</b> .
Procedural Motion	A motion set out in Schedule 1.
Reasonable Notice	Generally includes, but is not limited to, a notice in a newspaper circulating in the municipal district; or a notice board accessible to the public at <b>Council's</b> offices; or a notice on <b>Council's</b> website.
Recording or Broadcasting Device	means any device which is being used to: <ul style="list-style-type: none"> <li>• photograph or otherwise record visual images;</li> <li>• to make an audio recording;</li> <li>• to broadcast photographs or visual images; and or</li> <li>• to make an audio broadcast.</li> </ul>
Special Committee	A committee with delegated powers established pursuant to the <b>Act</b> .

<b>WORD(S)</b>	<b>MEANING</b>
Special Meeting	Has the same meaning as in Local Government Act 1989.
Statutory Meeting	A <b>Special Meeting</b> held for the election of <b>Mayor</b> , and which may also include (but is not limited to): <ul style="list-style-type: none"><li>• the election of a <b>Deputy Mayor</b>;</li><li>• appointment of Councillors to various <b>Council</b> and external Committees; and</li><li>• taking the Oath of Office.</li></ul>
Supplementary Report	A report circulated by the <b>Chief Executive Officer</b> in relation to matters that have arisen since the publication of the <b>Agenda</b> .

## **PART 2 - THE COUNCIL'S COMMON SEAL**

### **7. Form and Use of the Common Seal**

- (1) The **common seal** must have in it the words "Knox City **Council**".
- (2) The **common seal** must be used only on the authority of **Council** or the **Chief Executive Officer** and every document to which the common seal is affixed must be signed by the **Chief Executive Officer** and an **Authorised Signatory** of **Council**.

### **8. Authority for Use of Common Seal**

The **common seal** must be affixed to a document:

- (a) on the authority of **Council**, a **Special Committee**, or the **Chief Executive Officer**; and
- (b) for the purpose of giving effect to a decision which has been made by:
  - (i) resolution of an Ordinary or Special **Council Meeting**;
  - (ii) resolution of a **Special Committee** to which power to use the **common seal** has been delegated; or
  - (iii) the **Chief Executive Officer** or a **Director** under delegation.

### **9. Keeping of the Common Seal**

The **Chief Executive Officer** must keep the **common seal** in safe custody.

### **10. Unauthorised Use of the Common Seal**

Any person who uses the **common seal** or any device resembling the **common seal** other than in accordance with **clause 8** is guilty of an **offence**.

***PENALTY: 10 Penalty Units***

## PART 3 - ELECTION OF MAYOR AND DEPUTY MAYOR

### 11. Procedure for Election of Mayor

- (1) The **Mayor** must be elected at a **Statutory Meeting** specifically convened for the purpose and held:
  - (a) annually, or otherwise in accordance with the **Act**; or
  - (b) as soon as possible after there occurs any vacancy in the office of **Mayor**.
- (2) The **Chief Executive Officer** must prepare the **Agenda** for the **Statutory Meeting** in time to give each **Councillor** not later than 5pm on the working day prior to the day fixed for the holding of the **Statutory Meeting**.
- (3) Only the business specified in the **Statutory Meeting Agenda** can be transacted at the **Statutory Meeting**.
- (4) The **Chief Executive Officer** must open the **Statutory Meeting** and preside over the **meeting** until a **Mayor** is elected.
- (5) Any **Councillor** is eligible for election or re-election to the office of **Mayor**.
- (6) In determining the election of **Mayor** the following will apply:
  - (a) The **Chief Executive Officer** must invite nominations for the office of **Mayor**. If there is only one nomination (which must be seconded), the candidate nominated must be deemed to have been duly elected.
  - (b) If there is more than one nomination (each of which must be seconded), the **Councillors** present at the **Meeting** must vote for one of the candidates by a show of hands.
  - (c) In the event of a candidate receiving an absolute majority of the votes, that candidate must be declared to have been duly elected.
  - (d) In the event of no candidate receiving an absolute majority of the votes the candidate with the fewest number of votes must be declared to be a defeated candidate. If because of an equality of votes no candidate can be declared to be a defeated candidate a second vote will be taken. If after the second vote there is still an equality of votes and no candidate can be declared to be a defeated candidate, the defeated candidate will be determined by lot. In conducting the lot the names of all candidates that have the least number of votes must be placed in a container. The first name drawn will be deemed to be the defeated candidate.

No further nominations must be accepted and the **Councillors** present at the **Meeting** must then vote for one of the remaining candidates by a show of hands.
  - (e) If one (1) of the remaining candidates receives an absolute majority of the votes, he or she must be declared to have been 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 by a show of hands must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate must be declared to have been duly elected.
  - (f) In the event of two (2) remaining candidates having an equality of votes and one (1) of them having to be declared duly elected, the result will be determined by lot. In conducting the lot, the names of the remaining candidates, having an equality of votes, will be placed in a container. The first name drawn will be deemed to have been duly elected.



- (g) The **Chief Executive Officer** will conduct the lot.

*Note: "An equality of votes" takes place when all votes cast are evenly distributed between two or more nominees.*

*This would not be so where for example there were four votes for one nominee, four votes for another and one vote for a third candidate. In such case, resort would be had to the process in clause 11(7)(d) whereby the candidate with the fewest votes (1) would be eliminated.*

*Where for example, the distribution of votes was three votes for each of three nominees, resort would be had to the process in clause 11(7)(d) whereby if, after a second vote, there remains an equality of votes, the a lot shall be conducted to determined the defeated candidate.*

## 12. Election of Deputy Mayor, Chairpersons and Committee Members

- (1) **Council** may elect a **Deputy Mayor** for a period of time specified by the **Council** or otherwise in accordance with the **Act**;
- (2) The procedure used for the election of **Mayor** shall, as nearly as is practicable, be used for:
  - (a) The election of **Deputy Mayor**;
  - (b) The election of a temporary **chairperson** for an ordinary **Council meeting**, **Special Council Meeting** or **Special Committee**; and
  - (c) The appointment of **Councillors** to positions on **Council** Committees and external committee where the number of candidates exceeds the number of vacant positions;
- (3) Where there is an equality of votes between candidates under this clause the **Chairperson** has a second vote.
- (4) The **Mayor** (if present) will preside over an election of the **Deputy Mayor**.

