



Governance Local Law 2009

Moonee Valley City Council

Adopted: 15 September 2009

1. Local Law

This Local Law, to be known as the Governance Local Law 2009, is a Local Law made under sections 91 and 111 of the *Local Government Act 1989*.

2. Objectives

The objectives of this Local Law are to –

- a) provide a mechanism to facilitate the good government of Moonee Valley City 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 Moonee Valley community and within the Australian system of Government;
- b) promote and encourage community leadership by Moonee Valley City Council consistent with the community's views and expectations;
- c) promote and encourage community participation in local government; and
- d) incorporate by reference -
 - i) Moonee Valley's Meetings Procedure Protocol;
 - ii) Councillor Code of Conduct; and
 - iii) Procedure for Election of Mayor and Deputy Mayor;
- e) regulate and control the use of Council's Common Seal; and
- f) revoke Council's Meeting Procedures Local Law 2003 (Local Law No. 6 of 2003).

3. Commencement Date

This Local Law comes into operation on the date it is gazetted in the Government Gazette.

4. Revocation of Local Law

On the commencement of this Local Law, Council's Meeting Procedure Local Law 2003 Local Law No.6 of 2003) is revoked.

5. Application of the Local Law

This Local Law applies to all meetings of Council and special committees.

6. Definition

In this Local Law –

"Council" means the Moonee Valley City Council.

7. Incorporated Documents

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

- a) Moonee Valley's Meetings Procedure Protocol;
- b) Councillor Code of Conduct; and
- c) Procedure for Election of Mayor and Deputy Mayor.

8. Common Seal

1. The Common Seal must not be affixed to any document without the Council's approval granted either generally or specifically by resolution.
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. The affixing of the Common Seal to a document is to be witnessed and signed by a Councillor and the Chief Executive Officer.
5. The Council's sealing clause is –
"THE COMMON SEAL of MOONEE VALLEY CITY COUNCIL was hereto affixed in the presence of –

Councillor

Chief Executive Officer"

9. Offences

It is an offence under Moonee Valley'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

Meeting Procedure Protocol

Amended: 24 July 2018 (Gazettal: 2 August 2018)

CONTENTS

1.	INTRODUCTION	7
2.	NOTICES AND AGENDAS	9
3.	QUORUM	11
4.	CALL OF THE COUNCIL	12
5.	MINUTES	12
6.	BUSINESS OF A MEETING	13
7.	ADDRESSING THE MEETING	19
8.	MEETING PROCEDURES	19
9.	MOTIONS AND AMENDMENTS	20
10.	SPEAKING TO THE MEETING	25
11.	CONDUCT DURING COUNCIL MEETINGS	29
12.	PROCEDURE NOT PROVIDED IN PROTOCOL	30
13.	LIVE-STREAMING AND RECORDING OF PROCEEDINGS	30
14.	SPECIAL MEETINGS	31
15.	SPECIAL COMMITTEES	31
16.	ELECTION OF MAYOR AND DEPUTY MAYOR	32
17.	OFFENCES AND PENALTIES	34

1. INTRODUCTION

1.1 Purpose

The purpose of this Protocol is to:

- regulate proceedings at Council Meetings, Special Committee Meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Protocol are to apply;
- regulate proceedings for the election of the Mayor, Deputy Mayor and Chairpersons;
- facilitate community engagement by providing opportunities at meetings for community members to express their views;
- ensure the efficient and orderly conduct of meetings;
- ensure the peace, order and good government of the municipal district.

1.2 Definitions

Unless inconsistent with the subject matter, the following words have the meaning indicated and as amended by the *Local Government Act 1989* (the Act) from time to time:

Act	<i>The Local Government Act 1989</i> (the Act)
Agenda	A document, electronic or paper, in the form of a notice which specifies the date, time and place of a Meeting and the business to be transacted at the Meeting and includes any accompanying documents
Assembly of Councillors	Has the same meaning as defined in Section 3 of the Act. An Assembly of Councillors includes Strategic Briefings, but does not include a meeting of the Council, a Special Committee or an Audit Committee established under Section 139.
Authorised Officer	A person appointed by Council under Section 224 of the Act
Business Days	Monday to Friday of each week except for public holidays
Chairperson	The chairperson of a meeting and includes an acting or temporary chairperson
Chief Executive Officer	The person who is the Chief Executive Officer of the Council or any person acting in that position
Clause	A clause of this protocol
Committee Meeting	A meeting of a special committee formed under Section 86 of the Act or a committee formed under

	Section 223 (1) (b) (i) of the Act
Council	Moonee Valley City Council
Councillor	A Councillor of Moonee Valley City Council
Council Meeting	Any Ordinary or Special Meeting of Council
Deputy Mayor	The Deputy Mayor of Council and any person acting as Deputy Mayor
Majority of votes	The votes cast by a majority of the Councillors or members of the Special Committee present at a meeting at the time the vote is taken
Mayor	The Mayor of the Council and any person acting as Mayor
Minutes	The official written record of the proceedings and decisions of a meeting which have been confirmed by Council and signed by the Mayor/Chairperson
Motion	A proposal framed in a way that will result in the opinion of the Council being expressed or a Council decision being made
Municipal District	The area from time to time comprising the municipal district of the Council
Notice of Motion	A notice setting out the text of a motion which a Councillor or Committee member proposes at the next relevant meeting
Offence	An act or default contrary to the Governance Local Law as outlined in Section 17 of this protocol
Officer	An employee of the Council
Ordinary Meeting	A meeting at which general business of the Council may be transacted
Point of Order	A procedural point, not involving the substance of a matter before a meeting
Procedural Motion	A motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure
Protocol	Council's Meeting Procedure Protocol incorporated by reference into Council's Governance Local Law 2009.
Resident	A person who has a place of residence within the municipal district
Senior Officer	Has the same meaning prescribed in the Act
Special Committee	A Special Committee established by Council under Section 86 of the Act
Special Meeting	A meeting at which the business specified in the notice

	calling the meeting may be transacted.
Urgent Business	Any business that has arisen since the preparation of the agenda, which cannot be safely or conveniently deferred until the next Ordinary Meeting of Council
Visitor	Any person (other than a Councillor, member of Council staff or member of a Committee) who is in attendance to observe or present at a Council Meeting or Special Committee Meeting
Written	Includes duplicated, photocopied, photographed, transmitted by facsimile, transmitted electronically, printed or typed

2. NOTICES AND AGENDAS

2.1 Date, time and place of meetings

The dates, times and places of meetings are within the discretion of Council. Council may, by resolution, at an Ordinary Meeting or a Special Meeting alter the day and time upon which any Ordinary Meeting or Special Meeting shall be held.

