

AGENDA

ORDINARY MEETING OF THE
HORSHAM RURAL CITY COUNCIL

on

16 July 2018

5.30pm

at

Civic Centre

HORSHAM

COUNCILLORS are respectfully requested to attend the Ordinary Meeting of the Horsham Rural City Council to be held in the Municipal Chambers, Civic Centre, Horsham at 5.30pm on 16 July 2018.

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CLOSE



SUNIL BHALLA

Chief Executive Officer

1. READING OF PRAYER AND THE ACKNOWLEDGEMENT OF COUNTRY STATEMENT**2. WELCOME TO DISTINGUISHED GUESTS OR PERSONS IN THE PUBLIC GALLERY**

The public are advised that the Council meeting will be recorded to maintain an audio archive.

3. APOLOGIES AND REQUEST FOR LEAVE OF ABSENCE**4. CONFIRMATION OF MINUTES AND SIGNING THEREOF**

MINUTES OF AN ORDINARY MEETING OF THE HORSHAM RURAL CITY COUNCIL HELD IN THE MUNICIPAL CHAMBERS, CIVIC CENTRE, HORSHAM AT 5.30PM ON 2 July 2018

5. DISCLOSURE OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

A Councillor who has a conflict of interest and is attending the Council meeting must make a full disclosure of that interest.

(a) by either –

- (i) advising the Council at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or
- (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and

(b) classifying the type of interest that has given rise to the conflict as either –

- (i) a direct interest under 77B; or
- (ii) an indirect interest and specifying the particular kind of indirect interest under:

Section 78 – close association

Section 78A – financial interest

Section 78B – conflicting duties

Section 78C – receipt of an applicable gift

Section 78D – consequence of becoming an interested party

Section 78E – impact on residential amenity; and

- (c) describing the nature of the interest; and
- (d) if the Councillor advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

Members of Staff

Under Section 80C of the Local Government Act 1989, officers or people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.

6. PUBLIC QUESTION TIME

7. OTHER BUSINESS

7.1 RESUMPTION OF DEBATE ON THE MOTIONS FROM PREVIOUS MEETING

NIL

7.2 RECEPTION AND READING OF PETITIONS, MEMORIALS, JOINT LETTERS AND DEPUTATIONS

NIL

7.3 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NIL

7.4 COUNCILLORS QUESTIONS WITH NOTICE

NIL

7.5 ORDERS OF THE DAY

NIL

8. OTHER REPORTS

8.1 ASSEMBLY OF COUNCILLORS – RECORD OF MEETINGS

Council briefing meeting held on Monday 9 July 2018 at 5.00pm in the Council Reception Room.

Refer to **Appendix “8.1A”**.

8.2 SEALING OF DOCUMENTS

Transfer of lease 13 Mason Drive, Horsham Aviation Services to Brownlee and Woods Flying Services.

Recommendation

That Council note the Assembly of Councillors’ – Record of Meetings and Sealing of Documents.

8.3 INWARD CORRESPONDENCE

NIL

8.4 COUNCIL COMMITTEE MINUTES

8.4.1 Horsham Regional Art Gallery Advisory Committee meeting held on Thursday 5 July 2018 at 5.15pm in the Handbury Education Centre, Horsham Town Hall, Wilson Street, Horsham.

Refer to **Appendix "8.4A"** for copy of minutes.

9. COUNCILLORS' REPORTS

10. OFFICERS REPORTS

10.1 PETITION ON RATING DIFFERENTIALS

G Harrison File Ref: F27/A01/000001

Purpose

To discuss the petition received at Council's Special Meeting on 25 June 2018, regarding rating differentials.

Background

A. Current Situation

At the Special Council meeting on 25 June 2018 a petition containing 76 signatures was presented to Council with the following demand: "That Councillors of Horsham Rural City Council adjusts the rating differential to ensure each rateable category shares the increased rate burden for the 2018-19 budget". **Appendix "10.1A"**

At the special meeting, Council resolved to adopt the 2018-19 Budget and Rating Strategy as presented and to not make any changes to the farm differential or introduce any further differentials.

Throughout the 28-day statutory submission period, Council received eight submissions with respect to the budget of which two were in relation to the issue of the farm differential.

The petition raises the issue of the distribution of the rates burden across the community and particularly the increase in rates for the farm sector 11.8% in 2018-19, relative to that of the residential sector -0.6%. The petition called upon Council to consider the equity and fairness of the situation.

B. Fairness and Equity

The matter of fairness and equity within a rating system that is based on property values is a complex matter. A rating strategy should be modified and amended on the basis of the consideration of all principles within the strategy and not just a response to a single item.

Current Victorian legislation originates from the *English Ratings Act*, including the *Poor Relief Act 1601*, the *Poor Rate Act 1801* and the *Rating and Valuation Act 1925*. It is the accepted philosophy that "property" benefits in a particular way from the services provided by local government, and therefore "property" should contribute to the cost of local government.

Council Objectives in the Local Government Act 1989 (The Act):

- Section 3C (2) (f) require the “equitable imposition of rates and charges”.
- Section 136 (2) (b) requires Council to pursue spending and rating policies that are consistent with a “reasonable degree of stability in the level of rates burden”.
- Section 3C (1) requires Council to have regard to the “long term and cumulative effects of decisions”

As rates are based on property values it is essentially a wealth based tax. There is a direct relationship between property holdings and disadvantage – less wealthy people tend to own lower valued properties. Property owners with higher valued assets generally have a greater capacity to pay.

The stability of the rates allocations are impacted currently every two years when property values are adjusted to reflect the movement in values within the municipality (this will move to yearly from 2018-19).

Issues of fairness and equity are judgemental in nature, complex and subjective.

There are a number of key aspects of equity that need to be considered:

Horizontal equity - ratepayers in similar situations should pay similar amounts.

Vertical equity – the view that those better off should pay more than those worse off.

Benefit principle points to the fact that some groups may have more access to Council services.

Capacity to pay principle is that some will have a greater or lesser capacity to pay the assessed rates, particularly as property value is unrealized wealth and a ratepayer may be asset rich and cash poor.

Council through its Rating Strategy must strike a balance between the various competing objectives particularly of horizontal and vertical equity. How that balance is achieved between these competing and conflicting objectives is largely a political decision (there is no clear right or wrong) and needs to take into account the views and opinions of the community.

Council’s Rating Strategy lists the following 21 policy positions that Council considers in determination of its Rating Strategy, each of these in one way or another impact on the issue of fairness in the distribution of the rate burden:

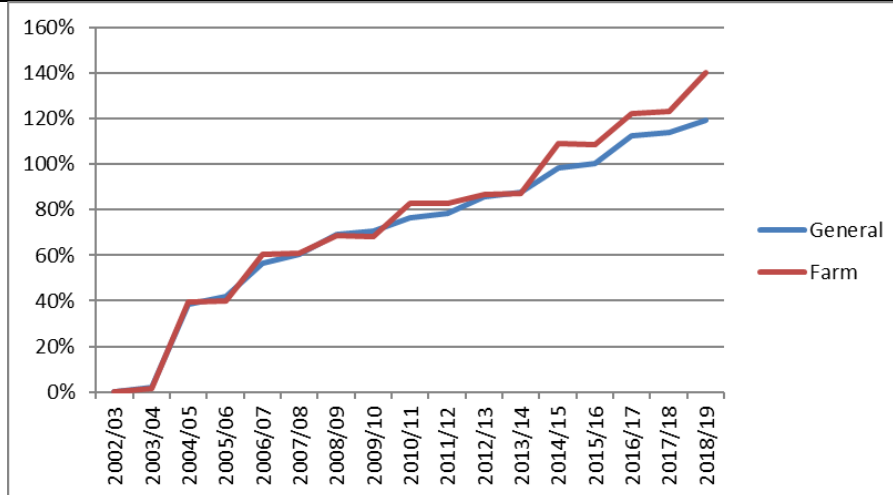
1. Horizontal Equity – to ensure that people in similar economic circumstances are treated similarly
2. Vertical Equity – the amount of tax to be paid varies in accordance with an individuals economic circumstances
3. User pays Principle – (benefit principle) Some groups may have more access to Council services
4. Capacity to Pay – some groups may have a greater or lesser capacity to pay ie asset rich but income poor

5. Charitable Rate Exemptions – certain category of properties may be exempt from rates under Section 154 of the Local Government Act
6. Flat Municipal Charge – recognition of the fact that that all properties have an obligation to contribute to the basic operations of Council
7. Cultural & Recreational Exemptions – Cultural & Recreational Lands Act 1993 provides capacity for rate exemptions
8. Valuation Method – Council has the option to consider rating on the basis of Capital Improved Value, Site Value or Net Annual Value
9. Classification of farming assessments – how do properties qualify as farming properties
10. Supplementary Valuations – how and when supplementary valuations are undertaken during the year
11. Deferments, Discounts and/or Waivers – Council has a separate policy to address these matters from Section 169, 170 & 171 of the Local Government Act.
12. Rebates & Concessions – may be offered under Section 169 of the Local Government Act.
13. Differential Farm Rates – A differential must be considered for farm land under Ministerial Guidelines but must be carefully considered for dryland farming
14. Differential for Retirement Villages - A differential must be considered for retirement villages.
15. Differential for other classes of land use – other differentials may be offered within the Ministerial Guidelines
16. Differential for Geographic Reasons – may be considered within the Ministerial Guidelines
17. Garbage & Recycling Services – the service is charged on a user pays basis as it can clearly be tagged to those that use it
18. Special Rates & Charges – can be used wherever appropriate
19. Payment Options and Interest Charges – Council must offer quarterly payments, but lump sum payments are optional, interest may be charged on overdue payments.
20. Early Payment Discounts – Council may offer early payment benefits
21. Rating of Charitable Retail Premises – Section 154 of the Local Government Act requires these to be rated.

Issues

Historical valuations

During the 2018 Revaluation farm values increased overall by \$229.4 million (17.2%) or \$106,232 on average for each farm assessment, indicating a substantial increase in asset wealth. By contrast over the same period residential values rose \$96.1 million (4.2%) or \$10,459 on average per residential assessment. The following graph depicts the movement in valuations of the farm sector relative to the general sector:



In 2014-15 the farm sector rose above the general sector but unlike previous years the general sector has not caught up with this rise. In 2014-15 Council increased the differential by 10% to 80% following an extensive review of the rates strategy and undertaking extensive modelling.

Comparative Analysis

Some analysis has been undertaken following the adoption of Council budgets in order to demonstrate where Horsham Rural City Council (HRCC) sits within the western portion of the state. 13 other councils have been looked at: Moyne, Pyrenees, Colac, Northern Grampians, Corangamite, Ararat, Southern Grampians, Yarriambiack, Glenelg, Hindmarsh, Swan Hill, Mildura and Buloke. (West Wimmera is excluded as they only have a single general rate and do not provide separate Farm Sector information in their budget document and Warrnambool is excluded as it is largely non-farming).

- Farm Valuations - Increases in farm values for the 2 year period ranged from 3.9% up to 49.4% with an average of 18.55% (HRCC was 17.2%)
- Farm Differentials - There are differentials for the farm sector that range between 47% and 100% (ie no differential). Only five councils chose to change differentials following their budget consultation periods in 2018-19, and the average change was 7.6%. With one council decreasing the differential by 18% and others 2%, 4.8% 5% & 8%. The average differential is 81.12% (HRCC is 80%)
- Farm Rates in the dollar – These vary considerably across councils as they depend upon the levels of services delivered and relative land values. They do however directly impact on the amount of rates paid by an individual assessment. Farm rates in the dollar range from 0.2176 cents in the dollar to 0.6789. The average is 0.4272 and HRCC is 0.4109.

- The Municipal Charge (MC) – the higher the charge the more the rate burden is passed to lower valued properties. A high municipal charge also greatly benefits the farm sector who can claim an exemption from this where they have a single farm enterprise which is comprised of multiple assessments. HRCC's MC is the highest of all 14 councils at \$287 the average is \$137 with 3 Councils having no MC. The next highest charge to HRCC is \$199. (A \$287 MC roughly equates to a further 10% differential for the farm sector).
- Farm Rates on a \$1 million assessment (variable + MC excluding garbage charges and fire services levy) – in HRCC the rate bill would be \$4,213 the average for all 14 councils is \$4,409 with the highest being \$6,959 and the lowest \$2,437.
- % of Overall Rates – another matter that has been raised is the overall share of the rate burden that each sector pays, but this is greatly influenced by the make-up of each council – the number of towns versus farms, levels and standards of service and relative values. On average though the farm sector pays 44.8% of the total rates burden across the 14 councils. The lowest is 22.9% and the highest is 72.5%. For HRCC it is 30.4% and this has varied within a narrow band over the years being as low as 28.1% and as high as 31.0%.

Conclusion

The matter is not simple or black and white. Consideration and thought needs to be given to the relative questions of what is fair and what is not. Fairness is subjective and will differ depending upon an individual's view on matters. The question is essentially, whether it is "fair" to tax capital improved land values.

Adjusting the differential to maintain the status quo of the current percentage shares of the rates pie undermines the foundational principle that rates are based on property values which change over time.

Differentials may be adjusted or created but only after proper consideration and thoughtful consultation. A hastily made decision to amend and introduce new differentials based upon feedback from one sector outside the budget submission processes is not good governance, nor would it be "fair" for those that have not had the opportunity to comment on such a significant change.

Consultation/Communication

Council first introduced a farm differential in 1999-2000 of 95% of the General Rate. It then reduced the differential further in 2010-11 to 90%. The subsequent reduction to 80% was only made following an extensive review of the Rating Strategy in 2014-15 which involved detailed engagement with the community.

Council has not in the past made decisions to change or introduce differentials without due consultation with the community. Council considers that a change to a differential or the introduction of new differentials would be a material change to its Budget and would therefore require further consultation with the broader community under Section 223 of the Local Government Act, to ensure principles of natural justice are followed. Refer to ***Confidential Briefing Paper*** for legal advice on this matter.

Council plans to undertake a detailed review of the Rates Strategy in 2018 in time for consideration in the 2019-20 budget cycle. A draft Rates Strategy Project Brief is being prepared. The review will engage an independent consultant to undertake the task and will also involve input from a proportionate number of ratepayers from all sectors within the municipality.

Financial

A significant change to budgeted expenditure or rate differentials would constitute a material change in the budget and trigger the requirement for Council to produce a revised budget in accordance with Section 128 of the Local Government Act.

Recommendation

That Council:

1. Note the impact of the significant increase in farm valuations relative to residential values and the impact that has on rates.
2. Note the legal advice that any amendment to Council's rating structure be deferred until next year's budget to ensure that good strategic and financial planning practices can be implemented.
3. Reaffirm its commitment to undertake a detailed review of its Rates Strategy (including the level of the farm differential) prior to the preparation of the 2019-20 Budget.

10.2 REVIEW OF LOCAL LAW NO 1 GOVERNANCE – MEETING PROCEDURE

S Bhalla

File Ref: F25/A03/000001

Purpose

To propose amendments to the Horsham Rural City Council Local Law No 1 Governance – Meeting Procedure.

Background

Local Law No 1 Governance – Meeting Procedure prescribes the manner in which Council and Special Committee proceedings are conducted to ensure orderly and efficient activities.

The meeting procedure was originally adopted by Council on 1 February 2016. A revised procedure to incorporate a number of changes including the commencement of audio recordings of meetings was subsequently adopted on 6 November 2017.

Issues

On 13 June 2018, Councillors and Directors participated in a workshop facilitated by Terry Bramham from Macquarie Local Government Lawyers, to further review the meeting procedure.

A number of issues were discussed in the workshop and a copy of the meeting procedure with the proposed changes highlighted in track changes is attached to this report as **Appendix "10.2A"**. A clean copy of the meeting procedure is attached as **Appendix "10.2B"**. The majority of changes relate to Part C.3 – Councillor Reports and Acknowledgments and Part E – Motions and Debate.

The process by which Council may amend this procedure is much simpler than that required to change the local law but before it comes in to force the following must occur:

1. a notice of motion be given to Council to amend the procedure.
2. a formal notice published in the Government Gazette once amendments have been adopted, as per Section 112 (2) of the Local Government Act 1989.

