



City of
KINGSTON

MEETING PROCEDURES LOCAL LAW

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MEETING PROCEDURES LOCAL LAW

PART 1 - PRELIMINARY PROVISIONS

1. Title

This Local Law may be cited as the “Meeting Procedures Local Law”.

2. Objectives

The objectives of this Local Law are to:

- (1) provide for the peace order and good government of the *municipal district*; and
- (2) provide for the administration of the *Council's* powers and functions; and
- (3) regulate proceedings at *Council* meetings, committee meetings and other meetings conducted by or on behalf of the *Council* where the *Council* has resolved that the provisions of this Local Law are to apply; and
- (4) regulate proceedings for the election of the *Mayor* and *Chairpersons* of various committees; and
- (5) promote and encourage community participation in the system of local government by providing mechanisms within the meeting arrangements for the *Council* to ascertain the community’s views and expectations; and
- (6) regulate the use of the *common seal*; and
- (7) prohibit unauthorised use of the *common seal* or any device resembling the *common seal*.

3. Authority to make the Local Law

This Local Law is made pursuant to sections 91 and 111 of the *Act*.

4. Commencement and End Dates

This Local Law:

- (1) Commences on xx/xx/xx; and
- (2) Unless sooner revoked, this Local Law ceases to operate on xx/xx/xx.

5. Revocation of earlier Local law

From the commencement of this Local Law, the following Local Laws are revoked:

- (1) Meeting Procedures Local Law (Local Law No.7 of 2009); and
- (2) Meeting Procedures (Amendment) Local Law No. 8; and
- (3) Meeting Procedures (Amendment) Local Law No. 9.

6. Scope

- (1) This Local Law applies to:
- (a) all *Council* meetings and *Special Committee* meetings; and
 - (b) any other meeting in respect of which *Council* has resolved that the Local Law is to apply.
- (2) In its application to *Special Committee* meetings this Local Law applies:
- (a) as if any reference to a *Councillor* is a reference to a member of the *Special Committee*; and
 - (b) with all other necessary adaptations.

7. Definitions

The words identified in italics throughout this Local Law are intended to have the following meanings, unless the context suggests otherwise:

<i>Act</i>	means the Local Government Act 1989 (as amended from time to time).
<i>agenda</i>	means a document containing the date, time and place of a <i>Council meeting</i> and a list of business to be transacted at the <i>Council meeting</i> .
<i>Authorised Officer</i>	means a person appointed by the <i>Council</i> under section 224 of the <i>Act</i> .
<i>Chairperson</i>	means the person who chairs a <i>Council meeting</i> .
<i>Chief Executive Officer</i>	has the meaning ascribed to it by the <i>Act</i> .
<i>common seal</i>	means the common seal of the <i>Council</i> .
<i>the Council</i>	means Kingston City Council.
<i>Councillor</i>	means a Councillor of the <i>Council</i> .
<i>Council meeting</i>	means an <i>Ordinary Meeting</i> or a <i>Special Meeting</i> and includes the <i>statutory meeting</i> .
<i>Delegated Officer</i>	means a <i>Council</i> staff member delegated the power to perform a duty imposed, perform a function conferred or exercise a power conferred by this Local Law, whether by direct delegation from the <i>Council</i> or by delegation from the <i>Chief Executive Officer</i> .
<i>Deputy Mayor</i>	means any Deputy Mayor of the <i>Council</i> .
<i>division</i>	means the clarification of votes cast by <i>Councillors</i> .
<i>delivered</i>	means giving a <i>Councillor</i> a document by hand delivering the document, delivering the document to a specified address or electronically mailing the document.
<i>Mayor</i>	means the Mayor of the <i>Council</i> .
<i>minutes</i>	means the record of proceedings of a <i>Council meeting</i> .
<i>municipal district</i>	means the municipal district of the <i>Council</i> .
<i>notice of motion</i>	means a notice setting out the text of a motion which a

<i>Councillor</i>	proposes to move at a <i>Council meeting</i> .
<i>offence</i>	means an act or default contrary to this Local Law.
<i>Ordinary Meeting</i>	means an ordinary meeting of the <i>Council</i> .
<i>penalty</i>	means the maximum fine that may be imposed by a court of appropriate jurisdiction.
<i>penalty unit</i>	has the meaning ascribed to it by section 110 of the Sentencing Act 1991 (as amended from time to time).
<i>petition</i>	means a letter or a document which is addressed to or is obviously intended for the <i>Council</i> and is signed by 12 or more persons.
<i>point of order</i>	means a request by a <i>Councillor</i> for a ruling by the <i>Chairperson</i> on an aspect of meeting procedure.
<i>reasonable notice</i>	means 48 hours prior to a <i>Council meeting</i> unless otherwise specified.
<i>Schedule</i>	means a Schedule to this Local Law.
<i>Special Committee</i>	means a <i>special committee</i> established by the <i>Council</i> under the <i>Act</i> .
<i>Special Meeting</i>	means a special meeting of the <i>Council</i> .
<i>statutory meeting</i>	means the annual <i>special meeting</i> held for the purpose of electing the <i>Mayor</i> .
<i>visitor</i>	means any person other than a <i>Councillor</i> or member of <i>Council</i> staff present at a <i>Council meeting</i> .
<i>written or in writing</i>	includes duplicated, photocopied, photographed, printed and typed.

8. Explanation of Words used in this Local Law

- (1) Words, the meanings of which are defined in clause 7 of this Local Law or elsewhere in it, appear in italic type in the text.
- (2) Introductions to Parts, headings and notes are explanatory only and do not form part of this Local Law. They are provided to assist understanding.
- (3) Unless the contrary intention appears, words in the singular include the plural and words in the plural include the singular.

