

**LOCAL LAW NO. 19**

**MEETING PROCEDURE LOCAL LAW**

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**CARDINIA SHIRE COUNCIL**

**LOCAL LAW NO 19**

**MEETING PROCEDURE LOCAL LAW**

PART 1 - PRELIMINARY

1. Title and Purpose of Local Law

This Local Law may be known as the "Meeting Procedure Local Law", the purpose of which is to –

* 1. regulate the proceedings at meetings of the Council and special and advisory committees of the Council;
  2. set out a procedure for electing the Mayor; and
  3. regulate the use of the common seal or any device resembling the common seal as required by Section 5(3)(c) of the *Local Government Act* 1989.

1. Authorising Provision

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

1. Operation Date

This Local Law comes into operation on the day that notice of its making appears in the Government Gazette.

1. Revocation
   1. This Local Law ceases to operate on the tenth anniversary of the day on which it comes into operation.
   2. The Council's Local Law No. 16 is revoked.
2. Definition of words in this Local Law

Unless the contrary intention appears in this Local Law the following words are defined to mean –

"Act" means the *Local Government Act* 1989 as from time to time amended and consolidated;

"Annual Statutory Meeting" means a meeting of Councillors for the purpose of electing the Mayor, Deputy Mayor, the appointment of delegates to Special Committees and other organisations; and any other matters referred to such meeting by the Council;

"Authorised Officer" means a person appointed as such under section 224 of the Act;

"Chairperson" means the chairperson of any meeting, and includes any acting or substitute chairperson;

"Chief Executive Officer" means the Chief Executive Officer of the Council;

"Committee" means a special committee and/or an advisory committee of the Council;

"Council” means the Cardinia Shire Council;

"Councillor" means a person for the time being holding office as a Councillor of Council;

"day" means a day which is not a Saturday, Sunday or public holiday in the Municipal District;

“Deputy Mayor” means the person for the time being elected as Deputy Mayor in accordance with Clause 75 of this Local law.

"Gallery" means members of the public who are in attendance at the Council meeting;

"General Manager" means a member of the Council staff responsible for one or more departments or sections of Council who reports directly to the Chief Executive Officer;

"Mayor" means the person for the time being holding the office of Mayor of the Council and includes any person from time to time acting as Mayor;

"Meeting" includes ordinary, special and Annual Statutory meetings of the Council and of special committees;

"Municipal District" means the municipal district of the Council;

"Offence" includes any wilful act or default contrary to any of the provisions of this Local Law;

"Ordinary Meeting" means an ordinary meeting of the Council;

"Penalty Unit" has the same meaning as in the *Sentencing Act* 1991, so that, when this Local Law was made, one penalty unit amounted to $100;

"public holiday" means a public holiday appointed in accordance with the *Public Holidays Act* 1993;

"Senior Officer" has the same meaning as in the Act;

"Special Meeting" means a special meeting of the Council;

"Urgent Business" has the meaning assigned to it by clause 25.2; and

"Visitor" includes any person other than a Councillor or member of Council staff engaged upon Council business.

PART 2 – COUNCIL MEETING PROCEDURE

**Division 1 – Quorums, Convening Meetings and Structuring Meetings**

1. Quorum for Ordinary, Annual or Special Meetings

A quorum for an Ordinary Meeting, Annual Statutory Meeting or Special Meeting or a call of the Council Meeting will be a majority of the number of Councillors.

If a quorum is not present within 30 minutes of the time appointed for the commencement of a meeting,

* 1. the meeting lapses;
  2. the Mayor must convene another Council meeting and ensure that the agenda for it is identical to the agenda for the meeting which has lapsed; and
  3. the Chief Executive Officer must give notice of the meeting convened by the Mayor to all Councillors (other than to a Councillor who has been granted leave of absence in accordance with Section 69 of 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 the leave of absence).

If a quorum is lost after a meeting has commenced, the Chairperson must adjourn the meeting, and then reconvene the meeting within 30 minutes after it was adjourned, in which case:

* 1. if a quorum is then present the meeting resumes; or
  2. if a quorum is not then present and if, after using his or her best endeavours to regain a quorum, the Chairperson is unsuccessful, the Chairperson must announce that the meeting has lapsed. In this event, the meeting lapses and the undisposed of business must, unless it has already been disposed of at another meeting, be included in the agenda for the next Ordinary Meeting.

