



MEETING PROCEDURE

LOCAL LAW NO. 1

Adopted 21 March 2005

FRANKSTON CITY COUNCIL

Meeting Procedure

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FRANKSTON CITY COUNCIL

MEETING PROCEDURE

Local Law No. 1

Part 1 - Preliminary

1. Title

This Local Law is the Council's Meeting Procedure Local Law No. 1 and referred to below as this Local Law.

2. Objectives of this Local Law

The objectives of this Local Law are to:

- (a) provide a mechanism to facilitate the good government of the Council through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
- (b) promote and encourage community participation in the system of local government by providing mechanisms for the Council to ascertain the community's views and expectations;
- (c) regulate and control the election of Mayor and the Chairperson of any Special Committees;
- (d) regulate and control the procedures governing the conduct of meetings including:
 - (i) the notice required for meetings;
 - (ii) the keeping of minutes.
- (e) regulate and control the use of the Council's seal;
- (f) provide for the administration of the Council's powers and functions;
- (g) provide generally for the peace, order and good government of the municipal district

3. The power to make this Local Law

The Council's power to make this Local Law is contained in sections 5 and 91(1) and 111(1) of the Local Government Act 1989.

Adopted 21 March 2005

4. Commencement and Revocations

- (1) In this clause, "commencement date" means the first working day following the gazettal of the Local Law in the Victoria Government Gazette.
- (2) This local law comes into operation on the commencement date.
- (3) The local law listed in schedule 3 is revoked to the extent specified in the schedule.

5. Definitions

In this local law, unless inconsistent with the context:

<i>Act</i>	Means the Local Government Act 1989.
<i>Authorised Officer</i>	Means a person or agent appointed as an authorised officer under section 224 of the Act.
<i>Chair</i>	Refers to the Chairperson.
<i>Chairperson</i>	The person who chairs a meeting of the Council or Special Committee of the Council.
<i>Council</i>	Means the Frankston City Council.
<i>Councillor</i>	Means a person who is an elected member of the Council.
<i>Council meeting</i>	Includes Ordinary, Special and Committee meetings of the Council.
<i>Delegate's Reports</i>	Means a verbal report of no more than 3 minutes duration to the Council on a Councillor's authorised attendance at a seminar, conference or meeting of any body, for and on behalf of the Council.
<i>division</i>	Means a formal count and recording of those for and those against a motion.
<i>formal (procedural) motion</i>	Means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.
<i>Mayor</i>	Means any Councillor elected to the position of Mayor by fellow Councillors.
<i>member</i>	Refers to a person who is entitled to vote at a meeting of the Council or a Special Committee.
<i>Minister</i>	Means the Minister responsible for administering the Act.
<i>quorum</i>	Means the minimum number of members of a Council or of a Special Committee of the Council required by this Local Law to be present in order to constitute a valid meeting of the Council or the Special Committee respectively.

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<i>replica</i>	In relation to the common seal of the Council means any representation which purports to be, looks like or is capable of being mistaken for the common seal whether fixed to or printed on a document or advertisement or sign, and includes any use of a symbol resembling the common seal which is capable of misleading a person into believing it is used with the authority of the Council.
<i>senior officer</i>	Has the same meaning as in the Act.
<i>Special Committee</i>	Means any Committee formed by the Council in accordance with section 86 of the Act.

PART 2 - ELECTION OF MAYOR AND OTHER CHAIRPERSONS

6. When Required

The meeting to fill the vacancy of Mayor will be held:

- (1) annually, after the last Saturday in November but not later than 31 December; or
- (2) where the position of Mayor otherwise becomes vacant, as soon as possible after the vacancy has occurred.