PART 2 – ELECTION OF THE MAYOR

9. Election of the Mayor

The *Mayor* must be elected in accordance with the following procedures:

- (1) The *Mayor* must be elected at a *Council meeting* which is called the *statutory meeting*.
- (2) If the office of the *Mayor* becomes vacant before the expiration of the normal term of office, the election of another *Councillor* as *Mayor* for the remaining period of the normal term of office must be dealt with in the same manner as is prescribed below, at the first scheduled *Council meeting* which is held more than 48 hours after the vacancy occurs.
- (3) The *statutory meeting* may be adjourned immediately after the *Mayor* is elected to be resumed at another time not more than a week later and at the resumed meeting the *Mayor* may be invested into office. The *Mayor* is, however, the *Mayor* as soon as he or she is elected.
- (4) The election of the *Mayor* must be carried out by a show of hands.
- (5) Prior to undertaking the election of *Mayor*, and subject to the period of time remaining in the term of the *Council*, the *Council* may consider whether to resolve to elect a *Mayor* for a term of two years.
- (6) The Acting *Chairperson* (who should not be a candidate for the office of *Mayor*) calls for nominations from *Councillors* for the position of *Mayor*. Nominations do not require seconding. The Acting *Chairperson* shall ask each nominee, other than when self-nominated, if he or she accepts the nomination.
- (7) Once all nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:
 - (a) if there is only one candidate nomination, the Acting *Chairperson* will declare that the candidate nominated is deemed to be elected;
 - (b) If there is more than one candidate, the Acting *Chairperson* will call on the *Chief Executive Officer* to conduct the Mayoral election process.
 - (c) if there is more than one candidate, the *Councillors* present at the *Council meeting* vote for one of the candidates;
 - (d) in the event of a candidate receiving a majority of the votes, that candidate is to be declared to have been elected;
 - (e) in the event that no candidate receives a majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The *Councillors* present at the *Council meeting* then vote for one of the remaining candidates;
 - (f) if one of the remaining candidates receives a majority of the votes, that candidate is to be declared to be elected. If none of the remaining candidates receives a majority of the votes, the process of declaring the candidates with the fewest number of votes a

defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives a majority of the votes. Once a candidate receives a majority of votes that candidate is to be declared to be elected.

- (g) in the event that no candidate receives a majority of the votes and two or more candidates have received the same lowest number of votes, then the process to exclude a candidate from the next vote (i.e. deemed a defeated candidate) will be conducted by lot.
- (h) if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
 - (i) each candidate will draw one lot;
 - (ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal lowest number of votes except that if two or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the *Councillors'* first names; and
 - (iii) as many identical pieces of paper as there are *Councillors* who received an equal lowest number of votes must be placed in a receptacle. The word "Defeated" shall be *written* on one of the pieces of paper, and the *Councillor* who draws the paper with the word "Defeated" written on it must be declared a defeated candidate. The *Councillors* present at the meeting then vote for one of the remaining candidates.
- (i) in the event that no candidate receives a majority of the votes and there are only two remaining candidates, each of whom have received an equality of votes, the process to determine who is elected will be conducted by lot.
- (j) if a lot to elect a candidate is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
 - (i) Two identical pieces of paper must be placed in a receptacle. Each piece of paper will have the name of one of the two remaining candidates' names *written* upon it.
 - (ii) The *Chief Executive Officer* will advise that the name drawn out will be the name of the elected candidate. The *Chief Executive Officer* will then draw one of those pieces of papers out of the receptacle and read out the candidates' name appearing on it, declaring that candidate to be elected as *Mayor*.

10. Election of Deputy Mayor

The election of a *Deputy Mayor* (where considered appropriate) will, to the maximum extent practicable, follow the same procedure as that for the election of the *Mayor*.

PART 3 - MEETING REQUIREMENTS

11. Chairing of Meetings

- (1) Where the *Mayor* is present at a *Council meeting*, the *Mayor* will be the *Chairperson* of that *Council meeting*.
- (2) Where the *Mayor* is unable to attend a *Council meeting* for any reason or is required to vacate the chair, the *Deputy Mayor* (if elected) will be the Acting *Chairperson*.
- (3) Where neither the *Mayor* nor *Deputy Mayor* is able to attend a *Council meeting* for any reason, or neither is able to take the chair, an Acting *Chairperson* must be elected from among the other *Councillors* present.
- (4) In addition to the duties and discretions provided in this Local Law, the *Chairperson*:
 - (a) must not accept any motion, question or statement which is derogatory or defamatory of any *Councillor*, member of *Council* staff or member of the community; and
 - (b) must call to order any person who is disruptive or unruly during any *Council meeting*.

12. Quorum

- (1) The quorum for a *Council meeting* is a majority of the total number of *Councillors*.
- (2) If within half an hour after the time appointed for any *Council meeting*, a quorum is not present or if the number of *Councillors* present at a *Council meeting* is reduced to a number less than a quorum during the *Council meeting*:
 - (a) a majority of the *Councillors* present; or
 - (b) if the *Councillors* present cannot reach a majority decision or there are no *members* present, the *Chief Executive Officer* -

may adjourn the *Council meeting* up to a week later than the time stated in the *agenda* for the commencement of the *Council meeting* or from the date of the latest adjournment.
- (3) In any case where under this clause a *Council meeting* is adjourned, the *Chief Executive Officer* must give notice verbally or *in writing*, which can include by telephone or electronic mail, to all *Councillors* of the date and time to which the meeting has been adjourned. In cases where the adjournment is a second or subsequent adjournment, then the period of a week runs from the time and date to which the *Council meeting* was last adjourned.
- (4) There is no limit on the number of times that a *Council meeting* can be adjourned under this clause.
- (5) If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of *Councillors*, the *Chief Executive*

Officer, or, in his or her absence, a member of *Council* staff authorised for this purpose, must adjourn the *Council meeting* for a length of time sufficient to enable the dispensation for the affected *Councillors* to be obtained from the Minister administering the *Act*.