Despite the loss of a quorum the business transacted at the meeting to that point remains valid and capable of being acted upon.

1. Quorum for Special Committee or Advisory Committee

A quorum for a Special Committee Meeting (exercising delegated power) and an Advisory Committee will be as determined by the Council when appointing the Special Committee or Advisory Committee, in the absence of which a majority of the number of positions comprising the Special Committee or Advisory Committee be required.

If a quorum is

* 1. not present within 30 minutes of the time appointed for the commencement of a meeting; or
  2. lost after a meeting has commenced,

the provisions of clause 6 will apply, with all modifications and adaptations.

1. Notice of Meetings and Reports

The Chief Executive Officer must give notice of Ordinary and Special Meetings and Committee meetings, together with agendas and all reports accompanying the same, by delivering them so as to reach each Councillor at least two (2) clear days before the time fixed for the holding of the meeting.

1. Ordinary Meeting Business

No business will be considered at an Ordinary Meeting unless it appears on the agenda or in any report accompanying the same, or it is business which has arisen since the preparation of the agenda and reports, is of such importance that a decision of the Council cannot be delayed, is submitted to the Council either in writing or is read by a member of Council staff in the form of a supplementary agenda or report so that it may be incorporated in the minutes, and which the Council resolves to be urgent.

1. Order of Business

The order of business at an Ordinary Meeting must be as follows, or as near thereto as practicable, but for the greater convenience of the Council at any particular meeting, it may be altered by resolution to that effect:

10.1 Opening & Prayer;

10.2 Traditional owner’s acknowledgement;

10.3 Apologies;

10.4 Adoption and confirmation of minutes of previous meetings;

10.5 Declaration of any interest of any Councillor;

10.6 Ordinary Business;

10.7 Reports or Minutes of Committees;

10.8 Reports by Councillors

10.9 Presentation of Petitions;

10.10 Notices of Motion;

10.11 Community Question Time;

10.12 Urgent Business

10.13 Councillor Question Time;

10.14 Confidential Business;

1. Declaration of Interest

Any declarations of interest must be made in accordance with the Order of Business, with details of the interest provided to the Chairperson in writing.

1. Special Meeting Business
   1. The Mayor, Chief Executive Officer or at least four Councillors may by a written notice call a Special Meeting.
   2. The notice calling the Special Meeting must list the business to be considered and state the date, time and venue for the holding of the Special Meeting.
2. Special Meetings
   1. The order of business at Special Meetings will be as it appears on the notice unless the Council by resolution at any particular meeting changes the order of business.
   2. Despite the requirements of clause 8, the Chief Executive Officer is not required to send the agenda for a special meeting so that it is received two (2) clear days before the meeting if in the circumstances it is not practicable to do so.

**Division 2 – Motions and Amendments**

1. Content of Motion or Amendment

A motion or amendment must be:

* 1. within the Council's functions and powers;
  2. relevant to an item of business properly before the meeting;
  3. clear and unambiguous; and
  4. neither defamatory nor objectionable in language or nature.

1. Motion of same effect as negatived motion

A motion to the same effect as any motion which has been negatived by the Council must not again be entertained within a period of three (3) months of the motion being so negatived.

1. Motion Lapses and No discussion if not seconded

A motion or amendment which is not seconded shall lapse; and no motion or amendment shall be discussed or put to the vote until it is seconded, except that a Councillor may require compliance with any of the provisions of this Local Law by drawing the Chairperson's attention to any breach thereof.

1. Limitation on speaking times

Except by leave of the Chairperson in any particular case to grant an extension of time, no Councillor shall speak or seek clarification of any question for a longer period than –

|  |  |
| --- | --- |
| The mover of a motion | for five (5) minutes |
| Any other Councillor | for three (3) minutes |
| The mover of a motion exercising a right of reply | for two (2) minutes |

provided that no Councillor, when speaking, may be interrupted, except by the Chairperson or upon a point of order (in which case the period allowed shall be extended accordingly).

1. Right of Reply

The mover of every original motion at any meeting of the Council but not of any amendment will (even if that person has spoken on any amendment to such original motion) have a right of reply to be exercised at the conclusion of the debate, (including debate on any such amendment). Except for this, no Councillor will be allowed to speak more than once on the same question, unless permission is given by the Chairperson to explain or unless for the purpose of calling the attention of the Chairperson to a point of order. For the purposes of this clause, a motion will be deemed to be an original motion, even although any amendment to it has been carried.