## 13. Chairperson

- (1) After the election of the **Mayor** is determined at the **Statutory Meeting**, the **Mayor** must assume the position of **Chairperson**.
- (2) The **Mayor** must chair all **Council Meetings** at which he or she is present.
- (3) Unless **Council** resolves otherwise, the **Mayor** must chair all **Special Committee Meetings** at which he or she is present.
- (4) If the **Mayor** is unable to attend or remain at a **Council Meeting** for any reason; is not present within 15 minutes of the scheduled commencement time of a **Council meeting**, or is required to declare a conflict of interest:
  - (a) The **Deputy Mayor** will act as **Chairperson**; or if not present
  - (b) A **Councillor** who was the immediate past **Mayor** will act as **Chairperson**; or if not present
  - (c) A temporary **Chairperson** is to be elected.

## PART 4 - MEETING PROCEDURES

### Division 1 - Council and Special Meetings

#### 14. General

- (1) In all cases not otherwise provided for herein, the rules, forms and usages of the Victorian Parliament are to apply, so far as they are applicable, to the proceedings of **Council**.
- (2) Where a circumstance has not been provided for in this Local Law, or it is unclear how it should be dealt with, **Council** may determine the matter by resolution.
- (3) **Council** may, by resolution, adopt policies which complement this Part and which facilitate the conduct of **Meetings** or the conduct and actions of **Councillors** in the proper and appropriate fulfilment of their role and function in the public office of **Councillor**.

#### 15. Date, Time and Place of Meetings

- (1) The dates, times and places of **Meetings** are within the discretion of **Council**.
- (2) **Council** may, by resolution, at an **Ordinary Meeting** or, where permissible, a **Special Meeting** fix the day and time upon which any **Ordinary Meeting** or **Special Committee meeting** must be held.
- (3) **Council** may change the date, time and place of any **Council Meeting** which has been fixed and must provide **reasonable notice** of the change to the public.

#### 16. Notice of Meeting

The **Chief Executive Officer** must give **reasonable notice** to the public of any **Council Meeting**.

#### 17. Agendas (refer table to Amendments at end of document. Items 17(1), 17(2) and 17(5) have been updated in accordance with Notice of Motion 83)

- (1) The **Chief Executive Officer** must, subject to Clause 17(2), send (whether personally, by mail, or otherwise) or **communicate electronically** to every Councillor the **Agenda** for an **Ordinary Meeting** not later than COB 7 days prior to the day fixed for the holding of the **Meeting** with the only exception being when a public holiday falls on the day agendas are due, in which case agendas are to be provided COB 6 days in advance..
- (2) **Councillors** are to receive agendas in both digital and hard copy formats.
- (3) An **Agenda** need not be delivered to a **Councillor** who has been granted leave of absence unless the **Councillor** has, in writing, requested the **Chief Executive Officer** to continue to provide **Agendas** for **Meetings** held during the period of leave.
- (4) The **Chief Executive Officer** may include any matter on an **Agenda** which he or she thinks should be considered by **Council** at the **Ordinary Meeting** to which the **Agenda** relates.
- (5) The **Chief Executive Officer** with the approval of the **Mayor (or Chair of Council Committees)** may, after distribution of the **Agenda** pursuant to Clause 17(1) prepare a **supplementary report** for inclusion in the **Agenda**. A **supplementary report** sent to **Councillors** less than 1 working day before the time fixed for holding the **Meeting** shall be considered under **Urgent Business** pursuant to Clause 22.

## 18. Order of Business

- (1) Unless otherwise provided in this Local Law, no business may be conducted at an **Ordinary Meeting** unless it is business notice of which has been given either by inclusion in the **Agenda** or any report accompanying the **Agenda** or in a **Notice of Motion** or **Notice of Amendment or Rescission**.
- (2) Unless **Council** resolves otherwise but subject to clause 19(3), the business of an **Ordinary Meeting** must be conducted in the following order:
  - (a) Opening;
  - (b) Apologies and requests for leave of absence;
  - (c) Disclosures of interest or conflict of interest of any **Councillor**;
  - (d) Confirmation of **Minutes**;
  - (e) Presentations of petitions and memorials;
  - (f) Reports by **Councillors**:
    - (i) Committees, delegates, professional development and conferences; and
    - (ii) Ward Issues.
  - (g) Consideration of reports by **Officers**;
  - (h) Matters deferred or continued from previous **Meetings**;
  - (i) Motions for which notice has previously been given;
  - (j) **Supplementary reports**;
  - (k) Urgent business;
  - (l) **Call up items**;
  - (m) Questions without notice; and
  - (n) Confidential business where the **Meeting** is closed to the public in accordance with the **Act**.
- (3) Public Question Time will be held following the completion of business on the **Agenda** relating to planning matters unless determined otherwise by resolution of **Council**.

## 19. Notices of Motion

- (1) A **Councillor** may, up to the close of business two working days prior to a **Meeting**, lodge any **Notice of Motion** on any item that they wish to move at the **Meeting**, and:
  - (a) if lodged must be lodged in writing with the **Chief Executive Officer**;
  - (b) if received in time for inclusion on the **Agenda** for the **Meeting**, the **Chief Executive Officer** must include the Notice of Motion in that **Agenda**;
  - (c) if not received in sufficient time for inclusion on the **Agenda**, the **Chief Executive Officer** must distribute a copy of the **Notice of Motion** to all **Councillors** and publish the **Notice of Motion** on the **Council** website as soon as is practicable.

- (2) If a **Notice of Motion** is lodged other than in accordance with Clause 19(1) it must, unless withdrawn, be included in the **Agenda** for the following **Meeting**.
- (3) If a **Councillor** who has lodged a **Notice of Motion** is absent from the **Meeting** or fails to move the motion when called upon by the **Chairperson**, any other **Councillor** may himself or herself move the motion.
- (4) If a **Notice of Motion** is not moved in accordance with clause 19(3) the **Notice of Motion** shall be deemed to have lapsed for want of a mover.
- (5) A **Notice of Motion** may be withdrawn by a request in writing lodged with the **Chief Executive Officer** at any time prior to the publication of the notice in an **Agenda** or on **Council's** website. Otherwise, the item must be dealt with at a **Meeting**.