13. Notice of Meetings

- (1) The date, times and places of *Council meetings* may be determined from time to time by the *Council* and notice of these determinations must be provided by the *Chief Executive Officer*:
 - (a) to the public in accordance with the *Act* by notice in a newspaper generally circulating in the *municipal district* and on the *Council's* website; and
 - (b) to *Councillors* either incorporated or accompanied by an *agenda* of the business to be dealt with, which must be *delivered* to every *Councillor* at least 48 hours before the *Council meeting*.
- (2) Notice of a *Special Meeting* and the *agenda* for a *Special Meeting* may be *delivered* to *Councillors* less than 48 hours before the *Special Meeting* if exceptional circumstances exist.

14. Form of Agendas and Minutes

- (1) The *Chief Executive Officer* must determine, from time to time, the form of –
 - (a) the *agenda* to be used; and
 - (b) the *minutes* which are to be kept.
- (2) Different forms of *agendas* or for the keeping and presentation of *minutes* may be determined for the various types of meetings held.
- (3) Subject to sub-clause (1), the *minutes* of a *Council meeting* must include the following information:
 - (a) the date, time and place of the *Council meeting*, the time of its commencement and conclusion and the time of any adjournment and resumption of the *Council meeting*; and
 - (b) the names of *Councillors* present and a record of their attendance (relative to items considered at the *Council meeting*) during the whole *Council meeting*; and
 - (c) the names of members of *Council* staff or other advisers present; and
 - (d) required details of any conflict of interest disclosures by *Councillors* and members of *Council* staff; and
 - (e) formal reports by *Councillors* who report as delegates, or by members of *Council* staff or other advisers; and
 - (f) the names of *Councillors*:
 - (i) who move and second any motion or amendment; and

- (ii) who, when a *division* is called, vote for and against the motion or abstain from voting; and
- (iii) who request that their name be recorded in the *minutes* as voting against a motion or amendment; and
- (g) the text of any motion or amendment which is proposed, whether or not it is seconded; and
- (h) an indication of any formal submission made verbally pursuant to a statutory right by a *visitor*; and
- (i) a summary of any question asked in accordance with clause 18 of the Local Law by a *visitor* at a *Council meeting* and a summation of the answer given verbally at the *Council meeting*.

15. Business at Meetings

- (1) Only business contained in the *agenda* may be dealt with at *Council meetings* unless sub-clause (2) applies.
- (2) A matter may be dealt with as urgent business if:
 - (a) at an *Ordinary Meeting* a majority of *Councillors* vote in favour of the matter being dealt with as urgent business; or
 - (b) at a *Special Meeting* of Council, all *Councillors* are present and unanimously vote in favour of the matter being dealt with as urgent business in accordance with the *Act* (s 84(4)).

16. Order of Business

- (1) Business at *Council meetings* must include:
 - (a) apologies; and
 - (b) disclosures of conflicts of interest, which must be made at any point in the meeting described in the *agenda* as well as in compliance with the *Act*; and
 - (c) designation of items of business as confidential in compliance with the *Act*.
- (2) Subject to sub-clause (1), business at *Ordinary Meetings* must also include:
 - (a) confirmation of *minutes*; and
 - (b) Public Question Time; and
 - (c) petitions; and
 - (d) *notices of motion*; and
 - (e) delegates' reports; and
 - (f) urgent business.

- (3) Once an agenda has been prepared and sent to Councillors, the order of the business for that Meeting may only be altered by resolution of Council. This includes the request for an item to be brought forward.

17. Confirmation of Minutes

- (1) A copy of the *minutes* of a *Council meeting* must be *delivered* to *Councillors* with *reasonable notice* prior to the *Council meeting* at which those *minutes* are to be confirmed.
- (2) When the confirmation of the *minutes* is to be dealt with at a *Council meeting*, the *Chairperson* may:
 - (a) seek a motion to confirm the *minutes*, or to confirm the *minutes* subject to rectification of an alleged omission from or inaccuracy in the *minutes*; or
 - (b) ask: "Is any item in the *minutes* opposed?" Opposition can only be expressed in regard to items in the *minutes* on the basis that the record is incomplete or inaccurate. The *Chairperson* must not allow discussion or motions on any other issue than an alleged omission from or inaccuracy in the *minutes*.
- (3) If no *Councillor* indicates opposition, the *Chairperson* must declare the *minutes* to be confirmed.
- (4) If any *Councillor* indicates opposition, he or she must specify the particular item or items in the *minutes* concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record.

18. Community Question Time

- (1) *Visitors* present at an *Ordinary Meeting* may submit questions to be answered during the meeting.
- (2) Questions must be submitted to the *Council* by:
 - (a) Submitting an online question form on the *Council's* website by 10.00am on the day of an *Ordinary Meeting*; or
 - (b) Placing a hard copy question form in the Question Box situated in the *Council Chamber* foyer by 7.30pm on the day of an *Ordinary Meeting*.
- (3) At the discretion of the *Chairperson*, questions may be answered verbally during the "Public Question Time" segment by a *Councillor* or a member of *Council* staff present at the *Ordinary Meeting* or later *in writing*. Questions submitted late must be either dealt with at the next *Ordinary Meeting* or at the discretion of the *Chief Executive Officer* may be answered *in writing*.
- (4) Questions will be answered in the Council Chamber only if the questioner is present in the gallery. Where a questioner is not present, a response will be provided *in writing*.
- (5) Individual members of the public are permitted to ask a maximum of three questions during any one Public Question Time.

