



MORNINGTON PENINSULA

Shire



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PENINSULA



MEETINGS PROCEDURES AND COMMON SEAL LOCAL LAW

*(Incorporating the Meetings Procedure Protocol and
Procedure for Election of Mayor)*

This Local Law was made by resolution of Council on 24 September 2012,
and commenced on 5 October, 2012.

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Attachments

- Meetings Procedure Protocol
- Procedure for Election of Mayor

1. Title

This Local Law is the Meetings Procedures and Common Seal Local Law of the Mornington Peninsula Shire Council.

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 Mornington Peninsula Shire Council through its formal meetings procedure to ensure effective and efficient Council decisions are made in a manner which promotes the effectiveness of Local Government in the Mornington Peninsula community and within the Australian system of Government;
- (b) Promote and encourage community leadership by the Mornington Peninsula Shire Council, consistent with the community's views and expectations;
- (c) Promote and encourage community participation in Local Government; and
- (d) Regulate and govern the:
 - (i) Use of Council's Common Seal;
 - (ii) Procedure for election of Mayor and any Deputy Mayor; and
 - (iii) Way in which meetings of the Council, special committees and advisory committees of the Council are conducted.

3. Authorising Provision

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

4. Operation Date

This Local Law comes into operation on 5 October, 2012.

5. Revocation Date

This Local Law ceases to operate on 5 October, 2022, unless sooner revoked by Council.

6. Repeal of Local Law

From the commencement of this Local Law, the Council (Common Seal and Meeting Procedures), Local Law No. 1 (2005) is repealed.

7. Application of the Local Law

- (1) This Local Law applies to all meetings of the Council, special committees and advisory committees established by Council.
- (2) The Mornington Peninsula Shire Council Meetings Procedure Protocol will contain provisions to support the Council in meeting the requirements of *the Act* concerning meetings of the Council and the objectives in clause 2, including provisions to:
 - (a) Prescribe how motions and amendments to motions before the Council are dealt with;
 - (b) Identify the methods by which the community can participate in the Council, special committee and advisory committee meetings;
 - (c) Manage the debate on matters before the Council, special committees and advisory committees; and
 - (d) Set the general standards expected in the Council, special committees and advisory committees' formal meeting processes.
- (3) The Mornington Peninsula Shire Council Procedure for the Election of the Mayor and Deputy Mayor will contain provisions prescribing the process for the election of the Mayor and Deputy Mayor to support the Council in meeting the requirements of the Act concerning the election of the Mayor.

8. Definitions

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

WORDS	MEANING
The Act	means the Local Government Act 1989
Council	means the Mornington Peninsula Shire Council

9. Incorporated Documents

The following documents are incorporated by reference into this Local Law:

- (a) The Mornington Peninsula Shire Council's Meetings Procedure Protocol;
- (b) Procedure for Election of Mayor and Deputy Mayor.

10. Common Seal

- (1) The Common Seal must only be used on the authority of:
 - (a) The Council and as indicated by resolution; or
 - (b) A delegate to whom power to use the Common Seal has been delegated.

10. Common Seal (Cont'd)

- (2) It is an offence for any person to use the Common Seal without the approval of Council.

Penalty: 10 Penalty Units

- (3) The Chief Executive Officer of the Council must keep the Common Seal in safe custody.
- (4) If for the purpose of giving legal force and effect to any document the Common Seal is used with the authority of the *Chief Executive Officer* (to whom power to seal any such document on behalf of the Council for such a purpose is hereby given), or any delegate, the document to which it is affixed must be signed by the delegates in the form prescribed below.

THE COMMON SEAL of)
MORNINGTON PENINSULA SHIRE COUNCIL)
is affixed in the presence of:)

..... Delegate

..... Delegate

- (5) If for the purpose of giving legal force and effect to any document the Common Seal is used with the authority of the Council, the document to which it is affixed must be signed by one *Councillor* and the *Chief Executive Officer* (or delegate) in the form prescribed below.