## 20. Notice of Amendment or Rescission

- (1) Subject to Clause 20(2), two or more **Councillors** may propose a motion to amend or rescind a decision of **Council** provided:
  - (a) a notice is delivered to the **Chief Executive Officer** not later than the close of business on the working day following the **Meeting** at which the decision was made outlining:
    - (i) the decision proposed to be amended or rescinded; and
    - (ii) the **Meeting** and date when the decision was made; and
  - (b) the previous motion has not been acted upon.
- (2) Rescission or **amendment** motions are not permissible in respect of planning permit resolutions, planning scheme **amendment** resolutions or contract / tender acceptance resolutions.
- (3) A Notice of **Amendment** or Rescission will be considered and managed as a **Notice of Motion** under this Local Law except as provided in this Clause.
- (4) For the purposes of clause 20(1)(b) the grounds on which a motion will be deemed to have been acted upon include, but are not limited to:
  - a) the contents or substance of a motion have been formally communicated to a person whose interests are materially affected by it; or
  - b) a statutory process has been commenced.
- (5) No action or further action must be taken to implement a resolution of which a **Notice of Amendment or Rescission** has been given.
- (6) The **Chief Executive Officer** must:
  - (a) Advise all **Councillors** of any **Notice of Amendment or Rescission** delivered under this clause within 24 hours of receiving it.
  - (b) List any such **Notice of Amendment or Rescission** on the **Agenda** of the next **Ordinary Meeting** under the heading of **Notices of Motion** for consideration and debate.
- (7) A rescission or **amendment** of a previous motion must be passed by a majority of the elected **Councillors**.
- (8) A second or subsequent **Notice of Amendment or Rescission** must not be considered by **Council** until a period of three (3) months has elapsed after the date of the **Meeting** at which the first or last **Notice of Amendment or Rescission** was dealt with.

- (9) A **Notice of Motion** cannot be considered in relation to a matter that is subject of a rescission motion within three calendar months of the rescission having been dealt with, unless a notice signed by a majority of elected **Councillors** is submitted to the **Chief Executive Officer**.

## 21. Reports by Councillors

- (1) A report of a **Councillor** may include advice regarding:
- (a) meetings of any committees on which a **Councillor** represents **Council** that have been held since the last **Council Meeting**;
  - (b) other meetings the **Councillor** has attended, or actions undertaken since the last **Council Meeting**;
  - (b) any professional development activity undertaken or conference attended in association with his or her role as a **Councillor**; and
  - (d) an update of up to four minutes on Ward issues of note.
- (2) **Councillors** may report to **Council** in a written or verbal form.

## 22. Urgent Business

- (1) Business must not be admitted as urgent business unless it:
- (a) relates to or arises out of a matter which has arisen since distribution of the **Agenda**; and
  - (b) cannot safely or conveniently be deferred until the next **Ordinary Meeting**.
- (2) **Council** may resolve by a majority of those present to admit (without the required notice) an item considered to be urgent business.
- (3) The process for raising urgent business will be as follows:
- (a) a **Councillor** will indicate to the **Chairperson** his or her intention to request consideration of an item of urgent business.
  - (b) when called upon by the **Chairperson**, the **Councillor** must state the nature of the business and the nature of urgency, also explaining why it could not have been incorporated on the initial **Agenda** or reasonably deferred to a subsequent **Council Meeting**, and why it cannot be considered as a "Call Up" item.
  - (c) after this brief explanation by the **Councillor**, the **Chairperson** will call on the **Councillor** to move that the item be considered in accordance with Clause 34. In doing so **Council** will be aware of the provisions of clause 22(1).
  - (d) once an urgent item has been admitted, the **Councillor** must first move the motion in its entirety in accordance with Clause 34.
  - (e) if requested by the **Chairperson**, the motion must be written and presented to the **Chairperson** when moved and seconded.
  - (f) if the motion to admit the item of urgent business is not carried, no further discussion can occur.

### 23. Call Up Items

- (1) A **Councillor** may, up to 12pm (noon) on a **Meeting Day**, lodge a request for a **Call Up Item** with the **Chief Executive Officer**.
- (2) A **Councillor** intending to raise a **Call Up item** should seek to discuss the matter with the relevant **Director** in advance, to determine the resource requirements and implications of the **Call Up Item**, including timeframes for responding.
- (3) A **Councillor** should not use a **Call Up Item**, where:
  - (a) It may alter the **Council's** strategic direction, as adopted in its **Council** and **Community Plan**;
  - (b) The matter will require more than 3 person days or \$5,000 in costs and as such, must be referred to the next budget deliberations with a supporting case, for funding;
  - (c) It involves an operational **Council** matter;
  - (d) It involves a contractual matter;
  - (e) It involves a personnel and/or industrial matter;
  - (f) It involves a confidential matter;
  - (g) It relates to a matter affecting the relationships of **Councillors** or **Councillors** and staff;
  - (h) It relates to a matter that may adversely affect the personal interests of a resident or ratepayer.
- (4) This provision for **Call Up Items** at **Council Meetings**, does not relate to Planning Delegation provisions that may operate.

### 24. Questions without Notice

- (1) Any **Councillor** may ask a question without notice.
- (2) The question must be directed to the **Chairperson** but may require an answer from the **Chairperson**, a **Councillor** or an **Officer**.
- (3) The **Chairperson** or **Councillor** may respond if he or she deems it appropriate, however the **Chairperson**, **Councillor** or **Officer** may take the question on notice and provide written advice within 5 working days.

### 25. Suspension of Standing Orders

- (1) Subject to clause 19, the provisions of this Local Law may be suspended for a particular purpose by resolution of **Council**.
- (2) The suspension of such provisions (standing orders) may only be used to enable full discussion of any issue without the constraints of formal **Meeting** procedure.
- (3) The purpose of such suspension is to enable the formalities of **Meeting** procedure to be temporarily suspended while an issue is discussed.
- (4) Such suspension should not be used purely to dispense with the processes and protocol of the government of **Council**.
- (5) Once the discussion has taken place and before any motions can be put, standing orders must be resumed.

**26. No Motions may be Accepted during Suspension of Standing Orders**

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.

**27. Special Meetings**

- (1) The **Mayor** or at least three **Councillors** may by a written notice to the **Chief Executive Officer** call a **Special Meeting** of the **Council**.
- (2) The notice necessary to call a **Special Meeting** must be delivered to the **Chief Executive Officer** in sufficient time to enable **reasonable notice** to be given to **Councillors** and members of the public.
- (3) In giving such notice, **Councillors** should have regard to any need for preparatory investigations to enable the business to be undertaken.
- (4) The notice referred to in clause 25(1) must specify the date and time of the **Special Meeting** and the business to be transacted.
- (5) The **Chief Executive Officer** must call the **Special Meeting** as specified in the notice.
- (6) Unless all **Councillors** are present and unanimously agree to deal with another matter, only the business specified in the notice may be transacted.