Council at its ordinary meeting on 2 July 2018 received a Notice of Motion from Cr Mark Radford and resolved "That Council having conducted a review of its Meeting Procedure (incorporated by reference in to Local Law No.1 – Governance), intends to amend the revised procedure at its meeting on Monday, 16 July, 2018."

Consultation/Communication

Terry Bramham facilitated the workshop with Councillors and Directors to review the Local Law No 1 Governance – Meeting Procedure. Terry is a lawyer with considerable expertise in this area. He has worked exclusively in Local Government Law for over 25 years.

Financial

There are no financial implications for Council as a result of the proposed amendments to Local Law No 1 Governance – Meeting Procedure.

Links To Council Plans, Strategies, Policies

2017-2021 Council Plan –
Goal 4 – Governance and Business Excellence
4.4 Achieve high standards of organisational performance

Human Rights

The Victorian Charter of Human Rights and Responsibilities requires Councils to act consistently with the human rights in the charter when developing policies, making laws, delivering services and making decisions. The proposed changes to Local Law No 1 Governance – Meeting Procedure are consistent with the charter.

Recommendation

That Council:

1. Adopt the revised Local Law No 1 Governance – Meeting Procedure as outlined in **Appendix “10.2B”**.
2. Publish a notice advising of the amendments to Local Law No 1 Governance – Meeting Procedure in the next Victorian Government Gazette in accordance with Section 112(2) of the *Local Government Act 1989*.
3. Note that the revised Local Law No 1 Governance – Meeting Procedure will come into effect immediately following publication in the Victorian Government Gazette.

10.3 FREQUENCY OF COUNCIL MEETINGS

S Bhalla

File Ref: F19/A06/000001

Purpose

To change the frequency of Horsham Rural City Council meetings.

Background

Ordinary meetings of the Horsham Rural City Council are currently held on the first and third Monday of each month (excluding January) commencing at 5.30pm. The formal decision making process of Council occurs through these meetings.

In addition, Councillor briefing meetings are held on the second and fourth Monday of every month (excluding January). These meetings provide an opportunity for Councillors and Officers to share information and engage in discussions around current issues and concerns. Draft Council reports are also presented at these meetings for discussion, feedback and review, prior to going up to a formal Council meeting. No decisions are made at the briefing meetings.

Issues

It is suggested that Councillors consider moving from two to one ordinary Council meeting per month. Monthly Council meetings could be held on the fourth Monday, with briefing meetings on the first and second Monday of each month. This would allow time for Officers to address issues, questions and concerns raised in briefing meetings and finalise reports prior to the Council meeting.

Preparation for Council meetings is labour intensive and sometimes there are minimal agenda items, largely due to the frequency of meetings. In the current rate capping environment, it is important that Council continues to find cost savings and ways in which it can work more efficiently, effectively and strategically across the organisation.

Fewer Council meetings with a more extensive agenda will mean significant savings and more efficient use of resources across the organisation. It will also improve the work/life balance for Councillors and staff.

It is proposed to implement the new meeting frequency in August 2018.

Meeting dates for the remainder of 2018 would be 27 August, 24 September, 22 October, 26 November and 17 December (due to Christmas day).

Consultation/Communication

Horsham Rural City Council is one of 31 Category 2 Councils across the State. A benchmarking activity (Refer **Appendix "10.3C"**) shows that only three Councils (including Horsham Rural City Council) hold two ordinary council meetings per month. The remaining 28 Category 2 Councils have one monthly meeting.

The 4 Wimmera regional Councils hold their ordinary meetings on the following days:

Northern Grampians Shire Council	First Monday of the month (no January meeting)
West Wimmera Shire Council	Third Wednesday of the month (no January meeting)
Yarriambiack Shire Council	Fourth Wednesday of every month
Hindmarsh Shire Council	First and third Wednesday of the month (no January meeting)

Financial

Significant cost savings and efficiencies will be achieved in moving from two to one ordinary Council meeting per month.

Links To Council Plans, Strategies, Policies

2017-2021 Council Plan:

Goal 4 – Governance and Business Excellence

4.2 Manage risk to the organisation

4.4 Achieve high standards of organisational performance

Recommendation

That Council:

1. Hold one ordinary Council meeting per month, commencing in August 2018.
2. Note that ordinary meetings of the Horsham Rural City Council will be held on the fourth Monday of every month at the Civic Centre commencing at 5.30pm.
3. Note that meeting dates for the remainder of 2018 will be 27 August, 24 September, 22 October, 26 November and 17 December (due to Christmas day).
4. Note that notice of the change to one ordinary Council meeting on the fourth Monday of every month will be provided to the public in accordance with *Local Law No 1 Governance (2017) Meeting Procedure*.

10.4 TENDER 18/019 – PROVISION OF STRATEGIC PLANNING SERVICES

A Murphy File Ref: 18/019

Recommendation

That Council refer this item to the confidential briefing part of the meeting to consider the report from the Director Community Services in accordance with Section 89(2) (d) contractual matters of the Local Government Act, 1989.

10.5 CONTRACT 18/027– PROVISION OF CONCRETE CRUSHING AND STOCKPILING, DOOEN LANDFILL

J W Hammond File Ref: 18/027

Recommendation

That Council refer this item to the confidential briefing part of the meeting to consider the report from the Director Community Services in accordance with Section 89(2) (d) contractual matters of the Local Government Act, 1989.

11. URGENT BUSINESS

APPENDICES

**COUNCIL BRIEFING HELD IN THE RECEPTION ROOM
ON MONDAY 9 JULY 2018 AT 5.01PM**

Present: Cr P Clarke, Mayor, Cr MA Radford, Cr J Koenig, Cr A Gulvin (from 5.08pm), Cr L Power, Cr J Robinson; Sunil Bhalla, Chief Executive Officer; Graeme Harrison, Director Corporate Services; Kevin O'Brien, Director Community Services; Angela Murphy, Director Planning and Economic; Martin Duke, Acting Director Technical Services; Anne Donovan, Community Development Manager (items 3.1 and 5 only); Terry Baker, Municipal Building Surveyor (item 3.1 only)

Apologies: Cr D Grimble (teleconferenced for items 3.2 and 3.3); John Martin, Director Technical Services

1. WELCOME AND INTRODUCTION

Cr Clarke welcomed everyone.

**2. DISCLOSURE OF CONFLICT OF INTEREST SEC 79, LOCAL GOVERNMENT ACT, 1989
(AS AMENDED)**

Nil.

3. DISCUSSIONS

3.1 Wesley Performing Arts Centre Update

Anne Donovan and Terry Baker provided an update on the history and current situation with the Wesley Performing Arts Centre.

3.2 Amendment to Meeting Procedures

Discussed.

3.3 Frequency of Council Meetings

Discussed.

4. FOR INFORMATION

4.1 River Road Roundabout

Discussed briefly.

5. WESLEY PERFORMING ARTS CENTRE COMMITTEE OF MANAGEMENT

In attendance: Simon Dandy, Jan Morris, Mary Dowsley, Mary-Lou Spehr, John Spehr, Val Carter, Mary Start

Discussed Wesley Performing Arts Centre.

Meeting adjourned for dinner 6.30pm

Meeting reconvened 7.00pm

6. COMMUNITY SATISFACTION SURVEY 2018 REPORT

In attendance: Mark Zuker, Managing Director, JWS Research

Mark Zuker discussed the 2018 Community Satisfaction survey.

5. CLOSE

8.10pm



MINUTES

Horsham Regional Art Gallery Advisory Committee

Thursday 5 July 2018 at 5.15pm

Handbury Education Centre, Horsham Town Hall, Wilson Street, Horsham

Attendees: Di Dale, Simone Dalton, Anne Donovan, Cr Alethea Gulvin, Adam Harding, Cheryl Linke, Marion Matthews, Kathy Newton (minutes), Rhonda Tursi

Apologies: Nil

Agenda Items:

1. Welcome

Adam welcomed everyone to the first meeting of the advisory committee.

2. Disclosure of Conflict of Interest - nil

3. Minutes of the previous meeting

On the motion of Cheryl Linke, seconded Di Dale, the minutes of the Horsham Regional Art Gallery Committee of Management meeting held 3 May 2018 as circulated with the agenda were received.

4. Election of Chair and Deputy Chair

Di Dale nominated Marion Matthews for the role of Chairperson of the Horsham Regional Art Gallery Advisory Committee. Nomination seconded by Rhonda Tursi. Marion agreed to the role and was duly elected.

Cheryl Linke nominated Di Dale for the role of Deputy Chairperson of the Horsham Regional Art Gallery Advisory Committee. Nomination seconded by Rhonda Tursi. Di agreed to the role and was duly elected.

5. Role of Advisory Committee

Discussion held based on Terms of Reference endorsed by Council 2 July 2018 and circulated with the agenda.

The following future agenda headings were agreed upon:

- Gallery Program and Engagement (Directors report – landscape style with narrative)
- Volunteers
- Trust
- Acquisition Committee
- Exhibitions
- Budget report
- Summary report to Council

6. Transition from Section 86 Committee to Advisory Committee

Discussed the changes. Adam advised he will provide an annual report for the 2017/18 financial year (as a Section 86 committee); he mentioned the report he prepares for Creative Victoria which is due next month.

In response to a member's question regarding whether the advisory committee has rules for reporting, Anne advised it does not, as it is not in the Local Government Act.

7. Gallery Programing and Engagement

7.1 Review of last three months – April to June 2018

Adam advised finishing the 2017/18 year with attendance of 12,588 (up on last year). Lack of engagement measurement was mentioned, and Anne advised we are looking at using iPads as an engagement tool.

Adam advised the Trustees had met and acquisitions were approved. The Estate of Maureen Mann is being considered at the moment.

7.2 The Studio

Adam showed timetable on screen. Flyer will be distributed next week, there will also be radio advertisements and social media campaign. Bookings online through the Town Hall website.

7.3 Del Katheryn Barton: The Nightingale and the Rose

Adam advised a record price for one of Del Katheryn Barton's paintings last week is having an effect on what will be provided for the exhibition.

7.4 Changes to the 2018 Exhibition Program

Adam provided information on changes.

7.5 Full House Update

Adam discussed consultancy, a report will be provided to the Art Gallery at the end of the year. He mentioned this advisory committee is a stakeholder group to be engaged with the consultants. Anne mentioned that a desktop summary (benchmarking) is one of the first things to be considered.

7.6 Raquel Ormella and Soda Jerk

Adam discussed.

7.7 Nance Kroker Bequest – Long and Stent visit Dimboola's Pink Lake

Adam discussed purchase of work by Honey Long and Bruce Stent, finalising the Nance Kroker bequest.

8. Horsham Regional Art Gallery Collection Policy

Anne advised Council endorsed this policy on 2 July 2018. Anne also noted Cr Gulvin's comments in a recent edition of the Wimmera Mail-Times, and positive feedback received at the Council meeting in relation to this committee's work.

9. Summary Points for Council

- Working out transition to Advisory Committee and what that looks like for regular agendas going forward
- Elected new chair (Marion Matthews) and deputy (Di Dale)
- Discussed engagement processes
- Studio program

10. Future Meeting Dates

It was agreed to keep the rotation of the first Thursday of even months, however, the next meeting is being shifted to the second week in August due to a clash for some members.

The next meeting will be Thursday 9 August 2018 at 5.15pm at the Horsham Regional Art Gallery.

Remaining meetings for 2018:

- Thursday 4 October
- Thursday 6 December

Meeting Close – 7.04pm.

Horsham Rural City Council Fair Rating Petition

This petition demands that;

"That the councillors of Horsham Rural City Council adjusts the rating differentials to ensure each rateable category shares the increased rate burden for the 2018/19 budget."

Every day the community increasingly uses and enjoys council services and assets, therefore everyone should also increasingly contribute. The current 2018/19 draft budget rating strategy has the total amount the farming category increases by 11.8% while the total amount the residential category decreases by 0.6%. This is unfair, unreasonable and inexcusable. We call on the councillors of Horsham Rural City Council to recognise the complete inequity, stand up as community leaders and implement a fairer solution.

Name (mandatory)	Address (mandatory)	Signature (mandatory)
GLENN MILLS	4-21 GREEN LAKE RD, BUNINATHAY	Glenn
Keith Miller	1174 Straehr Road	Keith
KEA MILLER	733 VICTORIA VALLEY RD, BRIMPAEN	Kea
SUE MILLER	733 VICTORIA VALLEY RD, BRIMPAEN	Sue
BRETT EAV	3769 HENTY HWY, MCKENZIE CK	Brett
Robbie Miller	250 GRAHAMS BRIDGE RD	Robbie
Nadine Miller	1174 STRAEHR RD, LILLYBANK	Nadine
Roger Mackinnon	1350 Northern Grampians Rd, Lilybank	Roger
Pringley Glen	1779 North Hill Rd, Lilybank	Pringley
Laura Martin	10 Roman Lane, Lilybank	Laura
ANGUS MARTIN	132 McTAVISH RD, LILLYBANK	Angus
Heath Mackinnon	1350 Northern Grampians Rd, Lilybank	Heath
ROSS EAVIN	3757 HENTY HWY, MCKENZIE CK	Ross
PAT HERMAN	108 OLD WARTOOK RD, BUREGULLY	Pat
Deb Brimwith	50 Reservoir Road, Lilybank	Deb
Paul Redell	635 Western Hwy, Dadswell Bridge	Paul
Jenny Carter	9555 Northern Grampians Rd, Wattle	Jenny
Sally Lewis	108 Old Wartook Rd, Buregully	Sally
Paul Redell	635 Western Hwy, Dadswell Bridge	Paul



Horsham Rural City Council Fair Rating Petition

This petition demands that;

"That the councillors of Horsham Rural City Council adjusts the rating differentials to ensure each rateable category shares the increased rate burden for the 2018/19 budget."

Every day the community increasingly uses and enjoys council services and assets, therefore everyone should also increasingly contribute. The current 2018/19 draft budget rating strategy has the total amount the farming category increases by 11.8% while the total amount the residential category decreases by 0.6%. This is unfair, unreasonable and inexcusable. We call on the councillors of Horsham Rural City Council to recognise the complete inequity, stand up as community leaders and implement a fairer solution.