THE COMMON SEAL of)
MORNINGTON PENINSULA SHIRE COUNCIL)
Is affixed in the presence of)

Councillor

Chief Executive Officer (or delegate)

11. Offences

In addition to the offence under Clause 10, it is an offence under the Mornington Peninsula Shire Council's Meetings Procedure Protocol:

- (a) For a Councillor to not withdraw a remark which is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature, and to not satisfactorily apologise when called upon twice by the Chairperson to do so;
- (b) For any person, not being a Councillor, who has been called to order for any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so; and
- (c) For any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting or the maintenance of order at the meeting.

Penalty: 20 Penalty Units

12. Recording of Committee Meetings and Assemblies of Councillors

- (1) A person must not make, or cause to be made, an audio or video recording of a meeting of:
 - (a) a Committee of Council; or
 - (b) an Assembly of Councillors.

Penalty: 5 Penalty Units

- (2) If a person breaches sub-clause 1, and:

- (a) discloses;
- (b) publishes;
- (c) otherwise conveys; and/or
- (d) permits or causes the disclosure, publication or conveyance of,

the information obtained in breach of sub-clause 1 of this Local Law, he or she will also be guilty of an offence under this sub-clause 2.

Penalty: 10 Penalty Units



**MORNINGTON
PENINSULA**
Shire

**MEETINGS PROCEDURE PROTOCOL
2018**

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Meetings Procedure Protocol – 2018

MORNINGTON PENINSULA SHIRE COUNCIL

MEETINGS PROCEDURE PROTOCOL

1. Purpose

- (1) The purpose of this Protocol is to regulate the proceedings of the Meetings of the Council and special committees.
- (2) Clause 9 (Incorporated Documents) of the Meetings Procedures and Common Seal Local Law – 2012 incorporates by reference the Mornington Peninsula Shire Council's Meetings Procedure Protocol.
- (3) The Protocol provides guidelines for the open, fair, transparent and orderly conduct of Council business and procedural fairness for all Councillors, and members of the public wishing to make verbal submissions.

2. Definitions

In this Protocol —

WORD

MEANING

Act	Means the <i>Local Government Act 1989</i>
Business Day	Means any day when normal business operations are conducted, generally considered to be from 9.00 am to 5.00 pm local time from Monday to Friday excluding weekends and public holidays
Chairperson	Means the person who chairs a Meeting
Chief Executive Officer	Means the person who is the Chief Executive Officer of the Council or any person acting in that position
Council	Means the Mornington Peninsula Shire Council
Councillor	Means a person who holds the office of member of the Council and for the purpose of this Protocol includes a member of a special committee
Mayor	Means the Mayor of the Council and any Councillor acting as Mayor
Meeting	Means a Meeting of the Council or a special committee of the Council
Officer	Means an employee of the Council

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WORD	MEANING
Protocol	Means Mornington Peninsula Shire Council's Meeting Procedure Protocol incorporated by reference into the Council's <i>Meetings Procedures and Common Seal Local Law - 2012</i>
Special committee	Means under the Act: (a) a committee established by a Council under section 86; (b) a committee that exercises a power, or performs a duty or function, of the Council that has been delegated to that committee under any Act

3. Notice of Meetings

- (1) A notice of Meeting incorporating an agenda of the business to be transacted and any minutes of a previous Meeting must be received by Councillors from the Chief Executive Officer at least 2 Business Days before the Meeting.
- (2) Content, format, presentation and order of items on Council Meeting agendas will include, but not be limited to:
 - (a) Open and Welcome;
 - (b) Acknowledgement of Traditional Land Owners;
 - (c) Prayer;
 - (d) Apologies;
 - (e) Confirmation of Minutes;
 - (f) Disclosure of Conflicts of Interest;
 - (g) Presentations;
 - (h) Petitions and Joint Letters;
 - (i) Public Question Time;
 - (j) Management Reports;
 - (k) Committee and Information Reports;
 - (l) Notices of Motion;
 - (m) Councillors' and Delegates' Reports;
 - (n) Notes from Assemblies of Councillors;
 - (o) Urgent Business;

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(p) Confidential Items; and

(q) Close.