**28. Minutes**

The **Minutes** must record the business of the **Meeting** and in particular:

- (1) The name of the **Councillors**:
  - (a) who were present and a record of their attendance relative to items considered during the entire **Meeting**; and
  - (b) who submitted apologies or have been granted leave of absence;
- (2) The names of Executive **Officers** in attendance and their organisational titles;
- (3) Any disclosures of interest or conflicts of interest;
- (4) Arrivals and departures (including temporary departures) of **Councillors** during the course of the **Meeting**;
- (5) Each motion and **amendment** moved (including motions and **amendments** that lapse for want of a seconder) and motions and **amendments** withdrawn by resolution or by leave of the **Meeting**;
- (6) Whether motions or **amendments** were carried or lost;
- (7) The vote cast by each **Councillor** upon a division, either FOR or AGAINST or any **Councillor** who has abstained and the declaration of the result of the division on the motion or **amendment**;
- (8) The failure of a quorum;
- (9) Closure of the **Meeting** to members of the public in accordance with the provisions of the **Act**;
- (10) When specifically requested by a **Councillor**, a record of his or her support or opposition for any motion; and
- (11) 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**.

## 29. Confirmation of Minutes

- (1) At every **Council Meeting**, the **Minutes** of the preceding **Meeting** must be dealt with as follows:
  - (a) if the **Minutes** have been delivered to each **Councillor** at least 48 hours before the **Meeting**, a motion can be passed for confirmation of the **Minutes**; or
  - (b) if the **Minutes** have not been so delivered, a motion may be proposed to allow any adjournment to allow time for the **Minutes** to be read after which a motion can be passed for confirmation of the **Minutes**.
- (2) No discussion is permitted on the **Minutes** except as to their accuracy as a record of proceedings.
- (3) If a **Councillor** is dissatisfied with the accuracy of the **Minutes**, then the **Councillor** must:
  - (a) state the item or items with which he or she is dissatisfied; and
  - (b) propose a motion clearly outlining the alternative wording to amend the **Minutes**.
- (4) Once the **Minutes** are confirmed, the last page must be certified by the **Chairperson**.

## 30. Quorum and Adjournment

- (1) A quorum is a majority of the number of **Councillors** within the whole of **Council** as constituted or members of a **Special Committee** which the whole **Special Committee** as constituted comprises, present at the **Meeting**.
- (2) Business must not be conducted at any **Council Meeting** or a **Special Committee Meeting** unless a quorum is present.
- (3) The **Councillors** present at any **Council Meeting** may from time to time adjourn the **Meeting**.
- (4) No discussion is allowed on any motion for adjournment of the **Meeting**, but if on being put the motion is defeated, the subject then under consideration or the next on the **Agenda** must be discussed before any subsequent motion for adjournment is moved.

## 31. Failure to Raise a Quorum

- (1) If a quorum is not present within 30 minutes of the time appointed for the commencement of a **Council Meeting**:
  - (a) the **Meeting** lapses;
  - (b) the **Chairperson** or in his/her absence the **Chief Executive Officer** must convene another **Council Meeting** to be held within 14 days of the adjourned **Meeting** and ensure that the **Agenda** for it is identical to the **Agenda** for the **Meeting** which has lapsed; and
  - (c) the **Chief Executive Officer** must give all **Councillors** notice of the reconvened **Meeting**.
- (2) Notice pursuant to 30(1)(c), is not required in respect of any **Councillor** who has been granted leave of absence pursuant to the **Act** and who has not requested the **Chief Executive Officer**, in writing, to continue to give notice of **Meetings** to be held during the period of leave of absence.



### 32. Failure to Maintain a Quorum

- (1) If a quorum cannot be maintained after a **Council Meeting** has commenced the **Chairperson** must adjourn the **Meeting**, and then reconvene the **Meeting** within 30 minutes after it was adjourned, in which case:
  - (a) if a quorum is then present the **Meeting** must resume; or
  - (b) if a quorum is not then present and if, after using his or her best endeavours to restore a quorum, the **Chairperson** is unsuccessful, the **Chairperson** must announce that the **Meeting** has lapsed, whereupon the **Meeting** lapses.
- (2) If a **Meeting** lapses under clause 30(1)(b), the undisposed business must, unless it has already been disposed of at a **Special Meeting**, be included in the **Agenda** for the next **Ordinary Meeting**.
- (3) Despite the loss of a quorum in the circumstances set out in this clause, the business transacted at the **Meeting** to that point will remain valid and be capable of being acted upon.

### 33. Time Limit for Meetings

- (1) A **Council Meeting** must not continue after 10.30 pm unless a majority of **Councillors** present at the **Meeting** votes in favour of its continuance.
- (2) In the absence of such continuance resolution, the **Meeting** must stand adjourned to a time, date and place to be determined by the **Chairperson**.
- (3) Where practicable, the **Chairperson** will determine, and advise all **Councillors** present of, the adjourned time, date and place of **meeting**, prior to closing the **Meeting**.
- (4) In the event that it is impracticable to comply with clause 31(3) the **Chief Executive Officer** must give **reasonable notice** to each **Councillor** and the public of the date, time and place to which the **Meeting** stands adjourned and of the business remaining to be considered.
- (5) Notice pursuant to clause 31(4), is not required in respect of any **Councillor** who has been granted leave of absence pursuant to the **Act** and who has not requested the **Chief Executive Officer**, in writing, to continue to give notice of **Meetings** to be held during the period of leave of absence.

### 34. Addressing Meetings

- (1) Once acknowledged by the **Chairperson** as being the next speaker on an item, the **Councillor** has the floor and may stand when addressing the **Meeting** and must not be interrupted unless called to order or time has expired.
- (2) Except for the **Chairperson**, any **Councillor** or person who addresses the **Meeting** must direct all remarks through the Chair.

### 35. Motions and Amendments

- (1) Motions and **amendments** must relate to the powers or functions of **Council**, be clear and unambiguous and not be defamatory or objectionable in language or nature. Except in the case of urgent business, a motion or **amendment** must be relevant to an item of business on the **Agenda**.
- (2) The **Chairperson** may require any motion or **amendment** to be put in writing before it is considered.
- (3) The **Chairperson** may refuse to accept any motion or **amendment** which contravenes this or any other clause.