Name (mandatory)	Address (mandatory)	Signature (mandatory)
Paul S. [unclear]	53 Florence Street	[Signature]
Heath Martin	Perry Drive, Horsham	[Signature]
Heath Martin	70 Dooen Road Horsham	[Signature]
Simon Adams	5 [unclear] Horsham	[Signature]
Diver Young	336 Excel Quarry RD Kalkreuth	[Signature]
PETER [unclear]	111 [unclear] Horsham	[Signature]
Matt Birdison	1549 Mail-Coun Rd	[Signature]
Tom De [unclear]	0 Sever Street Horsham	[Signature]
Denise McLeith	795 Riverside East Road ^{Riverside} Horsham	[Signature]
Shannon McCallum	795 Riverside East Rd, Horsham	[Signature]
SUSAN FINDLAY	TICKLER 17 DOOEN RD, HORSHAM	[Signature]
C JOHNSON	1 WATKINS HORSHAM	[Signature]
Bair Thomas	150 Thomas Road, Morwell	[Signature]
IAN SCHMIDT	162 NEWEN'S ROAD MURRA MURRA	[Signature]
KIPP NEMUE	38 Citrus Ave Horsham	[Signature]
PHIL MILLS	2351 BLUEBIRCH RD KALKEUTH	[Signature]
JANIE [unclear]	10 O'CONNOR ST M25M	[Signature]
Jinny Kemp	Private Bag 1060 HISM	[Signature]
FLETCHER MILLS	837 DOOEN RD KALKEUTH	[Signature]



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Name (mandatory)	Address (mandatory)	Signature (mandatory)
R. C Young	736 Exell Quay Rd Blyth Hill	R C Young
G. Jenkinson	1149 Blue Ribbon Rd. Kalkree	G Jenkinson
D. THOMAS	2472 BLUE RIBBON RD MURRAWANGA	D Thomas
G Pils	2460 Wimmera Highway	G Pils
Ben Lawson	108 LAWSONS ROAD KALKEE	Ben Lawson
BLENTON ROBERTS	414 ROBERTS RD BRIMPAEN	Benton Roberts
Robert Staehr	1212 Northern Grampians RD	Robert Staehr
IVAN MILLS	1 MARGARET ST HORSHAM	Ivan Mills
PETER MCGENNISKEN	60 BRIMPAEN / AHARUA RD	Peter McGennisken
MIKE MCGENNISKEN	1678 Herby Hwy Mookimpa	Mike McGennisken
Sam Eagle	147 Eagles Rd Bungatally	Sam Eagle
Emily Eagle	147 Eagles Rd Bungatally	Emily Eagle
Peter Moore	204 Barnes Boulevard Horsham	Peter Moore
TOM BLAIR	1342 Cameron Rd Horsham	Tom Blair
AS MILLS	1568 BLUE RIBBON ROAD KALKEE	AS Mills
Shane Woodheart	P.O. Box 609 HORSHAM VIC	Shane Woodheart
CARA LAWSON	108 LAWSONS ROAD KALKEE	Cara Lawson
N Mc Lidy	101 M'KENZIE CREEK RES PT	N Mc Lidy
Elizabeth Jackson	Clear Lake 3409	Elizabeth Jackson
Gwen MARGETS	29 WHITTS RD ST HELENS PT	Gwen Margets

Procedure No: P04/143



Council Procedure

MEETING PROCEDURE

Incorporated by reference in the Horsham Rural City Council Local
Law No.1 Governance (~~2017~~2016)

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Procedure No: P04/143**1. PURPOSE**

This procedure was adopted by resolution of Council and is derived from Local Law No 1 – Governance (2016). It prescribes the manner in which Council and Special Committee proceedings are conducted to ensure orderly and efficient activities. This procedure may be amended by Council from time-to-time and serves to complement the local law in achieving overall good governance of Council and Special Committee meetings.

2. INTRODUCTION

Local Law No 1 - Governance (2016) is formally established in accordance with the local law provisions of the Local Government Act 1989 and may only be amended by following the processes contained in the Act. The Local Law is therefore limited to governance of a small range of Council activities, the processes for which need to be protected from easy alteration and will require the requirements of the Act to be followed where changes are proposed. These activities are:

- use of the Common Seal of Council;
- the procedure for election of the Mayor;
- the procedure for election of any Deputy Mayor; and
- the process for amending provisions of this procedure.

The meeting arrangements and processes to be followed by Council and Special Committees beyond those contained in the local law, which it may be desirable to easily alter or improve from time-to-time, are therefore contained in this procedure. The process by which Council may amend this procedure is much simpler than that required to change the local law and this will enable Council to ensure that the currency of provisions contained herein, and their relevance to the Council of the day, are more easily maintained.

3. SCOPE

This Meeting Procedure, will apply to all meetings of Council and, where relevant and practicable, to all Special Committees of Council. (They do not apply to Assemblies of Council/Council Briefing meetings.)

4. DEFINITIONS

Act - The *Local Government Act 1989* (Victoria) as from time-to-time amended

Agenda - The notice of a meeting setting out the business to be transacted at the meeting

Council Briefing Meeting of Council - a regular meeting of Councillors to provide information and opportunity for questions on issues that are scheduled for future debate at an ordinary

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meeting of Council. Also includes other matters for information sharing purposes and for hearing from groups within the community.

Chair - Refers to the Chairperson

Chairperson - The person who chairs a meeting of the Council or Special Committee of the Council

~~Chief Executive~~**Chief Executive Officer** ~~Officer~~ - The person appointed as ~~Chief Executive~~**Chief Executive Officer** of the Horsham Rural City Council or a person Acting as ~~Chief Executive~~**Chief Executive Officer** ~~Officer~~

Committee Meeting - A meeting of a Special Committee

Council - The Mayor and Councillors of the Horsham Rural City Council

Councillor - A person who is an elected member of the Council and so far as practicable extends to any member of any Special Committee of the Council

Council Meeting / Meeting of Council - Includes Ordinary and Special Meetings of the Council

Deputy Mayor - A Councillor appointed as Deputy to the Mayor

Division - A formal count of those for and those against a motion, generally called to remove any doubt as to whether the motion is supported or opposed

Formal Motion – In this procedure a formal motion relates only to procedural matters under clauses E.10.1, E.10.2, E.10.3 and E.10.4. and is not designed to produce any substantive result but used merely as a formal procedural measure

Local Law – meaning Local Law No 1 – Governance (2016), the regulatory instrument adopted by Council under section 111 of the Act, which governs a small range of Council activities, including the establishment of this related procedure

Mayor - Also known as the Chairperson, means a Councillor appointed as Mayor of the Horsham Rural City Council, and any person formally appointed to act as Mayor

~~Member~~ - Refers to a person who is entitled to vote at a meeting of the Council or Special Committee of the Council

Minister - The Minister responsible for administering the *Local Government Act 1989*

Ordinary Council meeting –any formal meeting of Council which is not a Special Meeting ~~or a meeting of a Special Committee~~. It is recognised as the “main”/routine meeting of the Council

Penalty Unit - The amount of a fine payable for an offence, fixed by the Treasurer of Victoria under section 5(3) of the *Monetary Units Act 2004*

Point of Order - an interjection during a meeting by a Councillor ~~or member~~ of any Special Committee of the Council, who does not have the floor, to call the attention of the chair to an alleged violation or breach of the local law or associated procedure

Quorum - The minimum number of ~~member~~**Councillors of the Council or of a Special Committee of the Council** required by this procedure to be present in order to constitute a valid meeting of the Council or the Special Committee respectively

Senior Officer - A member of Council staff ~~including being~~ a Director or Manager, or any other officer recognised as the Council officer responsible for the main liaison between a Council meeting, Council and staff

Special Council meeting – a meeting of Council held in accordance with section 84 of the Act

Commented [TB1]: Unnecessary because definition of 'Councillor' extends to a member of a special committee

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Special Committee - a committee established by Council under section 86 of the Act and a committee that exercises a power, or performs a duty or function, of the Council that has been delegated to that committee under any Act

Statutory Meeting - The annual meeting of the Council held for the purpose of:-

- swearing in of Councillors elected at the General Election of the Council; and
- electing a Mayor in accordance with Section 71 of the Act; and
- fixing any allowance in accordance with Section 74 of the Act

Statutory Year - The year commencing with the Statutory Meeting of the Council

Suspension of Standing Orders - The suspension of the provisions of this procedure to facilitate full discussion on an issue without formal constraints

5. ACTIONS**PART A – NOTICE OF MEETINGS AND DELIVERY OF AGENDA**

The purpose of this section is to ensure that there are clear guidelines around the setting of meeting dates and the distribution of the Council agenda. This is to ensure that Councillors have adequate time to familiarise themselves with the matters to be considered, for interested parties, media and the community to be informed and able to follow proceedings, to minimise the financial and environmental impact of conducting Council business and to remain open and transparent.

A.1 ORDINARY COUNCIL MEETINGS

A.1.1 The date, time and place of all ordinary Council meetings are to be fixed by the Council and ~~seven (7)~~ days' notice of such meetings must be provided to the public.

A.1.2 To enable reasonable notice of Council Meetings to be given to the public, the Council should prepare a schedule of meetings either annually, twice yearly, quarterly or from time-to-time, and arrange publication of the schedule of meeting dates on the internet and in a local, well-circulated newspaper, either:-

- (a) at various times throughout the year; or
- (b) just prior to each meeting.

A.1.3 Council may alter the date, time, place of any ordinary Council meeting which has been fixed and must provide reasonable notice of the changes to the public. Details should be published on the internet and in the local paper. However, if time does not allow this to occur, then the posting of a notice setting out the details should occur on the internet and in as many other public places as possible to inform the public of the change.

A.1.4 It is in order for the commencement time of any meeting to be stated as "at the conclusion of meeting" or "at the adjournment of meeting", ~~etc~~ without stipulating a specified time, provided there is some indication as to the approximate starting time.

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A.1.5 Notice for adjourned meeting - The ~~Chief Executive~~Chief Executive Officer or ~~his or her~~their representative may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur, then provided a reasonable attempt is made to contact each ~~member~~Councillor, ~~notice electronically by email~~, by telephone, or in person which will be sufficient.

A.2 SPECIAL COUNCIL MEETINGS

A.2.1 The notice necessary to call a special meeting in accordance with Section 84 of the Act must be delivered to the ~~Chief Executive~~Chief Executive Officer in sufficient time to enable reasonable notice to be given to all Councillors.

A.2.2 In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.

A.2.3 When the date, time and place of any Special Council meeting is known the details must be provided to the public in accordance with clause A.1.

A.3 DELIVERY OF AGENDA

A.3.1 A Notice of Meeting incorporating or accompanied by an Agenda (see section C.1.1) of the business to be dealt with must be delivered to every ~~Member~~Councillor:-

- (a) for an Ordinary Meeting, at least 96 hours (COB 4 days before ordinary meeting) before the meeting; and
- (b) for a Special Meeting, within a reasonable time before the meeting; and
- (c) for a Special Committee Meeting, within a reasonable time before the meeting.

A.3.2 The notice of agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by electronic means or be otherwise delivered to each ~~Member's Councillor's~~ place of residence or usual place of business (if applicable) or as otherwise specified by the ~~Member~~Councillor.

- (a) A notice may be handed personally to a ~~Member Councillor~~ in any location within the time required, or may be delivered to another destination, provided authorisation by the relevant ~~Member Councillor~~ is notified to the ~~Chief Executive~~Chief Executive Officer or ~~his or her~~their representative.
- (b) To enable the processes of government to be efficiently managed, Councillors should keep the ~~Chief Executive~~Chief Executive Officer informed of their point(s) of contact from time-to-time.
- (c) Wherever it is practical Council will utilise electronic and digital means to distribute the agenda and related documents, keeping the provision of hard paper copies to a minimum.

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A.3.3 The agenda shall be made available to members of the public by 5pm 4 days prior to the meeting with the preferred access point being Council's website.

A.3.4 The ~~Notice of Meeting or~~ Agenda will be delivered to any ~~Member~~Councillor who has been granted leave of absence from any meeting, unless the ~~Member~~Councillor has requested in writing that the ~~Chief Executive~~Chief Executive Officer or ~~his or her~~their representative not do so.

Commented [TB2]: The Agenda is defined as the Notice of Meeting

PART B – CONDUCT OF MEETINGS

The purpose of this section is to provide clear guidance and rules ~~around the running of~~during meetings and the expected behaviour of members and any of the general community that may be present.

B.1 QUORUM

B.1.1 The quorum required for Ordinary Council Meetings or a Special Council Meeting will be at least a majority of the members of the Council or the Special Council Meeting, in accordance with section 91(3A) of the Act.

B.1.2 The quorum for Special Committee Meetings will be determined by the Council for each Committee in its Instrument of Delegation, but in the absence of the Council's determination, the quorum required will be a majority of the members for the time being elected or appointed to that Special Committee.

B.1.3 Inability to obtain a quorum:

- a) If after ~~thirty (30)~~ minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those Councillors present or if there are not Councillors present, the ~~Chief Executive~~Chief Executive Officer or, in the absence of the ~~Chief Executive~~Chief Executive Officer a Senior Officer, must adjourn the meeting for a period not exceeding ~~seven (7)~~ days from the date of adjournment.
- b) If during a Council meeting a quorum cannot be achieved or maintained due to the number of disclosures of conflicts of interest by Councillors, the ~~Chief Executive~~Chief Executive Officer -or, in ~~his or her~~their absence, a Senior Officer, must adjourn the meeting or lay the specific item on the table, for a length of time sufficient to enable an exemption for the affected Councillors to be obtained from the Minister.
- c) ~~If~~ during a Special Committee meeting a quorum cannot be achieved or maintained due to the number of disclosures of conflicts of interest by ~~Member~~Councillors, the ~~Chief Executive~~Chief Executive Officer or, in ~~his or her~~their absence, a Senior Officer, must adjourn the meeting or lay the specific item on the table, for a length of time sufficient to enable an exemption for the affected Members to be obtained from Council.

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Commented [TB3]: Suggest deletion because Council cannot exempt Special Committee members form conflict of interest obligations.

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Procedure No: P04/143**B.2 ADDRESSING A COUNCIL MEETING**

B.2.1 Except for the Chairperson or any officer of Council, any Councillor who addresses the meeting must stand and direct all remarks through the Chair, where they are physically able. The Chairperson may permit, at their discretion, any Councillor or person to remain seated whilst addressing the Chair, for reasons of sickness, infirmity or disability.

B.2.2 Any person addressing the Chair should refer to the Chairperson as, Madam Mayor, Mr Mayor, Madam Chairperson, or Mr Chairperson as the case may be.

B.2.3 All Councillors, other than the Mayor, should be addressed as Cr.....(Name).

B.2.4 All members of Council staff should be addressed as Mrs, Ms, Miss or Mr.....(Name).

B.3 SUSPENSION OF STANDING ORDERS

B.3.1 Unless otherwise provided for, the provisions of ~~the Local Law~~ or this procedure may be suspended for a particular purpose by resolution of the Council or Committee. An appropriate motion is:- "That Standing Orders be suspended to enable discussion on".

Commented [TB4]: The Local Law cannot be suspended

B.3.2 The purpose of suspending standing orders is to enable the meeting procedure formalities to be temporarily disposed of while an issue is discussed.

B.3.3 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council or Committee.

B.3.4 Once discussion has taken place and before any motions can be put, the resumption of standing orders is necessary. An appropriate motion is:- "That Standing Orders be resumed."

B.3.5 No motion may be accepted by the Chair or be lawfully dealt with during any suspension of Standing Orders, other than the motion to resume standing orders.

B.4 CONDUCT AT MEETINGS

B.4.1 Councillors will have regard to the Councillor Code of Conduct in their participation in any meeting of the Council and must not make any defamatory, indecent, abusive, offensive or disorderly statements or comments.

B.4.2 Members of the public only have a right to address Council during public question time (refer clause F.1) or with the consent of the Chairperson at any other time.

B.4.3 Any member of the public addressing Council or a Special Committee must extend courtesy and respect to Council or committee, and the processes under which it operates, and must take direction from the Chair whenever called on to do so.

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B.4.4 Members of the public present at a Council or Special Committee meeting must not interject during the proceedings of the meeting.

B.4.5 The Chairperson may ~~order request an Authorised Officer or a~~ police officer to remove any person, including a Councillor, who disrupts any meeting or otherwise affects the business of the meeting, or fails to comply with a direction.

Commented [TB5]: Council staff must not be involved in removing persons due to OH&S risks

B.4.6 Any person (including a Councillor) who has been called to order by the Chairperson of any meeting and who then fails to comply with the Chairperson's direction will be guilty of an offence under Local Law No 1 – Governance (2016), for a failure to comply with the Chairperson's direction.

Penalty: Ten (10) Penalty Units

B.4.7 The Chairperson may adjourn a disorderly meeting ~~partly to allow for a cooling off period of up to 30 minutes, or adjourn the entire meeting to another time, location and date.~~

~~B.4.8 Should disorder escalate, the Chairperson may ask to remove any person from the room in which a meeting of Council or Special Committee is being held, if the Chairperson determines that the person is behaving in an improper or disorderly manner so interrupting the orderly and lawful process of the meeting.~~

Commented [TB6]: Same as B.4.5 Suggest deletion

B.4.9 The Chairperson may order and cause the removal of any object or material that is deemed by the Chairperson as interfering with the conduct of the meeting.

B.4.10 If the Chairperson adjourns a disorderly meeting, Councillors and staff will exit the chamber with due caution and in a safe manner.

B.5 CHAIRPERSON'S RULING

B.5.1 Where this meeting procedure does not provide a procedure for a meeting, the Chairperson must decide the procedure to be followed based on law or generally accepted meeting protocols.

B.5.2 When the Chairperson makes a ruling during a meeting, any motion dissenting from the Chairperson's ruling must be moved immediately.

B.5.3 The Chairperson is not required to stand down during the debate and voting on a dissent motion.