2.2 Notice of meeting

The Chief Executive Officer must give at least seven days' public notice of the date, time and place of a meeting in accordance with the Act, unless urgent or extraordinary circumstances prevent compliance with this clause.

The Chief Executive Officer must ensure that the agenda for any Ordinary Meeting or Special Meeting of Council is provided to every Councillor at least two business days before the meeting.

2.3 Attendance at meetings

In accordance with section 89(1) of the Act, all meetings of Council must be open to members of the public unless section 89(2) of the Act applies.

Council may resolve, in accordance with section 89(2) of the Act, that its meeting be closed to members of the public if the meeting is discussing:

- a) personnel matters;
- b) the personal hardship of any resident or ratepayer;
- c) industrial matters;
- d) contractual matters;
- e) proposed developments;
- f) legal advice;
- g) matters affecting the security of Council property;

- h) any other matter which Council or the Special Committee considers would prejudice Council or any person; or
- i) a resolution to close the meeting to members of the public.

A Council resolution to close the meeting to members of the public must include the specific reference to one or more of the matters referred to in a)-i) of Section 89 (2) of the Act.

2.4 Business to be transacted

No business shall be transacted at an Ordinary Meeting or Special Meeting of Council unless it appears on the agenda.

Notwithstanding the above, an item of business which:

- a) Has been referred to Council by a Special Committee which has met since the agenda was prepared; or
- b) relates to a matter which has arisen since the distribution of the agenda and cannot safely or conveniently be deferred until the next Ordinary Meeting,

may be considered by Council only if admitted in accordance with the provisions of Clause 6.12.

Unless the Chairperson otherwise determines:

- a) the order of business at a Meeting must be as it is set out in the agenda; and
- b) the Meeting shall conclude when all the business set out in the agenda has been dealt with.

2.5 Cancellation or Postponement of Meetings

The CEO may cancel or postpone an Ordinary Council Meeting, Special Council Meeting or Special Committee Meeting if:

- a) there is a municipal emergency; or
- b) there is insufficient business to be transacted.

Where practicable, the CEO must consult with the Mayor before exercising the power conferred in Clause 2.5.

In addition, the CEO must present a written report to the next Ordinary Council Meeting outlining any exercise of the power conferred by Clause 2.5.

3. QUORUM

3.1 Quorum

The quorum in relation to Council Meetings is a majority of the number of Councillors.

The quorum in relation to Special Committees is a majority of the number of persons who comprise the committee and who are entitled to vote, or such other number as Council specifies when establishing the committee.

3.2 Failure to raise or maintain a quorum

If a quorum cannot be formed within 30 minutes of the time appointed for the commencement of a Council Meeting, then the meeting may be adjourned for not more than seven days by:

- a) a resolution of the majority of the Councillors present; or
- b) if there are not any Councillors present, by the Chief Executive Officer; or;
- c) in the absence of the Chief Executive Officer, any other Senior Officer present at the meeting.

The Chief Executive Officer must give all Councillors notice of the resumption of the adjourned meeting.

3.3 Inability to maintain a quorum due to declarations of conflict of interest

If during any meeting it becomes apparent to the Chairperson that it will not be possible to maintain a quorum due to the number of Councillors who have disclosed a conflict of interest in an item of business and will be unable to vote, the Chairperson shall direct that item of business be deferred and be considered at the next available meeting when a quorum can be reached or, alternatively, until the Chief Executive Officer is able to obtain an exemption from the Minister in accordance with section 80(2) of the Act. The CEO can also decide the matter if it is within his/her delegated authority.

4. CALL OF THE COUNCIL

4.1 Call of the Council

If a quorum of Council cannot be formed and maintained due to the absence of Councillors, the Minister or the Chief Executive Officer may require all Councillors to attend a Call of the Council Meeting. This is reflected in section 85 of the Act.

A Call of the Council Meeting must be treated as a Special Meeting.

The Minister responsible for administering the Act (or a person appointed by the Minister) is entitled to attend and speak at a Call of the Council Meeting which he or she has required Councillors to attend.

If a Councillor does not attend within 30 minutes after the time fixed for a Call of the Council Meeting, or remain at the Meeting, the Chief Executive Officer must immediately advise the Minister in writing.

5. MINUTES

5.1 Minutes

At every Council Meeting and Special Committee Meeting the minutes of the preceding meeting(s) must be dealt with as follows:

- a) a copy of the minutes, either electronic or paper, must be provided to each Councillor no later than two business days before the meeting at which the minutes are to be confirmed; and
- b) the minutes must be confirmed by a motion of Council or the Special Committee and signed by the Chairperson.

When confirmation of the minutes is being dealt with at the meeting, a Councillor dissatisfied with the accuracy of the minutes can express opposition in regards to a particular matter on the basis that the record is incomplete or inaccurate. The Councillor must specify the particular item in the minutes and can, after asking any question to clarify the matter, propose a motion clearly outlining the alternative wording to amend the minutes.

When a motion is moved to rectify an alleged error as indicated in the preceding paragraph, the motion must be seconded and shall be dealt with in accordance with Clauses 9.3 of this Protocol.

At the discretion of the Chairperson a decision on the confirmation of the minutes may be deferred until later in the meeting or until the next meeting as appropriate, or the matter may be put to the vote.