**36. Procedure for Moving a Motion**

- (1) The mover must state the motion without speaking to it.
- (2) The **Chairperson** must call for a seconder unless the motion is a call to enforce a **point of order**.
- (3) If there is no seconder, the motion lapses.
- (4) If there is a seconder, the **Chairperson** must call on the mover to address the **Meeting**. The mover may, without speaking to the motion, reserve his or her address until later in debate.
- (5) After the mover has addressed the **Meeting** (or reserved his or her right to speak), the seconder may address the **Meeting**.
- (6) After the seconder has addressed the **Meeting** (or after the mover has addressed the **Meeting** if the seconder does not address the **Meeting**), the **Chairperson** may call for speakers in alternate sequence speaking against or for the motion.
- (7) A **Councillor** may speak once on the motion except for the mover of the original motion who has the right of reply after which the motion must be put to the **Meeting** for decision. The mover may not exercise the right of reply when he or she is the only speaker to the motion, or the last person to speak having reserved the right to speak later in the debate.
- (8) A **Councillor** may be permitted by the **Chairperson** to speak more than once to a motion to make a personal explanation.
- (9) A **Councillor** calling the attention of the **Chairperson** to a **point of order** is not regarded as speaking to the motion.
- (10) No motion may be altered or withdrawn without the consent of the seconder.
- (11) The mover and seconder of a motion may propose a variation to the motion if leave of the **Meeting** is granted.
- (12) If leave is granted to vary a motion in accordance with clause 34(11) a **Councillor** who has spoken to motion prior to the variation being permitted, may be permitted by the **Chairperson** to speak more than once to the motion.
- (13) The mover of a motion must not introduce new material when exercising any right of reply.

**37. Procedure for Moving an Amendment**

- (1) Any **Councillor** except the mover or seconder of the original motion may move or second an **amendment**.
- (2) The mover must state the **amendment** without speaking to it.
- (3) The **Chairperson** must call for a seconder. If there is no seconder, the motion lapses.
- (4) If there is a seconder, the **Chairperson**:
  - (a) may ask "Is the **amendment** opposed?"; and
  - (b) must call on the mover to address the **Meeting**. The mover may, without speaking to the **amendment**, reserve his or her address until later in debate.
- (5) After the mover has addressed the **Meeting** (or reserved his or her right to speak), the seconder may address the **Meeting**.

- (6) After the seconder has addressed the **Meeting** (or after the mover has addressed the **Meeting** if the seconder does not address the **Meeting**), the **Chairperson** may call for speakers in alternate sequence speaking against or for the motion.
- (7) Any **Councillor** may speak once on any **amendment**. No right of reply is available to an **amendment**.
- (8) A **Councillor** calling the attention of the **Chairperson** to a point of order is not regarded as speaking to the **amendment**.
- (9) No **amendment** may be altered or withdrawn without the consent of the seconder.
- (10) The mover and seconder of an **amendment** motion may propose a variation to the **amendment** if leave of the **Meeting** is granted.
- (11) An **amendment** must be relevant to the motion upon which it is moved and not negate the original motion.
- (12) **Amendments** must be dealt with one at a time. A subsequent **amendment** must not be considered until any previous amendment is decided upon but subsequent **amendments** may be foreshadowed.
- (13) If an **amendment** is carried it becomes the substantive motion. The mover and seconder of the **amendment** become the mover and seconder of the substantive motion. Debate commences as for a new motion.

### 38. Foreshadowing Motions

- (1) At any time during debate, a **Councillor** may foreshadow a motion to inform **Council** of his or her intention to move a motion at a later stage in the **Meeting**, but this does not extend any special right to the **foreshadowed motion**.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, a **Councillor** intends to move an alternative or additional motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the **Meeting**.
- (4) The **Chief Executive Officer** is not required to have **foreshadowed motions** recorded in the **Minutes** until the **foreshadowed motion** is formally moved.

### 39. Withdrawal of Motions

Subject to clauses 35(10) and 36(9) before any motion is put to the vote, it may be withdrawn with leave of the **Meeting**.

### 40. Separation of Motions

- (1) The **Chairperson** may decide to put any motion to the vote in several parts.
- (2) Where a motion contains more than one part, a **Councillor** may request the **Chairperson** to put the motion to the vote in separate parts.

### 41. Debate

A **Councillor** may speak only when called by the **Chairperson**:

- (a) to speak in debate;
- (b) to ask or answer a question;
- (c) on a **point of order**; or
- (d) to make a personal explanation.

#### 42. Order of Speaking

If two or more **Councillors** wish to speak at the same time, the **Chairperson** will determine the order of speakers.

#### 43. Chairperson May Speak

The **Chairperson** may address a **Meeting** upon any matter under discussion, and is not deemed to have left the Chair on such occasions. However, such address should only take place after all other **Councillors** have had the opportunity to address the **Meeting**.

#### 44. Speaking to Subject Matter

A **Councillor** must not digress from the subject matter of the motion, **amendment** or business under discussion.

#### 45. Points of Order

- (1) The **Chairperson** is the final arbiter of all points of order.
- (2) The **point of order** may be taken on the ground that a matter is:
  - (a) contrary to this Local Law;
  - (b) defamatory;
  - (c) irrelevant;
  - (d) outside **Council's** functions or powers;
  - (e) improper; or
  - (f) frivolous or vexatious.
- (3) The ruling of the **Chairperson** upon any **point of order** is not open to any discussion and will be final and conclusive.
- (4) The **Chairperson** may take a **point of order**.

#### 46. Interruptions, Interjections and Relevance

- (1) A **Councillor** must not be interrupted except by the **Chairperson** or upon a **point of order**.
- (2) If a **Councillor** is interrupted by the **Chairperson** or upon a **point of order**, he or she must remain silent until the **Chairperson** has ceased speaking, or the **point of order** has been determined.

#### 47. Resumption of Adjourned Debate

If a debate is adjourned by motion, the **Councillor** moving the adjournment has the right to be the first speaker upon the resumption of debate unless he or she has already spoken to the motion or **amendment**.

#### 48. Disorderly Expressions

If a **Councillor** or an **Officer** uses any expression that is disorderly or offensive to any other **Councillor** or **Officer**, the **Chairperson** must require the offending **Councillor** or **Officer** to withdraw the expression and make a satisfactory apology to the **Meeting**. A **Councillor** or **Officer** required to withdraw a remark must do so immediately without qualification or explanation.