4. Quorum

- (1) The quorum for a Meeting is a majority of Councillors.
- (2) A Meeting cannot commence, resume or continue without a quorum.
- (3) If a quorum is not present within 30 minutes after the advertised time of commencement specified in the notice of Meeting, the majority of Councillors present may adjourn the Meeting to a date to be determined.

5. Business at Meetings

- (1) No business can be dealt with at a Meeting unless:
 - (a) It is included on the agenda or provided as an addendum to the agenda by the Chief Executive Officer; or
 - (b) Councillors vote in favour of a matter being dealt with as urgent business.
- (2) Urgent business means business that because of its urgency cannot be reasonably listed on the agenda of the next Meeting.
- (3) Unless the Chairperson or the Meeting by resolution otherwise determines, the order of business at a Meeting must be as it is set out on the agenda.

6. Conclusion of Meetings

- (1) A Meeting shall conclude when all the business set out on the agenda has been dealt with or not later than 11.00 pm.
- (2) A Meeting may be extended once by resolution of the Meeting until 11.30 pm.
- (3) The Meeting may be adjourned to another date if all business set out on the agenda has not been dealt with.

7. Confirmation of the Minutes of a Meeting

- (1) When confirming the minutes of a Meeting, the Chairperson must ask if any item in the minutes is opposed.
- (2) Opposition can only be expressed in regard to items in the minutes on the basis that the record is incomplete or inaccurate.
- (3) If any Councillor indicates opposition, they 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.
- (4) The Chairperson must not allow discussion or motions on any other issue than the alleged omission from or inaccuracy of the minutes.
- (5) If no Councillor indicates opposition, the Chairperson must seek a motion to confirm the minutes.

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8. Management Reports

- (1) A management report which is listed as an item on the agenda for a Meeting is to identify and discuss all reasonable options and rely on one recommendation for consideration by Councillors.
- (2) Officers shall first speak to the report and answer questions from Councillors at the discretion of the Chairperson.

9. Advice Provided to Individual Councillors

Any advice or guidance provided by an Officer to a Councillor regarding:

- (a) Meetings procedure or practice;
- (b) The operation of this Protocol;
- (c) The application of the Act to Meetings; or
- (d) A suggested motion and any supporting arguments —

shall be provided to all other Councillors by the Officer at or about the time it is so provided.

10. Form of Motions and Amendments

- (1) A motion or amendment which is proposed by a Councillor at a Meeting must be:
 - (a) Clearly expressed and unambiguous;
 - (b) Not defamatory or objectionable in nature;
 - (c) Related to the powers or functions of Council; and
 - (d) Relevant to an item on the agenda (unless it relates to an item which has been agreed by the Meeting as urgent business).
- (2) Any motion or amendment which differs in wording from a recommendation or notice of motion which is on the agenda, unless otherwise agreed to at an assembly of Councillors, should be circulated by the proposer in writing to all other Councillors in advance of the commencement of the Meeting where possible.
- (3) Any motion or amendment which does not conform to subclause (1) must be rejected by the Chairperson.

11. Procedures for Motions and Amendments

- (1) A Councillor who is proposing a motion or amendment may first briefly state the nature of the motion or amendment and then move it without speaking to it.
- (2) The Chairperson must then call for the motion or amendment to be seconded.
- (3) The Chairperson cannot move or second a motion or amendment.