B.5.4 The Chairperson is bound by the motion of dissent. If the vote is in the affirmative, the Chairperson must reverse or vary the previous ruling.

B.5.5 The defeat of the Chairperson's ruling is not a vote of no-confidence in the Chairperson.

Procedure No: P04/143**B.6 DUTIES AND DISCRETION OF THE CHAIRPERSON**

B.6.1 It is the Chairperson's duty to retain control and order of the meeting, to act impartially, and to ensure the smooth passage of business before the meeting, allowing for fair examination of contentious matters, the duties include but are not limited to:

- (a) presiding over and controlling the meeting to ensure, to the best of their ability, it is conducted in accordance with the Local Law and this procedure;
- (b) ascertaining that a quorum is present, and if a quorum is present, formally declaring the meeting open;
- (c) welcoming members and visitors;
- (d) signing minutes of meetings as correct when they have been confirmed in accordance with Section 93(5) of the Act;
- (e) calling for disclosure by memberCouncillors of any conflicts of interest in accordance with section 79 of the Act;
- (f) ensuring debates are conducted in the correct manner and in accordance with Part E of this procedure;
- (g) not accepting any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any memberCouncillor, member of Council staff, ratepayer, resident or member of the public;
- (h) in the case of competition for the right to speak, deciding the order in which the memberCouncillors concerned will be heard;
- (i) declaring the results of all votes;
- (j) giving rulings on points of order and other questions of procedure;
- (k) calling to order any person who is disruptive or unruly during any meeting;
- (l) adjourning a meeting (when so determined or resolved)

B.6.2 The Chairperson or the Council or Committee by resolution may adjourn any meeting until a time and place to be determined at the time of the adjournment.

B.6.3 For the purpose of stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

PART C – BUSINESS OF MEETINGS

The purpose of this section is to describe how the meeting will operate in terms of what items will be available for discussion and resolution, what items will appear on the agenda and how the minutes will be recorded.

Procedure No: P04/143**C.1 THE ORDER OF BUSINESS**

C.1.1 The order of business appearing on an agenda will be determined by the Chief Executive/Chief Executive Officer or representative, to facilitate and maintain open, efficient and effective processes of government.

C.1.2 Although the order of business appearing on agendas should be consistent from meeting to meeting, the order of business can be altered according to the discretion of the Chief Executive/Chief Executive Officer or representative, to enhance the fluent and open process of government of the Council or Committee, to meet identified needs of the Council or Committee or to take advantage of opportunities which may arise from time-to-time.

C.1.3 Any proposal to significantly change the order of business on a regular basis should be the subject of discussion between all Member/Councillors and the Chief Executive/Chief Executive Officer or representative.

C.1.4 Once an Agenda has been sent to Member/Councillors, the order of business for that meeting may only be altered by resolution of Council or the relevant Committee.

C.1.5 The Chief Executive/Chief Executive Officer or representative may include any matter on an Agenda which he or she thinks should be considered by the meeting.

C.2 MINUTES

C.2.1 Confirmation of the minutes of the meeting:

- a) The Chief Executive/Chief Executive Officer is responsible for arranging and ensuring, on behalf of the Council, the keeping of Minutes of any meeting.
- b) No discussion or debate on the confirmation of the Minutes of any meeting will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- c) If a Member/Councillor is dissatisfied with the accuracy of the Minutes of any meeting, then he or she must:- state the item or items with which they are dissatisfied; and propose a motion clearly outlining the alternative wording to amend the Minutes.
- d) The Council or Committee may defer the confirmation of Minutes of any meeting until later in the meeting or until the next meeting as appropriate.

C.2.2 Contents of the minutes of the meeting - In keeping or ensuring the minutes of any meeting, the Chief Executive/Chief Executive Officer must arrange or ensure the recording of minutes so as to show:

- i. the names of Member/Councillors and whether they were PRESENT, an APOLOGY, or on LEAVE OF ABSENCE;

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- ii. the names of members of Council staff IN ATTENDANCE with their organisational title;
- iii. the name of any other person IN ATTENDANCE at the meeting and the organisation they represented or the capacity in which they attended (this does not extend to members of the public gallery);
- iv. the arrival and departure times of MemberCouncillors, members of Council staff and other attendants during the course of the meeting (including any temporary departures or arrivals);
- v. every motion and amendment moved, including the mover (and seconder) of any motion or amendment;
- vi. the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED etc. and identification of any motions voted on by secret ballot;
- vii. procedural motions which might be raised;
- viii. where a valid division was called, a table of the names of every MemberCouncillor and the way their vote was cast; either FOR or AGAINST;
- ix. when requested by a MemberCouncillor, a record of that MemberCouncillor's support or opposition for any motion;
- x. details of a failure to achieve or maintain a quorum and any adjournment;
- xi. details of any questions directed or taken upon advice;
- xii. details of any deputations made to the Council or Committee;
- xiii. the time and reason for any adjournment of the meeting or suspension of standing orders;
- xiv. any interests or conflicts disclosed at the meeting, including the nature of any such interests or conflicts of interest which were disclosed by MemberCouncillors in accordance with section 79 of the Act or by any member of Council staff in accordance with section 80B of the Act;
- xv. any other matter which the ~~Chief Executive~~Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
- xvi. the date and time the meeting was commenced, adjourned, resumed and concluded;
- xvii. be consecutively page numbered; and
- xviii. contain consecutive item numbers which are clearly headed with subject titles and, where appropriate, sub-titles and file references.
- xix. For Councillor Reports – record the topics discussed by each Councillor or the full details if an accurate written record of the report is provided by the Councillor

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C.2.3 The Council may determine by resolution of Council, to maintain a publicly accessible audio and/or visual archive of Council meetings in order to provide a fuller public record of proceedings than can be made available in the formal written minutes.

C.3 COUNCILLOR REPORTS AND ACKNOWLEDGEMENTS

C.3.1 An item will be included on the agenda for Councillor reports and acknowledgements.

C.3.2 The purpose of this item is to provide Councillors with an opportunity to provide an update on their duties as a Councillor and meetings attended and to raise matters such as:

- A note of thanks or congratulations
- Advise of attendance at events or meetings
- Recognitions
- Tributes and acknowledgements to groups or individuals
- Advise of attendance at events or meetings
- Other issues as raised by the community
- Other issues of concern to the Councillor

~~C.3.3 Motions may be put from the Councillors Report in relation to any matter that the Councillor wishes to put forward which must be confined to an acknowledgement.~~

~~C.3.4 As an approximate guide each individual Councillor reports should be a maximum of 5 minutes in duration.~~

OR

C.3.3 Councillor reports are to be submitted in writing to the Chief Executive Officer in time for inclusion in the agenda of the next ordinary Council meeting.

C.3.4 Councillor reports will not be read or addressed by Councillors save that Councillors may make an acknowledgement.

C.3.5 It is intended that Council will suspend standing orders for this item.

C.4 URGENT BUSINESS

C.4.1 Council may by resolution determine that an item, of which no notice has been given, is included in the agenda as Urgent Business.

C.4.2 An item may be classified as urgent business if it relates to a matter which has arisen since the distribution of the agenda or involves a matter of urgent community concern or cannot be safely or conveniently deferred until the next Ordinary meeting or is deemed prudent to be dealt with at this point in time.

Commented [TB7]: Suggest deletion to confine to Councillor attendances and acknowledgements

Commented [TB8]: Suggest that motions be confined to acknowledgements

Commented [TB9]: As an alternative to clauses C.3.3 and C.3.4, the reports would be included in the agenda without the need for Councillors to read or speak to the reports save that acknowledgements could be made.

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C.4.3 Officers should provide some guidance as to why an item should be considered as Urgent Business.

C.4.4 Council must first determine to accept the Urgent Business item before undertaking any debate.

C.5 CONFIDENTIAL MATTERS (CLOSED MEETING)

C.5.1 The ~~Chairperson~~Council by resolution may close a meeting to consider items that are of a confidential nature in accordance with section 89 (2) of the Local Government Act.

C.5.2 The ~~Chief Executive~~Chief Executive Officer must determine if a report is classified as confidential and therefore needs to be recommended to be heard in closed Council.

C.5.3 The ~~Chief Executive~~Chief Executive Officer should place a report to be heard in open Council wherever possible.

C.5.4 When an items has been referred to closed Council as it is of a confidential nature the applicable sub-section Section 89 (2) of the Local Government Act ~~should~~must be stated when the decision is made in open Council to refer to closed Council.

C.5.5 Council ~~must~~may resolve to move an item to closed Council

C.5.5 Decisions made in closed council, depending upon their nature, may then be reported in the minutes at the discretion of Council.

C.6 NOTICES OF MOTION

C.6.1 Notices of motion are used to inform Council that is the intention of a Councillor to move a particular matter at a future meeting.

C.6.2 For a Notice of Motion to be listed on an agenda it will need to be received by the ~~Chief Executive~~Chief Executive Officer at least 24 hours prior to the scheduled distribution time for the agenda to be sent to Councillors.

C.6.3 A Notice of Motion will not be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

C.6.4 Where the matter is significant and does require in-depth consideration the Notice of Motion may give consideration to calling for a Council Report, in order to allow appropriate information to be gathered to inform the decision. Such circumstances would be if the Notice of Motion:

- substantially affects the level of a Council service
- commits Council to significant expenditure not included in the adopted Council budget

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- [relates to a sensitive community matter](#)
- [is something that is new or has not been considered in recent times](#)
- [establishes or amends Council policy](#)
- [commits Council to any contractual arrangement](#)
- [concerns any litigation in respect of which Council is a party](#)

C.6.5 The Chief Executive Officer or representative:-

- [\(a\) may reject any Notice of Motion that is too vague, offensive or unlawful, but before rejecting it must give the Councillor delivering the notice an opportunity to amend it; and](#)
- [\(b\) must notify the relevant Councillor of any Notice of Motion which has been rejected and give the reasons for its rejection.](#)
- [\(c\) Unless the notice specifies a particular meeting date, the Chief Executive Officer or representative must list the Notice of Motion and, if more than one, in the order they were received, on the next appropriate meeting Agenda.](#)
- [\(d\) The Chief Executive Officer or representative must cause every Notice of Motion received to be sequentially numbered and maintained in a register.](#)

[C.6.6 A Notice of Motion listed on a meeting Agenda may be moved by any Councillor present and, except where the Notice of Motion is to confirm a previous resolution of the Council or Committee, may be amended.](#)

[C.6.7 If a Notice of Motion to confirm a previous resolution of the Council or Committee cannot be carried in its original form, the Notice of Motion will be lost.](#)

[C.6.8 Unless the Council or Committee resolves to relist at a future meeting a Notice of Motion which has been lost, a similar motion must not be put before the Council or Committee for at least three \(3\) months from the date it was lost.](#)

C.7 OFFICERS' REPORTS

C.7.1 Officer's reports are prepared as a means to provide information to Council for the purposes of making a decision or the sharing of information. The report should not reflect the personal views of the Officer nor try to manipulate Councillors' opinions in a particular direction. It should genuinely and impartially evaluate the effectiveness of the proposed recommendations.

C.7.2 The Officer's recommendation should be drawn from logical conclusions contained in the report and should clearly and concisely state what Council is being asked to decide

C.7.3 In some cases Officers' recommendations may contain options when a clear direction cannot be concluded. In these cases the report should comment on the relative merit of the various options.

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C.7.4 The format of Officers' Reports should remain consistent from meeting to meeting but will be set by the ~~Chief Executive~~Chief Executive Officer and may change on occasion.

PART D – VOTING

The purpose of this section is define the methods of voting that are to be utilised by Council.

D.1 VOTING PROCEDURE

D.1.1 Subject to clause E.1., in determining a question before any meeting, the Chairperson will first call for a show of hands by those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.

D.1.2 In accordance with Section 90 (1)(d) of the Act, a motion is determined in the affirmative by a majority of the Councillors ~~or members of the Special Committee~~ present at the meeting at the time the vote is taken.

D.1.3 Subject to Section 90 (1) (e) of the Act, if there is an equality of votes, the Chair has a casting vote with the exception of the election of the Mayor or Deputy Mayor, where there is no provision for casting votes (Section 90 (2))

D.1.4 A Councillor who has declared a conflict of interest and has left the meeting prior to consideration and voting on a matter is taken not to be present at the meeting for the purpose of determining whether the motion on the matter passes.

D.2 VOTING BY SECRET BALLOT

D.2.1 Unless otherwise resolved by Council or a Special Committee in accordance with section 89(2) of the Act, any meeting of a Council or a Special Committee must be open to members of the public. In accordance with section 90 of the Act, voting at a meeting that is open to members of the public must not be in secret.

D.2.2 When a meeting of Council or a Special Committee is closed to the public the meeting will be described as being "closed". Whilst in a "closed" meeting the Council or Committee may resolve to deal with any matter by secret ballot.

D.2.3 If the Council or Committee resolves to deal with a matter by secret ballot (as per D.2.2), the ~~Chief Executive~~Chief Executive Officer must establish and cause to be administered a system for voting by secret ballot to ensure that the privacy of the vote is maintained.

Procedure No: P04/143**D.3 DIVISIONS**

D.3.1 Subject to Clause D.3.6 a division may be requested by any MemberCouncillor on any matter.

D.3.2 The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

D.3.3 Once a division has been requested in circumstances other than those dealt with in Clause D.3.6, the Chairperson will call for a show of hands by those MemberCouncillors voting for the motion and then those MemberCouncillors opposed to the motion.

D.3.4 The Chairperson shall name those MemberCouncillors voting for the motion and those MemberCouncillors voting against the motion and the names shall be recorded in the Minutes of the Meeting.

D.3.5 No MemberCouncillor is prevented from changing his or her their original vote at the voting on the division, and the voting by division will determine the Council's resolution on the issue.

D.3.6 If the question on any matter is determined by secret ballot, a request to the Chairperson for a division must not be accepted.

PART E – MOTIONS AND DEBATE

The purpose of this section is to define the parameters around which debate will occur and the “tools” available to facilitate good participative, fair and robust discussion. Council Briefing meetings help to facilitate debate by ensuring that Councillors are well informed and in the best possible position to effectively make decisions. They are an important part of the debate process and for complex issues they are often the means to ensure that a common understanding of all points of view are obtained and can be reflected in the Council report for final decision at open Council. Decisions are not made in Council Briefing meetings.

E.1 MOVING A MOTION

E.1.1 The procedure for any motion is:-

- (a) the mover must obtain the attention and respect of the Chairperson in the appropriate manner;
- (b) the mover must state the details of the motion without speaking to it;
- (c) unless the motion is a formal motion, it must be seconded in the appropriate manner by a Councillor ~~or Member~~ other than the mover;

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- (d) if a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- (e) after a motion is seconded and the mover has addressed the meeting, the seconder may address the meeting or reserve ~~his or her~~their address until later in the debate;
- (f) the Chairperson may then call upon any Councillor ~~or Member~~ who wishes to speak against the motion;
- (g) any other Councillors ~~or Members~~ for and against the motion then debate in turn
- (h) subject to clause E.1.3, except for the purposes of proposing an amendment or for the purposes of raising a point of order no Councillor ~~or Member~~ may speak more than once on any motion.
- (i) a Councillor ~~or Member~~ may, with permission of the Chairperson, ask a question for the purposes of clarification prior to the commencement of debate. In asking such questions Councillors ~~or Member~~ must not offer opinions on the issue to be considered. Asking a question for the purposes of clarification will not be deemed as speaking to the motion.
- (j) all addresses under (e), (f) and (g) must be made in accordance with Clause E.8

E.1.2 With permission of the Chairperson both the mover and the seconder of the motion may agree to an alteration proposed by another Councillor ~~or Member~~. For the purposes of this procedure, any such alteration shall not be regarded as an amendment to the motion.

E.1.3 Right of Reply - The mover of an original motion, including any amendment to that motion or an amended motion, once debate has been exhausted, has a right of reply to matters raised during debate. After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

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E.2 AMENDMENTS

E.2.1 Moving an amendment - A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the ~~original~~ motion and framed so as to complement it as an intelligible and consistent whole. An amendment must not be a direct negative of the motion being considered. A working rule for determining whether an amendment is a direct negative is to ask the question whether the proposed amendment would have the same effect as voting against the motion. If it would, it is a direct negative.