#### 49. Personal Explanation

- (1) A **Councillor** or an **Officer** may, at any **Council Meeting** and at a time decided by the **Chairperson**, make a personal explanation for a period not exceeding two (2) minutes

on any statement made (whether made at a **Council Meeting** or not) affecting that **Councillor** or **Officer**.

- (2) A personal explanation must not be debated or made for the purpose of furthering debate.

#### 50. Time Limits

- (1) A **Councillor** must not speak longer than the time set out below unless granted an extension by the **Meeting**:
  - the mover of a motion or **amendment** - 5 minutes
  - the mover of a motion exercising a right of reply - 2 minutes
  - any Reports by **Councillors** under Clause 21 - 4 minutes
  - any other **Councillor** on any other matter - 3 minutes
- (2) A motion for the extension of time will, if carried, allow a **Councillor** a further two minutes to speak but further extensions must not be permitted.

#### 51. Gallery to be Silent

Any person in the Public Gallery must not, during a **Council Meeting**, interject or take part in the debate and must preserve silence at all times other than where people are permitted to address the **Meeting** as provided elsewhere in this Local Law.

#### 52. Removal of Disorderly Visitors

If a person in the Public Gallery is called to order by the **Chairperson** and thereafter again acts in breach of this Local Law, the **Chairperson** may order him or her to leave, failing which the **Chairperson** may order him or her to be removed from the Public Gallery.

#### 53. Chairperson May Adjourn Disorderly Meeting

If the **Chairperson** is of the opinion that disorder in the vicinity of the **Meeting** makes it desirable to adjourn the **Meeting**, he or she may adjourn the **Meeting** to a later time on the same day or to some later day as he or she thinks proper.

#### 54. Suspensions

**Council** by resolution may suspend from a **Meeting**, and for the balance of the **Meeting**, any **Councillor** whose actions have disrupted the business of **Council**, and have impeded its orderly conduct.

#### 55. Removal from the Meeting

The **Chairperson**, or **Council** in the case of a suspension, may ask any **Authorised Officer** or member of the Police Force to remove from the **Meeting** any person who acts in breach of this Local Law or whom the **Chairperson** has ordered to be removed from the Public Gallery under the provisions of this Local Law.

#### 56. Procedural Motions

Unless otherwise prohibited, **procedural motions** may be moved at any time and must be dealt with in accordance with Schedule 1 to this Local Law.

#### 57. Voting

- (1) When called upon by the **Chairperson**, the **Councillors** present must vote by a show of hands or as **Council** otherwise determines.
- (2) For the purposes of voting at a **Council Meeting**, the **Chairperson** must put the motion or **amendment** first in the affirmative, then in the negative.

- (3) The **Chairperson** may require that the vote be re-counted as often as may be necessary for him or her to satisfy himself or herself of the result.

#### 58. **Vote to be Taken in Silence**

Except that a **Councillor** may call a division, **Councillors** must remain seated in silence while a vote is being taken.

#### 59. **Casting Vote**

- (1) In the event of an equality of votes, subject to the **Act** and this Local Law, the **Chairperson** has a second vote.
- (2) Clause 58(1) does not apply in the event of an equality of votes in respect of the election of the **Mayor**, or in cases where the **Act** or this Local Law provides that a matter is to be determined by lot.

#### 60. **Divisions**

- (1) Immediately after any question is put to a **meeting** and before the next item of business has commenced, a **Councillor** may call for a division.
- (2) When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the question, motion or **amendment**.
  - (a) As a division is a separate and distinct vote, no **Councillor** is prevented from changing his or her original vote at the voting on the division.
- (3) If a division is called for, the **Chairperson** must:
  - (a) first ask each **Councillor** wishing to vote in the affirmative to rise, or raise a hand (as directed by the **Chairperson**) and must then state the names of those **Councillors** voting in the affirmative; and
  - (b) then ask each **Councillor** wishing to vote in the negative to rise, or raise a hand (as directed by the **Chairperson**) and must then state the names of those **Councillors** voting in the negative; and
  - (c) if required, then ask each **Councillor** wishing to abstain from voting to rise, or raise a hand (as directed by the **Chairperson**) and must then state the names of those **Councillors** abstaining from voting; and
  - (d) declare the result of the division.

#### 61. **Leave of the Meeting**

- (1) Where an action or decision under this Local Law is dependent upon obtaining leave of the **meeting**, the **Chairperson** shall, before taking the action or making the decision:
  - (a) outline the action or decision that is proposed to be taken or made to the **meeting**;
  - (b) ask any **Councillor** present to indicate if they oppose the proposed action or decision; and
  - (c) if no **Councillor** indicates opposition, leave of the **meeting** shall be taken to have been granted.

**62. Public Question Time**

- (1) Members of the public are permitted to prepare and submit to an **Ordinary Meeting** up to two (2) questions on any **Council** matter.
  - (a) All questions to be asked must be registered by completion of the appropriate form which must be lodged:
    - (i) online via **Council's** website by close of business on the day fixed for the **Ordinary Meeting**; or
    - (ii) in person at the Civic Centre, 511 Burwood Highway, Wantirna South during normal office hours prior to or on the day fixed for the **Meeting**; or
    - (iii) in the question box provided at the place of the **Meeting** prior to the commencement of the public question time at the **Meeting**.
  - (b) The presentation and answering of questions from persons present in the Public Gallery will occur in accordance with clause 18(3).
  - (c) Questions will be directed to the **Chairperson** who will read the question and ascertain whether the questioner is present in the Public Gallery.
  - (d) If present in the Public Gallery, the questioner will have the right to make a brief introductory statement. The time allowed for such statement and question will be up to two (2) minutes.
  - (e) Where a meaningful response to the question cannot be provided at the **Meeting** by the **Chairperson, Councillors** or staff, or a detailed or researched response is required, the question may be taken on notice, in which case an answer must be provided in writing to the questioner within five (5) working days.
  - (f) Any **Councillor** wishing to provide a personal response to a question will be permitted to do so after the **Chairperson** has had the opportunity to respond.
  - (g) If the questioner is not present in the Public Gallery, the question will not be read; or included in the minutes of the **meeting**, except at the discretion of the **Chairperson**. response must be supplied in writing.
  - (h) Where the **Chairperson** deems appropriate, a response must be supplied in writing.
  - (i) Questions and answers should be as brief as possible and no discussion will be allowed on any question except for the introductory statement as provided in paragraph (e).
  - (j) The number of questions that may be asked during a **Meeting** on any one (1) issue will be limited to two. It is at the total discretion of the **Chairperson** which two (2) questions will be asked where there are more than two (2) submitted.
  - (k) The **Chairperson** will have the right to refuse to receive or answer any question, or to take the question on notice.
  - (l) A time limit of 30 minutes will apply to Public Question Time but may be extended by resolution of **Council**.
  - (m) **Meeting** procedures as detailed in this Local Law apply during Public Question Time.

