



**CORANGAMITE  
SHIRE**

# **Meeting Procedures Local Law No. 3 2016**



**CORANGAMITE  
SHIRE**

**Corangamite Shire Council**

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## **A: Introduction**

### **1. Title**

This Local Law will be known as the “Meeting Procedures Local Law No. 3, 2016.”

### **2. Authorising Provision**

The Meeting Procedures Local Law No 3, 2016 is made in accordance with Part 5 of the *Local Government Act 1989* (the Act).

This Local Law is intended to be consistent with the Act, particularly Part 4. In the event of any inconsistency, the provisions of the Act will prevail.

### **3. Objectives**

- 3.1. provide for the election of the Mayor and Deputy Mayor (if that position is agreed upon by the majority of Councillors);
- 3.2. regulate the use of the Common Seal and prohibit unauthorised use of the Common Seal;
- 3.3. regulate proceedings of Ordinary and Special meetings of Council, and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of the Local Law are to apply;
- 3.4. provide for the appointment of Councillors to Special Committee positions and external boards;
- 3.5. promote and encourage community participation in the system of local government by providing mechanisms for community members to ask questions on relevant information;
- 3.6. provide rules of conduct for those participating in or present at Council meetings and other meetings conducted by or on behalf of Council.

### **4. Commencement and End Dates**

- 4.1. The Meeting Procedures Local Law No. 3, 2016 commences on 27 July 2016 and
- 4.2. ends on the 10th anniversary of the day on which it commenced operation.

### **5. Revocation of Local Law No. 3**

On the commencement of the Meeting Procedures Local Law No 3, 2016, Council's Processes of Municipal Government 2009 Local Law No.3 is revoked.

### **6. Definitions**

In the Meeting Procedures Local Law No 3, 2016:

“Act” means the Local Government Act 1989;

“Agenda” means the document setting out the business to be transacted at a Council Meeting and includes the reports and business papers for that business;

“Assembly of Councillors” has the same meaning as in the Act;

“Authorised Officer” means a member of Council staff who is authorised by Council to carry out specific functions under this Local Law;

- “Chamber” means any room where Council holds a Council Meeting;
- “Chairperson” means the Chairperson of a Council meeting and includes an acting, temporary and substitute Chairperson;
- “Chief Executive Officer” means the Chief Executive Officer of the Council or any person acting in that position;
- “Common Seal” means the Common Seal of Council which is a device which formally records the collective will of Council;
- “Council” means the Corangamite Shire Council;
- “Council Meeting” includes an Ordinary Meeting, a Special Meeting, a Special Committee Meeting, but does not include an Assembly of councillors;
- “Councillor” means a Councillor of the Council and for the purposes of this Local Law includes any member of a Special Committee;
- “Division” means a formal count of those for and those against a motion generally to remove any doubt as to whether the motion is supported or opposed;
- “Majority” in relation to votes or Councillors means the number of votes of Councillors constituting more than half of the total number;
- “Mayor” means the Mayor of the Council;
- “Minutes” means the record of proceedings of a Meeting;
- “Municipal District: means the municipal district of Council;
- “Notice of Motion” means a notice setting out the text of a motion which it is proposed to move at the next relevant Council Meeting;
- “Notice of Rescission” means a Notice of Motion to rescind a resolution made by Council;
- “Offence” means an act or default in breach of this Local Law;
- “Officer” means an employee of the Council;
- “Ordinary Meeting” means any meeting of Council which is not a Special Meeting or a meeting of a Special Committee;
- “Penalty Units” mean penalty units prescribed by the *Sentencing Act 1991* for local laws;
- “Procedural Motion” means a motion which relates to the conduct of the meeting itself;
- “Special Committee” means a special committee established by Council under section 86 of the Act;
- “Special Committee Meeting” means a meeting of a Special Committee established by Council, convened and held in accordance with section 87 of the Act;
- “Special Council Meeting” means a meeting of Council convened and held in accordance with section 84 of the Act;

“Suspension of Standing Orders” means the suspension of the provisions of this Local Law to facilitate full discussion on an issue without formal constraints

