

COUNCIL LOCAL LAW



Alpine Shire

LOCAL LAW NO. 1 COUNCIL ADMINISTRATION (2016)

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DOCUMENT CONTROL

Local Law Number: 001	Status: Operational	
Approved by: Council	Date made: 6 September 2016 Date of operation: 6 September 2016	Sunset date: 6 September 2026
Directorate: Executive	Department: Executive	Contact person: Chief Executive Officer

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Part 1 Preliminary

Division 1.1

1.1.1 Title

1. This is the Local Law No 1 Common Seal and Meeting Procedures (2016).

1.1.2 Objectives

1. The purpose of this Local Law is to –
 - i. Provide for the peace, order and good government of the municipal district of the Alpine Shire Council; and
 - ii. Provide for those matters which require a local law under the Local Government Act; and
 - iii. Regulate the use of the Common Seal, election of Mayor and the proceedings of Council and the Committees of Council.

1.1.3 The power to make this local law

1. This Local Law is made under the provisions of section 91(1), 111, and the whole of Part 5 of the *Local Government Act 1989*.

1.1.4 Operation Date

1. This Local Law comes into operation on 6 September 2016.

1.1.5 Revocation

1. This Local Law sunsets ten years after coming into operation (6 September 2026).

1.1.6 Application

1. This Local Law applies to Ordinary and Special Meetings of the Alpine Shire Council. It also applies to Special Committee meetings.

1.1.7 Definitions

Chief Executive Officer means the chief Executive Officer of the Alpine Shire Council and includes an acting temporary or substitute officer

Councillor means a Councillor or Commissioner of the Alpine Shire and includes a person acting as a Councillor or Commissioner

General Business means matters pertaining to the good government of the municipality on which a resolution is sought. It does not include general enquiries or specific requests about operations or works which come within the day-to-day responsibility of managers.

1.1.8 Human rights charter

1. This Local Law does not contravene the Victorian Government's Human Rights Charter.

Part 2 The Council

Division 2.1 Use of Alpine Shire Council common seal

1. The purpose of this Part is to regulate the use of the Common Seal and prohibit unauthorised use of the Common Seal or any device resembling the Common Seal as required by Section 5(3)(c) of the *Local Government Act 1989*.

2.1.1 When is the Common Seal used?

1. The Common Seal may be used only on the authority of Council.

2.1.2 Who keeps the Common Seal?

1. The Chief Executive Officer must keep the Common Seal in safe custody.

2.1.3 Signature to accompany Seal

1. Every document to which the seal is affixed must be signed by two Councillors and the Chief Executive Officer.

2.1.4 Unauthorised use of the Common Seal

1. See Part 4 for offences and penalties.

Division 2.2 Election of Mayor

2.2.1 Purpose

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

2.2.2 Who will preside?

1. The Chief Executive Officer is to preside at the election of Mayor.

2.2.3 Which voting method is used?

1. Voting for the election of Mayor is to be by a show of hands and if there is an equality of votes it shall be decided by lot.

Part 3 Council Administration

Division 3.1 Meeting Procedures

3.1.1 Purpose

1. The purpose of this Part is to regulate proceedings at meetings of Council and special committees.

3.1.2 Quorum

1. A quorum is a majority of the number of Councillors or members of a special committee.

3.1.3 Ordinary Meeting

1. No business may be conducted at an ordinary meeting of Council unless it is business notice of which has been given either by inclusion in the agenda or any report accompanying the agenda or in a notice of motion provided that the Council may resolve to admit (without such notice) an item considered to be urgent business, not being a matter which required that notice shall be given.

3.1.4 Agenda

1. The agenda for an ordinary meeting must be sent to every Councillor not less than 48 hours before the meeting.

3.1.5 Order of Business

1. The business of an ordinary meeting must be sent to every Councillor not less than 48 hours before the meeting.

3.1.6 Confirmation of Minutes

1. At every ordinary meeting of the Council the minutes of the previous meetings must be dealt with as follows:
 - i. if the minutes have been delivered to each Councillor at least 48 hours before the meeting a motion must be passed for confirmation of the minutes; or
 - ii. if the minutes have not been so delivered the minutes must be read and a motion must be passed for confirmation of the minutes.
2. No discussion is permitted on the minutes except as to their accuracy as a record of proceedings.
3. Once the minutes are confirmed they must be signed by the chairperson.