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

The minutes must be documented and each item numbered consecutively.

The Chief Executive Officer (or other person authorised by the Chief Executive Officer) to attend the meeting and to take the minutes of such

meeting) must keep minutes of each Council Meeting, and Special Committee Meeting and those minutes must record:

- a) the names of the Councillors and/or Committee members present and the names of the Councillors and/or Committee members who have submitted apologies or have been granted leave of absence;
- b) the names of staff members present at the meeting;
- c) arrivals and departures (including temporary departures of Councillors and/or Committee members during the course of the meeting);
- d) declarations of conflict of interest;
- e) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder) and motions and amendments withdrawn by resolution or with the consent of both the mover and seconder of the motion or amendment;
- f) whether motions or amendments lapsed or were withdrawn, carried or lost;
- g) the vote cast (if any) by each Councillor and/or Committee member, either for or against and the declaration of the result on the motion or amendment. If the vote is unanimous, the minutes will record it as such;
- h) pre-submitted questions from the gallery and responses to those questions;
- i) the failure of a quorum or to maintain a quorum;
- j) closure of the meeting to members of the public in accordance with the provisions of Section 89(2) of the Act including the reason for the closure
- k) a summary of all committee reports presented to Council;
- l) the time and reason for any adjournment of the meeting or suspension of standing orders; and
- m) any other matter which the Chief Executive Officer (or other person authorised by the Chief Executive Officer) thinks should be recorded to clarify the intention of the meeting or the reading of the minutes

6. BUSINESS OF A MEETING

6.1 Order of Business of a meeting

The order in which business is listed on the agenda is determined by the Chief Executive Officer and should be kept consistent from meeting to meeting.

The Chief Executive Officer may include any matter on the agenda that he or she believes should be considered by the Council.

Subject to any resolution providing otherwise, the order of business of any Ordinary Meeting must be as follows:

1. Opening

2. Reconciliation Statement
3. Apologies and Leave of Absence
4. Confirmation of minutes
5. Declarations of Conflicts of Interest
6. Presentations
7. Petitions and Joint Letters
8. Public Question Time
9. Reports from Special Committees
10. Council Reports
11. Notices of Motion
12. Urgent Business
13. Delegates Reports
14. Confidential Reports
15. Close

Special Meeting agendas will only include:

1. Opening
2. Apologies
3. Declarations of Conflicts of Interest
4. Council Reports (as advertised)
5. Close

6.2 Reconciliation Statement

At each Ordinary Meeting, the Mayor shall read out a Reconciliation Statement.

6.3 Apologies and Leave of absence

If a Councillor is an apology at an Ordinary Meeting, Special Meeting or Special Committee Meeting, the apology will be noted (by resolution) in the minutes.

Requests for leave of absence will be approved by a resolution of Council.

6.4 Confirmation of Minutes

The confirmation of minutes shall take place in accordance with Section 5 of this Protocol.

6.5 Declarations of Conflicts of Interest

Section 77A of the Act defines when a Councillor will have a conflict of interest. The onus is on the Councillor to identify any conflicts of interest in matters before Council or a Special Committee.

Councillors must comply with the requirements of Section 79 (Disclosure of conflict of interest) of the Act.

A Councillor or Member of a Special Committee who has a conflict of interest in a matter before Council:

- a) should complete a 'Disclosure of Conflict of Interest Form' and lodge it with the Chief Executive Officer prior to the commencement of the Meeting;
- b) must disclose any conflict of interest which he/she has in an item of business at the time specified on the Agenda;
- c) must immediately before the consideration of the relevant matter, classify the conflict of interest as either a direct interest or an indirect interest, specifying the particular kind of any indirect interest, and describing the nature of the interest;
- d) must leave the Chamber prior to discussion on the matter;
- e) must notify the Chairperson that he/she is leaving the Chamber; and
- f) must remain outside the Chamber or any other area in view or hearing of the Chamber until the vote has been taken.

In the event that the Chairperson has disclosed a conflict of interest he/she must vacate the Chair and a temporary Chairperson must be elected in accordance with Section 16.

Where a Councillor has vacated the Chamber after disclosing a conflict of interest, the Councillor must be called back into the Chamber before the meeting can advance to the next item of business.

A member of Council staff must comply with Sections 80B and 80C of the Act.

6.6 Presentations

At each Ordinary Meeting, presentations of monetary grants, certificates of appreciation or other acknowledgements that recognise the outstanding achievements of local individuals and organisations who have made a significant contribution to Moonee Valley may be made by the Mayor or Councillors.

6.7 Petitions and Joint Letters

Petitions and joint letters presented to Council must be in writing and contain the 'prayer' or request of the petitioners or signatories.

Petitions and joint letters must be signed by the persons whose names are appended to it and include their address.

Any signature appearing on a page, which does not bear the text of the whole of the petition or request, may not be considered by Council.

Electronic petitions or joint letters must comply with sub-clauses as stated above and include the name and e-mail address of each petitioner (this functions as the 'signature' of a petitioner).

A petition will be presented by a Councillor at a Council Meeting.

The Councillor presenting the petition:

- a) Shall identify the issue;
- b) Shall state the number of signatures attached to the petition;
- c) Shall read the petition in full or precis form; and
- d) May move that 'the petition be received and noted' and any other action deemed appropriate.

Petitions and joint letters will be forwarded to the relevant Director for investigation and response.

Under the *Planning and Environment Act 1987* (s57) any person who may be affected by the granting of a planning permit, has the right to make a submission (or objection). As such any Petition or Joint Letter relating to a planning application will be treated in accordance with this Act, and need not be tabled at a meeting.

6.8 Public Question Time

There shall be a public question time at every Ordinary Meeting of Council to enable members of the public to address questions to Council. Questions are limited to a maximum of two questions per individual. Questioners are expected to disclose any personal or professional interests in the subject matter of their questions on the question forms available at the Civic Centre or on Council's website.