## **B: Election of Mayor and Deputy Mayor**

### **7. Electing the Mayor at a Council Meeting**

- 7.1. A Mayor must be elected in accordance with section 71 of the Act.
- 7.2. The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and preside until the meeting elects a temporary Chairperson.
- 7.3. The temporary Chairperson must invite nominations for the office of Mayor which must be seconded.
- 7.4. A Councillor may nominate themselves for the office of Mayor which must be seconded.
- 7.5. Where a Councillor is nominated by another Councillor for the office of Mayor, the nominee must be provided with the opportunity to either accept or decline the nomination.
- 7.6. Voting is by show of hands.
- 7.7. Nominees will be offered an opportunity to address fellow Councillors prior to a vote, for up to five (5) minutes each.
- 7.8. If there is only one (1) nomination, that nomination must still go to a vote.
- 7.9. If there are two (2) nominations, the Councillors present at the Meeting must vote for one (1) of the nominees.
- 7.10. In the event of a nominee receiving a Majority of the votes, that nominee is elected as Mayor.
- 7.11. If there are three (3) or more nominations, the Councillors present at the Meeting must vote for one (1) of the nominees.
- 7.12. The nominee with the lowest number of votes is a defeated nominee and voting is repeated until there are two (2) remaining nominees.
  - 7.12.1. If there is a tied vote between two or more nominees who receive the lowest number of votes, Councillors must vote for the tied nominees to determine the defeated nominee.
- 7.13. A final vote is taken with the remaining two (2) nominees and in the event of a nominee receiving a Majority of the votes, that nominee is elected as Mayor.
- 7.14. In the event of two (2) nominees having an equal number of votes, the office of Mayor will be determined by lot.
- 7.15. If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
  - 7.15.1. each nominee will draw one (1) lot;
  - 7.15.2. the order of drawing lots will be determined by the alphabetical order of the surnames of the nominees who received an equal number of votes, except that if two (2) or more such nominees' surnames are identical, the order will be determined by the alphabetical order of the nominees' first names;
  - 7.15.3. a white and black marble must be placed in a receptacle;

7.15.4. the nominee who draws the black marble must be declared the defeated nominee;

7.15.5. the nominee who draws the white marble must be duly elected as Mayor.

## **8. Electing the Deputy Mayor at a Council Meeting**

- 8.1. Council may choose to elect a Deputy Mayor, if agreed by a majority of Councillors.
- 8.2. A Deputy Mayor, is to be elected by way of the same procedure as specified in clause 7.

## C: Council’s Common Seal

### 9. The Common Seal

- 9.1. The Chief Executive Officer must keep the Common Seal in safe custody and ensure that access to it is restricted.
- 9.2. Every document to which the Common Seal is affixed must be signed and dated by the Chief Executive Officer or his or her delegate.
- 9.3. The Council may, by resolution, give the Chief Executive officer authority to use the Common Seal for general classes of activities or transactions.
- 9.4. If the Chief Executive Officer uses the Common Seal in a manner prescribed by Clause 9.3, then he or she must advise Council of such use on a regular basis.
- 9.5. The Council’s Common seal and words to be used accompanying it on any document to which it is affixed are as follows:

The COMMON SEAL of                    )  
CORANGAMITE SHIRE COUNCIL    )  
was affixed in the presence of        )

.....  
Chief Executive Officer

.....  
Date

## **D: Council's Office Holders**

### **10. Appointment of Councillors to Special Committees and Boards**

Once every calendar year, the Council must resolve to:

- 10.1. allocate Councillors to nominated Special Committees or board positions; and
- 10.2. remove Councillors from Special Committees or board positions.

## **E: Meetings Procedure**

### **Part 1: Notices of Council Meetings and Delivery of Agendas**

#### **11. Calling Ordinary Meetings**

- 11.1. Council must fix the date, time and place of all Ordinary Meetings for the year at the Council Meeting held in November of the previous year.
- 11.2. Council may by resolution change the date, time and place of any Ordinary Meeting which has been fixed and must provide notice of the change to the public at least seven (7) days before the Ordinary Meeting.
- 11.3. An Agenda for an Ordinary Meeting must be delivered to every Councillor at least 48 hours before an Ordinary Meeting.
- 11.4. An Agenda of an Ordinary Meeting must be available to the public at least 48 hours before the Ordinary Meeting.
- 11.5. If as a result of an emergency an Agenda is not provided at least 48 hours before an Ordinary Meeting, the Chief Executive officer must record in the minutes of the Meeting the nature of the emergency and the reason for an Agenda not being provided 48 hours before the meeting.