- (6) Any preamble to a question will not be read out unless the Chairperson considers it appropriate.
- (7) An answer must only be given to the *Ordinary Meeting* if the *Chairperson* has determined that the relevant question:
- (a) does not relate to a matter beyond or outside the *Council's* powers; and
 - (b) is not defamatory, indecent, abusive or objectionable; and
 - (c) is not repetitive of a question already answered (whether at that meeting or an earlier one); and
 - (d) is not asked to be derogatory of or to embarrass a *Councillor*, a member of *Council* staff or a member of the community; and
 - (e) does not relate to a matter already considered and resolved upon by the *Council*.
- (8) No debate on questions asked or answers given is permitted.

19. Petitions and Joint Letters

- (1) Subject to sub-clause (2), every *petition* or joint letter presented to the *Council* shall be *in writing* (other than in pencil), typed or printed, containing the request of the petitioners or signatories, and be signed by at least 12 people.
- (2) The Council may by resolution accept electronic petitions received via online websites if it is satisfied that the petition is authentic from a legitimate website.
- (3) A *petition* or joint letter addressed to Council or any member personally which requires a decision of or directions from the *Council* must be referred to the *Chief Executive Officer*.
- (4) Notwithstanding sub-clause (2) where a *petition* or joint letter presented to a *Council meeting* relates to an item of business on the *agenda*, the *petition* or joint letter may be considered by the *Council* as part of its deliberations on the item.

20. Delegates' Reports

- (1) At an *Ordinary Meeting*, the *Mayor* and *Councillors* who are delegates or representatives of the *Council* on other bodies may report to the *Council meeting* on issues of importance to the *Council*, notwithstanding that the report is not listed on the *agenda*.
- (2) No motion (except to receive any such report) can be accepted by the *Chairperson* unless there is a matter raised in it which is resolved in the manner prescribed by sub-clause 15(2) to be urgent business.

21. Time Limit for Meetings

- (1) Subject to sub-clause (2) a *Council meeting* must conclude no later than three hours after the commencement of the meeting.

- (2) A *Council meeting* may be extended beyond three hours by resolution.
- (3) Business not completed by the conclusion time of a *Council meeting* is deemed to be adjourned.
- (4) The *Chief Executive Officer* must give notice of the adjourned *Council meeting* to all *Councillors* in the same manner as is prescribed in clause 13(1)(b).

22. Speaking Times

- (1) No *Councillor* may speak longer than the time set out below unless granted an extension by the meeting:
 - (a) mover of a motion – five minutes
 - (b) *Councillor* speaking to a motion or amendment – three minutes
 - (c) closing statement (right of reply) – two minutes
 - (d) presenter of delegate's report – three minutes
- (2) A motion for an extension of time, once carried, shall allow a *Councillor* a further three minutes in which to speak.

23. Visitors Speaking at Meetings

- (1) The *Chairperson* at his or her discretion may allow any *visitor* at a *Council meeting* at any time to address the *Council meeting* on any matter which is before the meeting at the time, if the *Chairperson* is of the view that such an address may provide information of benefit to *Councillors*.
- (2) The *visitor* addressing the *Council meeting* cannot speak for more than 3 minutes (unless granted more time by the *Chairperson*).

24. Suspension of Standing Orders

- (1) At any *Council meeting* any provision or provisions of this Local Law, except those relating to a quorum and to the procedures for the election of the *Mayor*, may by resolution of that *Council meeting* be suspended for any part of or the whole of the *Council meeting*.
- (2) No motion, except one which proposes the resumption of standing orders, may be accepted by the *Chairperson* or be lawfully dealt with during any suspension of this Local Law.
- (3) The purpose of such suspension of standing orders is to enable full discussion of any particular issue and the resumption of such provisions must take place before any motions are put.
- (4) Suspension should not be used purely to dispense with the processes and protocol of the government of the *Council*.

25. Recording of Meetings

In accordance with the Recording of Public Council Meetings Policy, the *Chief Executive Officer* (or other persons authorised by the *Chief Executive Officer*) may record on suitable video or audio recording equipment all the proceedings of a *Council meeting*.

PART 4 – DECISION MAKING AT MEETINGS

26. Requirements for Motions and Amendments

- (1) A motion may be moved by a *Councillor* as a formal proposal that the *Council meeting* should resolve in certain terms.
- (2) A motion having been moved and seconded may be amended by leaving out, inserting or adding words in a manner that leave the intention and effect of the motion materially undisturbed.
- (3) A motion which purports to be amendment but which if passed would directly contradict or negate the motion or materially deprive the motion of effect cannot be accepted as an amendment.
- (4) A motion or amendment which is proposed by a *Councillor* at a *Council meeting* must be:
 - (a) clearly expressed and unambiguous; and
 - (b) not defamatory or objectionable in nature; and
 - (c) relevant to an item on the *agenda* (unless it relates to an item which has been agreed by the *meeting* as urgent business).
- (5) Any motion or amendment which differs in wording from a recommendation or *notice of motion* which is on the *agenda* must, if required by the *Chairperson*, be *written* out by the proposer and given to the *Chairperson*. If required by a *Councillor*, a copy must be given to all *Councillors* present before any further debate takes place on the matter or before the vote on it is taken. The *Chairperson* may adjourn the *Council meeting* to allow time for these requirements to be met.
- (6) Any motion or amendment which does not conform to sub-clause (3) or (4) may be rejected by the *Chairperson*.