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- (4) Any motion or amendment that is not seconded lapses.
- (5) The Chairperson may ask after a motion or amendment is moved and seconded whether it is opposed and if no opposition is indicated put it to the vote without debate or allow the mover, seconder or another Councillor to speak to the motion or amendment. Similarly, the Chairperson may ask at any time during the debate whether the motion or amendment before the Meeting is opposed or is further opposed and if no opposition or no further opposition is indicated put it to the vote without further debate.
- (6) The Chairperson may speak on any matter under discussion but must be mindful of their position as an impartial Chairperson of the Meeting.
- (7) Despite an amendment to a motion being carried, the mover maintains the right of reply with respect to the debate on the motion immediately before the vote is taken, subject to no new material being introduced.
- (8) The mover of an amendment has no right of reply.
- (9) Apart from the mover's right of reply referred to in subclause (7) a Councillor may only speak once on the motion and once on any amendment of a motion.
- (10) Any Councillor, excluding the mover or seconder of:
 - (a) a motion, may move or second any amendment; or
 - (b) an amendment, may move or second any further amendment.
- (11) When any amendment is put to the vote and is declared carried by the Chairperson it thereupon becomes the motion and can be further amended.
- (12) Only one amendment can be before the Meeting at a time and until it is put to the vote no further amendment can be proposed.
- (13) At any time during debate a Councillor may foreshadow a motion or an amendment to inform the Meeting of their intention to move a motion or an amendment later in the Meeting but this does not extend any special right to the foreshadowed motion or amendment.
- (14) A Councillor may request at any time, before a vote is taken on a motion or amendment that is in two or more parts, that each part be put to the vote separately. The Chairperson may allow or refuse such a request.
- (15) When the mover of a motion has a right of reply under subclause (7) and has exercised that right the Chairperson must then put the motion to the vote without making or allowing any further comment on it.
- (16) A motion or amendment must otherwise be put to the vote when the Chairperson believes that the issues have been reasonably canvassed in the debate.
- (17) A Councillor calling a point of order or foreshadowing a new motion or further amendment or making a request under subclause (14) is not deemed to be speaking on the motion or amendment to the Meeting.
- (18) Once a motion or amendment is seconded it cannot be withdrawn or altered except with the leave of the Meeting.

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- (19) Despite any other provisions of this Protocol, before putting a motion or amendment to the vote the Chairperson may have the text of the motion or amendment read to the Meeting.
- (20) Procedures for motions and amendments are summarised in a flow chart in the Schedule to this Protocol.

12. Notices of Motion

- (1) Notices of motion received from a Councillor by the Chief Executive Officer at least 5 Business Days prior to a Meeting must be included in order of receipt on the agenda for that Meeting.
- (2) The Chief Executive Officer may reject a notice of motion if they are of the opinion that it is:
 - (a) Defamatory;
 - (b) Objectionable in language or nature;
 - (c) Vague or unclear in intention; or
 - (d) Outside the powers of the Council.
- (3) If the Chief Executive Officer rejects a notice of motion the Councillor lodging the notice of motion must be afforded an opportunity to lodge a revised notice of motion provided that the revised notice of motion is received in sufficient time for inclusion on the agenda for the Meeting.

13. Revocation and Amendment

- (1) Motions to revoke or amend a resolution can be made in the following ways:
 - (a) By notice of motion signed by a Councillor and lodged with the Chief Executive Officer; or
 - (b) By recommendation contained in an Officer's report included on the agenda.
- (2) To facilitate the lodgement of a notice of motion by a Councillor under subclause (1), the Chief Executive Officer shall not implement a Council resolution for at least 1 Business Day following the making of the resolution unless the resolution specifically directs the Chief Executive Officer to implement the resolution immediately.
- (3) Any motion that proposes the revocation or amendment of a resolution of the Council must be included on the agenda of the Meeting at which it is to be considered and cannot be proposed as an item of urgent business.
- (4) A revocation or amendment of a resolution must be passed by a majority of Councillors entitled to be present and vote at the Meeting at which such business is transacted.
- (5) A motion to revoke or amend a resolution listed on a Meeting agenda may be moved by any Councillor present at the Meeting but cannot be amended.

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- (6) A resolution can only be revoked or amended if it has not been acted upon.
- (7) A resolution will be considered as having been acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has been commenced.
- (8) A resolution that is the subject of a revocation or amendment motion cannot be acted upon prior to determination of the motion.

14. Formal Motions

- (1) There are 4 types of formal motions permitted under this Protocol:
 - (a) “Commencement of debate”;
 - (b) “Adjourning the debate”;
 - (c) “Closure of debate”; and
 - (d) “Laying a motion on the table”.
- (2) A formal motion must be dealt with immediately by the Chairperson.
- (3) Formal motions must be moved and seconded.
- (4) A formal motion may not be moved by the Chairperson.