**63. Addressing the Council**

Except as provided for in clause 61(1)(d) a person other than a **Councillor** or **Officer** must not address the **Council Meeting** except:

- (a) where a resolution approving such has been carried by a majority of **Councillors** present at the **Meeting**.
- (b) With the approval of the **Chairperson** and leave of the **meeting**.

**64. Production of Documents**

- (1) A **Councillor** may, at a **Council Meeting**, require the production of any documents kept in the municipal offices that are directly relevant to the business being considered at the **Meeting**.
- (2) The **Chief Executive Officer** must use his or her best endeavours to produce the documents at the **Meeting** or, if this is not feasible, as soon as practicable after that time.

**65. Recording and Broadcasting Proceedings**

- (1) A person must not operate any **recording or broadcasting device** at any **Council Meeting** or **Special Committee Meeting** without first obtaining:
  - (a) The consent of the **Mayor** or **Chairperson** (as the case may be); or
  - (b) Consent of **Council** by resolution of the meeting.
- (2) Consent granted under Clause 64(1)(a) or Clause 64(1)(b) may be revoked at any time during the course of a **Council Meeting** or **Special Committee Meeting** by resolution of **Council** or the **Special Committee**.
- (3) Nothing in clause 64(1) applies to any member of **Council** staff operating any device for the purpose of production of the minutes of the **meeting** or keeping a record of the **Council Meeting** or **Special Committee Meeting**.
- (4) Where a **Council Meeting** or **Special Committee Meeting** is to be recorded pursuant to this clause the **Chairperson** must as soon as practicable after the opening of the **meeting** advise those who are in attendance that their images and/or voices are likely to be recorded during the course of the **meeting**.

**66. Petitions**

- (1) A petition:
  - (a) must be in a legible and permanent form of writing, typing or printing;
  - (b) must not be defamatory, indecent, abusive or objectionable in language or substance; and
  - (c) must not relate to a matter beyond the powers of **Council**.
- (2) Every page of a petition must bear the wording of the whole of the petition or request.
- (3) Any signature appearing on a page of a petition which does not bear the wording of the whole of the petition or request must not be considered by **Council**.
- (4) Every page of a petition must be a single piece of paper and must not be affixed to any piece of paper other than another page of the petition.
- (5) No motion may be made on any petition until the next **Ordinary Meeting**, except if the matter or issue is already listed for consideration of **Council** on the **Agenda** for the



**Meeting** at which it is presented in accordance with this Local Law, or if **Council** determines by a majority of those present that the matter is urgent and should be dealt with at the **Meeting** at which it is presented or by a **Special Committee**.

- (6) A **Councillor** presenting a petition must state the number of signatures attached to it and the subject matter. The **Councillor** may also speak to the petition.
- (7) A **Councillor** may, when presenting a petition, refer the specific request to an **Officer** for referral to a specific program. An example of the intent of this clause would be to refer a request for playground equipment to the following year's capital work program. If any action would require unallocated expenditure or would change an adopted program within the current financial year, it must be referred back to **Council**. Should a referral occur, there is no requirement for the matter or issue to be considered at the next **Ordinary Meeting** in accordance with clause 65(5).
- (8) After a petition is tabled, the head petitioner must be advised of progress of the particular issue.

## 67. Offences

It is an **offence**:

- (a) for a **Councillor** to not withdraw an expression considered by the **Chairperson** to be offensive or disorderly, and to not satisfactorily apologise when called upon twice by the **Chairperson** to do so.

**PENALTY: 20 Penalty Units**

- (b) for any person, not being a **Councillor**, who is guilty of any improper or disorderly conduct to not leave the **Council** Chamber when requested by the **Chairperson** to do so.

**PENALTY: 20 Penalty Units**

- (c) for any person to fail to obey a direction of the **Chairperson** in relation to the conduct of the **Meeting** and the maintenance of order.

**PENALTY: 20 Penalty Units**

- (d) for any person to append to a petition or joint letter a signature purporting to be that of any other person or in the name of any other person.

**PENALTY: 10 Penalty Units**

- (e) for a **Councillor** to fail or refuse to leave the **Council** Chamber after being suspended from a **Meeting**.

**PENALTY: 20 Penalty Units**

## Division 2 - Provisions Applying only to Special Committee Meetings

### 68. Purpose

The purpose of this Division is to regulate:

- (a) proceedings at **Meetings** of **Special Committees** composed solely of **Councillors**; and
- (b) notice to be given of **Meetings** of **Special Committees** composed solely of **Councillors**.

**69. Application Generally**

- (1) Except as provided in this Part, if **Council** establishes a **Special Committee** composed solely of **Councillors**, Part 4, Division 1 of this Local Law applies with any necessary modifications.
- (2) For the purposes of sub-clause (1), a reference in Part 4, Division 1 to:
  - (a) a **Council Meeting** is to be read as a reference to a **Meeting** of the **Special Committee**;
  - (b) a **Councillor** is to be read as a reference to a member of the **Special Committee**; and
  - (c) the **Mayor** is to be read as a reference to the **Chairperson** of the **Special Committee**.

**70. Quorum**

The quorum for a **Meeting** of a **Special Committee** composed solely of **Councillors** is the number specified in the most recent instrument of delegation, or, if no number has been specified in an instrument of delegation, a majority of the number of members which the whole **Special Committee** as constituted comprises.

**71. Notice of Meetings**

The requirements for notice to the public of any **Council Meeting** also apply to any **Meeting** of a **Special Committee** composed solely of **Councillors** to which powers have been delegated.

**72. Public Submissions**

- (1) A **Special Committee** must, at such time as is allocated by it or by **Council**, hear any person wishing to be heard in respect of his or her submissions to **Council** under Section 223 of the Local Government Act 1989.
- (2) **Special Committee** members may, through the Chair, question any submitter in relation to his or her submission.

**73. Application Specifically**

If **Council** establishes a **Special Committee** composed solely of **Councillors**:

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

resolve that a provision of Part 4, Division 1 does not apply, whereupon that provision will cease to apply to the **Special Committee**.