27. Procedures with Respect to Motions

- (1) A *Councillor* proposing to move a motion must first indicate a wish to address the *Chairperson*.
- (2) Once recognised by the *Chairperson*, the mover must state the motion without speaking to it.
- (3) The *Chairperson* must call for a seconder (other than the mover).
- (4) Any motion which is not seconded lapses.

- (5) Where the mover intends to move a recommendation as it appears in the agenda, they may do so in the following manner, "I move the recommendation on page (state page number) of the agenda."
- (6) Where the mover intends to move a motion other than a recommendation as it appears in the agenda, they must state the motion in full.
- (7) Once a motion is seconded, the *Chairperson* may:
 - (a) invite *Councillors* to speak in accordance with clause 29(6); or
 - (b) ask whether the motion is opposed and if no opposition is indicated, the *Chairperson* may then put the motion to the vote without debate; or
 - (c) at any time during the debate ask whether the motion is opposed or is further opposed and if no such opposition is indicated, may put it to the vote without further debate.
- (8) Where a motion is in two or more parts, upon request from a *Councillor*, the *Chairperson* may at his or her discretion put each part to the vote separately.
- (9) Subject to clause 29, a motion must be put to the vote when the *Chairperson* believes that the issues have been reasonably canvassed in the debate.
- (10) The moving or seconding of a motion cannot be withdrawn, except with leave of the *Chairperson*. Where leave is granted, the *Chairperson* may:
 - (a) seek a substitute mover or seconder; or
 - (b) if there is no willingness to be the substitute mover or seconder, declare the motion as lapsed.

28. Procedures with Respect to Amendments

- (1) Any *Councillor*, including the mover and seconder of a motion, may move or second any amendment to the motion.
- (2) The procedures contained in clause 29 should be followed to deal with an amendment.
- (3) When any amendment is put to the vote and declared carried by the *Chairperson*, it thereupon becomes the substantive motion and can be further amended.
- (4) Only one amendment can be before the *Council meeting* at a time and until it is put to the vote no further amendment can be proposed, but with the leave of the *Chairperson* another amendment or motion can be foreshadowed by any *Councillor* stating in brief terms the nature of it.
- (5) Where a proposed alteration from another *Councillor* is accepted by the mover and seconder, such alteration shall not be regarded as an amendment to the motion.

29. Rules of Debate

- (1) A *Councillor* may only speak once on the motion and once on any amendment of a motion subject to sub-clause (2).
- (2) The mover of a motion has a right of reply with respect to the debate on his or her motion immediately before the vote is taken, but that right of reply is lost if an amendment to the motion is carried.
- (3) Once a right of reply has been exercised, the *Chairperson* must put the motion to the vote without making comment or permitting any further comment on the motion.
- (4) The mover of an amendment has no right of reply.
- (5) A *Councillor* may address the *Council meeting* to explain why the *Councillor* proposes to abstain from the voting on a motion, but shall not then speak in favour or opposition to the motion.
- (6) The *Chairperson* shall invite *Councillors* to speak on a motion or amendment in the following order:
 - (a) mover (this opportunity cannot be deferred to later in the debate);
 - (b) seconder (may be reserved or deferred to later in the debate);
 - (c) other *Councillors*; then
 - (d) mover's right of reply (where applicable).
- (7) A *Councillor* may, when no other *Councillor* is speaking, ask any question concerning or arising out of the motion or amendment before the *Chairperson*. The *Chairperson* has the right to limit questions and direct that debate be commenced or resumed.
- (8) A *Councillor* must not in any debate make any defamatory, indecent, abusive, offensive or disorderly statement or comment or a statement or comment which is objectionable in language, substance or nature.
- (9) If a statement or comment is made contrary to sub-clause (8), the *Chairperson* may call upon the *Councillor* to withdraw it and apologise and if that is required the *Councillor* concerned must immediately and unreservedly do so.
- (10) In cases where there is competition for the right to speak at a *Council meeting* then the *Chairperson* must decide the order in which *Councillors* will speak.
- (11) If a debate is adjourned by motion then the *Councillor* who moved the adjournment has the right to speak first when the debate is resumed.
- (12) A *Councillor* must not be interrupted except by the *Chairperson* or upon a *point of order* being taken.
- (13) A *Councillor* is not deemed to be speaking on the motion or amendment before the meeting when:

- (a) calling a *point of order*; or
 - (b) asking a question; or
 - (c) foreshadowing a new motion or further amendment; or
 - (d) making a request under clause 27(8)
- (14) When exercising a right of reply, a *Councillor* must not introduce new material.
- (15) If a resolution is made at a *Council meeting*, the substance of the resolution cannot be further discussed at that meeting.
- (16) The *Councillors* and members of *Council* staff in any *Council meeting* must be referred to by their official titles.
- (17) The *Chairperson* may address the *Council meeting* upon any matter under discussion and will not be deemed to have left the chair on such occasions.
- (18) Except in cases of sickness or physical disability, a *Councillor* at any *Council meeting* must stand when speaking.