1. Proposal of and Discussion on Amendment

Any Councillor, except the mover or seconder of the original motion, may propose or second an amendment. Any Councillor may address the meeting on an amendment, whether or not that Councillor has spoken to the motion; a Councillor who has spoken on a motion without moving an amendment must not subsequently propose an amendment to that motion, except by leave of the Council.

1. Successive Amendments

No Councillor may move more than two (2) amendments in succession.

1. Withdrawal of Motion or Amendment

No motion or amendment can be withdrawn without the consent of the meeting.

1. Lodgement of Notice of Motion

All notices of motion, other than those relating to revocation or alteration of a previous resolution, must be signed and given by the intending mover to the Chief Executive Officer in sufficient time before the next meeting of the Council to permit the Chief Executive Officer to give at least three (3) clear days notice of them to all Councillors. The Chief Executive Officer must number all notices of motion and enter the same in the Notice of Motion File in the order in which they were received.

1. Absence of Mover and Notice of Motion

A Councillor who has given a notice of motion, but who will be absent from the meeting at which the motion is to be considered, may ask the Mayor or Chief Executive Officer to inform the meeting of the reasons for his/her absence and of the Councillor's desire that the motion be held over until the next Ordinary Meeting.

1. Deliberations upon Notice of Motion

Notwithstanding Clause 23, if a Councillor who has given notice of motion:

* 1. is absent; or
  2. does not move the motion

when it is called by the Chairperson, any other Councillor may move it forthwith, or move to defer consideration of it, but if the motion is not so moved it will be deemed to have been withdrawn.

1. Urgent Business

25.1 A motion which is not listed on the agenda can only be considered as Urgent Business.

25.2 A motion can only be considered as Urgent Business if

25.2.1 it relates to or arises out of a matter which has arisen after the deadline for lodgement of motions with notice;

25.2.2 it cannot safely or conveniently be deferred until the next Ordinary Meeting; and

25.2.3 the Council resolves to admit it as Urgent Business.

1. Rescission Motion

A proposed motion contrary to a resolution previously adopted by the Council, but not acted upon in whole or in part, must not be considered until the previous resolution with which it is inconsistent has been rescinded or altered following notice of motion to such effect.

1. A notice of motion to rescind or alter a previous resolution

A notice of motion to rescind or alter a previous resolution:

* 1. must be dated and signed by both the intending mover and the intending seconder and lodged before the motion to which the rescission motion relates has been acted on;
  2. given by the intending mover to the Chief Executive Officer in sufficient time before the next meeting of Council to enable the Chief Executive Officer to give at least two (2) clear days notice to all Councillors;
  3. will be deemed withdrawn if not moved at the next meeting at which such business may be transacted; and
  4. if it is a second or subsequent notice to rescind or alter an earlier resolution, must not be accepted by the Chief Executive Officer until a period of one month has elapsed after the date of the meeting at which the first or last motion of revocation or alteration was dealt with.

1. Majority required for successful motion

A motion to rescind or alter a previous resolution must be passed by a majority of the Councillors.

**Division 3 – Debate**

1. Withdrawal of remark and apology

The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, offensive, abusive or objectionable in language or substance and a Councillor required to withdraw a remark must do so immediately and make an apology to the meeting.

1. Refusal to apologise

Any Councillor having been required by the Chairperson to withdraw a remark and apologise under Clause 29 and refusing to do so will be guilty of an offence.

1. Interruptions to Speaker

A Councillor may be interrupted by the Chairperson or upon a point of order, at which time the Councillor must resume his/her seat (if applicable) and remain silent until the Chairperson has ceased speaking or the point of order has been disposed of.

1. Suspensions and Removal
   1. The Chairperson may suspend from a meeting any Councillor whose actions have disrupted the business of the Council and have impeded the orderly conduct of the meeting.
   2. The duration of any suspension effected under clause 32.1 will be in the Chairperson's discretion but must not exceed the balance of the meeting.
   3. The Council may resolve to ask any Authorised Officer to remove from the chamber any Councillor who has been suspended under clause 32.1 but who has refused or neglected to leave the chamber.
2. Chairperson may address meeting

The Chairperson may address any meeting upon any matter under discussion, and will not be deemed to leave the chair on such occasions.

1. Voting

The Chairperson must put the question to the Council first in the affirmative then in the negative, and thereupon announce the result which will be recorded in the minutes.