All such questions must be received in writing and must include the name of the person asking the question. Where there are more than two questions received from any person, the Chief Executive Officer will determine the two questions to be read and answered at the meeting.

All such questions must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than 12 noon on the day prior to the advertised date of the Ordinary Meeting.

Questions may be delivered to the Civic Centre or submitted electronically via Council's website.

A question will only be read to the meeting if the Chairperson and/or Chief Executive Officer has determined that the question:

- a) is a question and not a statement or opinion;
- b) is not indecent, abusive or objectionable in language or obscene;
- c) is not repeating a question already answered whether at the same or an earlier meeting;

- d) is not asked to embarrass a Councillor or an officer; and
- e) does not relate to a matter which the Council has discussed in camera or proposes to discuss after closing the meeting to members of the public in accordance with section 89(2) of the Act.

The procedure and sequence for dealing with a question is that the Chairperson:

- a) shall name the questioner and enquire if they are present in the gallery;
- b) if the questioner is not present in the gallery the question will not be read;
- c) provided the questioner is present; ask the questioner to read the question/s;
- d) may answer the question or direct the question as he/she deems appropriate.

If a person is not able to attend a meeting to ask their question, they should contact Council about alternative arrangements.

Questions must be answered, taken on notice or disallowed. All questions and answers shall be as brief as possible.

Council will allocate a reasonable time to each person who wishes to address a question to Council having regard to:

- a) the nature of the matter to be discussed;
- b) the priorities in relation to other Council business;
- c) other members of the community present who also wish to address a question to Council

6.9 Reports of Special Committees

A report from a Special Committee must be included in the agenda for the next convenient Council Meeting.

6.10 Council Reports

Officer reports will be presented in the agenda. The Chairperson can exercise his/her discretion as to whether to accept a question from a Councillor to a Council officer about a report and the officer may take the question on notice.

6.11 Notices of Motion

A Notice of Motion is a notice setting out the text of a motion that a Councillor proposes to move at a meeting.

A Notice of Motion must:

- a) have been announced at a Councillor Briefing Session by the Councillor who is proposing to move it at least one week (seven business days) prior to the Ordinary Council Meeting at which it is proposed to be moved; and

- b) be received by the CEO in its final written form by 12 noon on the Thursday prior to the meeting at which it is proposed to be moved; and
- c) be included on the agenda for that meeting in the order it was received.

A Notice of Motion that has not been submitted in accordance with Clauses 6.11 a) and b) will not be included in the agenda.

The CEO may reject any Notice of Motion that he/she deems to be:

- a) identical or substantially similar to a Notice of Motion that has been considered by Council in the preceding six months;
- b) defamatory;
- c) objectionable in language or nature;
- d) outside the powers of Council;
- e) lacking sufficient detail to be actioned by officers; or
- f) financially commits Council to matters outside of Council's adopted annual budget by more than \$5,000.

Should a proposed Notice of Motion fall within one of the categories identified above the CEO must give the Councillor who lodged it an opportunity to amend the motion before it is rejected. This includes the provision of any reasonable assistance that is requested by the Councillor in order to amend the Notice of Motion as required.

Should a Councillor who has given a Notice of Motion be absent from the meeting, any other Councillor may move the motion.

A register of Notices of Motion is to be kept.

6.12 Urgent Business

Business must not be admitted as urgent business unless it:

- a) Relates to a matter which has arisen since the distribution of the agenda and
- b) Cannot safely or conveniently be deferred until the next Ordinary Council Meeting.

Urgent Business items shall be admitted by resolution of Council.

6.13 Delegates Reports

At each Ordinary Meeting, Councillors will have the opportunity to speak for up to three (3) minutes in their capacity as a Council delegate to an external organisation.

7. ADDRESSING THE MEETING

7.1 Addressing the meeting

Except for the Chairperson, any Councillor or person who addresses the meeting must direct all remarks through the Chair.

Any person addressing the Chair must refer to the Chairperson as:

- a) Mayor or
- b) Chair

Councillors and members of Council staff in speaking must address each other by the names of the Councillor or Officer as the case may be.

8. MEETING PROCEDURES

8.1 Voting

Each Councillor present at a meeting of the Council and each member of a special committee present at a meeting of the special committee who is entitled to vote must vote.

8.2 Recount of vote

The Chairperson may direct that the vote be recounted as often as may be necessary for him or her to satisfy himself or herself of the result.

8.3 Casting Vote

If the number of votes in favour of the question is half the number of Councillors or members of the special committee present at the meeting at the time the vote is taken, the Chairperson has a second vote.

The casting vote cannot be exercised in the circumstance of electing a Mayor, or appointing a Chairperson for a special committee.

The Chairperson must announce the use of a casting vote and the result of the vote.

The Chairperson may adjourn a meeting to consider how his or her casting vote will be cast.

8.4 Declaration of vote

The Chairperson must declare the result of the vote as soon as it is taken.

8.5 No discussion once declared

Once a vote has been taken, no further discussion relating to that item is permitted unless it involves a Councillor:

- a) Foreshadowing a notice of rescission where a resolution has just been made.

8.6 Minutes of meeting to record votes

The Chairperson must announce the result of the vote immediately after the vote being taken including the names of each Councillor and how they voted (for or against). This is to be recorded in the minutes – i.e. the motion is carried or the motion is lost. If the vote is unanimous, the minutes will record it as such.

9. MOTIONS AND AMENDMENTS

9.1 Form of motion or amendment

A motion or amendment may be in the form of an Officer's recommendation (as contained in a Council report) or a motion as proposed by a Councillor and:

- a) must relate to the powers or functions of Council;
- b) may be in writing or verbal however, the Chairperson may insist that it be in writing and tabled when the motion or amendment is moved; and
- c) except in the case of urgent business, must be relevant to an item of business on the agenda.

A motion or amendment must be clear and unambiguous and must not be defamatory or objectionable in language or nature. The Chairperson may refuse to accept any motion or amendment which contravenes this clause.