E.2.2 An amendment may be proposed during the debate either at the commencement of the ~~member~~Councillor's speech or at the conclusion, but not after having already spoken. An amendment may be proposed or seconded by a Councillor ~~or Member~~, other than the mover or seconder of the original motion.

E.2.3 If the amendment is acceptable to the mover of the motion, the mover can "by leave of Council" alter the original motion accordingly in order to save time, the seconder of the motion must also agree.

Commented [TB10]: Refer E.1.2

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E.2.4 If the mover of a motion wishes to make a minor alteration to a motion for non-controversial matters then the mover may “ask for leave” to amend the motion and provided that leave is unanimously granted by all present then the motion may be amended and that amendment can then be put to the debate.

E.2.5 A Councillor ~~or Member~~ may address the meeting once on any amendment, whether or not they have spoken to the original motion, but debate must be confined to the terms of the amendment.

E.2.6 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.

E.2.7 There is no right of reply available to the Councillor ~~or Member~~ who proposed the amendment.

E.2.8 If the amended motion is carried, it then becomes the question before the Chair and the mover of the original motion will retain the right of reply.

E.3 FORESHADOWING MOTIONS

E.3.1 When a motion is being debated a ~~Member~~Councillor may foreshadow a motion to inform the Council or Committee of their intention to move a motion dealing with the same subject matter, at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

E.3.2 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 ~~or Member~~ intends to move an alternative or additional motion.

E.3.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.

E.3.4 The ~~Chief Executive~~Chief Executive Officer or representative is not required to have foreshadowed motions recorded in the minutes ~~until~~unless the foreshadowed motion is formally moved.

E.4 WITHDRAWAL OF MOTIONS

E.4.1 Before any motion is put to the vote, the mover can withdraw the motion, with leave of the Council or Committee.

Procedure No: P04/143**E.5 SEPARATION OF MOTIONS**

E.5.1 Where a motion contains more than one part, a Councillor ~~or Member~~ may request the Chairperson to put the motion to the vote in separate parts.

E.5.2 The Chairperson may decide to put any motion to the vote in several parts. Where a motion contains several parts/segments or is complicated, it may be separated to avoid difficulties, particularly if different Councillors ~~or Members~~ have differing views about the several parts of the motion. Bear in mind that this could cause some difficulties if at some time in the future it is proposed to revoke or alter a resolution as some of the parts/segments may have been acted upon.

E.6 MOTIONS IN WRITING

E.6.1 The Chairperson may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason, and copies made available.

E.6.2 The Chairperson may suspend the meeting while the motion is being written or may request the Council or Committee to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

E.7 DEBATE MUST BE PROPER AND RELEVANT TO THE MOTION

E.7.1 Debate must always be relevant to the question before the Chair and not offensive, insulting or disrespectful to any person, and if not, the Chairperson may request the speaker to confine debate to the subject motion.

E.7.2 If, after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair. In that event, the speaker must comply with the Chairperson's requirement.

E.7.3 Officers must not enter into the debate, speaking only when invited by the Chair to answer questions. However, they may ask the Chair for the opportunity to correct a factual error stated in debate.

E.8 TIME LIMITS FOR DEBATE

E.8.1 Unless a motion for an extension of time has been carried, the maximum speaking times will be:-

- (a) the mover of a motion - five (5) minutes;
- (b) the mover of a motion when exercising their right of reply - three (3) minutes;
- (c) any other Councillor ~~or Member~~ for or against the motion - three (3) minutes.

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E.8.2 An extension of speaking time may be granted by resolution of the Council or Committee but only one extension is permitted for each speaker on any question.

E.8.3 A motion for an extension of speaking time must be proposed:-

- (a) immediately before the speaker commences debate;
- (b) during the speaker's debate; or
- (c) immediately after the speaker has concluded debate.

E.8.4 A motion for an extension of speaking time cannot be accepted by the Chairperson if another speaker has commenced ~~his or her~~their contribution to the debate.

E.8.5 Any extension of speaking time must not exceed three (3) minutes.

E.9 POINTS OF ORDER

E.9.1 The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

E.9.2 The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule on it as soon as it is raised.

E.9.3 All other matters before the Council or Committee are to be suspended until the point of order is decided upon.

E.9.4 The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless a motion of dissent is moved and carried.

E.9.5 A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the Chairperson's ruling.

E.9.6 A motion of dissent in relation to a point of order is not a motion of dissent in the Chair, and the Chairperson must at all times remain in the Chair and maintain ~~his or her~~their rights as the Chairperson.

E.9.7 A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling given by the Chairperson.

E.9.8 A Councillor ~~or Member~~ raising a point of order must, state the point of order.

E.9.9 A point of order may be raised in relation to:-

- (a) a procedural matter;
- (b) a Councillor ~~or Member~~ who is or appears to be out of order; or

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- (c) any act of disorder.

E.9.10 Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

E.9.11 A Councillor who is addressing any meeting must not be interrupted unless called to order. In that event, he or she must sit down and remain silent until the Councillor raising the point of order has been heard and the point of order dealt with by the Chairperson.

E.10 FORMAL MOTIONS

Commented [TB11]: Deferral motion?

In this procedure, formal motions include matters contained in clauses E.10.1 and, E.10.2, ~~E.10.3 and E.10.4~~. Notwithstanding anything else contained in this procedure:

- (a) unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (b) formal motions are not required to be seconded.
- (c) the mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
- (d) a formal motion cannot be moved by the Chairperson.
- (e) unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- (f) unless otherwise provided a formal motion cannot be amended.

E.10.1 "ADJOURNING THE DEBATE" – A motion may be moved "That the debate be adjourned until (later in the meeting OR the next ordinary meeting of Council)"

The motion:

- (a) cannot be moved while a Councillor is speaking; and
- (b) may be amended in relation to the time and date of the proposed adjournment.

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~~E.10.1 "LAYING THE QUESTION ON THE TABLE" – A motion may be moved "That the item (question, letter, document, report, etc) lay on the table"~~

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~~The motion:~~

- ~~(a) is a formal motion which may be debated, and if carried, has the effect of adjourning any further debate on the matter currently before the Council or Committee until such time (if any) as the Council or Committee resolves to take the question from the table; and~~
- ~~(b) any further debate on the matter cannot take place until such time (if any) as the Council or Committee resolves to take the question from the table; and~~
- ~~(c) if such a motion is carried in respect to an amendment, has the effect that both the original motion and the amendment will be adjourned; and~~

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~~(d) prevents debate on the matter currently before the Council or Committee from proceeding until a motion to take the question from the table is passed.~~

~~E.10.2 **"PROCEEDING TO THE NEXT BUSINESS"** - A motion "That the meeting proceed to the next business" may be moved.~~

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~~This motion:~~

- ~~(a) is a formal motion which cannot be moved during the election of Chairperson; and~~
- ~~(b) if carried in respect to an original motion, requires the Chairperson to direct the meeting to the next item of business; and~~
- ~~(c) if carried in respect to an amendment, disposes of the amendment immediately and permits debate upon the original motion to proceed but no similar amendment may be moved at that meeting or any adjournment of it.~~

~~E.10.3 **"THE PREVIOUS QUESTION"** - A motion may be moved "That the question be NOT now put".~~

Formatted: Highlight

~~This motion:~~

- ~~(a) is a formal motion which cannot be moved while there is an amendment before the Chair or during the election of a Chairperson; and~~
- ~~(b) if carried, the original motion to which it relates cannot be dealt with at that meeting or any adjournment of it; and~~
- ~~(c) if lost, the original or substantive motion to which it relates must be put to the vote immediately without any further debate or amendment; and~~
- ~~(d)(a) the Chairperson has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated.~~

E.10.4.2 **"THE CLOSURE"** - A motion may be moved "That the motion be now put".

This motion:

- (a) is a formal motion which, if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment; and
- (b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue unaffected; and
- (c) if lost, allows debate to continue unaffected.

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E.11 NOTICE OF MOTION

Commented [TB12]: C.6 deals with notices of motion. Suggest relocation of E.11 to C.6 and renumber C.6.4, C.6.5, C.6.6 and C.6.7

~~E.11.1 A Notice of Motion may be used to formally let other Councillors know that a matter will be raised at a subsequent meeting. This should be used principally when a matter does not require significant advice or consideration.~~

~~E.11.2 Where the matter is significant and does require in-depth consideration the Notice of Motion may give consideration to calling for a Council Report, in order to allow appropriate information to be gathered to inform the decision. Such circumstances would be if the Notice of Motion:~~

- ~~• substantially affects the level of a Council service~~
- ~~• commits Council to significant expenditure not included in the adopted Council budget~~
- ~~• relates to a sensitive community matter~~
- ~~• is something that is new or has not been considered in recent times~~
- ~~• establishes or amends Council policy~~
- ~~• commits Council to any contractual arrangement~~
- ~~• concerns any litigation in respect of which Council is a party~~

~~E.11.3 A Notice of Motion cannot be accepted by the Chairperson unless it has been listed on the Agenda for the meeting at which it is proposed to be moved.~~

~~E.11.4 A Member/Councillor may give Notice of Motion on any matter by delivering a Notice of Motion outlining the subject and the motion proposed for discussion to the Chief Executive/Chief Executive Officer or representative.~~

~~E.11.5 The Chief Executive/Chief Executive Officer or representative:-~~

- ~~(a) may reject any Notice of Motion that is too vague, offensive or unlawful, but before rejecting it must give the Councillor or Member delivering the notice an opportunity to amend it; and~~
- ~~(b) must notify the relevant Councillor or Member of any Notice of Motion which has been rejected and give the reasons for its rejection.~~
- ~~(c) Unless the notice specifies a particular meeting date, the Chief Executive/Chief Executive Officer or representative must list the Notice of Motion and, if more than one, in the order they were received, on the next appropriate meeting Agenda.~~
- ~~(d) The Chief Executive/Chief Executive Officer or representative must cause every Notice of Motion received to be sequentially numbered and maintained in a register.~~

~~E.11.6 A Notice of Motion listed on a meeting Agenda may be moved by any Councillor or Member present and, except where the Notice of Motion is to confirm a previous resolution of the Council or Committee, may be amended.~~

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~~E.11.7 If a Notice of Motion to confirm a previous resolution of the Council or Committee cannot be carried in its original form, the Notice of Motion will be lost.~~

~~E.11.8 Unless the Council or Committee resolves to relist at a future meeting a Notice of Motion which has been lost, a similar motion must not be put before the Council or Committee for at least three (3) months from the date it was lost.~~

E.12 NOTICE OF AMENDMENT OR RESCISSION

E.12.1 A Councillor ~~or Member~~ may propose a Notice of Motion to amend or rescind a decision of the Council or Committee [at a following meeting](#) provided:-

- (a) the ~~previous motion~~ [decision](#) has not been acted upon; and
- (b) a notice is delivered to the ~~Chief Executive~~ [Chief Executive Officer](#) or representative outlining:-
 - i. the decision to be amended or rescinded; and
 - ii. the meeting and date when the decision was made.

E.12.2 A decision to amend or rescind a decision of Council or a Committee will be acted upon once its details have been formally communicated to persons affected by or reliant on the original resolution or where a statutory procedure has been carried out as a result of that decision.

E.12.3 The ~~Chief Executive~~ [Chief Executive Officer](#) or other Senior Officer may initiate action or cause action to be initiated on any Council or Committee resolution at any time after the close of the meeting at which it was carried.

E.12.4 Unless the Notice of Motion specifies a particular meeting date, the ~~Chief Executive~~ [Chief Executive Officer](#) or representative must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting Agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.

E.12.5 For a decision of the Council or a Committee to be amended or rescinded, the motion for amendment or rescission must be carried by a majority of the votes cast.

E.12.6 Unless the Council or Committee resolves to relist at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council or Committee for at least three (3) months from the date it was last considered.

E.12.7 If a notice of amendment or rescission is not moved at the meeting for which it is listed, it will lapse.

E.12.8 A notice of amendment or rescission listed on a meeting Agenda may be moved by any Councillor ~~or Member~~ present but cannot be amended.

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E.12.9 A notice of amendment or rescission is not required where the Council or Committee wishes to change a previous decision relating to a policy of the Council or Committee.

E.12.10 The ~~Chief Executive~~ Chief Executive Officer or representative must cause every notice of amendment or rescission received to be sequentially numbered and to be maintained in a register.

E.13 OTHER MATTERS

E.13.1 The Chairperson has a duty to not accept any motion or amendment which: -

- (a) is defamatory; or
- (b) is objectionable in language or nature; or
- (c) is outside the powers of the Council or Committee; or
- (d) is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or
- (e) purports to be an amendment but is not.

E.13.2 The Chairperson must reject a substantive motion that does not relate to:

- (a) urgent business; or
- (b) a notice of motion; or
- (c) a notice of amendment or rescission; or
- (d) a matter the subject of an officer's report listed on the agenda.

E.13.3 A substantive motion is a proposal that Council do something and which requires action to be taken by the Chief Executive Officer if it becomes a Council decision.

E.13.4 A motion to confirm the minutes of a Council meeting, or to adopt, receive or note a document is not a substantive motion.

E.13.2-5 Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion involves a ~~member~~ Councillor requesting that ~~his or her~~ their opposition to the motion be recorded in the Minutes or a register maintained for that purpose; or a subsequent Notice of Motion that follows a rescission motion or a ~~Member~~ Councillor calling for a division.

~~E.13.3 A Member Councillor who is addressing any meeting must not be interrupted unless called to order. In that event, he or she must sit down and remain silent until the Member Councillor raising the point of order has been heard and the point of order dealt with by the Chairperson.~~

Commented [TB13]: Suggest relocation to 'Points of Order'

PART F – COMMUNITY PARTICIPATION

The purpose of the section is to provide a process by which the community may actively engage in a Council meeting and have their matters answered in a public forum. It should not be utilised

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in-lieu of other processes that Council has in place to record requests for service or to manage complaints.

F.1 PUBLIC QUESTION TIME**F.1.1 Time Allocations:**

- i. At every Ordinary Meeting of the Council, time may be allocated at the start of the meeting after declaration of Interests, for public question time.
- ii. Council will allow 15 minutes for public question time, however the Chairperson may determine an extension.
- iii. Standing orders will be suspended for question time to allow a more informal discussion to take place.
- iv. The Chairperson may allocate reasonable time to each person who wishes to ask a question of Council having regard to:-
 - (a) the nature of the matter to be discussed;
 - (b) priorities in relation to other Council business;
 - (c) other members of the community present who also wish to address the Council; and
 - (d) whether such an opportunity has already been provided to the person.

F.1.2 Questions

- i. Submission Question – Any member of the public who wishes a question to be asked during Public Question Time must submit the question no later than 5pm on the Friday prior to the Council meeting. Any questions must be submitted to the Chief Executive/Chief Executive Officer's office in writing preferably using the Question Time Form located on Council's website.
- ii. The number of questions per member of the public is limited to two.
- iii. For a question to be read at the Council meeting, the author of the question must be present in the gallery. The person shall read the question or if required the Chairperson shall read the questions, and the responses will be provided by the Chief Executive/Chief Executive Officer or other person as directed by the Chief Executive/Chief Executive Officer.
- iv. Supplementary Questions - If the author wishes to ask a related supplementary question after an initial question has been answered, the Mayor may direct that the author can verbally ask one follow-on question for each question that they have asked.
- v. Unanswerable Questions - Where a question cannot be answered at the Council meeting a written response will be provided by the Chief Executive/Chief Executive Officer to the author within 5 working days.
- vi. Questions must be relevant to Council's jurisdiction, must not be defamatory, indecent, abusive, of a personal nature, of an industrial nature, of a contractual nature, commercially sensitive, regarding legal advice, objectionable or declared confidential under s. 77 of the *Local Government Act, 1989*. Questions must not be

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repetitive of a question already answered (whether at the meeting in question or an earlier one).