7. Election of Mayor and Others

- (1) At any meeting to elect the Mayor, a Councillor elected by a simple majority of the Councillors present will be the temporary chairperson to deal with:
 - (a) the receipt of nominations for the election of Mayor; and
 - (b) the election of the Mayor.
- (2) The election of the Mayor, temporary or acting Chairperson or Chairperson of a Special Committee, will be carried out by a show of hands unless the Council resolves that it be carried out by secret ballot.
- (3) In determining the election of the Mayor, the following will apply:
 - (a) candidates for office must be nominated by another Councillor, seconded by another Councillor and accepted by the nominee;
 - (b) where only one nomination is received, that Councillor must be declared elected;
 - (c) where two or more nominations are received, the Councillor with an absolute majority of votes cast will be declared elected;
 - (d) where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot;
 - (e) where there are more than two nominations received and the result has not been determined under paragraphs (c) or (d) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again;
 - (f) the procedure in paragraph (e) must be repeated until the circumstances in paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with a majority will be declared elected or, if there is an equal division of votes, the election must be determined by lot.

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8. Absence of Mayor

If there is a vacancy in the office of the Mayor or if the Mayor is absent or incapable of acting or refusing to act or is not present within 15 minutes of the scheduled commencement time of a Council meeting, an acting chairperson is to be elected.

PART 3 - COUNCIL MEETINGS

Division 1 - Notices and Agendas

9. Dates and Times of Meetings

The date, time and place of all Council meetings are to be fixed by the Council from time to time and reasonable notice of such meetings must be provided to the public.

10. Council may alter meeting dates

The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes to the public.

11. Special Council meetings

- (1) The notice necessary to call a meeting in accordance with section 84 of the Act must be signed by the Mayor or at least three Councillors, and be delivered to the Chief Executive Officer in sufficient time to enable at least 24 hours notice to be given to Councillors.
- (2) In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.

12. Notice of meeting

- (1) The notice 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 post, facsimile, electronic medium or otherwise delivered to each Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillors.
- (2) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every Councillor:
 - (a) For an Ordinary or committee meeting at least 3 working days before the meeting;
 - (b) For a Special meeting at least 24 hours before the meeting; and
 - (c) For a Special Committee meeting at least 48 hours before the meeting.
- (3) A notice may be handed personally to a Councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant Councillor is held by the Chief Executive Officer.

13. Leave of Absence

It will not be necessary for a notice of meeting or agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.

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Division 2 - Quorums

14. Council Meetings

The quorum required for Ordinary or Special meetings of Council will be a majority of the number of Councillors.

15. Special Committee Meetings

The quorum for a Special Committee meeting will be determined by the Council for each Special Committee but, in the absence of the Council's determination, the quorum required will be not less than a majority of the members for the time being appointed to that Special Committee.

16. Inability to Gain a Quorum

If a quorum cannot be obtained within 30 minutes of the scheduled starting time of any meeting or adjournment those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, a senior officer, may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

17. Inability to Maintain a Quorum

If during any meeting or any adjournment of the meeting, a quorum cannot be achieved and maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, a senior officer, may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

18. Inability to Achieve or Maintain a Quorum due to Conflict of Interest of Councillors

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of declarations of conflicts of interest by Councillors, the Chief Executive Officer, or in his or her absence, a senior officer, may adjourn the meeting for a length of time sufficient to enable an exemption for the affected Councillors to be obtained from the Minister.

19. Notice for Adjourned Meeting

The Chief Executive Officer may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur then, if a reasonable attempt is made to contact each member, notice by telephone, facsimile, in person or by some other means will be sufficient.

PART 4 - MINUTES

20. Keeping of Minutes

The Chief Executive Officer is responsible for arranging the keeping of minutes on behalf of the Council.

21. No Debate on Confirmation of Minutes

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

22. Objection to Confirmation of Minutes

If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:

- (a) state the item or items with which he or she is dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

23. Deferral of Confirmation of Minutes

The Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

24. Contents of Minutes

- (1) In keeping the minutes of any Ordinary or Special meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
 - (a)
 - (i) the names of Councillors and whether they are PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc; and
 - (ii) the names of officers present;
 - (b) the arrival and departure times of Councillors during the course of the meeting (including any temporary departures or arrivals);
 - (c) every motion and amendment moved, including the mover and seconder of any motion or amendment;
 - (d) the outcome of every motion and amendment, that is,
 - (i) whether it was put to the vote;
 - (ii) if it was put to the vote, the result of the vote (namely CARRIED, LOST, WITHDRAWN, LAPSED OR AMENDED);
 - (iii) if it was put to the vote and the vote was not unanimous, identification of those Councillors who voted FOR and those Councillors who voted AGAINST; and