#### **12. Special Meetings of the Council**

- 12.1. Special Meetings of the Council will be called and held in accordance with the Act.
- 12.2. A notice of a Special Meeting and Agenda must be delivered to every Councillor at least 48 hours before the Special Meeting. A period less than 48 hours may, however, be justified if exceptional circumstances exist.

#### **13. Special Committee Meetings**

Special Committee Meetings will be called and held in accordance with the Act.

#### **14. Publication of Council Meeting Dates**

- 14.1. Council must publish the public notice of all Council Meetings on the Council's website.

#### **15. Meetings to be Open to the Public**

Any meeting of the Council or a Special Committee must be open to members of the public unless Council resolves that the meeting be closed to members of the public in accordance with sections 89 (2) and (3) of the Act.

## Part 2: Quorums

### 16. Council Meetings

- 16.1. The quorum for Ordinary and Special Meetings is the presence of a Majority of the full Council.
- 16.2. The quorum for Special Committee Meetings is the presence of a Majority of the members of the Special Committee.
- 16.3. If after 30 minutes from the scheduled starting time of any Council Meeting, a quorum cannot be obtained:
  - 16.3.1. those Councillors present; or
  - 16.3.2. if there are no Councillors present, the Chief Executive Officer; or
  - 16.3.3. in the absence of the Chief Executive Officer, an Authorised Officer;must adjourn the Council Meeting for a period within seven (7) days from the date of adjournment.
- 16.4. If during any Council Meeting or any adjournment of the Council Meeting, a quorum cannot be maintained:
  - 16.4.1. those Councillors present; or
  - 16.4.2. if there are no Councillors present, the Chief Executive Officer; or
  - 16.4.3. in the absence of the Chief Executive Officer, an Authorised Officer;must adjourn the Council Meeting for a period not exceeding seven (7) days from the date of adjournment.
- 16.5. If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest of Councillors, the Chief Executive Officer will move onto to the next item of business, and defer the item in respect of which the quorum cannot be achieved, to the following Council Meeting or if necessary, for a length of time to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.
- 16.6. The Chief Executive Officer, or an Authorised Officer, must give notice to each Councillor of the date, time and place to which the Council Meeting stands adjourned and of the business remaining to be considered.

## **Part 3: Conduct and Business of Meetings**

### **17. Business at Meetings**

No business can be dealt with at an Ordinary Council Meeting, Special Council Meeting or Special Committee Meeting unless:

- 17.1. it is contained in the agenda, or
- 17.2. the majority of Councillors at the meeting vote in favour of a matter being dealt with as Urgent Business by resolution of Council and only then if it:
  - 17.2.1. relates to or arises out of a matter which has arisen since distribution of the Agenda; and
  - 17.2.2. cannot safely or reasonably be deferred until the next Ordinary Meeting
- 17.3. the Agenda for an Ordinary Meeting makes provision for Other Business, in which case the Other Business to be transacted will be:
  - 17.3.1. at the discretion of the Chairperson; and
  - 17.3.2. provided to the Chairperson before the commencement of the meeting; and
  - 17.3.3. must be of broad interest to the community or be of strategic significance; and
  - 17.3.4. must be approved by the majority of Councillors present.

### **18. Councillors may Propose Notices of Motion**

- 18.1. Prior to a Council Meeting, Councillors wanting to include a matter on the Agenda, must complete a Councillor's Notice of Motion Form.
- 18.2. A Notice of Motion form must be signed by the Councillor and be lodged with the Chief Executive Officer to allow sufficient time for him or her to give each Councillor notice of such Notice of Motion and to allow sufficient time for the Notice of Motion to be put on the Agenda for the next Council Meeting.
- 18.3. The Chief Executive Officer may reject any Notice of Motion which is vague or unclear in intention but must:
  - 18.3.1. give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
  - 18.3.2. notify in writing the Councillor who lodged it of the rejection and reasons for the rejection.
- 18.4. The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the material accompanying the Agenda. The CEO may provide additional information or clarification on the matter.
- 18.5. Except by leave of Council, each Notice of Motion before any Council Meeting must be considered in the order in which they were received by the Chief Executive Officer.
- 18.6. If a Councillor who has given a Notice of Motion is absent from the Council Meeting or fails to move the motion when called upon by the Chairperson, any other Councillor may move the motion.