15. Commencement of Debate

- (1) A motion “that debate on the motion before the Chair commences” is a formal motion intended to ensure that debate occurs in a timely way which:
 - (a) May be moved by any Councillor; and
 - (b) If carried, means that debate on the motion commences immediately and no further questions may be put.
- (2) The Chairperson has the discretion to reject this motion if they believe that sufficient clarity has not been achieved in relation to the matter under consideration.

16. Adjourning the Debate

- (1) A motion “that the debate be adjourned until _____ (date) OR indefinitely” is a formal motion:
 - (a) Which may not be moved while any person is speaking or during the election of a Mayor, Deputy Mayor or Chairperson; and
 - (b) On which debate is permitted but which may only be amended in relation to the time, date and place of the proposed adjournment.
- (2) The mover does not have a right of reply.

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17. Closure of Debate

- (1) A motion “that the motion be now put” is a formal motion intended to close debate which:
 - (a) If carried in respect to a motion, that motion must be put to the vote immediately without any further debate, discussion or amendment;
 - (b) If carried in respect to an amendment, that amendment must be put to the vote immediately without any further debate or discussion and debate on the substantive motion may continue unaffected; and
 - (c) If lost, debate may continue unaffected.
- (2) No debate is permitted and the mover does not have a right of reply.
- (3) The motion cannot be amended.
- (4) The Chairperson has discretion to reject such a formal motion if they believe that the motion or amendment on which it is proposed has not been sufficiently debated.

18. Laying a Motion on the Table

- (1) A motion “that a motion lay on the table” is a formal motion which:
 - (a) May be moved by a Councillor who has not spoken to the motion or any amendment of it; and
 - (b) Must not be moved during the election of the Mayor, Deputy Mayor or Chairperson.
- (2) If carried, the matter that the motion relates to may be raised from the table later in the Meeting and if not resolved must be listed on the agenda for the next Meeting.

19. Points of Order

- (1) A Councillor may raise a point of order by stating briefly the matter which is the subject of the point of order and if related to this Protocol by stating the relevant clause or clauses.
- (2) A Councillor may raise a point of order by drawing the Chairperson’s attention to an act of disorder or to a Councillor allegedly being out of order.
- (3) A point of order may be taken on the ground that the matter is:
 - (a) Contrary to this Protocol;
 - (b) Defamatory;
 - (c) Irrelevant;
 - (d) Outside Council’s power;

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- (e) Under judicial consideration; or
 - (f) Improper, offensive, disloyal, irreverent, obscene, ambiguous or obscure.
- (4) Expressing a difference of opinion or contradicting a speaker will not be treated as a point of order.
 - (5) 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.
 - (6) The Chairperson may adjourn the Meeting to consider a point of order that has been taken and must rule upon it as soon as possible and before the business of the Meeting proceeds further.
 - (7) The Chairperson must when ruling upon a point of order state the provision of this Protocol or other legislation, rule, custom or practice upon which their ruling is based.

20. Time Limits for Debate

A Councillor must not speak on any one motion or amendment or other matter before a Meeting for a time longer than that stated below:

- (a) The mover of a motion or an amendment — 5 minutes;
- (b) Any other Councillor — 3 minutes;
- (c) The mover of a motion exercising a right of reply — 3 minutes; and
- (d) One extension of speaking time may be granted by resolution of the Meeting but must not exceed 2 minutes.

21. Mode of Address

- (1) A Councillor, Officer or any other person who addresses a Meeting must do so in a courteous manner.
- (2) When addressing the Chair Councillors or any other person should refer to the Chairperson as:
 - (a) Madam Mayor; or
 - (b) Mr Mayor; or
 - (c) Madam Chairman/Chair (at the discretion of the Chairperson); or
 - (d) Mr Chairman.
- (3) All Councillors, other than the Mayor, should be addressed as Councillor _____ (name).
- (4) All Officers should be addressed as Mrs, Miss, Ms or Mr _____ (name) as appropriate or by their official title.

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22. Miscellaneous Rules of Debate

- (1) In cases where there is competition for the right to speak at a Meeting the Chairperson must decide the order in which Councillors may speak.
- (2) If during debate the Meeting is adjourned by motion then the Meeting will be resumed at the point it was interrupted.
- (3) A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.