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- (iv) identification of those motions voted on by secret ballot;
 - (e) procedural motions (which might be highlighted);
 - (f) where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
 - (g) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
 - (h) details of any deputations made to the Council
 - (i) the time and reason for any adjournment of the meeting or suspension of standing orders; and
 - (j) disclosure of any interest made under section 77B of the Act and any declaration of a conflict of interest made under section 79 of the Act.
- (2) In addition, the minutes should:
- (a) bear the date and time the meeting was commenced, adjourned, resumed and concluded;
 - (b) be consecutively page numbered;
 - (c) contain consecutive item numbers which are clearly headed with subject titles and, where appropriate, sub-titles and file references; and
 - (d) be indexed and be supplemented by an annual cumulative index.

PART 5 - BUSINESS OF MEETINGS

25. The Order of Business

- (1) The business of an Ordinary meeting must be conducted in the following order unless the Council otherwise resolves:
 - (a) Minutes of last meeting or meetings confirmed and signed;
 - (b) Apologies
 - (c) Disclosures of Interest and Declarations of Conflict of Interest;
 - (d) Public Question Time;
 - (e) Items Brought Forward;
 - (f) Consideration of Reports of Committees;
 - (g) Consideration of Reports of Officers;
 - (h) Presentation of Petitions and Joint Letters
 - (i) Delegate's Reports
 - (j) Notices of Motion;
 - (k) Urgent Business;
 - (l) Items to be dealt with in Closed Council;
 - (i) Disclosures of Interest and Declarations of Conflict of Interest
 - (ii) Consideration of Reports of Officers
 - (iii) Notices of Motion
 - (iv) Urgent Business.
- (2) Notwithstanding the above clause, the Chief Executive Officer may vary the order of business to take advantage of opportunities which may arise from time to time.

26. Change to Order of Business

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

27. Chief Executive Officer May Include Items on an Agenda

The Chief Executive Officer shall include any matter on an agenda, which he or she thinks should be considered by the meeting.

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28. Meetings of Special Committees

The provisions of clauses 25 to 27 apply to meetings of Special Committees except that the agenda will be relevant to the issues which are to be raised at the Special Committee meeting and any reference to Councillors extends to non Councillor members of a Special Committee under section 88 of the Act and any reference to the Council is to be read as referring to the Special Committee.

29 Item Brought Forward

For items to be brought forward, the Council must resolve to bring an item forward.

30 Question Time

- (1) This clause 30 only applies to an Ordinary meeting
- (2) A public question time shall be held at each Ordinary meeting. The question time will enable members of the public to submit written questions to Council in accordance with clause 30(3).
- (3) No question shall be read unless:
 - (i) it was received by post, hand delivery, or facsimile transmission, or was received electronically, before noon on the Friday immediately preceding the Ordinary meeting; and
 - (ii) the questioner is present in the public gallery when the question is about to be read.
- (4) A Chairperson may disallow a question without causing it to be read to the meeting if it:
 - (i) is in the nature of a statement or is so prefaced as to have its emphasis on a statement rather than a genuine enquiry;
 - (ii) relates to a matter in respect of which Council has no power to act;
 - (iii) is defamatory, abusive or objectionable in language or nature;
 - (iv) is repetitive of a question already asked at the meeting; or
 - (v) is asked to embarrass a Councillor or member of Council staff.
- (5) Subject to this clause 30, public question time will be conducted in accordance with any policy adopted by the Council from time to time.

PART 6 - VOTING AT MEETINGS

31. How Determined

Subject to clause 49, in determining a question before a meeting of the Council, the Chairperson will first call for those in favour of the motion and then those opposed to the motion before declaring the result to the meeting.

32. By Show of Hands

Unless Council has resolved in accordance with clause 7(2), voting on any matter will be by show of hands and all Councillors who are present must vote.

33. When a Division Permitted

- (1) A division may be requested by any Councillor on any question before the Chair other than procedural motions or a motion for a secret ballot in accordance with clause 7(2).
- (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.