- 18.7. If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

## **19. Order of Business**

The order of business at any Council Meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government

## **20. Change to Order of Business**

Once an Agenda has been sent to Councillors, the order of business for that Council Meeting may be altered with the consent of Council.

## **21. Chairperson**

- 21.1. The Mayor must preside at all Council Meetings at which he or she is present, in the role of Chairperson.

## **22. Absence of Chairperson**

- 22.1. If the Mayor is unable to attend a Council Meeting for any reason the immediate Past Mayor (or Deputy Mayor if elected) will be appointed as Acting Chair.
- 22.2. If the Mayor is required to vacate the chair during a Council Meeting (whether on account of a conflict of interest or otherwise), the immediate Past Mayor (or Deputy Mayor if elected) will be appointed as temporary Chair for the period of the Mayor's absence.
- 22.3. In the event the immediate Past Mayor (or Deputy Mayor if elected) is absent, the Councillors must elect an Acting or temporary Chairperson.

## **23. Leave of Absences and Apologies**

- 23.1. If a Councillor plans to be absent from three (3) or more Council Meetings, the Councillor should request a leave of absence by giving notice to the Chief Executive Officer.
- 23.2. Council may by resolution grant a leave of absence for a Councillor.
- 23.3. Conditions for a Councillor's leave of absence is in accordance with the Act.
- 23.4. Councillors unable to attend a Council Meeting must give the Chief Executive Officer notice of an apology prior to the Council Meeting.
- 23.5. If a Councillor arrives following the commencement of the Council Meeting, leaves a Council Meeting and/or returns to the Meeting, the minutes shall record the Councillor's name and time of the arrival or departure.

## **24. Interests and Conflicts of Interest**

A Councillor must disclose any interest or conflict of interest in accordance with the Act.

Any conflict of interest disclosed must be recorded in the Minutes of the Council Meeting.

## **Part 4: Motions and Debate**

### **25. Introducing a Motion at a Council Meeting**

Before a motion at a Council Meeting is moved, a Councillor may introduce it by indicating, in not more than two (2) minutes:

- 25.1. its intent; or
- 25.2. the desired outcome, if it is passed.

### **26. Unacceptable Motions at a Council Meeting**

Any motion which is determined by the Chairperson at a Council Meeting to be:

- 26.1. defamatory;
- 26.2. objectionable in language or nature;
- 26.3. vague or unclear in intention;
- 26.4. outside the powers of Council; or
- 26.5. irrelevant to the item of business on the Agenda and has not been admitted as Urgent Business, or purports to be an amendment but is not;

must not be accepted by the Chairperson.

### **27. Moving a Motion at a Council Meeting**

The procedure for moving any motion is:

- 27.1. the mover must state the motion and be given an opportunity to introduce the motion in accordance with clause 25;
- 27.2. the motion must be seconded by a Councillor other than the mover;
- 27.3. if a motion is not seconded, the motion lapses for want of a seconder;
- 27.4. If a motion is moved and seconded the Chairperson may ask:

“Is the motion opposed?”

If no Councillor indicates opposition, the Chairperson will give each Councillor an opportunity to speak to the motion. Each Councillor may only speak once and for not more than three (3) minutes, unless the Chairperson offers a further opportunity to do so. If a Councillor indicates opposition, then the Chairperson must call on the mover to address the Council Meeting;

- 27.5. after the mover has addressed the meeting, the seconder may address the Council Meeting, or the seconder may reserve his or her right to speak later in the debate;
- 27.6. after the seconder has addressed the Council Meeting (or after the mover has addressed the Council Meeting if the seconder does not address the Council Meeting), the Chairperson must invite debate by calling on any Councillor who wishes to speak to the motion. If after the mover has addressed the Council Meeting, the Chairperson has invited debate and no Councillor speaks to the motion, then the Chairperson must put the motion to the vote.

## **28. Right of Reply**

- 28.1. The mover of a motion has a right of reply to matters raised during debate.
- 28.2. After the right of reply has been taken, the motion must immediately be put to the vote without any further discussion or debate.