23. Voting

- (1) A Councillor who is present at a Meeting cannot abstain from voting which is otherwise compulsory.
- (2) If the Chairperson decides to cast a second vote because the number of votes in favour of the motion or amendment is half the number of Councillors present at the Meeting at the time the vote is taken, the reasons for voting for or against the motion or amendment must be stated and recorded in the minutes.

24. Divisions

- (1) At any Meeting a division may be called by a Councillor.
- (2) When a division is called the Chairperson must —
 - (a) Ask Councillors voting in the affirmative to stand and announce the names of those Councillors; and
 - (b) Ask Councillors voting in the negative to stand and announce the names of those Councillors; and
 - (c) Announce the result of the vote.
- (3) The names of Councillors voting in the affirmative and in the negative must be recorded in the minutes of the Meeting.

25. Recording of Support or Opposition to a Resolution

A Councillor may ask that their support for or opposition to a resolution adopted by a Meeting be recorded in in the minutes of the Meeting.

26. Chairperson's Ruling

- (1) Where this Protocol does not provide guidance on a matter before a Meeting, the Chairperson shall decide the procedure to be followed unless a motion of dissent is carried in which case the procedure to be followed will be decided by the Meeting.
- (2) When deciding the procedure to be followed the Chairperson must observe the requirements to be open, fair and transparent as stated in clause 1 of this Protocol.

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27. Conduct at Meetings

- (1) A Councillor must not at a Meeting make any defamatory, indecent, abusive, offensive or disorderly statement or comment.
- (2) If such a statement or comment is made the Chairperson may require the Councillor to withdraw it and the Councillor concerned must immediately and unreservedly do so.
- (3) Members of the public at a Meeting must not interject or take part in the debate or otherwise engage in disorderly or improper conduct.
- (4) If any member of the public is called to order by the Chairperson for any improper or disorderly conduct on more than one occasion during the Meeting then the Chairperson may order them to leave the Meeting room or building.
- (5) The Chairperson may adjourn a disorderly Meeting.

28. Suspension of Standing Orders

- (1) Any provision of this Protocol, except that relating to a quorum, may by resolution be suspended for any part of the Meeting.
- (2) No motion, except one which proposes the resumption of standing orders, may be accepted by the Chairperson during such suspension.