34. Procedure for a Division

Once a division has been requested in circumstances other than those dealt with in clause 7(2), the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion, and, for the purpose of recording the minutes, then call out aloud the names of those voting for and against the motion.

35. Change Between the Original Vote and the Division

As a division is a separate and distinct vote, no Councillor is prevented from changing his or her original vote at the voting on the division, and the voting by division will determine the Council's resolution on the issue.

36. No Discussion Once Declared

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is-

- (a) for a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
- (b) where a subsequent notice of motion follows a rescission motion.

37. Application To All Meetings

The provisions of clauses 31 to 36 apply to meetings of Special Committees to the extent that they are relevant to the proceedings of any Special Committee and any reference to a Councillor in those clauses is, in the case of a Special Committee, a reference to a member of the Special Committee.

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PART 7 - ADDRESSING THE MEETING

38. Addressing the Meeting

- (1) Except for the Chairperson, any Councillor or person who addresses the meeting must direct all remarks through the Chair.
- (2) Any person addressing the Chair must refer to the Chairperson as:
 - (a) Madam Mayor;
 - (b) Mr. Mayor;
 - (c) Madam Chairperson; or
 - (d) Mr. Chairperson;as the case may be.
- (3) All Councillors, other than the Mayor, must be addressed as Cr. (name) .
- (4) All Officers and members of the public, as appropriate, must be addressed as Mrs., Ms., Miss or Mr. (name).

39. Suspension of Standing Orders

- (1) Subject to clause 40, the provisions of this Local Law may be suspended for a particular purpose by resolution of the Council:
 - (a) to enable full discussion of any issue without the constraints of formal meeting procedure; or
 - (b) to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- (2) The provisions of this Local Law must not be suspended purely to dispense with the processes and protocol of the government and of the Council.
- (3) Once the discussion has taken place and before any motions can be put, the Council must resolve to resume the provisions of this Local Law..

40. No Motions May Be Accepted During Suspension of Standing Orders

No substantive or procedural motion may be accepted by the Chair or be lawfully dealt with during any suspension under clause 39.

41. Interruption for Point of Order

A Councillor who is addressing the meeting must:

- (a) not be interrupted unless called to order; and
- (b) remain silent until a Councillor raising any point of order has been heard and the point of order disposed of.

PART 8 - OTHER MEETING PROCEDURE

Division 1 - Matters Not Provided For

42. Matters Not Provided For

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

Division 2 - Motions

43. Chairperson's Duty

Any motion, amendment, statement or question which-

- (a) is defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public;
- (b) is abusive or objectionable in language or nature;
- (c) is outside the powers of the Council;
- (d) is not relevant to the item of business on the Agenda and has not been admitted as urgent business;
- (e) purports to be an amendment but is not; or
- (f) is a direct negative of the question before the Chair.

must not be accepted by the Chairperson.

44. Moving a Motion

The procedure for any motion is-

- (a) The mover must state the motion without speaking to it;
- (b) It must be seconded by a Councillor other than the mover;
- (c) If a motion is not seconded, the motion will lapse for want of a seconder;
- (d) If the motion is seconded, the Chairperson must ask : "Is the motion opposed?"; and
- (e) If no Councillor indicates opposition, the motion must be declared to be carried without being voted on and will be treated as being passed unanimously;

- (f) If a Councillor indicates opposition, then the Chairperson must request-
- (i) the mover to address the Council on the motion;
 - (ii) the seconder to address the Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate);
 - (iii) any Councillor opposed to debate the motion; and
 - (iv) any other Councillors for and against the motion to debate in turn.

before putting the motion to a vote, declaring the result of that vote and, if the vote was not unanimous, identifying those Councillors who voted FOR and those Councillors who voted AGAINST.

45. Right of Reply

- (1) The mover of an original motion which has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during debate but must not raise any new matters.
- (2) After any right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

46. No Right of Reply for Amendments

No right of reply is available where an amendment is before the Council.

47. 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.

48. Who May Propose an Amendment

An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the original motion.

49. Who May Debate an Amendment

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

50. How Many Amendments May Be Proposed

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

51. An Amendment Once Carried

If the amended motion is carried, it then becomes the question before the Chair.