9.2 Moving a motion or amendment

The procedure for any motion or amendment is:

- a) the mover must state the motion or amendment and then move it without speaking to it;
- b) the Chairperson must call for a seconder; and
- c) a motion or amendment which is not seconded lapses for want of a seconder.

Any Councillor can move or second a motion but not an amendment if they have moved or seconded a motion for which the amendment is proposed.

If the motion is to be moved by the Chairperson, the Chairperson must vacate the Chair and appoint the Deputy Mayor as a temporary Chairperson. Should the Deputy Mayor be absent/unavailable from the meeting, Council by resolution, must appoint a temporary Chairperson for the duration of the motion.

Any motion that differs in wording from an Officer's recommendation or Notice of Motion that is on the agenda must, if requested by the Chairperson, be written out by the proposer.

The Chairperson may request that the motion be read to the meeting before the vote is taken.

The Chairperson may reject any motion that does not conform to Clause 9.1

9.3 Debate of motion or amendment

If a motion or an amendment is seconded the Chairperson must first ask if there are any questions (such as a point of clarification or questions of Council officers) and then if the mover of the motion or any other Councillor wishes speak to that motion.

If no Councillor wants to speak in support or opposition, it must then be voted upon.

If any Councillor indicates support or opposition to a motion or amendment which has been seconded:

- a) the Chairperson must call the mover to address Council upon it;
- b) after the mover has spoken, the Chairperson must call upon the seconder to address the meeting;
- c) after the seconder has addressed the meeting (or after the mover if the seconder does not wish to speak) the Chairperson must call upon any other speakers to the motion;
- d) a Councillor may speak once on the motion or amendment except for the mover of the motion who has a right of reply unless the motion has been amended, and after which the motion or amendment must be put to the vote.
- e) The mover of a motion will only have a right of reply if there has been a speaker in opposition to the motion
- f) A Councillor calling the attention of the Chairperson to a Point of Order is not regarded as speaking to the motion.

9.4 Moving an Amendment

Once a motion has been moved and seconded, it may be amended by leaving out or adding words which must be relevant to the original motion.

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

If any Councillor intends to move an amendment, he or she must give notice of that intention prior to the right of reply being exercised.

No amendment shall be moved that is contrary in substance to the original motion or negates the motion upon which it has been moved.

9.5 Motion or amendment not to be withdrawn without consent

A motion or amendment cannot be withdrawn without the consent of the meeting by resolution.

9.6 No right of reply for amendments

The mover of an amendment has no right of reply. If the amendment is carried and becomes the substantive motion, the mover of the original motion has no right of reply.

9.7 Who may debate an amendment

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

9.8 How many amendments may be proposed

Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.

9.9 Second or subsequent amendments

A second or subsequent amendment cannot be moved until the immediately preceding amendment is resolved.

A Councillor cannot move more than two amendments in succession.

9.10 An amendment once carried

If an amendment is carried it becomes the substantive motion and, unless subject to further amendment and debate, must be put to the vote by the Chairperson but only after Councillors who did not speak to the original motion have exercised their right to do so.

9.11 Foreshadowing a motion

A Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the Meeting, but this does not extend any special rights to the foreshadowed motion.

A foreshadowed motion may be prefaced with a statement that in the event a particular motion before the Chair is resolved in a certain way a Councillor intends to move an alternative or additional motion.

Since a foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting, it will not be recorded in the minutes.

The foreshadowed motion must be relevant to the debate in progress.

9.12 Separation of a Motion

Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts. If the Chairperson does not consent to the request then Council may determine the matter as per Clause 10.6 (Disagreeing with the Chairperson's ruling).

9.13 Deferral of a Motion

Council may defer an item until later in the Meeting or until another Meeting as appropriate if further consideration or clarification is required prior to a decision being made. The decision to defer an item is a substantive motion, and may be debated.

9.14 Motions in Writing

If a Councillor wishes to move a motion, and the motion is lengthy, complicated or the exact intention of the motion is unclear, the Chairperson may request the Councillor to submit their motion in writing.

The Chairperson may suspend standing orders while the motion is being written.

9.15 Debating a Motion

Debate must always be relevant to the motion before the Chair, and if not, the Chairperson must request the speaker to confine debate to the subject motion.

If after being told to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may disallow the speaker any further opportunity to debate or comment in respect to the matter before the Chair.

9.16 Debate from the Chair

The Chairperson should refrain from debate on motions.

Where the Chairperson wishes to move or second a motion, they must temporarily vacate the Chair before the motion is considered by Council. A temporary Chairperson must be elected in accordance with Clause 16.1.

9.17 Resumption of adjourned debate

The business to which the debate relates must be placed on the Agenda of the Meeting to which it is adjourned. Adjourned business should have priority over any other business except formal business.

If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless he or she has already spoken to the motion or amendment.

9.18 Rescission motions

A Rescission Motion is a motion to rescind or vary a previous decision of Council.

A Notice of Rescission must be submitted by a minimum of five Councillors, who must all authorise the Notice of Rescission in writing. The Notice of Rescission must be submitted to the Chief Executive Officer in writing, and must identify:

- a) the resolution which is proposed to be rescinded;
- b) the date of the meeting that the resolution was carried; and
- c) the rationale for rescinding the resolution.

The Chief Executive Officer must include the Notice of Rescission on the agenda for the next Council Meeting provided that:

- a) The Notice of Rescission has been submitted to the Chief Executive Officer within 24 hours of the meeting at which the resolution was carried and
- b) The resolution proposed to be rescinded has not already been acted upon.

A rescission motion listed on the agenda may be moved by any other Councillor present but may not be amended.

A second or subsequent notice to rescind or alter an earlier resolution must not be accepted by the Chief Executive Officer until a period of two months (60 days) has elapsed since the date of the Meeting at which the original motion of rescission or alteration was dealt with, unless Council resolves that the matter be dealt with at a future meeting.

This clause will not apply if the CEO, in consultation with the Mayor, considers that significant new information has become available since the previous rescission motion that warrants inclusion of the subsequent rescission motion in the agenda.