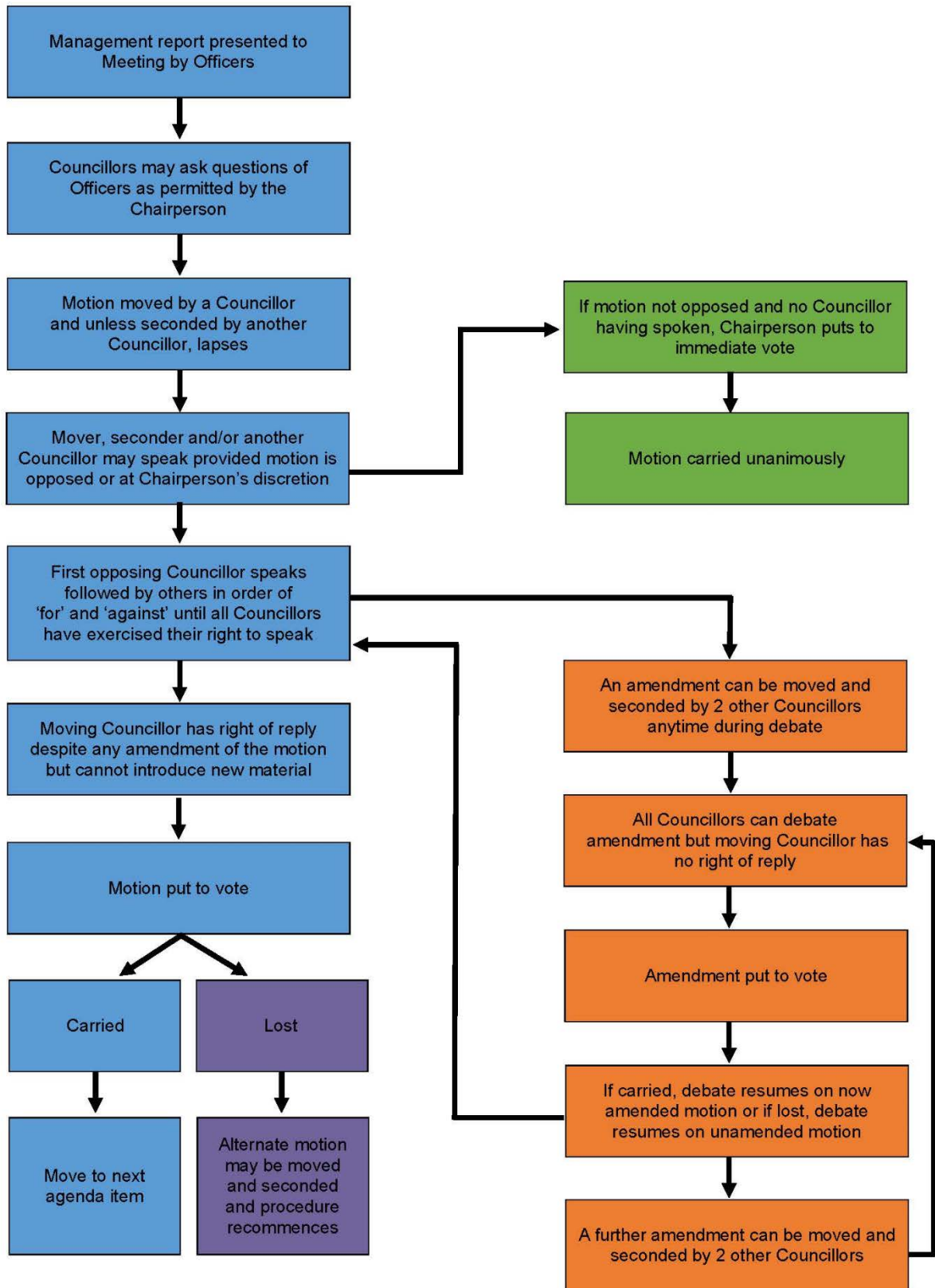
29. Public Question Time

Council may from time to time adopt policies and procedures which allow for public questions to be asked at a Council Meeting.

30. Public Participation at Meetings

- (1) Persons wishing to make verbal submissions on matters which are the subject of management reports and which are included on the agenda for Meetings of special committees of Council comprised solely of Councillors are required to comply with this clause.
- (2) Unless with the discretion of the Chairperson Council management must be notified in writing at least 1 Business Day before the Meeting of an intention to make a verbal submission and the nature of the submission.
- (3) The speaking time limit for persons making verbal submissions shall be 3 minutes.
- (4) Any extension of the speaking time limit is at the discretion of the Chairperson.

Schedule – Procedures for Motions and Amendments





MORNINGTON PENINSULA

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**PROCEDURE FOR
ELECTION OF MAYOR**

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PROCEDURE FOR ELECTION OF MAYOR

1. Procedure for Election of Mayor

Election of the Mayor

- (1) A meeting to elect the Mayor must be held:
 - (a) As soon as practicable after the declaration of the results of a general election of Councillors and between the fourth Saturday in October and no later than 30 November;
 - (b) As soon as practicable after the fourth Saturday in October and no later than 30 November, in years between general elections of Councillors; or
 - (c) As soon as practicable after the office of Mayor otherwise becomes vacant.
- (2) The Chief Executive Officer will be the temporary Chairperson of the meeting for the election of the Mayor held in accordance with Clause 1(1)(a).
- (3) Until the Mayor is elected, the Meeting will appoint a temporary Chairperson of the meeting for the election of the Mayor held in accordance with Clause 1(1)(b).

Method of Voting

The election of the Mayor must be carried out by a show of hands and all Councillors must vote.