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52. Foreshadowing Motions

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

53. Withdrawal of Motions

Before any motion is put to the vote, it may be withdrawn with leave of the Council.

54. Separation of Motions

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

55. Chairperson May Separate Motions

The Chairperson may decide to put any motion to the vote in separate parts.

56. Motions in Writing

- (1) The Chairperson may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.
- (2) The Chairperson may suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

57. Debate Must Be Relevant to the Motion

- (1) Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the speaker to confine debate to the subject motion.
- (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.
- (3) A speaker who has been required by the Chairperson to be seated and not speak further in respect of the matter then before the Chair must immediately comply with that requirement,

58. Speaking Times

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

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- (a) the mover of a motion - three minutes;
- (b) the mover of a motion when exercising his or her right of reply - three minutes;
- (c) any other Councillor - three minutes;

59. Adjournment and Resumption of Meeting

- (1) The Chairperson or the Council may adjourn any meeting until a time and place to be determined at the time of the adjournment.
- (2) 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.

Division 3 - Extension of Speaking Time

60. By Resolution of the Council

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

61. No Extension After Next Speaker Commenced

A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced his or her debate.

62. Length of Extension

Any extension of speaking time must not exceed three minutes.

Division 4 - Points of Order

63. Chairperson to Decide

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.

64. Chairperson May Adjourn to Consider

- (1) The Chairperson may adjourn the meeting to consider a point of order but otherwise he or she must rule on it as soon as it is raised.
- (2) No Councillor may debate a point of order or the merits of a point of order.
- (3) All other matters before the Council are to be suspended until the point of order is decided.

65. Final Ruling on a Point of Order

- (1) 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 the majority of Councillors present move a motion of dissent.
- (2) A motion of dissent on the Chairperson's decision on a point of order must contain the provision, rule, practice or precedent relied upon in substitution for the Chairperson's decision.
- (3) A motion of dissent in relation to the Chairperson's decision a point of order is not a motion of dissent in the Chair and the Chairperson must at all times remain in the Chair and he or she will maintain his or her right to vote.
- (4) A motion of dissent on the Chairperson's decision on a point of order will take precedence over all other business and if carried must be acted on instead of the decision given by the Chairperson.

66. Procedure for Point of Order

A Councillor raising a point of order must :

- (a) state the point of order; and
- (b) the provision in this Local Law, or rule, practice or precedent, relied upon as founding the point of order.

67. Valid Points of Order

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;
- (c) any act of disorder;
- (d) an error of fact; or
- (e) abusive or objectionable language or nature.

68. Contradiction of Opinion

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

Division 5 - Formal (Procedural) Motions

69. Formal Motions

- (1) Unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) A formal motion cannot be moved by the Chairperson.
- (3) Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- (4) Unless otherwise provided, a formal motion cannot be amended.
- (5) Formal motions must be dealt with in accordance with the following table:

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment or deferral of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date and/or a future meeting	Any Councillor except that the Chairperson cannot be the mover.	(a) During the election of a Chairperson; (b) When another Councillor is speaking	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor except that the Chairperson cannot be the mover.	(a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
3. The closure	That the motion be now put	A Councillor who has not spoken to the motion or any amendment of it. The Chairperson cannot move the motion.	During nominations for Chairperson	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion	Debate continues unaffected	No

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
4. Laying question on the table	That the question lie on the table	Any Councillor except that the Chairperson cannot be the mover.	(a)During the election of a Chairperson; (b)During a meeting which is a call of the Council	Motion and amendments not further discussed or voted on until: (a)Council resolves to take the question from the table at the same meeting; (b)The matter is placed on an agenda and Council resolves to take the question from the table	Debate continues unaffected	No

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
5. Previous question	That the question be not now put	Any Councillor except that the Chairperson cannot be the mover	(a)During the election of a Chairperson; (b)When another Councillor is speaking; (c)When the matter is one in respect of which a call of the Council has been made; (d)When an amendment is before Council	(a)No vote or further discussion on the motion until it is placed on an agenda for a later meeting; (b)Proceed to next business	Motion (as amended up to that time) put immediately without further amendment or debate	Yes