1. Divisions
   1. Immediately after a vote is taken, the Chairperson or any Councillor may demand a division. In that event, the vote already taken will be treated as a nullity and the question will be decided on the division.
   2. A division will be taken by those voting in favour of the motion or amendment standing and remaining standing until their names are recorded by the Chief Executive Officer. After their names are so recorded, they will resume their seats and those voting against the motion or amendment will then stand and remain standing until their names are recorded by the Chief Executive Officer.
   3. The Chairperson must declare the result of the division as soon as it is taken.

**Division 4 - Miscellaneous**

1. Grounds for Points of Order

A point of order may be taken on the grounds that the matter objected to is:

* 1. in contravention of this Local Law;
  2. defamatory, disloyal, irrelevant, irreverent, obscene, ambiguous or obscure; or
  3. not within the powers or functions of the Council.

1. Chairperson to take Point of Order

The Chairperson may take a point of order although it has not been taken by any Councillor.

1. Meeting adjournment to consider Point of Order
   1. The Chairperson may adjourn the meeting to consider a point of order, but must otherwise rule upon it as soon as it is taken.
   2. The Chairperson must give reasons for his or her ruling.
2. Disagreement with Chairperson's ruling
   1. Other than a ruling made by the Chairperson under Clause 42, any Councillor may move a motion that the Chairperson's ruling be disagreed with.
   2. A motion to disagree with the Chairperson's ruling:
      1. must specify the ruling to be substituted for the Chairperson's ruling;
      2. must be considered in priority to any other business; and
      3. if carried, shall be acted upon instead of the ruling given by the Chairperson.
3. Lodgement of Question upon Notice from Councillors
   1. A question upon notice must be in writing delivered to the Chief Executive Officer not less than four (4) hours prior to the scheduled time of any Ordinary Meeting.
   2. The Chief Executive Officer must, as far as it reasonably practicable, distribute the text of any question lodged in accordance with clause 40.1 to every Councillor present at the Ordinary Meeting prior to the commencement of that meeting.
   3. The Chairperson, Councillor or senior officer who is asked a question upon notice must answer that question at the meeting if he or she is able to do so.
   4. If the Chairperson or Councillor is unable to provide an answer to the question upon notice at the meeting at which it is asked, he or she must answer the question at the next available meeting.
   5. If a senior officer is unable to provide an answer to a question upon notice at the meeting at which it is asked, the senior officer shall provide and circulate to all Councillors a written answer as soon as is practicable, but in any event not later than five business days after the meeting. The written answer must then be reproduced in the minutes of the Ordinary Meeting immediately following the meeting at which the relevant question was asked.
4. Period available for Questions

All questions and answers must be as brief as possible, provided that the Chairperson may, at his discretion, limit to not more than five (5) minutes the time allotted to any one Councillor for question time .

1. Disallowance of Questions

A question may be disallowed by the Chairperson upon the ground that it:

* 1. relates to a matter exceeding the powers of the Council;
  2. is defamatory, disloyal, indecent, irreverent, abusive or objectionable in language or substance;
  3. is intended to embarrass or denigrate a senior officer; or
  4. is repetitive of a question already answered (whether at the same or an earlier meeting).

1. Answer when the Meeting is Closed to Members of the Public

The Chairperson may direct that the answer to any question be given when the meeting is closed to members of the public in accordance with Section 89(2) of the Act.

1. Confirmation of Minutes

The minutes of a Council meeting must be tabled and confirmed at the next appropriate meeting of the Council.

1. Copies of Minutes to Councillors

Where minutes are to be confirmed at the next meeting, a copy of them must be made available to each Councillor at least two (2) clear days prior to the meeting at which the minutes are to be confirmed.

1. Discussion only as to Accuracy

No discussion must be permitted on the minutes except as to their accuracy as a true record of the meeting and the minutes must be signed by the Chairperson of the meeting at which they are confirmed.

**Division 5 – Visitors and Behaviour**

1. Visitors admitted with exception

Visitors will be admitted to Special, Ordinary and Committee meetings unless they are excluded for disorderly conduct or the Council resolves in accordance with Section 89(2) of the Act that the meeting be closed to members of the public.

1. Visitor Behaviour

Visitors must not move about, interject, applaud, converse or take part in the debate or otherwise create a nuisance at meetings and silence must be preserved in the gallery during any debate and while any vote is being taken.