- vii. The ~~Chief Executive~~ Chief Executive Officer in consultation with the Mayor will decide when a question is not to be accepted. If this decision is made the person who submitted the question is to be informed both verbally and in writing by the ~~Chief Executive~~ Chief Executive Officer, of the reason or reasons for which their question was not accepted. Any questions that have been submitted in writing and been disallowed by the ~~Chief Executive~~ Chief Executive Officer and Mayor will be provided to all Councillors.
- viii. The ~~Chief Executive~~ Chief Executive Officer will ensure that a written response will be provided within 5 working days of the Council meeting, to all written questions received.

F.1.3 Other relevant matters

- i. The Chairperson will give regard to any special needs or requirements of a disabled member of the public who wishes to participate in public question time and ensure that any reasonable adjustments which may be achievable are implemented in order to support the effective contribution of that person.
- ii. The Council may decide to defer an answer and discussion to a later date. The views and/or any reasonable requirements of the person asking the question must be sought concerning the opportunity for discussion.
- iii. Any member of the public or community addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.

F.2 PETITIONS AND JOINT LETTERS

F.2.1 A petition or joint letter presented to the Council will be tabled without discussion and received at the next appropriate Ordinary Council Meeting, unless the Council agrees by resolution to deal with it earlier. Petitions or joint letters will be forwarded to the appropriate Director for action as required, including presentation back to Council at the next appropriate meeting.

F.2.2 Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence under Local Law No 1 - Governance (2016).

Penalty: Ten (10) Penalty Units

F.2.3 Any Councillor presenting a petition or joint letter will be responsible for ensuring that:-

- (a) they are familiar with the contents and purpose of the petition or joint letter; and
- (b) the petition or joint letter is not derogatory or defamatory.

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Website, Intranet, Staff Newsletter

7. RESPONSIBILITY

Corporate Services Director

8. SUPPORTING DOCUMENTS

Document	Location
Local Law No 1 – Governance (2016)	Internet
Public Question Time Form	Internet

9. DOCUMENT CONTROL

Once this document has been adopted by Council it does not come into force until a notice is published in the Government Gazette in accordance with Section 112 (2) of the local Government Act 1989.

Version Number	Approval Date	Approval By	Amendment
01	1 Feb 16	Council	New Procedure
02	6 Nov 17	Council	Amended Procedure Gazetted 16 Nov 2017



Horsham Rural City
Council urban rural balance

Council Procedure

MEETING PROCEDURE

Incorporated by reference in the Horsham Rural City Council Local
Law No.1 Governance (2016)

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1. PURPOSE

This procedure was adopted by resolution of Council and is derived from Local Law No 1 – Governance (2016). It prescribes the manner in which Council and Special Committee proceedings are conducted to ensure orderly and efficient activities. This procedure may be amended by Council from time-to-time and serves to complement the local law in achieving overall good governance of Council and Special Committee meetings.

2. INTRODUCTION

Local Law No 1 - Governance (2016) is formally established in accordance with the local law provisions of the Local Government Act 1989 and may only be amended by following the processes contained in the Act. The Local Law is therefore limited to governance of a small range of Council activities, the processes for which need to be protected from easy alteration and will require the requirements of the Act to be followed where changes are proposed. These activities are:

- use of the Common Seal of Council;
- the procedure for election of the Mayor;
- the procedure for election of any Deputy Mayor; and
- the process for amending provisions of this procedure.

The meeting arrangements and processes to be followed by Council and Special Committees beyond those contained in the local law, which it may be desirable to easily alter or improve from time-to-time, are therefore contained in this procedure. The process by which Council may amend this procedure is much simpler than that required to change the local law and this will enable Council to ensure that the currency of provisions contained herein, and their relevance to the Council of the day, are more easily maintained.

3. SCOPE

This Meeting Procedure, will apply to all meetings of Council and, where relevant and practicable, to all Special Committees of Council. (They do not apply to Assemblies of Council/Council Briefing meetings.)

4. DEFINITIONS

Act - The *Local Government Act 1989* (Victoria) as from time-to-time amended

Agenda - The notice of a meeting setting out the business to be transacted at the meeting

Council Briefing Meeting - a regular meeting of Councillors to provide information and opportunity for questions on issues that are scheduled for future debate at an ordinary meeting of Council. Also includes other matters for information sharing purposes and for hearing from groups within the community.

Chair - Refers to the Chairperson

Chairperson - The person who chairs a meeting of the Council or Special Committee of the Council

Chief Executive Officer - The person appointed as Chief Executive Officer of the Horsham Rural City Council or a person Acting as Chief Executive Officer

Committee Meeting - A meeting of a Special Committee

Council - The Mayor and Councillors of the Horsham Rural City Council

Councillor - A person who is an elected member of the Council and so far as practicable extends to any member of any Special Committee of the Council

Council Meeting / Meeting of Council - Includes Ordinary and Special Meetings of the Council

Deputy Mayor - A Councillor appointed as Deputy to the Mayor

Division - A formal count of those for and those against a motion, generally called to remove any doubt as to whether the motion is supported or opposed

Formal Motion – In this procedure a formal motion relates only to procedural matters under clauses E.10.1, E.10.2, E.10.3 and E.10.4. and is not designed to produce any substantive result but used merely as a formal procedural measure

Local Law – meaning Local Law No 1 – Governance (2016), the regulatory instrument adopted by Council under section 111 of the Act, which governs a small range of Council activities, including the establishment of this related procedure

Mayor - Also known as the Chairperson, means a Councillor appointed as Mayor of the Horsham Rural City Council, and any person formally appointed to act as Mayor

Minister - The Minister responsible for administering the *Local Government Act 1989*

Ordinary Council meeting –any formal meeting of Council which is not a Special Meeting. It is recognised as the “main”/routine meeting of the Council

Penalty Unit - The amount of a fine payable for an offence, fixed by the Treasurer of Victoria under section 5(3) of the *Monetary Units Act 2004*

Point of Order - an interjection during a meeting by a Councillor of any Special Committee of the Council, who does not have the floor, to call the attention of the chair to an alleged violation or breach of the local law or associated procedure

Quorum - The minimum number of Councillors required by this procedure to be present in order to constitute a valid meeting of the Council or the Special Committee respectively

Senior Officer - A member of Council staff being a Director or Manager, or any other officer recognised as the Council officer responsible for the main liaison between a Council meeting, Council and staff

Special Council meeting – a meeting of Council held in accordance with section 84 of the Act

Special Committee - a committee established by Council under section 86 of the Act and a committee that exercises a power, or performs a duty or function, of the Council that has been delegated to that committee under any Act

Statutory Meeting - The annual meeting of the Council held for the purpose of:-

- swearing in of Councillors elected at the General Election of the Council; and
- electing a Mayor in accordance with Section 71 of the Act; and
- fixing any allowance in accordance with Section 74 of the Act

Statutory Year - The year commencing with the Statutory Meeting of the Council

Suspension of Standing Orders - The suspension of the provisions of this procedure to facilitate full discussion on an issue without formal constraints

5. ACTIONS

PART A – NOTICE OF MEETINGS AND DELIVERY OF AGENDA

The purpose of this section is to ensure that there are clear guidelines around the setting of meeting dates and the distribution of the Council agenda. This is to ensure that Councillors have adequate time to familiarise themselves with the matters to be considered, for interested parties, media and the community to be informed and able to follow proceedings, to minimise the financial and environmental impact of conducting Council business and to remain open and transparent.

A.1 ORDINARY COUNCIL MEETINGS

A.1.1 The date, time and place of all ordinary Council meetings are to be fixed by the Council and 7 days' notice of such meetings must be provided to the public.

A.1.2 To enable reasonable notice of Council Meetings to be given to the public, the Council should prepare a schedule of meetings either annually, twice yearly, quarterly or from time-to-time, and arrange publication of the schedule of meeting dates on the internet and in a local, well-circulated newspaper, either:-

- (a) at various times throughout the year; or
- (b) just prior to each meeting.

A.1.3 Council may alter the date, time, place of any ordinary Council meeting which has been fixed and must provide reasonable notice of the changes to the public. Details should be published on the internet and in the local paper. However, if time does not allow this to occur, then the posting of a notice setting out the details should occur on the internet and in as many other public places as possible to inform the public of the change.

A.1.4 It is in order for the commencement time of any meeting to be stated as "at the conclusion of meeting" or "at the adjournment of meeting", without stipulating a specified time, provided there is some indication as to the approximate starting time.

A.1.5 Notice for adjourned meeting - The Chief Executive Officer or their representative may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur, then provided a reasonable attempt is made to contact each Councillor, by email, by telephone, or in person which will be sufficient.

A.2 SPECIAL COUNCIL MEETINGS

A.2.1 The notice necessary to call a special meeting in accordance with Section 84 of the Act must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to all Councillors.

A.2.2 In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.

A.2.3 When the date, time and place of any Special Council meeting is known the details must be provided to the public in accordance with clause A.1.

A.3 DELIVERY OF AGENDA

A.3.1 A Notice of Meeting incorporating or accompanied by an Agenda (see section C.1.1) of the business to be dealt with must be delivered to every Councillor:-

- (a) for an Ordinary Meeting, at least 96 hours (COB 4 days before ordinary meeting) before the meeting; and
- (b) for a Special Meeting, within a reasonable time before the meeting; and
- (c) for a Special Committee Meeting, within a reasonable time before the meeting.

A.3.2 The notice of agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by electronic means or be otherwise delivered to each Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillor.

- (a) A notice may be handed personally to a Councillor in any location within the time required, or may be delivered to another destination, provided authorisation by the relevant Councillor is notified to the Chief Executive Officer or their representative.
- (b) To enable the processes of government to be efficiently managed, Councillors should keep the Chief Executive Officer informed of their point(s) of contact from time-to-time.

- (c) Wherever it is practical Council will utilise electronic and digital means to distribute the agenda and related documents, keeping the provision of hard paper copies to a minimum.

A.3.3 The agenda shall be made available to members of the public by 5pm 4 days prior to the meeting with the preferred access point being Council's website.

A.3.4 The Agenda will be delivered to any Councillor who has been granted leave of absence from any meeting, unless the Councillor has requested in writing that the Chief Executive Officer or their representative not do so.

PART B – CONDUCT OF MEETINGS

The purpose of this section is to provide clear guidance and rules during meetings and the expected behaviour of members and any of the general community that may be present.

B.1 QUORUM

B.1.1 The quorum required for Ordinary Council Meetings or a Special Council Meeting will be at least a majority of the members of the Council or the Special Council Meeting, in accordance with section 91(3A) of the Act.

B.1.2 The quorum for Special Committee Meetings will be determined by the Council for each Committee in its Instrument of Delegation, but in the absence of the Council's determination, the quorum required will be a majority of the members for the time being elected or appointed to that Special Committee.

B.1.3 Inability to obtain a quorum:

- a) If after 30 minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those Councillors present or if there are not Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer a Senior Officer, must adjourn the meeting for a period not exceeding 7 days from the date of adjournment.
- b) If during a Council meeting a quorum cannot be achieved or maintained due to the number of disclosures of conflicts of interest by Councillors, the Chief Executive Officer or, in their absence, a Senior Officer, must adjourn the meeting or lay the specific item on the table, for a length of time sufficient to enable an exemption for the affected Councillors to be obtained from the Minister.
- c) If during a Special Committee meeting a quorum cannot be achieved or maintained due to the number of disclosures of conflicts of interest by Councillors, the Chief Executive Officer or, in their absence, a Senior Officer, must adjourn the meeting or lay the specific item on the table, for a length of time sufficient to enable an exemption for the affected Members to be obtained from Council.

B.2 ADDRESSING A COUNCIL MEETING

B.2.1 Except for the Chairperson or any officer of Council, any Councillor who addresses the meeting must stand and direct all remarks through the Chair, where they are physically able. The Chairperson may permit, at their discretion, any Councillor or person to remain seated whilst addressing the Chair, for reasons of sickness, infirmity or disability.

B.2.2 Any person addressing the Chair should refer to the Chairperson as, Madam Mayor, Mr Mayor, Madam Chairperson, or Mr Chairperson as the case may be.

B.2.3 All Councillors, other than the Mayor, should be addressed as Cr.....(Name).

B.2.4 All members of Council staff should be addressed as Mrs, Ms, Miss or Mr.....(Name).

B.3 SUSPENSION OF STANDING ORDERS

B.3.1 Unless otherwise provided for, the provisions of this procedure may be suspended for a particular purpose by resolution of the Council or Committee. An appropriate motion is:- "That Standing Orders be suspended to enable discussion on".

B.3.2 The purpose of suspending standing orders is to enable the meeting procedure formalities to be temporarily disposed of while an issue is discussed.

B.3.3 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council or Committee.

B.3.4 Once discussion has taken place and before any motions can be put, the resumption of standing orders is necessary. An appropriate motion is:- "That Standing Orders be resumed."

B.3.5 No motion may be accepted by the Chair or be lawfully dealt with during any suspension of Standing Orders, other than the motion to resume standing orders.

B.4 CONDUCT AT MEETINGS

B.4.1 Councillors will have regard to the Councillor Code of Conduct in their participation in any meeting of the Council and must not make any defamatory, indecent, abusive, offensive or disorderly statements or comments.

B.4.2 Members of the public only have a right to address Council during public question time (refer clause F.1) or with the consent of the Chairperson at any other time.

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B.4.3 Any member of the public addressing Council or a Special Committee must extend courtesy and respect to Council or committee, and the processes under which it operates, and must take direction from the Chair whenever called on to do so.

B.4.4 Members of the public present at a Council or Special Committee meeting must not interject during the proceedings of the meeting.

B.4.5 The Chairperson may request a police officer to remove any person, including a Councillor, who disrupts any meeting or otherwise affects the business of the meeting, or fails to comply with a direction.

B.4.6 Any person (including a Councillor) who has been called to order by the Chairperson of any meeting and who then fails to comply with the Chairperson's direction will be guilty of an offence under Local Law No 1 – Governance (2016), for a failure to comply with the Chairperson's direction.

Penalty: Ten (10) Penalty Units

B.4.7 The Chairperson may adjourn a disorderly meeting for up to 30 minutes, or adjourn the entire meeting to another time, location and date.

B.4.9 The Chairperson may order and cause the removal of any object or material that is deemed by the Chairperson as interfering with the conduct of the meeting.

B.4.10 If the Chairperson adjourns a disorderly meeting, Councillors and staff will exit the chamber with due caution and in a safe manner.

B.5 CHAIRPERSON'S RULING

B.5.1 Where this meeting procedure does not provide a procedure for a meeting, the Chairperson must decide the procedure to be followed based on law or generally accepted meeting protocols.

B.5.2 When the Chairperson makes a ruling during a meeting, any motion dissenting from the Chairperson's ruling must be moved immediately.

B.5.3 The Chairperson is not required to stand down during the debate and voting on a dissent motion.

B.5.4 The Chairperson is bound by the motion of dissent. If the vote is in the affirmative, the Chairperson must reverse or vary the previous ruling.

B.5.5 The defeat of the Chairperson's ruling is not a vote of no-confidence in the Chairperson.

B.6 DUTIES AND DISCRETION OF THE CHAIRPERSON

B.6.1 It is the Chairperson's duty to retain control and order of the meeting, to act impartially, and to ensure the smooth passage of business before the meeting, allowing for fair examination of contentious matters, the duties include but are not limited to:

- (a) presiding over and controlling the meeting to ensure, to the best of their ability, it is conducted in accordance with the Local Law and this procedure;
- (b) ascertaining that a quorum is present, and if a quorum is present, formally declaring the meeting open;
- (c) welcoming members and visitors;
- (d) signing minutes of meetings as correct when they have been confirmed in accordance with Section 93(5) of the Act;
- (e) calling for disclosure by Councillors of any conflicts of interest in accordance with section 79 of the Act;
- (f) ensuring debates are conducted in the correct manner and in accordance with Part E of this procedure;
- (g) not accepting any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any Councillor, member of Council staff, ratepayer, resident or member of the public;
- (h) in the case of competition for the right to speak, deciding the order in which the Councillors concerned will be heard;
- (i) declaring the results of all votes;
- (j) giving rulings on points of order and other questions of procedure;
- (k) calling to order any person who is disruptive or unruly during any meeting;
- (l) adjourning a meeting (when so determined or resolved)

B.6.2 The Chairperson or the Council or Committee by resolution may adjourn any meeting until a time and place to be determined at the time of the adjournment.