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
6. Proceeding to next business	That the meeting proceed to the next business Note: This motion: (a)may not be amended (b)may not be debated; (c)must be put to the vote as soon as seconded	Any Councillor except that the Chairperson cannot be the mover	(a)During the election of a Chairperson; (b)When another Councillor is speaking; (c)When the matter is one in respect of which a call of the Council has been made	If carried in respect of: (a)An amendment, Council considers the motion without reference to the amendment: (b)A motion - no vote or further discussion on the motion until it is placed on an agenda for a later meeting	Debate continues unaffected	No

Division 6 - Notice of Motion

70. Must be Listed on Agenda

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.

71. Procedure

A Councillor may give notice of motion on any matter he or she wants discussed at a meeting by delivering a signed notice of motion, outlining the subject and the motion proposed for discussion, to the Chief Executive Officer.

72. Rejection of a Vague Notice

The Chief Executive Officer:

- (a) may reject any notice of motion that is too vague, 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.

73. Listing Notice on Agenda

- (1) Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of motion on the agenda for the next relevant meeting and, if more than one, in the order they were received. Notices of motion must be received two working days prior to the despatch time of an Ordinary meeting agenda (ordinarily on a Wednesday). Notices of motion received within two working days of the despatch of Council agendas will, unless the Chief Executive Officer directs otherwise, be deferred for consideration until the subsequent Ordinary meeting.
- (2) The Chief Executive Officer at his/her discretion may provide comments to the Council on the motion to assist the Council's deliberation.

74. Register of Notices

The Chief Executive Officer must cause every notice of motion received to be sequentially numbered and maintained in a register.

75. May be Moved by any Councillor and Amended

A notice of motion listed on a meeting agenda may be moved by any Councillor present and, except where the notice of motion is to confirm a previous resolution of the Council, may be amended

76. Confirmation of Previous Resolution

If a notice of motion to confirm a previous resolution of the Council cannot be carried in its original form, it is lost.

77. If Lost

Unless the Council resolves to re-list at a future meeting a notice of motion which has been lost, a similar motion cannot be put before the Council for at least three months from the date it was last lost.

Division 7 - Notice of Amendment or Rescission

78. Procedure

- (1) Any notice of amendment or rescission must be in writing, signed by at least two Councillors.
- (2) A Councillor may propose a motion to amend or rescind a resolution of the Council provided that :
 - (a) if carried, the motion will not alter the existing legal rights or obligations of any person other than the Council; and
 - (b) a notice containing the motion is delivered to the Chief Executive Officer detailing:
 - (i) the decision proposed to be amended or rescinded; and
 - (ii) the meeting and date when the decision was made.

79. Listing Notice on Agenda

The Chief Executive Officer 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 for the next relevant meeting.

80. If Lost

Unless the Council resolves to re-list at a future meeting a notice to amend or rescind which has been lost, a similar motion cannot be put before the Council for at least three months from the date it was last considered.

81. If Not Moved

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

82. May be Moved by any Councillor

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

83. When Not Required

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

84. Register of Notices

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

85. Urgent Business

- (a) Business which has not been listed on the agenda may only be raised as urgent business by resolution agreed by the Council.
- (b) Unless exceptional circumstances exist and Council concurs by resolution, only items:
 - (i) of minimal impact; and
 - (ii) which have arisen since distribution of the agenda and cannot safely and conveniently be deferred until the next Council meeting

may be raised in urgent business.

- (c) The following items are deemed not to be items of minimal impact (and therefore, unless exceptional circumstances exist and Council concurs by resolution, cannot be raised in urgent business):
 - (i) the creation or abolition of any office;
 - (ii) the appointment of any person to any office or termination of that appointment;
 - (iii) employment issues;
 - (iv) the sale or lease of any asset;

Adopted 21 March 2005

- (v) the declaration of any rate or charge;
- (vi) the creation, alteration or abolition of any strategy, policy or guideline;
- (vii) any request for an investigation which will unreasonably or substantially divert staff resources;
- (viii) any request for a report which will unreasonably or substantially divert staff resources;
- (ix) the commitment of funds, or in kind contributions, for any purpose exceeding \$5,000; and
- (x) the content, and provision, of any media release.