## **29. Moving an Amendment to a Motion**

- 29.1. Subject to clause 29.2, a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 29.2. A motion to confirm a previous resolution of Council cannot be amended.

## **30. Who may Propose an Amendment to a Motion**

An amendment to a motion may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

## **31. How Many Amendments May be Proposed**

- 31.1. Any number of amendments may be proposed to a motion but only one (1) amendment may be accepted by the Chairperson at any one time.
- 31.2. No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

## **32. An Amendment to a Motion Once Carried**

- 32.1. If the amendment to a motion is carried, the motion as amended then becomes the motion before the Council Meeting.
- 32.2. Subject to clause 32.3 once the amended motion is before Council, the debate can resume from where it left off.
- 32.3. A Councillor who has already spoken on the original motion must not speak again on the amended motion unless the amended motion is so substantially different to the original motion so as change the debate.

## **33. Withdrawal of Motions**

- 33.1. Before any motion is put to the vote, it may be withdrawn by the mover and seconder at their request.

## **34. Separation of Motions**

- 34.1. The Chairperson may decide to put any motion to the vote in several parts.
- 34.2. Where a motion contains more than one (1) part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.

## **35. 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.

### **36. Motions in Writing**

- 36.1. The Chairperson may require that a complex or detailed motion be in writing.
- 36.2. Council may suspend Standing Orders while the motion is being written or Council may defer the matter until the motion has been written, allowing the Council Meeting to proceed uninterrupted.

### **37. Repeating Motion and/or Amendment of Motion**

The Chairperson may request the person taking the minutes of the Council Meeting to read the motion or amendment to the Council Meeting before the vote is taken.

### **38. Debate Must be Relevant to the Motion**

- 38.1. 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 motion.
- 38.2. If, after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.
- 38.3. A speaker to whom a direction has been given under clause 38.2 must comply with that direction.

### **39. Speaking Times**

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

- 39.1. the mover of a motion or an amendment which has been opposed: five (5) minutes;
- 39.2. the amender of a motion that has been opposed: five (5) minutes;
- 39.3. the seconder of the motion: three (3) minutes;
- 39.4. any other Councillor: three (3) minutes; and
- 39.5. the mover of a motion exercising a right of reply: two (2) minutes.

### **40. Addressing the Council Meeting**

If the Chairperson so determines:

- 40.1. any person addressing the Chair may refer to the Chairperson as:
    - Mayor; or
    - Madam Mayor; or
    - Mr Mayor; or
    - Chair; or
    - Madam Chair; or
    - Mr Chair;
- as the case may be.

40.2. all Councillors other than the Mayor, must be addressed as:

Councillor .....(surname).

40.3. all members of Council staff must be addressed as:

Mr, Ms, or Mrs .....(surname) as determined by the officer or by their official title.

#### **41. Foreshadowing Motions**

41.1. At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the Council Meeting, but this does not extend any special right to the foreshadowed motion.

41.2. A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chairperson being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

41.3. The Chief Executive Officer or person taking the minutes of the Council Meeting is expected to record foreshadowed motions in the minutes, if sufficient detail of the foreshadowed motion is provided at the Council Meeting.

41.4. A foreshadowed motion may be considered directly after the debate and resolution of the original motion being considered. Additional motions not foreshadowed are to be considered in another section of the Agenda, (e.g. Other Business or Urgent Business).

#### **42. Right to Ask Questions**

42.1. Subject to clause 42.6, a Councillor may, at any time when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chairperson.

42.2. Questions are not to be asked between moving and seconding a motion, except to seek clarification on the motion moved.

42.3. Councillors must be seated after asking the questions and during any reply.

42.4. All questions must be directed to the Chairperson or to another Councillor through the Chairperson. The Chairperson, as he or she deems necessary, may direct any questions to the Chief Executive Officer, to answer or refer to the appropriate officer for response.

42.5. Questions are not to be asked after the right of reply and before the motion being voted upon.

42.6. The Chairperson has the right to disallow any question that does not specifically relate to the motion or amendment directly before it and to disallow any questions should they, in the reasonable opinion of the Chairperson, be considered irrelevant.

#### **43. Lost Motions**

If a motion is lost without a subsequent motion then being carried, it will not be automatically determined that the outcome is contrary to the lost motion. Councillors should therefore move a motion detailing further requirements or actions after any motion is lost.