The Chief Executive Officer or an appropriate member of Council staff may implement a resolution at any time after the close of the meeting at which it was made. A resolution will therefore be deemed to have been acted on if:

- a) its contents have or substance has been formally communicated 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 Council or any other person.

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 rescission which has been delivered to the Chief Executive Officer in accordance with this clause, unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

9.19 Procedural Motions

A procedural motion is one dealing with the conduct of the meeting itself, and takes precedence over a substantive motion.

A procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.

A procedural motion may be proposed by any Councillor who have not moved or seconded the substantive motion or otherwise spoken to the substantive motion. A procedural motion may not be moved by the Chairperson.

Procedural motions are not required to be seconded. A procedural motion cannot be amended.

There are two types of procedural motions permitted under this Protocol:

- a) Closure of Debate - A motion "that the motion be now put" is a procedural motion intended to close debate which
 - i. if carried in respect to a motion, that motion must be put to the vote immediately without any further debate, discussion or amendment and the mover does not have a right of reply;
 - i. 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
 - ii. if lost, debate may continue unaffected.

The Chairperson has discretion to reject such a motion if he or she believes that the motion on which it is proposed has not been sufficiently debated.

- b) Adjourning the Debate – A motion "that the debate be adjourned until _____ OR indefinitely" is a procedural motion -
 - i. which may not be moved while any person is speaking or during the election of a Chairperson; and
 - ii. on which debate is permitted but, which may only be amended in relation to the time, date and place of the proposed adjournment.
 - iii. The mover does not have a right of reply.

10. SPEAKING TO THE MEETING

10.1 Time limits

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson:

- a) the mover of a motion or an amendment, five (5) minutes;
- b) the seconder of a motion or an amendment, three (3) minutes;
- c) any other member, three (3) minutes; and
- d) the mover of a motion exercising a right of reply, two (2) minutes.

10.2 Interruptions, interjections and relevance

The Chairperson is responsible for the conduct of orderly Council Meetings in accordance with this Protocol.

A Councillor must not be interrupted except by the Chairperson or upon a point of order or point of clarification.

If a Councillor is interrupted by the Chairperson or upon a point of order or point of clarification, he or she must remain silent until the Chairperson has ceased speaking or the point of order or point of clarification has been determined.

A Councillor must not digress from the subject-matter of the motion or business under discussion.

The mover of a motion must not introduce fresh matter when exercising any right of reply.

At the discretion of the Chairperson, questions from Councillors to Council Officers or to other Councillors, may be disallowed if it is considered they are asked for purposes other than the simple soliciting of information

10.3 Priority of address

In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard consistent with Clause 9.3.

10.4 Points of Order

A point of order is taken when a Councillor officially draws the attention of the Chairperson to an alleged irregularity in the proceedings that contravenes this Protocol or the Act.

Councillors raising a point of order must:

- a) state the point of order; and
- b) state any section, clause, paragraph or provision relevant to the point of order.

A Councillor may raise a point of order by drawing the attention of the Chairperson to:

- a) the fact that a Councillor or member is out of order; or
- b) an act of disorder, despite the fact that the Chairperson or a Councillor is speaking at the time.

When called to order, a Councillor must remain silent until the point of order is decided unless he or she is requested by the Chairperson to provide an explanation.

The Chairperson may raise a point of order without it having been raised by a Councillor.

A point of order takes precedence over all other business, including procedural motions.

10.5 Chairperson to decide point of order

The Chairperson may adjourn the meeting to consider a point of order, but must otherwise rule upon it as soon as it is taken.

If called upon to do so by a Councillor, the Chairperson must, when ruling on a point of order, state the provision of this Protocol or the Act which is relied on in support of the ruling.

10.6 Disagreeing with Chairperson's ruling

A Councillor may move that the meeting disagree with the Chairperson's ruling.

When a motion in accordance with this clause is moved and seconded the Chairperson must leave the Chair and a temporary Chairperson, being the Deputy Mayor if present at the meeting, must take his or her place. If Council has not elected a Deputy Mayor or the Deputy Mayor is absent from a meeting of Council, the Chief Executive Officer must take the Chair and invite nominations for a temporary Chairperson. If there is only one nomination (which must be moved and seconded), the candidate nominated is deemed to have been duly elected. If there is more than one nomination, the procedure for the election of the Mayor in Clause 16.1 should be followed.

The temporary Chairperson must invite the mover to state the reasons for his or her dissent and the Chairperson may then reply.

The temporary Chairperson then puts a motion in the following form:

'That the Chairperson's ruling be upheld'. If the vote is in the:

- a) affirmative, the Chairperson resumes the Chair and the meeting proceeds.
- b) negative, the Chairperson resumes the Chair, reverses his or her previous ruling and the meeting proceeds.

The defeat of the Chairperson's ruling is in no way a motion of censure or no-confidence and should not be regarded as such by the meeting.

10.7 Points of Clarification

A Councillor may raise a point of clarification with the Chairperson, where a Councillor is unclear about the meaning of a comment or detailed response provided by a Councillor or Council Officer during a Council meeting.

Where a Councillor is deemed by the Chairperson to be intentionally mischievous and/or disruptive to the meeting by calling for frivolous points of clarification, the Councillor may be called to order and refused any further requests by the Chairperson.

10.8 Ordering withdrawal of remark

The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive or offensive in language or substance, or that is disorderly or capable of being applied offensively to any other Councillor or member of Council staff, and/or make a satisfactory apology to the Meeting.

A Councillor required to withdraw a remark and/or make an apology must do so immediately without qualification or explanation.

A Councillor must not fail to withdraw a remark or make an apology if twice called to do so by the Chairperson.

10.9 Production of documents

A Councillor may request at a Council Meeting, the production of any documents in Council's keeping and relevant to the business being considered.

Upon any request being made the Chief Executive Officer must use his or her best endeavours to produce the documents.

10.10 Suspension of Standing Orders

The provisions of this Protocol applicable to a Council Meeting or Special Committee Meeting may be suspended for a particular purpose upon the affirmative vote of the majority of Councillors present.