1. Not to use recording equipment or take photographs

Visitors (including media representatives) may not use audio or video recording equipment or take photographs without the consent of the Council.

1. Eviction

If any visitor is called to order by the Chairperson because of behaviour which breaches clause 49, and thereafter again behaves in a manner which breaches clause 49 of this Local Law -

* 1. the Chairperson may request a member of Council staff or member of the Victoria Police to remove that person from the gallery; and
  2. the Council may resolve to ban that person from attending meetings of the council for a period up to 3 months for a first offence and for a period up to 12 months for any subsequent breach of clause 49, and
  3. that person is guilty of an offence

1. Adjournment because of disorder

If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn any meeting, he/she may adjourn it to a later time in the same day or to a later day as he/she thinks proper.

**Division 6 – Community Question Time**

1. Period for Gallery Questions

Questions from the gallery may be permitted at Ordinary Council meetings and will be limited to a period of 15 minutes at each meeting.

1. Time for consideration of Questions

Notwithstanding clause 10, the Chairperson may, upon the request of any person, defer questions from the gallery to a later time in the meeting if it is desirable or convenient to do so.

1. Chairperson may reject question

The Chairperson may withhold or refuse to deal with any question from the gallery.

1. Procedure
   1. Questions must be received by the Chief Executive Officer no later than midday on the day of the meeting.
   2. The Chief Executive Officer or another member of Council staff nominated by him/her must read each question received.
   3. The questioner must be present in the gallery for the question to be read and answered.
2. Councillor may be assisted

A Councillor who has been asked a question from the gallery may call on any member of Council staff or another Councillor to assist in the answering of such question.

1. Reply to subsequent meeting

Any Councillor or member of Council staff to whom a question is directed will have a right to reply to a subsequent meeting of the Council.

1. Multiple Questions

Where there are multiple questions from a member of the gallery, answers to second or subsequent questions may, at the discretion of the Chairperson, be deferred until questions from other members of the gallery have been responded to.

1. Supplementary Questions

At the discretion of the Chairperson, a member of the gallery whose question has been answered may be permitted to ask a supplementary question if that question is designed to clarify the answer given. Any such supplementary question will not be a multiple question for the purposes of clause 58.

1. No debate

Questions from the gallery and responses to them must not be debated.

**Division 7 - Consequential**

1. Meeting Closing Time

The Council may, by resolution, fix a closing time for each Council and committee meeting, and may by resolution extend the closing time.

1. Reports and Correspondence not to be read in full

No reports or correspondence will be read in full at any meeting unless the Chairperson or a Councillor requests that any particular item or items be so read.

1. Personal Explanations

A Councillor or member of Council staff may at any meeting of the Council make a brief personal explanation in respect of any statement made affecting the Councillor or member of staff (as the case may be).

1. Timing of Personal Explanation

A personal explanation arising out of a statement made at a meeting of the Council must be made as soon as is practicable after the speaker making the statement concludes. A personal explanation arising out of a statement made or published elsewhere must be made at a meeting of the Council at such time as is determined by the Chairperson.

1. No debate on Personal Explanation

A personal explanation must not be debated except upon a motion to censure the Councillor or member of Council staff who has made it.

1. Suspension of Standing Orders

Any one or more of the clauses of this part may be suspended for a particular purpose by a majority vote of the Councillors present at any Ordinary or Special meeting; such clauses will remain suspended until a further motion to "resume standing orders" is moved and carried.

1. Official Titles to be used

Councillors in a meeting must designate each other and members of Council staff by their official titles.

1. Resort to Parliamentary Procedures

In all cases not provided in this part, regard shall be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament, which must be followed so far as the same are applicable to the proceedings of the Council. In the event of a dispute or difference as to what the Standing Orders or Rules of Practice provide, the Chairperson's ruling will be final and conclusive.

1. Chairperson to determine if no procedures

In all matters not provided for in clause 68, the Chairperson must determine the procedure to be adopted.

1. Penalty for Offences

Every person guilty of an offence pursuant to this Part will be liable to a penalty not exceeding **10 penalty units** for each and every offence.

PART 3 – ELECTION OF MAYOR

1. Purpose

The purpose of this Part is to regulate proceedings for the election of Mayor.