30. Notices of Motion

- (1) A *notice of motion* must be:
- (a) in writing; and
 - (b) signed by one (1) *Councillor*; and
 - (c) lodged with the *Chief Executive Officer* by 12.00 noon seven (7) clear days before the date of the *Council meeting* nominated in the *notice of motion*.
- (2) Any *notice of motion* received after the time specified in sub-clause (1) must, unless withdrawn *in writing*, be included on the next appropriate *Council meeting agenda*.
- (3) A *notice of motion* may be withdrawn at any time prior to the scheduled *Council meeting* at which the notice of motion is proposed.
- (4) The *Chief Executive Officer* or *Delegated Officer*:
- (a) must arrange for every *notice of motion* received by him or her to be numbered and endorsed with the date and time of it being received, and for it to be kept or entered, in the order received, in a register of *notices of motion*; and
 - (b) must list the *notice of motion* (and if more than one, in the order they were received), on the next appropriate *Council meeting agenda* unless the *notice of motion* nominates a specific *Council meeting* date; and
 - (c) may include on the *agenda* immediately following a *notice of motion* any comment which provides relevant factual information concerning the issues dealt with in such *notice of motion*.

- (5) If the *Councillor* who has given a *notice of motion* is not present at the *Council meeting* when the matter is the next item on the *agenda* to be considered, the *Chairperson* may move it or may call upon any other *Councillor* to move it and if the motion is not moved (and seconded) it lapses.
- (6) Any *notice of motion* may be amended and the mover and seconder may accept a proposed amendment and the mover may amend the motion prior to it being seconded.
- (7) A *notice of motion* must call for an officer report if the *notice of motion*:
 - (a) substantially affects the level of Council services;
 - (b) commits the Council to expenditure in excess of \$25,000 and that has not been included in the adopted budget;
 - (c) establishes or amends a Council policy; or
 - (d) commits the Council to any contractual arrangement, as determined by the Chief Executive.
- (8) If a *notice of motion*, whether amended or not, is lost, a similar motion cannot again be put before the current Council for a period of three calendar months from the date it was lost.

31. Notices of Rescission

- (1) A *Councillor* may propose a *notice of motion* to rescind or alter a previous resolution that has not been acted on.
- (2) A *notice of motion* to rescind or alter a previous resolution must:
 - (a) be signed by three *Councillors* and dated; and
 - (b) *delivered in writing*, to the *Chief Executive Officer*, no later than 5.00pm on the second day following the *meeting* of the *Council* at which the resolution proposed to be rescinded or altered was carried.
- (3) A resolution will be deemed to have been acted on if:
 - (a) its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
 - (b) a statutory process has been commenced,
 so as to vest enforceable rights in or obligations on the *Council* or any other person.
- (4) The *Chief Executive Officer* or an appropriate member of *Council* staff must defer implementing a resolution which:
 - (a) has not been acted on; and

- (b) is the subject of a *notice of motion* to rescind or alter a previous resolution which has been *delivered* to the *Chief Executive Officer* in accordance with sub-clause (2)(b),

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

- (5) If a *notice of motion* to rescind or alter a previous resolution is lost, a similar motion may not be put before the *Council* for at least 3 months from the date it was last lost, unless the *Council* resolves that the *notice of motion* be re-listed at a future *Council meeting*.
- (6) If a *notice of motion* to rescind or alter a previous resolution is not moved at the *Council meeting* at which it is listed, it lapses.
- (7) A *notice of motion* to rescind or alter a previous resolution listed on an *agenda* may be moved by any *Councillor* present but may not be amended.

32. Changing a Council Policy

- (1) Where the *Council* intends to review, amend or update one or more of its policies, a notice to rescind or alter a previous resolution is not required. The new decision, despite being inconsistent with the earlier decision, reflects the *Council's* changed policy position and does not rescind or amend the earlier decision.
- (2) Notwithstanding sub-clause (1) an appropriate course of action should be the submission of a *notice of motion*, in accordance with clause 26(1) of this Local Law, requesting an officer report regarding the proposed policy change.

33. Formal/Procedural Motions

- (1) The form and effect of, and procedure with respect to, formal/procedural motions are set out in *Schedule 1*.
- (2) A formal/procedural motion is one that deals with the conduct or process of the meeting itself.
- (3) A substantive motion is a motion that deals with matters other than the conduct or process of the meeting itself.
- (4) Formal/procedural motions have precedence on substantive motions and amendments.
- (5) A formal/procedural motion must be dealt with immediately by the Chairperson.
- (6) Except for a formal/procedural motion to defer an item, a formal/procedural motion, once moved and voted upon has no bearing on any substantive motion currently before the Council.
- (7) Subject to Schedule 1, debate on a formal/procedural motion is not permitted and the mover does not have a right of reply. Unless otherwise provided, a procedural motion cannot be amended.

34. En Bloc Resolutions

- (1) Subject to clause 34(2), Council may consider agenda items en bloc, so long as the motion to hear the items en bloc is firstly moved, seconded and approved by a majority vote.
- (2) Items that relate to planning matters or that involve statutory third party rights must not be considered en bloc.

35. Voting

- (1) All voting on matters is by show of hands.
- (2) Where a *Councillor* intends to abstain from voting on a matter the *Councillor* must indicate to the *Chairperson* that he/she is abstaining from voting.
- (3) Notwithstanding clause 36, at any *Council meeting* a *Councillor* may ask that his or her name be recorded in the *minutes* as having voted in the negative, immediately after the *Chairperson* has put any motion, amendment or other question to the vote and has announced the result of that vote.
- (4) In the event of a tied vote, the *Chairperson* must exercise a second vote, or casting vote, in accordance with the *Act*.