B.6.3 For the purpose of stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

PART C – BUSINESS OF MEETINGS

The purpose of this section is to describe how the meeting will operate in terms of what items will be available for discussion and resolution, what items will appear on the agenda and how the minutes will be recorded.

C.1 THE ORDER OF BUSINESS

C.1.1 The order of business appearing on an agenda will be determined by the Chief Executive Officer or representative, to facilitate and maintain open, efficient and effective processes of government.

C.1.2 Although the order of business appearing on agendas should be consistent from meeting to meeting, the order of business can be altered according to the discretion of the Chief Executive Officer or representative, to enhance the fluent and open process of government of the Council or Committee, to meet identified needs of the Council or Committee or to take advantage of opportunities which may arise from time-to-time.

C.1.3 Any proposal to significantly change the order of business on a regular basis should be the subject of discussion between all Councillors and the Chief Executive Officer or representative.

C.1.4 Once an Agenda has been sent to Councillors, the order of business for that meeting may only be altered by resolution of Council or the relevant Committee.

C.1.5 The Chief Executive Officer or representative may include any matter on an Agenda which he or she thinks should be considered by the meeting.

C.2 MINUTES

C.2.1 Confirmation of the minutes of the meeting:

- a) The Chief Executive Officer is responsible for arranging and ensuring, on behalf of the Council, the keeping of Minutes of any meeting.
- b) No discussion or debate on the confirmation of the Minutes of any meeting will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- c) If a Councillor is dissatisfied with the accuracy of the Minutes of any meeting, then he or she must:- state the item or items with which they are dissatisfied; and propose a motion clearly outlining the alternative wording to amend the Minutes.
- d) The Council or Committee may defer the confirmation of Minutes of any meeting until later in the meeting or until the next meeting as appropriate.

C.2.2 Contents of the minutes of the meeting - In keeping or ensuring the minutes of any meeting, the Chief Executive Officer must arrange or ensure the recording of minutes so as to show:

- i. the names of Councillors and whether they were PRESENT, an APOLOGY, or on LEAVE OF ABSENCE;

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- ii. the names of members of Council staff IN ATTENDANCE with their organisational title;
- iii. the name of any other person IN ATTENDANCE at the meeting and the organisation they represented or the capacity in which they attended (this does not extend to members of the public gallery);
- iv. the arrival and departure times of Councillors, members of Council staff and other attendants during the course of the meeting (including any temporary departures or arrivals);
- v. every motion and amendment moved, including the mover (and seconder) of any motion or amendment;
- vi. the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED etc. and identification of any motions voted on by secret ballot;
- vii. procedural motions which might be raised;
- viii. where a valid division was called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
- ix. when requested by a Councillor, a record of that Councillor's support or opposition for any motion;
- x. details of a failure to achieve or maintain a quorum and any adjournment;
- xi. details of any questions directed or taken upon advice;
- xii. details of any deputations made to the Council or Committee;
- xiii. the time and reason for any adjournment of the meeting or suspension of standing orders;
- xiv. any interests or conflicts disclosed at the meeting, including the nature of any such interests or conflicts of interest which were disclosed by Councillors in accordance with section 79 of the Act or by any member of Council staff in accordance with section 80B of the Act;
- xv. 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.
- xvi. the date and time the meeting was commenced, adjourned, resumed and concluded;
- xvii. be consecutively page numbered; and
- xviii. contain consecutive item numbers which are clearly headed with subject titles and, where appropriate, sub-titles and file references.
- xix. For Councillor Reports – record the topics discussed by each Councillor or the full details if an accurate written record of the report is provided by the Councillor

C.2.3 The Council may determine by resolution of Council, to maintain a publicly accessible audio and/or visual archive of Council meetings in order to provide a fuller public record of proceedings than can be made available in the formal written minutes.

C.3 COUNCILLOR REPORTS AND ACKNOWLEDGEMENTS

C.3.1 An item will be included on the agenda for Councillor reports and acknowledgements.

C.3.2 The purpose of this item is to provide Councillors with an opportunity to provide an update on their duties as a Councillor and meetings attended and to raise matters such as:

- A note of thanks or congratulations
- Advise of attendance at events or meetings
- Recognitions
- Tributes and acknowledgements to groups or individuals

C.3.3 Councillor reports are to be submitted in writing to the Chief Executive Officer in time for inclusion in the agenda of the next ordinary Council meeting.

C.3.4 Councillor reports will not be read or addressed by Councillors save that Councillors may make an acknowledgement.

C.3.5 It is intended that Council will suspend standing orders for this item.

C.4 URGENT BUSINESS

C.4.1 Council may by resolution determine that an item, of which no notice has been given, is included in the agenda as Urgent Business.

C.4.2 An item may be classified as urgent business if it relates to a matter which has arisen since the distribution of the agenda or involves a matter of urgent community concern or cannot be safely or conveniently deferred until the next Ordinary meeting or is deemed prudent to be dealt with at this point in time.

C.4.3 Officers should provide some guidance as to why an item should be considered as Urgent Business.

C.4.4 Council must first determine to accept the Urgent Business item before undertaking any debate.

C.5 CONFIDENTIAL MATTERS (CLOSED MEETING)

C.5.1 The Council by resolution may close a meeting to consider items that are of a confidential nature in accordance with section 89 (2) of the Local Government Act.

C.5.2 The Chief Executive Officer must determine if a report is classified as confidential and therefore needs to be recommended to be heard in closed Council.

C.5.3 The Chief Executive Officer should place a report to be heard in open Council wherever possible.

C.5.4 When an items has been referred to closed Council as it is of a confidential nature the applicable sub-section Section 89 (2) of the Local Government Act must be stated when the decision is made in open Council to refer to closed Council.

C.5.5 Council may resolve to move an item to closed Council

C.5.5 Decisions made in closed council, depending upon their nature, may then be reported in the minutes at the discretion of Council.

C.6 NOTICES OF MOTION

C.6.1 Notices of motion are used to inform Council that is the intention of a Councillor to move a particular matter at a future meeting.

C.6.2 For a Notice of Motion to be listed on an agenda it will need to be received by the Chief Executive Officer at least 24 hours prior to the scheduled distribution time for the agenda to be sent to Councillors.

C.6.3 A Notice of Motion will not be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

C.6.4 Where the matter is significant and does require in-depth consideration the Notice of Motion may give consideration to calling for a Council Report, in order to allow appropriate information to be gathered to inform the decision. Such circumstances would be if the Notice of Motion:

- substantially affects the level of a Council service

- commits Council to significant expenditure not included in the adopted Council budget
- relates to a sensitive community matter
- is something that is new or has not been considered in recent times
- establishes or amends Council policy
- commits Council to any contractual arrangement
- concerns any litigation in respect of which Council is a party

C.6.5 The Chief Executive Officer or representative:-

- (a) may reject any Notice of Motion that is too vague, offensive or unlawful, but before rejecting it must give the Councillor delivering the notice an opportunity to amend it; and
- (b) must notify the relevant Councillor of any Notice of Motion which has been rejected and give the reasons for its rejection.

(c) Unless the notice specifies a particular meeting date, the Chief Executive Officer or representative must list the Notice of Motion and, if more than one, in the order they were received, on the next appropriate meeting Agenda.

(d) The Chief Executive Officer or representative must cause every Notice of Motion received to be sequentially numbered and maintained in a register.

C.6.6 A Notice of Motion listed on a meeting Agenda may be moved by any Councillor present and, except where the Notice of Motion is to confirm a previous resolution of the Council or Committee, may be amended.

C.6.7 If a Notice of Motion to confirm a previous resolution of the Council or Committee cannot be carried in its original form, the Notice of Motion will be lost.

C.6.8 Unless the Council or Committee resolves to relist at a future meeting a Notice of Motion which has been lost, a similar motion must not be put before the Council or Committee for at least three (3) months from the date it was lost.

C.7 OFFICERS' REPORTS

C.7.1 Officers' reports are prepared as a means to provide information to Council for the purposes of making a decision or the sharing of information. The report should not reflect the personal views of the Officer nor try to manipulate Councillors' opinions in a particular direction. It should genuinely and impartially evaluate the effectiveness of the proposed recommendations.

C.7.2 The Officers' recommendation should be drawn from logical conclusions contained in the report and should clearly and concisely state what Council is being asked to decide

C.7.3 In some cases Officers' recommendations may contain options when a clear direction cannot be concluded. In these cases the report should comment on the relative merit of the various options.

C.7.4 The format of Officers' Reports should remain consistent from meeting to meeting but will be set by the Chief Executive Officer and may change on occasion.

PART D – VOTING

The purpose of this section is define the methods of voting that are to be utilised by Council.

D.1 VOTING PROCEDURE

D.1.1 Subject to clause E.1., in determining a question before any meeting, the Chairperson will first call for a show of hands by those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.

D.1.2 In accordance with Section 90 (1)(d) of the Act, a motion is determined in the affirmative by a majority of the Councillors present at the meeting at the time the vote is taken.

D.1.3 Subject to Section 90 (1) (e) of the Act, if there is an equality of votes, the Chair has a casting vote with the exception of the election of the Mayor or Deputy Mayor, where there is no provision for casting votes (Section 90 (2))

D.1.4 A Councillor who has declared a conflict of interest and has left the meeting prior to consideration and voting on a matter is taken not to be present at the meeting for the purpose of determining whether the motion on the matter passes.

D.2 VOTING BY SECRET BALLOT

D.2.1 Unless otherwise resolved by Council or a Special Committee in accordance with section 89(2) of the Act, any meeting of a Council or a Special Committee must be open to members of the public. In accordance with section 90 of the Act, voting at a meeting that is open to members of the public must not be in secret.

D.2.2 When a meeting of Council or a Special Committee is closed to the public the meeting will be described as being "closed". Whilst in a "closed" meeting the Council or Committee may resolve to deal with any matter by secret ballot.

D.2.3 If the Council or Committee resolves to deal with a matter by secret ballot (as per D.2.2), the Chief Executive Officer must establish and cause to be administered a system for voting by secret ballot to ensure that the privacy of the vote is maintained.

D.3 DIVISIONS

D.3.1 Subject to Clause D.3.6 a division may be requested by any Councillor on any matter.

D.3.2 The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

D.3.3 Once a division has been requested in circumstances other than those dealt with in Clause D.3.6, the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.

D.3.4 The Chairperson shall name those Councillors voting for the motion and those Councillors voting against the motion and the names shall be recorded in the Minutes of the Meeting.

D.3.5 No Councillor is prevented from changing their original vote at the voting on the division, and the voting by division will determine the Council's resolution on the issue.

D.3.6 If the question on any matter is determined by secret ballot, a request to the Chairperson for a division must not be accepted.

PART E – MOTIONS AND DEBATE

The purpose of this section is to define the parameters around which debate will occur and the “tools” available to facilitate good participative, fair and robust discussion. Council Briefing meetings help to facilitate debate by ensuring that Councillors are well informed and in the best possible position to effectively make decisions. They are an important part of the debate process and for complex issues they are often the means to ensure that a common understanding of all points of view are obtained and can be reflected in the Council report for final decision at open Council. Decisions are not made in Council Briefing meetings.

E.1 MOVING A MOTION

E.1.1 The procedure for any motion is:-

- (a) the mover must obtain the attention and respect of the Chairperson in the appropriate manner;
- (b) the mover must state the details of the motion without speaking to it;
- (c) unless the motion is a formal motion, it must be seconded in the appropriate manner by a Councillor other than the mover;

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- (d) if a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- (e) after a motion is seconded and the mover has addressed the meeting, the seconder may address the meeting or reserve their address until later in the debate;
- (f) the Chairperson may then call upon any Councillor who wishes to speak against the motion;
- (g) any other Councillors for and against the motion then debate in turn
- (h) subject to clause E.1.3, except for the purposes of proposing an amendment or for the purposes of raising a point of order no Councillor may speak more than once on any motion.
- (i) a Councillor may, with permission of the Chairperson, ask a question for the purposes of clarification prior to the commencement of debate. In asking such questions Councillors must not offer opinions on the issue to be considered. Asking a question for the purposes of clarification will not be deemed as speaking to the motion.
- (j) all addresses under (e), (f) and (g) must be made in accordance with Clause E.8

E.1.2 With permission of the Chairperson both the mover and the seconder of the motion may agree to an alteration proposed by another Councillor. For the purposes of this procedure, any such alteration shall not be regarded as an amendment to the motion.

E.1.3 Right of Reply - The mover of an original motion, including any amendment to that motion, once debate has been exhausted, has a right of reply to matters raised during debate. After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

E.2 AMENDMENTS

E.2.1 Moving an amendment - A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the motion and framed so as to complement it as an intelligible and consistent whole. An amendment must not be a direct negative of the motion being considered. A working rule for determining whether an amendment is a direct negative is to ask the question whether the proposed amendment would have the same effect as voting against the motion. If it would, it is a direct negative.

E.2.2 An amendment may be proposed during the debate either at the commencement of the Councillor's speech or at the conclusion, but not after having already spoken. An amendment may be proposed or seconded by a Councillor, other than the mover or seconder of the original motion.

E.2.3 If the amendment is acceptable to the mover of the motion, the mover can "by leave of Council" alter the original motion accordingly in order to save time, the seconder of the motion must also agree.

E.2.4 If the mover of a motion wishes to make a minor alteration to a motion for non-controversial matters then the mover may “ask for leave” to amend the motion and provided that leave is unanimously granted by all present then the motion may be amended and that amendment can then be put to the debate.

E.2.5 A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion, but debate must be confined to the terms of the amendment.

E.2.6 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.

E.2.7 There is no right of reply available to the Councillor who proposed the amendment.

E.2.8 If the amended motion is carried, it then becomes the question before the Chair and the mover of the original motion will retain the right of reply.

E.3 FORESHADOWING MOTIONS

E.3.1 When a motion is being debated a Councillor may foreshadow a motion to inform the Council or Committee of their intention to move a motion dealing with the same subject matter, at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

E.3.2 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.

E.3.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.

E.3.4 The Chief Executive Officer or representative is not required to have foreshadowed motions recorded in the minutes unless the foreshadowed motion is formally moved.

E.4 WITHDRAWAL OF MOTIONS

E.4.1 Before any motion is put to the vote, the mover can withdraw the motion, with leave of the Council or Committee.

E.5 SEPARATION OF MOTIONS

E.5.1 Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.

E.5.2 The Chairperson may decide to put any motion to the vote in several parts. Where a motion contains several parts/segments or is complicated, it may be separated to avoid difficulties, particularly if different Councillors have differing views about the several parts of the motion. Bear in mind that this could cause some difficulties if at some time in the future it is proposed to revoke or alter a resolution as some of the parts/segments may have been acted upon.

E.6 MOTIONS IN WRITING

E.6.1 The Chairperson may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason, and copies made available.

E.6.2 The Chairperson may suspend the meeting while the motion is being written or may request the Council or Committee to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

E.7 DEBATE MUST BE PROPER AND RELEVANT TO THE MOTION

E.7.1 Debate must always be relevant to the question before the Chair and not offensive, insulting or disrespectful to any person, and if not, the Chairperson may request the speaker to confine debate to the subject motion.

E.7.2 If, after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair. In that event, the speaker must comply with the Chairperson's requirement.

E.7.3 Officers must not enter into the debate, speaking only when invited by the Chair to answer questions. However, they may ask the Chair for the opportunity to correct a factual error stated in debate.

E.8 TIME LIMITS FOR DEBATE

E.8.1 Unless a motion for an extension of time has been carried, the maximum speaking times will be:-

- (a) the mover of a motion - five (5) minutes;
- (b) the mover of a motion when exercising their right of reply - three (3) minutes;
- (c) any other Councillor for or against the motion - three (3) minutes.

E.8.2 An extension of speaking time may be granted by resolution of the Council or Committee but only one extension is permitted for each speaker on any question.