The suspension of such provisions should be used to enable full discussion of any major issue without the constraints of formal meeting procedures. Suspension of standing orders should not be used purely to dispense with the processes in this Protocol.

Once the discussion has taken place, and before any motions can be put, the resumption of standing orders will be necessary.

No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of standing orders other than a motion to resume standing orders.

10.11 Adjournment of meetings

Once a Meeting is declared open, Council may, from time to time, resolve to adjourn the Meeting:

- a) if the Meeting becomes excessively disorderly and order cannot be restored; or
- b) to allow for additional information to be presented to a Meeting; or
- c) in any other situation where an adjournment could aid the progress of the Meeting.

No discussion is allowed on any motion for adjournment of the Meeting, but if on being put the motion is lost, the subject then under consideration must be resolved before any subsequent motion for adjournment is made.

10.12 Notice for Adjourned Meeting

Except where a Meeting is adjourned until later on the same day, the Chief Executive Officer must give all Councillors written notice of a new date for the continuation of the adjourned Meeting and every reasonable attempt must be made to advise the public of the new Meeting date.

Where it is not practical to provide written notice to Councillors because time does not permit that to occur then a reasonable attempt will be made to contact each Councillor, by telephone, email, or in person.

If circumstances prevent a meeting continuing until all business has been considered, then unless adjourned the meeting will lapse and any unfinished business will be included on the agenda for the next meeting.

11. CONDUCT DURING COUNCIL MEETINGS

11.1 Councillor conduct

A Councillor must comply with the Councillor Code of Conduct during the course of any Meeting.

11.2 Suspensions

If the procedure specified in this clause is followed, Council may suspend a Councillor from a Meeting and for the balance of the Meeting.

A Councillor must not be suspended unless:

- a) the Chairperson has warned the Councillor that his or her actions are disrupting the business of Council and impeding its orderly conduct; and
- b) Council resolves that the Councillor's actions following the Chairperson's warning are continuing to disrupt the business of Council and impede its orderly conduct, and that the Councillor should be suspended.

A suspension motion may be moved by any Councillor.

A Councillor must not refuse to leave a meeting when ordered to do so in accordance with this clause.

11.3 Gallery to be silent

Visitors must not interject or take part in any debate or in any other way interrupt the business of the meeting.

Members of the gallery must be silent at all times.

If any visitor is called to order by the Chairperson and thereafter again acts in breach of this Protocol, the Chairperson may order him or her to leave the gallery.

A person must not refuse or neglect to leave a meeting when ordered to do so under this clause.

The Chairperson may request that any banners or placards that contain offensive and/or defamatory comments be removed from the Chamber.

11.4 Removal from Chamber

If a person (including a Councillor) does not leave the meeting when ordered to leave under Clause 11.2 or Clause 11.3, the Chairperson may request a member of Victoria Police to remove that person.

12. PROCEDURE NOT PROVIDED IN PROTOCOL

In all cases not specifically provided for by this Protocol, the matter may be determined by Council resolution.

13. LIVE-STREAMING AND RECORDING OF PROCEEDINGS

The CEO (or his or her delegate or nominee) may, for the purposes of minute taking, record on suitable audio recording equipment all proceedings of a meeting.

With the exception of any meetings or parts of meeting that have been closed to the public, all Ordinary Council and Special Council Meetings will be live-streamed on the internet.

A recording of a meeting that is live-streamed will also be made available to the public to be viewed on demand via the Moonee Valley City website.

13.1 Publishing of Offensive or Defamatory Material

To comply with its obligations under the *Privacy Data & Protection Act 2014 (Vic)*, *The Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 (Vic)*, *the Racial Discrimination Act 1975 (Cth)*, *the Racial and Religious Tolerance Act 2001 (Vic)* and the *Defamation Act 2005 (Vic)*, as well as Australian Copyright Law, Council maintains the right to cease transmission of live-streaming at any time in order to prevent the broadcasting of material that it deems to be:

- a) Defamatory;
- b) Disclosing personal, health or sensitive information about individuals;
- c) Offensive on the basis of race, colour, national or ethnic origin;
- d) Vilification or inciting hatred on religious or racial grounds;
- e) Related to sex, drugs, violence or revolting or abhorrent phenomena, which is likely to cause offence to a reasonable person; and/or an
- f) Infringement of copyright.

A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chairperson. In deciding whether or not to give such consent, the Chairperson is to ask whether any person present at the meeting objects.

Penalty: 10 penalty units*

The consent of the Chairperson given under sub-clause (13.1) may be revoked at any time during the course of a meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease, at which time the recording must cease.

A person must not refuse to cease recording when ordered to do so under this Section.

Penalty: 10 penalty units*

*From 1 July 2018 to 30 June 2019 the value of a penalty unit is \$161.19 as set by the State Government.

14. SPECIAL MEETINGS

The Mayor or at least three Councillors may, by a written notice to the Chief Executive Officer, call a Special Meeting of Council. The notice must specify the date and time of the Special Meeting and the business to be transacted.

Council may, by a resolution, call a Special Meeting of Council.

The resolution must specify the date and time of the Special Meeting and the business to be transacted.

The Chief Executive Officer must call the Special Meeting as specified in the notice or resolution.

Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice or resolution is to be transacted.

Subject to any resolution providing otherwise, the order of business of any Special Meeting must be the order in which such business stands in the agenda for the Meeting.

15. SPECIAL COMMITTEES

Council may from time to time establish one or more Special Committees under Section 86 of the Act comprising the following:

- a) Councillors;
- b) Council staff;
- c) other persons; or
- d) any combination of persons referred to in (a), (b) and (c) above.

If Council establishes a Special Committee, this Protocol will apply to meetings of the Special Committee with any necessary modifications. For this purpose:

- a) a Council Meeting is to be read as a reference to a meeting of the Special Committee;
- b) a Councillor is to be read as a reference to a member of the Special Committee; and
- c) the Mayor is to be read as a reference to the Chairperson of the Special Committee.