36. Divisions

- (1) At any *Council meeting* a *division* may be called by a *Councillor* immediately after the *Chairperson* has put any motion, amendment or other question to the vote and has announced the result of that vote.
- (2) A *division* cannot be called once consideration of the next item on the *agenda* has commenced.
- (3) The calling of a *division* sets aside the result of the voting announced by the *Chairperson*.
- (4) The result of a *division* supersedes the result of the original vote and a *Councillor* may change his or her previous vote when a *division* is called.
- (5) When a *division* has been called, the *Chairperson* must:
 - (a) ask *Councillors* voting in the affirmative to stand and announce the names of those *Councillors*; then
 - (b) ask for those voting in the negative to stand and announce the names of those *Councillors*; then
 - (c) ask for those abstaining from voting to stand and announce the names of those *Councillors*.
- (6) The names of *Councillors* voting in the affirmative and in the negative and *Councillors* abstaining from voting must be recorded in the *minutes* of the *Council meeting*.
- (7) The *Chairperson* must announce the result of the vote immediately after the *division* is taken.

PART 5 – BEHAVIOUR AND ORDER AT MEETINGS

37. Courtesy to the Chairperson

When speaking at a *Council meeting*, all persons shall direct their attention primarily towards the *Chairperson*.

38. Points of Order

- (1) A *point of order* is an objection that the motion, amendment or statement made is:
 - (a) contrary to this Local Law or the provisions of the *Act*; or
 - (b) defamatory; or
 - (c) irrelevant; or
 - (d) improper; or
 - (e) obscene; or
 - (f) abusive or objectionable language or behaviour; or
 - (g) outside *Council's* powers.
- (2) A *Councillor* may take a *point of order* by stating briefly the matter which is the subject of the *point of order* and the ground in sub-clause (1) upon which the *point of order* is being made.
- (3) When a *point of order* is called the *Councillor* speaking at the time must stop (unless asked by the *Chairperson* for an explanation), until the *Chairperson* rules upon it.
- (4) The *Chairperson* may not take a *point of order*.
- (5) The *Chairperson* may adjourn the *Council meeting* to consider a *point of order* which has been taken and shall rule upon it as soon as possible and before the business of the *Council meeting* proceeds further.
- (6) The *Chairperson* must, when ruling upon a *point of order*, state the provision of this Local Law or other legislation, rule, custom or practice upon which he or she is basing the ruling. The *Chairperson's* determination is, subject to clause 39(2), final.
- (7) A *point of order* cannot be taken for the sole purpose of:
 - (a) expressing a mere difference of opinion; or
 - (b) contradicting a speaker; or
 - (c) disrupting the meeting.

39. Dissenting from the Chairperson's Ruling

- (1) When the *Chairperson* makes a ruling during a *Council meeting* a *Councillor* may move a motion to the effect that the meeting dissent from the *Chairperson's* ruling.

- (2) When a motion of dissent is moved and is seconded the following procedures must be followed:
- (a) the *Chairperson* asks the mover, then the seconder, to speak to their motion and the matter is then further debated as required. The matter is put to the vote and the *Chairperson* announces the result; and
 - (b) the *Chairperson* is bound by the result of the motion of dissent - if it is passed then his or her previous ruling is changed so that it conforms to the motion of dissent, if it is defeated then his or her previous ruling stands.
- (3) The defeat of the *Chairperson's* ruling is not a vote of no-confidence in the *Chairperson* and must not be so regarded by the meeting.

40. Behaviour at Meetings

- (1) *Visitors at Council meetings:*
- (a) must not interject or take part in the debate; and
 - (b) must preserve silence in the gallery at all times during a *Council meeting*; and
 - (c) must not operate photographic, audio or video recording equipment or any other recording device at any *Council meeting* without first obtaining the consent of the *Chairperson*. Such consent may at any time during the course of such *Council meeting* be revoked by the *Chairperson*.
- (2) If any *visitor* or *Councillor* is called to order by the *Chairperson* for any improper or disorderly conduct and thereafter again acts in breach of this Local Law, the *Chairperson* may order him or her to leave the meeting room or building.
- The *Chairperson* may order a *visitor* or *Councillor* to leave the meeting room or building for a period of time as determined by the *Chairperson*.
- (3) The *Chairperson* may ask any *Authorised Officer*, *Delegated Officer* or member of the Victoria Police to remove from the meeting room or building any person whom the *Chairperson* has ordered to leave the *meeting* room or building under this clause.
- Any *visitor* or *Councillor* removed from the *meeting* must not return without the approval of the *Chairperson*.
- (4) If the *Chairperson* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, he or she may adjourn the *meeting* to a later time on the same day or to some later day as he or she thinks appropriate up to a week later than the time stated in the *agenda* for the commencement of the *Council meeting*.
- (5) In any case where under this clause a *Council meeting* is adjourned, the *Chief Executive Officer* must give notice, verbally or *in writing*, to all *Councillors* of the date and time to which the *Council meeting* has been adjourned.

PART 6 – PENALTIES

41. Offences

(1) It is an *offence*:

- (a) for a *Councillor* to not withdraw a statement or comment which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature, and to not apologise, when called upon twice by the *Chairperson* to do so.

Penalty: 5 penalty units

- (b) for any *visitor* to not leave the meeting room or building when ordered by the *Chairperson* to do so under clause 40(2).

Penalty: 5 penalty units

- (c) for a *Councillor* to not leave the meeting room or building when ordered by the *Chairperson* to do so under clause 40(2).

Penalty: 5 penalty units

- (d) for any person to fail to obey a direction of the *Chairperson* relating to the conduct of the *meeting* and the maintenance of order.

Penalty: 5 penalty units

- (e) for any *visitor* to contravene clause 40(1)(c) of this Local Law.

Penalty: 5 penalty units

42. Infringement Notices

(1) The fixed *penalty* in respect of an infringement notice is two *penalty units*.

(2) As an alternative to prosecution an *Authorised Officer* or *Delegated Officer* may issue an infringement notice to any person who breaches this Local Law.

43. Payment of Penalty

(1) A person issued with an infringement notice may pay the *penalty* to the *Chief Executive Officer*, Kingston City Council, Council Offices (wherever located from time to time).