Determining the Election of the Mayor

- (4) The Chief Executive Officer must determine the most appropriate time and date for the election of Mayor having regard to the requirements in Clause 1(1).
- (5) The temporary Chairperson of a meeting at which the Mayor is to be elected, will invite nominations for the office of Mayor.
- (6) A Councillor may nominate another Councillor or themselves as a candidate.
- (7) Nominations for the election of Mayor do not require seconding. Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor.
- (8) If only one candidate is nominated, the candidate must be declared elected as Mayor.
- (9) If more than one candidate is nominated, Council may resolve that the order of voting for the candidates be determined by lot. Councillors must then vote for their preferred candidate.
- (10) Where two candidates have been nominated, the candidate with the absolute majority of votes cast must be declared elected as Mayor.

1. Procedure for Election of Mayor (Cont'd)

Determining the Election of the Mayor (Cont'd)

- (11) Where two candidates have been nominated and there is an equal number of votes cast, the vote will be re-cast and if after the re-cast of votes there is an equal number of votes the candidate whose name is drawn by lot will be declared elected as Mayor.
- (12) Where more than two candidates have been nominated, the candidate that has received an absolute majority of votes cast will be declared elected as Mayor.
- (13) Where more than two candidates have been nominated and no candidate receives an absolute majority of votes cast, the candidate with the fewest number of votes must be eliminated. If more than one candidate has the fewest number of votes, then the candidate to be eliminated must be determined by a simple majority vote.
- (14) A further vote must then be undertaken for the remaining candidates.
- (15) This procedure must be repeated until one of the candidates receives an absolute majority of votes.
- (16) If it is necessary to determine the election of the Mayor by lot, the Chief Executive Officer (or the person appointed as returning officer by the Chief Executive Officer) will conduct the lot and the following provisions will apply:
 - (a) Each candidate will draw one lot.
 - (b) The order of drawing lots will be determined by the alphabetical order of the family names of the Councillors who received an equal number of votes except that if two or more such Councillors' family names are identical, the order will be determined by the alphabetical order of the Councillors' first names.
 - (c) As many identical ballot papers as there are Councillors who received an equal number of votes must be placed in a ballot box. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" must be written on one of the ballot papers, and the Councillor who draws the ballot paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected as Mayor).

2. Election of deputy mayor

- (1) At a meeting to elect the Mayor, Council may determine to elect a Deputy Mayor.
- (2) Any election for the position of Deputy Mayor will follow the same process as for the election of the Mayor prescribed in Clause 1.
- (3) The Mayor will conduct the election process.
- (4) The position of Deputy Mayor becomes vacant in the circumstances set out in relation to a Mayor in sections 72(1)(a) to (d) of *the Act*.
- (5) During any period that the Mayor is absent or unable to act in that position, the Council must appoint a Councillor to act as the Mayor but in making that appointment the Council shall give preference to appointing the Deputy Mayor, if there is one.
- (6) When acting in the position of Mayor, the Deputy Mayor may perform any function or exercise any power conferred on the Mayor.

3. Order Of Business At The Meeting To Elect The Mayor

- (1) At the meeting to elect the Mayor and Deputy Mayor, following a general election, the agenda for the meeting may include:
 - (a) Opening and Welcome
 - (b) Acknowledgement of Traditional Land Owners
 - (c) Prayer
 - (d) Apologies
 - (e) Conflicts of Interests
 - (f) Investiture of Newly Elected Councillors
 - (g) Appointment of Chairperson (Pro Tem)
 - (h) Fixing of Councillors' Allowances and Reimbursement of Expenses
 - (i) Fixing of Allowance – Mayor
 - (j) Mayoral Term
 - (k) Election of Mayor
 - (l) Election of Deputy Mayor
 - (m) Letter of Appreciation to Retiring Councillors
 - (n) Council and Special Committee Meeting Timetable
 - (o) Appointment of Council Representatives

Closure

- (2) At a meeting to elect the Mayor and Deputy Mayor, other than following a general election, the agenda for the meeting may include:
 - (a) Opening and Welcome
 - (b) Acknowledgement of Traditional Land Owners
 - (c) Prayer
 - (d) Apologies
 - (e) Conflicts of Interest
 - (f) Appointment of Chairperson (Pro Tem)
 - (g) Election of Mayor
 - (h) Election of Deputy Mayor
 - (i) Council and Special Committee Meeting Timetable
 - (j) Appointment of Council Representatives

Closure