1. Procedure for election of Mayor
   1. Councillors must elect a Councillor to be the Mayor.
   2. The Mayor is to be elected at the Annual Statutory Meeting, and held:
      1. after the fourth Saturday in October but not later than 30 November in each year; or
      2. as soon as possible after there occurs a vacancy in the office of the Mayor.
   3. Any Councillor is eligible for election or re-election to the office of Mayor.
   4. Until the Mayor is elected, the Chief Executive Officer will be the temporary Chairperson and Returning Officer of the meeting at which the election of Mayor is to be conducted but will have no voting rights.
   5. The election of Mayor is to be in accordance with the following procedure:
      1. The Returning Officer must invite nominations for the office of Mayor.
      2. If there is only one nomination (which must be seconded), the candidate nominated is deemed to be elected.
      3. If there is more than one nomination (each of which must be seconded), the Councillors present at the meeting must vote by show of hands for one of the candidates.
      4. If a candidate receives an absolute majority of the votes, that candidate is declared to have been elected.
      5. If no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates by a further show of hands. This procedure shall continue until one of the candidates has an absolute majority.
      6. In the event of two or more candidates having an equality of votes and one of them having to be declared:
         1. a defeated candidate; or
         2. duly elected

the result must be determined by lot.

* + 1. If a lot is conducted, the Returning Officer has the conduct of the lot.

1. Mayor to take Chair
   1. After the election of the Mayor is determined, the Mayor must take the Chair.
   2. The Mayor must take the Chair at all Ordinary and Special meetings at which he or she is present.
   3. If the Mayor is absent from an Ordinary or Special Meeting of Council, the Chief Executive Officer must take the Chair and invite nominations from the Councillors present for a temporary Chairperson. If there is more than one nomination the Chief Executive Officer will act as Returning Officer for the election of a temporary Chairperson.
2. Election of Deputy Mayor and Temporary Chairperson

The procedure for the election of a Deputy Mayor or a temporary Chairperson is to be the same as the procedure under clause 72 for the election of Mayor.

PART 4 – COMMON SEAL

1. Purpose

The purpose of this Part is to regulate the use of the common seal and prohibit unauthorised use of the common seal or any device resembling the common seal as required by section 5(3)(c) of the Act.

1. Who keeps the common seal

A General Manager nominated by the Chief Executive Officer must keep the common seal in safe custody.

1. Signatures to accompany common seal

Every document to which the common seal is affixed must be signed by the Chief Executive Officer and a Councillor.

1. Affixing the common seal
   1. The common seal may be affixed to a document for the purpose of giving effect to a decision:
      1. made by Council resolution;
      2. made by resolution of a Special Committee composed solely of Councillors;
      3. made by resolution of a Special Committee under delegation; or
      4. made by the Chief Executive Officer under delegation.
   2. The Chief Executive Officer must ensure that there is kept a common seal register which records, for each time the common seal is affixed to a document:
      1. a description of the document to which the seal was affixed; and
      2. the date on which the common seal was affixed;
2. Unauthorised use of the common seal

A person who uses the common seal or any device resembling the common seal otherwise than in accordance with this Local Law is guilty of an offence.

**Penalty: 10 penalty units.**

PART 5 – ENFORCEMENT

1. Infringement Notices
   1. If it considers that a person has committed an offence against this Local Law, the Council may, as an alternative to prosecution, resolve that the person be given notice of the alleged breach and the circumstances alleged to constitute the breach.
   2. The person must then be given a reasonable opportunity to make submissions to the Council on whether –
      1. the person has breached this Local Law; or
      2. if the person has breached this Local Law, the breach should be the subject of further action by the Council.
   3. Following
      1. the consideration of any submission made by the person; or
      2. the lapse of a reasonable time after the person was given an opportunity make submissions to it (whichever occurs sooner), the Council may direct an Authorised Officer to serve an infringement notice on that person.
   4. An infringement notice must state –
      1. the name of the person;
      2. the nature of the alleged breach;
      3. the date, time and place of the alleged breach;
      4. the amount of the fixed penalty;
      5. the time within which it must be paid to avoid prosecution, and the place to pay it; and
      6. that the person is entitled to disregard the notice and defend the prosecution in court.
   5. To avoid prosecution, the person must pay to the Council the amount of five (5) penalty units within 28 days.

This Local Law was made by Resolution of the Cardinia Shire Council on **18 February 2019**

Public notice of the making of this Local Law appeared in the ***Pakenham Gazette*** on **13 March 2019** and the ***Victoria Government Gazette***on **28 February 2019.**