Division 8 - Public Participation

86. Meetings

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.

87. Chairperson May Remove

- (1) The Chairperson must call to order any person, including a Councillor, who:
 - (a) is disruptive, or unruly during any meeting; or
 - (b) who says anything which is defamatory, abusive or objectionable in language or nature, and, upon being directed by the Chairperson to withdraw or apologise for what was said, twice refuses or fails to do so.
- (2) Any person, including a Councillor, who has been called to order and directed by the Chairperson to remain silent, resume his or her seat or leave the Chamber or meeting room, and who fails to comply with the Chairperson's direction, is guilty of an offence.

Penalty: Five Penalty Units

88. Petitions and Joint Letters

A petition or joint letter presented to the Council must lay on the table until the next Ordinary meeting and no motion, other than to receive the petition or joint letter, may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.

89. Councillor Presenting Petition - Obligations

Any Councillor presenting a petition or joint letter will be responsible for ensuring that:

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

PART 9 - COMMON SEAL

90. The Council's Common Seal

- (1) The Chief Executive Officer must ensure the security of the Council's common seal at all times.
- (2) The Council's common seal may only be used on the authority of the Council given either generally or specifically, and every document to which the seal is affixed must be signed by the Chief Executive Officer or some other senior officer authorised by him or her and one Councillor.
- (3) Any person who uses the Council's common seal without authority is guilty of an offence.

Penalty : Ten Penalty Units

- (4) Any person who uses any replica of the Council's seal without authority is guilty of an offence.

Penalty : Ten Penalty Units

PART 10 - ENFORCEMENT AND PENALTIES

91. Infringement Notices

- (1) An Authorised Officer may issue an infringement notice in the form of the notice in Schedule 1.
- (2) If an infringement notice is issued, the fixed penalty in respect of an infringement is the amount set out in Schedule 2.

92. Payment of Penalty

- (1) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to disregard the notice and defend a prosecution in court.

SCHEDULE 1 - INFRINGEMENT NOTICE

Date:

To: [name and address)

I, [name of authorised officer] have reason to believe that you have committed an offence against the Meeting Procedure Local Law No. 1 of the Frankston City Council, as indicated below:

Date	Time	Clause of Local Law	Penalty
Description of the offence:			
Location of the offence:			

You are entitled to disregard this notice and defend the prosecution for an offence in Court.

SCHEDULE 2 - PENALTIES FIXED FOR INFRINGEMENT NOTICES

Provision	Offence	Penalty Units
87	If the offence is constituted by a failure to remain silent	One
	If the offence is constituted by a failure to resume the person's seat	Two
	If the offence is constituted by a failure to leave the Chamber or meeting room	Five
90(3)	Using the Common Seal without authority	Ten
90(4)	Using a replica of the Common Seal without authority	Ten

FRANKSTON CITY COUNCIL

REVOCATION OF LOCAL LAW NO. 4

MEETING PROCEDURE

Schedule 3

COUNCIL	LOCAL LAW NO.	TITLE	EXTENT OF REVOCATION	
			LOCAL LAW	MUNICIPAL DISTRICT
FRANKSTON CITY COUNCIL	4	MEETING PROCEDURE	WHOLE	WHOLE OF THE <i>MUNICIPAL</i> DISTRICT OF THE FRANKSTON CITY COUNCIL

Resolution for the making of this Local Law was agreed to by the Council the day of 21 March, 2005.

The COMMON SEAL)
)
of the FRANKSTON CITY COUNCIL)
)
was affixed in the presence of:)

COUNCILLOR

ROCHELLE MCARTHUR

CHIEF EXECUTIVE OFFICER

STEVE GAWLER

This 26TH Day of April 2005

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated 10 February, 2005 and 8 April, 2005 respectively.

Public Notice of the proposal to make and confirmation of the making of this Local Law were inserted in the Independent newspaper 7 February, 2005 and 11 April, 2005 respectively.

A copy of this Local Law was sent to the Minister for Local Government on 12 April, 2005.

Adopted 21 March 2005