If Council establishes a Special Committee, Council may resolve that a provision of this Protocol does not apply to that Committee.

The Chairperson of a Special Committee may be elected by members of the Committee unless otherwise determined by Council. The Committee may appoint an Acting Chairperson in the manner in which the Chairperson is ordinarily elected or appointed. The election of the Chairperson is to follow the same procedure as for the election of the Mayor in Section 16.

The agenda for Special Committees will be relevant to the issues which are to be raised at the relevant meeting.

Minutes of meetings of Special Committees will be taken.

If the minutes of any meeting of a Special Committee include a recommendation to Council, the Chief Executive Officer must ensure that such recommendation is reported to the next convenient Council Meeting.

15.1 Submissions by public under section 223 of the Act

Council may establish a committee under Section 223 (1) (b) (i) of the Act to hear any person wishing to be heard in respect of their submission to Council under section 223 of the Act.

Committee members may question any submitter in relation to their submission.

Each speaker is allowed three minutes to speak to their submission.

The Chairperson may use his/her discretion to allow an extension of time for up to a further one minute.

Anyone making a submission and not wishing to appear in person can be represented by another person in accordance with the Act. Submitters will be requested to disclose any personal or professional interests in the subject matter of their submission.

16. ELECTION OF MAYOR AND DEPUTY MAYOR

16.1 Procedure for election of Mayor

Any Councillor is eligible for election or re-election to the office of Mayor.

The Councillors must elect a Councillor to be the Mayor at a Special Meeting specifically convened for the purpose and held in accordance with the Act as soon as possible after any vacancy in the office of the Mayor occurs.

The agenda for the meeting to elect the Mayor must include:

- a) the appointment of a temporary chairperson; and
- b) the election of the Mayor.

The Chief Executive Officer will be the first temporary Chairperson of the meeting at which the election of Mayor is to be conducted but will have no voting rights.

The Chief Executive Officer must invite nominations for a second temporary Chairperson. If there is only one nomination, the candidate nominated is

deemed to have been elected. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates by show of hands and the candidate receiving a majority of the votes must be declared to have been duly elected. The second temporary Chairperson must invite nominations for the office of Mayor.

If there is only one nomination (which must be seconded), the candidate nominated is deemed to be elected until the next Special Meeting held to elect the Mayor or the next general election (whichever happens sooner).

If there is more than one nomination (each of which must be seconded), a vote must be taken to elect one of the candidates by a show of hands. In the event of a candidate receiving a majority of the votes, that candidate is declared to have been elected.

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. A further vote will then be taken for the remaining candidates by show of hands.

If one of the remaining candidates receives a majority of the votes, he or she is duly elected. If none of the candidates receives a majority of the votes, the process of declaring the candidate with the fewest number of votes a defeated candidate and voting for remaining candidates by a show of hands (or by such other method as Council determines) must be repeated until one of the candidates receives a majority of the votes. That candidate must then be declared to have been duly elected.

In the event of two or more candidates having an equal number of votes and one of them having to be declared:

- c) a defeated candidate (where there are three or more candidates with equal votes); or
- d) duly elected (where there are two candidates with equal votes),

the temporary Chairperson shall not have a second or casting vote, and the result will be determined by lot.

If a lot is required, the Chief Executive Officer will conduct the lot, to be conducted as follows:

In the event that there are three candidates and a three-way tie, councillors (in alphabetical order) will draw from a box one of three pieces of paper. The candidate who draws the paper marked 'defeated' would be eliminated. Those that draw a blank piece of paper will remain in the contest.

There will then be a casting of votes for the remaining two candidates. In the event that there was a tie between the remaining two candidates, councillors will again draw a paper from a box. This time there would be two pieces of paper in the box, one blank and one marked 'elected'. The candidate who draws the paper marked 'elected' is declared as elected and takes the chair.

16.2 Mayor to take Chair

After the election of the Mayor is determined, the Mayor must take the Chair.

The Mayor must take the Chair at all meetings of Council at which he or she is present, unless precluded from doing so because of a conflict of interest.

16.3 Absence of Mayor or Chairperson

If the Mayor is absent from a Council Meeting or is required to temporarily vacate the Chair under this Protocol, the Deputy Mayor, if any, shall take the Chair. If Council has not elected a Deputy Mayor, or the Deputy Mayor is absent from a meeting of Council, a temporary Chairperson shall be elected in accordance with the procedure for the election of the Mayor.

If the Chairperson of a Special Committee is absent from a Special Committee meeting or is required to temporarily vacate the Chair under this Protocol, then the temporary Chairperson shall be:

- e) the Mayor;
- f) the Deputy Mayor (if the Mayor is also absent); or
- g) if both the Mayor and Deputy Mayor are also absent, the Special Committee shall elect a temporary Chairperson in accordance with the procedure for the election of the Mayor.

16.4 Procedure for election of Deputy Mayor

If Council determines to elect a Deputy Mayor, Council must follow the procedure for the election of Mayor with such adaptations as necessary.

The Mayor shall take the Chair for the election of a Deputy Mayor.

17. OFFENCES AND PENALTIES

It is an offence:

- a) for a Councillor to not withdraw a remark or make an apology when called upon twice by the Chairperson to do so;
- b) for any person, not being a Councillor, to interject, take part in any debate or in any other way interrupt the business of a Meeting;
- c) for any person, not being a Councillor, to refuse to leave the Meeting when requested by the Chairperson to do so;
- 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;
- e) for a Councillor to refuse to leave the chamber on suspension;

- f) for any person to fail to obtain consent to the use of electronic recording equipment at a Meeting or to continue to use the electronic recording equipment if consent has been revoked; and
- g) for any person to use the Common Seal or any device resembling the Common Seal without authority.

Each of these offences carries a maximum penalty of 20 penalty units.*

*From 1 July 2018 to 30 June 2019 the value of a penalty unit is \$161.19 as set by the State Government.