(2) A person issued with an infringement notice is entitled to disregard the infringement notice and defend a prosecution in court.

PART 7 – THE COMMON SEAL

44. The Common Seal and Sealing Clause

- (1) The *common seal* may be used only on the authority of the *Council* and a person must not use it without that authority.

Penalty: 5 penalty units

- (2) The *Chief Executive Officer* must keep the *common seal* in safe custody.
- (3) The form of the *common seal* and sealing clause is to be as detailed in *Schedule 2* or to like effect.
- (4) Every document to which the *common seal* is affixed must be signed by one *Councillor* and the *Chief Executive Officer*, unless sub-clause (5) applies.
- (5) The *Council* may delegate to the *Chief Executive Officer* the authority to affix the *common seal* to any group or class of documents and in such cases the document only requires the signature of the *Chief Executive Officer* to attest the affixing of the *common seal*.

CITY OF KINGSTON
Meeting Procedure Local Law
SCHEDULE 1 – FORMAL/PROCEDURAL MOTIONS

	FORMAL/ PROCEDURAL MOTION	FORM	MOVER & SECONDER	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	DEBATE YES/NO	EFFECT IF CARRIED	EFFECT IF LOST
1.	Deferral of debate to later hour and/or date	That this matter be deferred to am/pm and/or date	<i>Any Councillor</i>	Any matter	(a) During election of a <i>Chairperson</i> (b) When another <i>Councillor</i> is speaking	Yes	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected
2.	Deferral of debate indefinitely	That this matter be deferred until further notice	<i>Any Councillor</i>	Any matter except (a) election of a <i>Chairperson</i> (b) a matter in respect of which a call of the <i>Council</i> has been made for that meeting	(a) During the election of a <i>Chairperson</i> (b) When another <i>Councillor</i> is speaking (c) When the matter is one in respect of which a call of the <i>Council</i> has been made	Yes	Motion and any amendment postponed but may be resumed at any later meeting if on <i>agenda</i>	Debate continues unaffected
3.	Adjournment of meeting to later hour or date	That the meeting be adjourned to am/pm and/or date	<i>Any Councillor</i>	Any meeting	(a) During the election of a <i>Chairperson</i> (b) When another <i>Councillor</i> is speaking	No	Meeting adjourns immediately until the stated time and/or date	Debate continues unaffected

CITY OF KINGSTON
Meeting Procedure Local Law
SCHEDULE 1 - FORMAL/PROCEDURAL MOTIONS CONTD...

	FORMAL/ PROCEDURAL MOTION	FORM	MOVER & SECONDER	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	DEBATE YES/NO	EFFECT IF CARRIED	EFFECT IF LOST
4.	Adjournment of meeting indefinitely	That this meeting be adjourned until further notice	<i>Any Councillor</i>	Any matter except election of a <i>Chairperson</i>	(a) During the election of a <i>Chairperson</i> (b) When another <i>Councillor</i> is speaking (c) During a meeting which is a call of the <i>Council</i>	No	Meeting adjourns until an <i>agenda</i> is delivered under clause 13	Debate continues unaffected
5.	The closure	That the motion now be put	<i>Any Councillor</i>	Any matter	During nominations for <i>Chairperson</i>	No	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
6.	Laying question on the table	That the question lie on the table	<i>Any Councillor</i>	Any matter except election of a <i>Chairperson</i>	(a) During the election of a <i>Chairperson</i> b) During a meeting which is a call of the <i>Council</i>	No	Motion and amendments not further discussed or voted on until: [insert detail]	Debate continues unaffected

CITY OF KINGSTON
Meeting Procedure Local Law
SCHEDULE 1 - FORMAL/PROCEDURAL MOTIONS CONTD...

	FORMAL/ PROCEDURAL MOTION	FORM	MOVER & SECONDER	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	DEBATE YES/NO	EFFECT IF CARRIED	EFFECT IF LOST
6.	Continued						(a) The <i>Council</i> resolves to take from the table at the same meeting (b) The matter is placed on an <i>agenda</i> and the <i>Council</i> resolves to take the question from the table	
7.	Previous question	That the question be not now put	Any <i>Councillor</i>	Any matter except (a) election of a <i>Chairperson</i> (b) a matter in respect of which a call of the <i>Council</i> has been made for that	(a) During the election of a <i>Chairperson</i> (b) when another <i>Councillor</i> is speaking (c) when the matter is one in respect of	No	(a) No vote or further discussion on the motion until it is placed on an <i>agenda</i> for a later	Motion (as amended up to that time) is put immediately without further amendment or debate

				meeting	which a call of the <i>Council</i> has been made		meeting (b) Proceed to next business	
7.	Continued				(d) when an amendment is before the meeting			
8.	Proceeding to next business	That the meeting proceed to the next business NOTE: (a) may not be amended (b) may not be debated & (c) must be put to the vote as soon as seconded	Any <i>Councillor</i>	Any matter except (a) election of a <i>Chairperson</i> (b) a matter in respect of which a call of the <i>Council</i> has been made for that meeting	(a) During the election of a <i>Chairperson</i> (b) when another <i>Councillor</i> is speaking (c) when the matter is one in respect of which a call of the <i>Council</i> has been made	No	If carried in respect of: (a) an amendment, the meeting 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 <i>agenda</i> for a later meeting	Debate continues unaffected

Kingston City Council

Meeting Procedures Local Law
Schedule 2 - Form of Common Seal

The **Common Seal** of the Kingston City Council was hereunto affixed in the presence of:

..... **Councillor**

An image of the Common Seal appears in the original copy of this local law.

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