E.8.3 A motion for an extension of speaking time must be proposed:-

- (a) immediately before the speaker commences debate;
- (b) during the speaker's debate; or
- (c) immediately after the speaker has concluded debate.

E.8.4 A motion for an extension of speaking time cannot be accepted by the Chairperson if another speaker has commenced their contribution to the debate.

E.8.5 Any extension of speaking time must not exceed three (3) minutes.

E.9 POINTS OF ORDER

E.9.1 The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

E.9.2 The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule on it as soon as it is raised.

E.9.3 All other matters before the Council or Committee are to be suspended until the point of order is decided upon.

E.9.4 The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless a motion of dissent is moved and carried.

E.9.5 A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the Chairperson's ruling.

E.9.6 A motion of dissent in relation to a point of order is not a motion of dissent in the Chair, and the Chairperson must at all times remain in the Chair and maintain their rights as the Chairperson.

E.9.7 A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling given by the Chairperson.

E.9.8 A Councillor raising a point of order must state the point of order.

E.9.9 A point of order may be raised in relation to:-

- (a) a procedural matter;
- (b) a Councillor who is or appears to be out of order; or

- (c) any act of disorder.

E.9.10 Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

E.9.11 A Councillor who is addressing any meeting must not be interrupted unless called to order. In that event, he or she must sit down and remain silent until the Councillor raising the point of order has been heard and the point of order dealt with by the Chairperson.

E.10 FORMAL MOTIONS

In this procedure, formal motions include matters contained in clauses E.10.1 and E.10.2. Notwithstanding anything else contained in this procedure:

- (a) unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (b) formal motions are not required to be seconded.
- (c) the mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
- (d) a formal motion cannot be moved by the Chairperson.
- (e) unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- (f) unless otherwise provided a formal motion cannot be amended.

E.10.1 “ADJOURNING THE DEBATE” – A motion may be moved “That the debate be adjourned until (later in the meeting OR the next ordinary meeting of Council)”

The motion:

- (a) cannot be moved while a Councillor is speaking; and
- (b) may be amended in relation to the time and date of the proposed adjournment.

E.10.2 "THE CLOSURE" - A motion may be moved "That the motion be now put".

This motion:

- (a) is a formal motion which, if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment; and
- (b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue unaffected; and
- (c) if lost, allows debate to continue unaffected.

E.12 NOTICE OF AMENDMENT OR RESCISSION

E.12.1 A Councillor may propose a Notice of Motion to amend or rescind a decision of the Council or Committee at a following meeting provided:-

- (a) the decision has not been acted upon; and
- (b) a notice is delivered to the Chief Executive Officer or representative outlining:-
 - i. the decision to be amended or rescinded; and
 - ii. the meeting and date when the decision was made.

E.12.2 A decision to amend or rescind a decision of Council or a Committee will be acted upon once its details have been formally communicated to persons affected by or reliant on the original resolution or where a statutory procedure has been carried out as a result of that decision.

E.12.3 The Chief Executive Officer or other Senior Officer may initiate action or cause action to be initiated on any Council or Committee resolution at any time after the close of the meeting at which it was carried.

E.12.4 Unless the Notice of Motion specifies a particular meeting date, the Chief Executive Officer or representative must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting Agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.

E.12.5 For a decision of the Council or a Committee to be amended or rescinded, the motion for amendment or rescission must be carried by a majority of the votes cast.

E.12.6 Unless the Council or Committee resolves to relist at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council or Committee for at least three (3) months from the date it was last considered.

E.12.7 If a notice of amendment or rescission is not moved at the meeting for which it is listed, it will lapse.

E.12.8 A notice of amendment or rescission listed on a meeting Agenda may be moved by any Councillor present but cannot be amended.

E.12.9 A notice of amendment or rescission is not required where the Council or Committee wishes to change a previous decision relating to a policy of the Council or Committee.

E.12.10 The Chief Executive Officer or representative must cause every notice of amendment or rescission received to be sequentially numbered and to be maintained in a register.

E.13 OTHER MATTERS

E.13.1 The Chairperson has a duty to not accept any motion or amendment which: -

- (a) is defamatory; or
- (b) is objectionable in language or nature; or
- (c) is outside the powers of the Council or Committee; or
- (d) is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or
- (e) purports to be an amendment but is not.

E.13.2 The Chairperson must reject a substantive motion that does not relate to:

- (a) urgent business; or
- (b) a notice of motion; or
- (c) a notice of amendment or rescission; or
- (d) a matter the subject of an officer's report listed on the agenda.

E.13.3 A substantive motion is a proposal that Council do something and which requires action to be taken by the Chief Executive Officer if it becomes a Council decision.

E.13.4 A motion to confirm the minutes of a Council meeting, or to adopt, receive or note a document is not a substantive motion.

E.13.5 Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion involves a Councillor requesting that their opposition to the motion be recorded in the Minutes or a register maintained for that purpose; or a subsequent Notice of Motion that follows a rescission motion or a Councillor calling for a division.

PART F – COMMUNITY PARTICIPATION

The purpose of the section is to provide a process by which the community may actively engage in a Council meeting and have their matters answered in a public forum. It should not be utilised in-lieu of other processes that Council has in place to record requests for service or to manage complaints.

F.1 PUBLIC QUESTION TIME

F.1.1 Time Allocations:

- i. At every Ordinary Meeting of the Council, time may be allocated at the start of the meeting after declaration of Interests, for public question time.
- ii. Council will allow 15 minutes for public question time, however the Chairperson may determine an extension.
- iii. Standing orders will be suspended for question time to allow a more informal discussion to take place.
- iv. The Chairperson may allocate reasonable time to each person who wishes to ask a question of Council having regard to:-
 - (a) the nature of the matter to be discussed;
 - (b) priorities in relation to other Council business;
 - (c) other members of the community present who also wish to address the Council; and
 - (d) whether such an opportunity has already been provided to the person.

F.1.2 Questions

- i. Question – Any member of the public who wishes a question to be asked during Public Question Time must submit the question no later than 5pm on the Friday prior to the Council meeting. Any questions must be submitted to the Chief Executive Officer's office in writing preferably using the Question Time Form located on Council's website.
- ii. The number of questions per member of the public is limited to two.
- iii. For a question to be read at the Council meeting, the author of the question must be present in the gallery. The person shall read the question or if required the Chairperson shall read the questions, and the responses will be provided by the Chief Executive Officer or other person as directed by the Chief Executive Officer
- iv. Supplementary Questions - If the author wishes to ask a related supplementary question after an initial question has been answered, the Mayor may direct that the author can verbally ask one follow-on question for each question that they have asked.

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- v. Unanswerable Questions - Where a question cannot be answered at the Council meeting a written response will be provided by the Chief Executive Officer to the author within 5 working days.
- vi. Questions must be relevant to Council's jurisdiction, must not be defamatory, indecent, abusive, of a personal nature, of an industrial nature, of a contractual nature, commercially sensitive, regarding legal advice, objectionable or declared confidential under s. 77 of the *Local Government Act, 1989*. Questions must not be repetitive of a question already answered (whether at the meeting in question or an earlier one).
- vii. The Chief Executive Officer in consultation with the Mayor will decide when a question is not to be accepted. If this decision is made the person who submitted the question is to be informed both verbally and in writing by the Chief Executive Officer, of the reason or reasons for which their question was not accepted. Any questions that have been submitted in writing and been disallowed by the Chief Executive Officer and Mayor will be provided to all Councillors.
- viii. The Chief Executive Officer will ensure that a written response will be provided within 5 working days of the Council meeting, to all written questions received.

F.1.3 Other relevant matters

- i. The Chairperson will give regard to any special needs or requirements of a disabled member of the public who wishes to participate in public question time and ensure that any reasonable adjustments which may be achievable are implemented in order to support the effective contribution of that person.
- ii. The Council may decide to defer an answer and discussion to a later date. The views and/or any reasonable requirements of the person asking the question must be sought concerning the opportunity for discussion.
- iii. Any member of the public or community addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.

F.2 PETITIONS AND JOINT LETTERS

F.2.1 A petition or joint letter presented to the Council will be tabled without discussion and received at the next appropriate Ordinary Council Meeting, unless the Council agrees by resolution to deal with it earlier. Petitions or joint letters will be forwarded to the appropriate Director for action as required, including presentation back to Council at the next appropriate meeting.

F.2.2 Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence under Local Law No 1 - Governance (2016).

Penalty: Ten (10) Penalty Units

F.2.3 Any Councillor presenting a petition or joint letter will be responsible for ensuring that:-

- (a) they are familiar with the contents and purpose of the petition or joint letter; and
- (b) the petition or joint letter is not derogatory or defamatory.

6. COMMUNICATION

Website, Intranet, Staff Newsletter

7. RESPONSIBILITY

Corporate Services Director

8. SUPPORTING DOCUMENTS

Document	Location
Local Law No 1 – Governance (2016)	Internet
Public Question Time Form	Internet

9. DOCUMENT CONTROL

Once this document has been adopted by Council it does not come into force until a notice is published in the Government Gazette in accordance with Section 112 (2) of the local Government Act 1989.

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Version Number	Approval Date	Approval By	Amendment
01	1 Feb 16	Council	New Procedure
02	6 Nov 17	Council	Amended Procedure Gazetted 16 Nov 2017

COUNCIL	Ordinary Council Meeting	POPULATION	MEETING DATES	WEB LINK
Corangamite	1 /mth	15,553	4 th Tuesday/month at 7pm at Camperdown (March Cobden, Sept Skipton)	https://www.corangamite.vic.gov.au/Council/Inside-Council/Council-Meetings
Moyne	1 /mth	16,272	4 th Tuesday/month at 6pm rotating Mortlake and Port Fairy	http://www.moyne.vic.gov.au/Your-Council/Council-and-Councillors/Council-Meetings
Glenelg	1 /mth	19,042	4 th Tuesday/month at 7pm (Portland , March Heywood, September Casterton)	https://www.glenelg.vic.gov.au/Council_Meetings
Horsham	2/mth	19,887	1 st and 3 rd Monday/month at 5.30pm	
Colac Otway	1/mth	20,142	4 th Wednesday/month at 4pm (Colac – 2mtgs Apollo Bay, 1 mtg Beeac) 3 rd Wed April, (2 nd Wed Dec)	http://www.colacotway.vic.gov.au/Council-the-shire/Our-Council/Council-meeting-dates
Swan Hill	1/mth	20,394	3 rd Tuesday/month at 4pm or 6pm Swan Hill town hall (Sept 2018 mtg Robinvale)	https://www.swanhill.vic.gov.au/about/council/
Wangaratta	1/mth	27,040	3 rd Tuesday/month at 6pm (2 nd Tues December)	https://www.wangaratta.vic.gov.au/about-council/council/council-agendas-minutes
South Gippsland	1/mth	27,751	4 th Wednesday/month at 2pm Council Chamber Leongatha (exceptions 26 April 30 May 19 December)	http://www.southgippsland.vic.gov.au/meetings
Moira	1/mth	28,942	4 th Wednesday/month 6pm (Various locations including Cobram, Numurkah, Nathalia, Yarrawonga) (3 rd Wed April, 2 nd Wed December)	http://www.moira.vic.gov.au/Council/Council_Meetings
Surf Coast	1/mth	29,386	4 th Tuesday/month at 6pm, Council Chambers Torquay (2 nd Tues December)	https://www.surfcoast.vic.gov.au/About-us/Council/Meetings-and-minutes
Moorabool	1/mth	32,126	1 st Wed/month Ballan (also 28/3 Bacchus Marsh)	https://www.moorabool.vic.gov.au/
Bass Coast	1/mth	32,825	3 rd Wed/month at 5pm (2 nd Wed/month Community Connection session at 3pm)	http://www.basscoast.vic.gov.au/meetings

			at Wonthaggi (21/2 at Inverloch)	
Warrnambool	1/mth	33,948	1 st Monday/month Warrnambool	https://www.warrnambool.vic.gov.au/meetings-dates-and-times
Campaspe	1/mth	36,814	3 rd Monday/month (4 th Monday June, 1 st Tuesday December)	https://www.campaspe.vic.gov.au/council/council-meetings/council-meetings-and-dates/
Wodonga	1/mth	39,358	3 rd Monday/month at 6pm Council Chamber(4 th Mon Jan and June, 2 nd Mon Dec)	https://www.wodonga.vic.gov.au/about-us/council-meetings/meeting-dates.asp
Mitchell	1/mth	39,920	Ord – 3 rd Mon/month (4 th Mon/June) at 7pm Broadford. Community Questions and Hearings Committee 2 nd Mon/month at 7pm.	https://www.mitchellsfire.vic.gov.au/council/your-council/meetings/meeting-schedule
Wellington	1/mth	41,923	1 st Tues/month 3pm; 3 rd Tues/month 6pm – Council Chambers, Sale	http://www.wellington.vic.gov.au/Your-Council/Council-Meetings/Council-Meetings-Schedule
East Gippsland	1/mth	44,415	1 st Tues/month at 6pm (1pm April, May, July, Sept, 2 nd Tues November at 1pm). Location – Bairnsdale, Omeo, Lakes Entrance, Orbost	https://www.eastgippsland.vic.gov.au/About-Us/Your-Council/Council-Meetings
Macedon Ranges	1/mth	46,023	4 th Wednesday/month at 7pm Gisborne Admin Centre	http://www.mrsc.vic.gov.au/About-Council/Our-Council/Meeting-Dates-Agendas-Minutes
Baw Baw	2/mth	47,548	2 nd and 4 th Wednesday/month (temporarily at Trafalgar Business Centre) at 5.30pm (confidential at 5pm) (Tues 24 April) (1 mtg Sept – extra mtg 1 Oct at Walhalla) (1 mtg Dec - 12 Dec)	http://www.bawbawshire.vic.gov.au/About-Council/Council-Meetings/Meeting-Dates
Mildura	1/mth	53,356	4 th Wed/month at 5.30pm Mildura (Dec mtg 12 Dec)	http://www.mildura.vic.gov.au/Council/About-Council/Agendas-Minutes-for-Council-Meetings/2018-

				Council-Meeting-Schedule
Nillumbik	1/mth	62,798	4 th Tuesday/month at 7.30pm	http://www.nillumbik.vic.gov.au/Council/Council-meetings-dates-and-forms
Greater Shepparton	1/mth	63,828	3 rd Tuesday/month at Shepparton at 5.30pm (April – Mooroopna; October at Tatura)	http://greater-shepparton.com.au/council/governance/council-meetings
Latrobe	1/mth	73,646	1 st Monday/month at 6pm at Morwell.	http://www.latrobe.vic.gov.au/About_Us/Our_Council/Council_Meetings
Maribyrnong	1/mth	85,471	3 rd Tuesday/month at 6.30pm at Footscray, City Development Special Committee Meeting on 4 th Tuesday (as needed)	https://www.maribyrnong.vic.gov.au/About-us/Council-and-committee-meetings/2018-schedule-of-Council-and-Special-Committee-meeting-dates
Yarra	2/mth	92,610	1 st and 3 rd Tuesday at 7pm Richmond Town Hall	https://www.yarracity.vic.gov.au/about-us/council-information/upcoming-council-and-committee-meetings
Hobsons Bay	1/mth	93,577	2 nd Tuesday/month at 7pm Hobsons Bay Civic Centre, Altona (extra meeting 26 June)	
Cardinia	1/mth	95,518	3 rd Monday/month (4 th Monday Jan, 2 nd Monday December) at 7pm Council Chambers, Officer	https://www.cardinia.vic.gov.au/meetingschedule
Bayside	1/mth	102,427	2 nd Wednesday/month (except January) at 7pm at Rockdale Town Hall	https://www.bayside.nsw.gov.au/your-council/council-and-committee-meetings/council-meetings
Maroondah	1/mth	113,841	3 rd Monday/month at 7.30pm in Council Chambers, Ringwood. (2 nd Wednesday November)	http://www.maroondah.vic.gov.au/About-Council/Council-meetings/Council-meeting-schedule
Manningham	1/mth	120,664	4 th Tuesday/month at 7pm at Council Chamber, Doncaster	https://www.manningham.vic.gov.au/events/council-meetings