**74. "Call-Up" Requests by Other Councillors**

- (1) If **Council** establishes a **Special Committee** to which powers have been delegated, the **Chief Executive Officer** must ensure that all **Agendas** for **Meetings** of that **Special Committee** are provided to all **Councillors** (whether or not members of the **Special Committee**).
- (2) A **Councillor** who is not a member of a **Special Committee** to which powers have been delegated may give written notice to the **Chairperson** of that **Special Committee** that an item on the **Agenda** is to be "called-up" for consideration by **Council**.
- (3) If a **Chairperson** receives notice that an item is to be "called-up" the **Special Committee** may consider that item and make a recommendation to **Council** about it, but must not exercise a delegated power in relation to it.

## Division 3 - Other Committees

### 75. Purpose

The purpose of this Division is to regulate proceedings at **Meetings** of **Special Committees** (other than those composed solely of **Councillors**).

### 76. Application Generally

- (1) If **Council** establishes a **Special Committee** Part 4, Division 1 of this Local Law applies with any necessary modifications.
- (2) For the purposes of sub-clause (1), a reference in Part 4, Division 1 to:
  - (a) a **Council Meeting** is to be read as a reference to a **Meeting** of the **Special Committee** (as appropriate).
  - (b) a **Councillor** is to be read as a reference to a member of the **Special Committee** (as appropriate); and
  - (c) the **Mayor** is to be read as a reference to the **Chairperson** of the **Special Committee** (as appropriate).

### 77. Application Specifically

If **Council** establishes a **Special Committee** then:

- (i) **Council** may; or
- (ii) that **Special Committee** (as appropriate) may, with the approval of **Council**,

resolve that a provision of Part 4, Division 1 does not apply, whereupon that provision will cease to apply to the **Special Committee**.

THE COMMON SEAL of the )  
KNOX CITY COUNCIL was )  
hereunto affixed in the presence of: )  
)

..... )  
**Chief Executive Officer** )  
)

..... )  
**Mayor** )  
)

..... )  
**Councillor** )

**Schedule 1**

**PROCEDURAL MOTIONS  
PROCEDURE AND EFFECT**

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

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of <b>Meeting</b> indefinitely	That this <b>Meeting</b> be adjourned until further notice	Any <b>Councillor</b>	Yes	Any matter	(a) During the election of the <b>Chairperson</b>  (b) When another <b>Councillor</b> is speaking  (c) During a <b>meeting</b> which is a call of the <b>Council</b>	<b>Meeting</b> adjourns until further notice	Debate continues unaffected
The Closure	That the question be now put	A <b>Councillor</b> who has not moved, seconded or spoken to the motion or any <b>amendment</b> of it	No	Any matter	During nominations for <b>Chairperson</b> (NB A closure motion shall not be accepted by the <b>Chairperson</b> unless the <b>Chairperson</b> considers there has been sufficient debate for and against the original motion or <b>amendment</b> )	Motion or <b>amendment</b> in respect of which the closure carried is put to the vote immediately	Debate continues unaffected

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Laying the question on the table	That the matter lie on the table	A <b>Councillor</b> who has not moved, seconded or spoken to the motion or any <b>amendment</b> of it	Yes	Any matter	(a)During the election of the <b>Chairperson</b>  (b)During a <b>Meeting</b> which is a call of the <b>Council</b>	Motion and <b>amendments</b> not further discussed or voted on until:  (a) <b>Council</b> resolves to take the question from the table at the same <b>Meeting</b>  (b)Matter is placed on an <b>Agenda</b> and the <b>Council</b> resolves to take the question from the table	Debate continues unaffected
Proceeding to the Next Business	That the <b>Meeting</b> proceed to the next business	A <b>Councillor</b> who has not moved, seconded or spoken to the matter which the motion relates	Yes	Any matter	(a)During the election of the <b>Chairperson</b>  (b)During a <b>Meeting</b> which is a call of the <b>Council</b>	(a)If carried in respect to a <b>procedural motion</b> , its effect is to remove that motion from consideration  (b)If carried in respect to an <b>amendment</b> , its effect is to dispose of the <b>amendment</b> and debate resumes upon the substantive motion	Debate resumed at point of interruption

**TABLE OF AMENDMENTS**

DATE OF CHANGE	REASON FOR CHANGE	ITEM NUMBER	ORIGINAL WORDING	UPDATED WORDING
27 August 2018	Notice of Motion 83	17 (1)	The <b>Chief Executive Officer</b> must, subject to Clause 17(2), send (whether personally, by mail, or otherwise) or <b>communicate electronically</b> to every Councillor the <b>Agenda</b> for an <b>Ordinary Meeting</b> not later than 5pm on the working day prior to the day fixed for the holding of the <b>Meeting</b> .	The <b>Chief Executive Officer</b> must, subject to Clause 17(2), send (whether personally, by mail, or otherwise) or <b>communicate electronically</b> to every Councillor the <b>Agenda</b> for an <b>Ordinary Meeting</b> not later than COB 7 days prior to the day fixed for the holding of the <b>Meeting</b> with the only exception being when a public holiday falls on the day agendas are due, in which case agendas are to be provided COB 6 days in advance.
27 August 2018	Notice of Motion 83	17 (2)	Subject to any resolution of <b>Council</b> , the <b>Chief Executive Officer</b> will consult with individual <b>Councillors</b> to determine the method of delivery to be used under clause 17(1).	<b>Councillors</b> are to receive agendas in both digital and hard copy formats.
27 August 2018	Notice of Motion 83	17 (5)	The <b>Chief Executive Officer</b> may, after distribution of the <b>Agenda</b> pursuant to Clause 17(1) prepare a <b>supplementary report</b> for inclusion in the <b>Agenda</b> . A <b>supplementary report</b> sent to <b>Councillors</b> less than 1 working day before the time fixed for holding the <b>Meeting</b> shall be considered under <b>Urgent Business</b> pursuant to Clause 22.	The <b>Chief Executive Officer</b> with the approval of the <b>Mayor (or Chair of Council Committees)</b> may, after distribution of the <b>Agenda</b> pursuant to Clause 17(1) prepare a <b>supplementary report</b> for inclusion in the <b>Agenda</b> . A <b>supplementary report</b> sent to <b>Councillors</b> less than 1 working day before the time fixed for holding the <b>Meeting</b> shall be considered under <b>Urgent Business</b> pursuant to Clause 22.