3.1.7 Procedure for Moving a Motion or Amendments

1. The mover must state the nature of the motion.
2. The chairperson must call for a seconder unless the motion is a call to enforce a point of order.
3. If there is no seconder the motion lapses.
4. If there is a seconder then the chairperson must call the mover to address the meeting.
5. After the mover has addressed the meeting the seconder may address the meeting.
6. After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting) the chairperson must call upon any Councillor who wishes to speak against the motion.
7. If no Councillor speaks against the motion then the chairperson may put the motion or call any other member to speak.
8. Any Councillor may move or second an amendment.
9. A Councillor may speak once on the motion and once on any amendment except for the mover of an original motion which has not been amended (but not of an amendment) who has a right of reply after which the motion must be put to the meeting for decision.
10. A Councillor may be permitted by the chairperson or by resolution to speak more than once to explain that the Councillor has been misrepresented or misunderstood.
11. A Councillor calling the attention of the chairperson to a point of order is not regarded as speaking to the motion or the amendment.
12. No motion or amendment may be withdrawn without the consent of the meeting.
13. Amendments must be dealt with one at a time.
14. An amendment must not be considered until any previous amendment is decided upon.

3.1.8 Conduct of Debate

1. Councillors and Officers must designate each other by their official titles.

3.1.9 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. If there is an equal division of votes upon any matter other than the election of the Mayor or the appointment of the chairperson of a special committee, the chairperson at such meeting shall in addition to a vote as a Councillor have a second or casting vote.

3.1.10 Divisions

1. If a division is called by a Councillor the vote must be taken by Councillors voting in an affirmative first holding up their hands and then those voting in the negative holding up their hands. The chairperson must declare the result.
2. The Chief Executive Officer must record in the minutes the names of Councillors and whether they voted for or against.

3.1.11 Motions

1. Motions must be clear and unambiguous and not be defamatory or objectionable in language or nature
2. The chairperson may require motions to be put in writing.

3.1.12 Debate

1. A Councillor must address the chairperson to move a motion, amendment or take part in the debate.
2. Once acknowledged by the chairperson the Councillor has the floor and must not be interrupted unless called to order or time has expired.

3.1.13 Points of Order

1. The chairperson is the final arbiter of all points of order.
2. The point of order may be taken on the grounds that the matter is:
 - i. contrary to this local law;
 - ii. defamatory;
 - iii. irrelevant;
 - iv. outside Council's power; or
 - v. improper

3.1.14 Time Limits

1. No Councillor may speak longer than the time set out below unless granted an extension by the meeting:

The mover of a motion	5 minutes
Any other member	3 minutes
The mover of a motion exercising a right of reply	2 minutes

3.1.15 Notice of Motion

1. Notices of motion must be given to the Chief Executive Officer in sufficient time to permit the Chief Executive Officer to give notice in the manner and time required for the meeting.
2. The Chief Executive Officer must date and number all notices of motion in the order received.

3.1.16 Petitions

1. No petition shall be considered until the next ordinary meeting of the Council after that at which it was presented unless otherwise resolved by the Council.

3.1.17 Revocation or Alteration of Previous Resolution

1. A notice of motion to revoke or alter a previous resolution:-
 - i. must be given to the Chief Executive Officer in sufficient time to enable him to give 7 clear days' notice to all Councillors;
 - ii. must be deemed withdrawn if not moved at the next meeting at which such business may be transacted;
 - iii. if it is a second or subsequent notice to revoke or alter an earlier resolution, must not be accepted by the Chief Executive Officer until a period of one month has elapsed after the date of the meeting at which the first or last motion of revocation or alteration was dealt with.
2. A revocation or alteration of a previous resolution must be passed by an absolute majority of the whole of the Councillors.

3.1.18 Suspensions

1. Council may suspend from a meeting and for the balance of the meeting any Councillor whose actions have disrupted the business of the Council and impeded its orderly conduct.

3.1.19 Removal from Chamber

1. The Chairperson, or the Council in the case of a suspension, may ask any authorised officer or a member of the police force to remove from the chamber any person who has committed an offence against this local law.

3.1.20 Recording of council meetings

1. Council meetings that are open to the public may be audio-visually recorded by Council, and made available on its website: www.alpineshire.vic.gov.au.

Part 4 Offences

Offences against this local law may be proceeded with by an infringement notice as an alternative to a prosecution. The fixed penalties of the infringement notice shall be detailed in this local law. The Chief Executive Officer may issue a notice of infringement, which shall be payable at the Municipal Office within 28 days in order to avoid prosecution.

It is an offence –

1. For a Councillor to not withdraw an expression, considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable, and to not satisfactorily apologise when called upon twice by the Chairperson to do so.
2 penalty units
2. For any person not being a Councillor, who is guilty of any improper or disorderly conduct and who does not leave when requested by the Chairperson to do so.
5 penalty units
3. For any person to fail to obey a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order.
2 penalty units
4. For a Councillor to refuse to leave the chamber on suspension.
5 penalty units
5. No person may use the Common Seal or any device resembling the Common Seal without the authority of Council.
10 penalty units

Making of Local Law No. 1 Council Administration (2016)

in accordance with section 111(1) of the *Local Government Act 1989*

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 6th day of
September 2016 in the
presence of:

.....
COUNCILLOR

.....
Name

.....
COUNCILLOR

.....
Name

.....
CHIEF EXECUTIVE OFFICER

Name