**Part 5: Procedural Motions****44. Procedural Motions**

- 44.1. Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 44.2. Procedural motions require a seconder.
- 44.3. Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the table in Schedule 1.

## **Part 6: Points of Order**

### **45. When Does a Point of Order Occur**

A point of order is taken when a Councillor officially draws the attention of the Chairperson of a Council Meeting to an alleged irregularity in the proceedings in accordance with clause 49.

### **46. Chairperson to Decide**

The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

### **47. Chairperson may Suspend Standing Orders to Consider**

- 47.1. The Chairperson may suspend standing orders of the Council Meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 47.2. All other questions before Council are suspended until the point of order is decided.
- 47.3. A Councillor may take a point of order by stating briefly the matter which is the subject of the point of order and if related to this Local Law by stating the clause or clauses that relate thereto.

### **48. Dissent from Chairperson's Ruling**

- 48.1. A Councillor may move that the Council Meeting disagree with the Chairperson's ruling on a point of order, by moving:

"That the Chairperson's ruling (setting out that ruling or part of that ruling) be dissented from"
- 48.2. When a motion in accordance with this clause is moved and seconded, the Chairperson must leave the Chair and a temporary Chairperson is appointed to take his or her place in accordance with clause 22.
- 48.3. The temporary Chairperson must invite the mover to state the reasons for his or her dissent and the Chairperson may then reply.
- 48.4. The temporary Chairperson must put the motion in the following form:

"That the Chairperson's ruling be dissented from:"
- 48.5. If the vote is in the negative, the Chairperson resumes the Chair and the Council Meeting proceeds.
- 48.6. If the vote is in the affirmative, the Chairperson must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- 48.7. The defeat of the Chairperson's ruling is in no way a motion of censure or no confidence in the Chairperson, and should not be so regarded by the Council Meeting.

**49. Procedure for Point of Order**

A Councillor raising a point of order must:

- 49.1. state the point of order; and
- 49.2. state any section, clause, paragraph or provision relevant to the point of order; before resuming his or her seat.

**50. Valid points of order**

A point of order may be raised in relation to:

- 50.1. a motion, which, under clause 26 should not be accepted by the Chairperson;
- 50.2. a question or procedure; or
- 50.3. any act of disorder;
- 50.4. rising to express a difference of opinion or to contradict a speaker is not a point of order.

## **Part 7: Voting**

### **51. How a Motion is Determined**

To determine a motion before a Council Meeting, the Chairperson must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the Council Meeting.

### **52. Casting Vote**

In the event of a tied vote, the Chairperson must exercise the casting vote in accordance with the Act.

### **53. By Show of Hands**

Unless Council resolves otherwise, voting on any matter is by show of hands.

### **54. Procedure for a Division**

- 54.1. Immediately after any question is put to a Council Meeting and before the next item of business has commenced, a Councillor may call for a division.
- 54.2. When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.
- 54.3. When a division is called for, the Chairperson must:
  - 54.3.1. ask each Councillor wishing to vote in the affirmative to raise their hands, and then announce the names of these Councillors; and
  - 54.3.2. then ask each Councillor wishing to vote in the negative to raise their hands, and then announce the names of these Councillors.
- 54.4. The Chief Executive Officer or any Authorised Officer must record the names of those Councillors voting in the affirmative and in the negative, in the minutes of the meeting.
- 54.5. No Councillor is prevented from changing his or her original vote on the division, and the voting by division will determine whether the motion or amendment is carried or lost.
- 54.6. The Chairperson must announce the result of the vote immediately after the division is taken.

### **55. No Discussion Once Declared**

Once a vote on a motion has been taken, no further discussion relating to the motion is allowed unless the discussion involves:

- 55.1. a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes;
- 55.2. foreshadowing a Notice of Rescission where a resolution has just been made; and or a positive motion where a resolution has just been rescinded; or
- 55.3. foreshadowing a Notice of Rescission in which case what is foreshadowed must be noted in the minutes of the Council meeting.

## **Part 8: Rescinding Council Resolutions**

### **56. Rescission of Council Resolutions**

Resolutions of Council may be rescinded by following the procedures below:

- 56.1. A Councillor may propose a Notice of Rescission provided:
  - 56.1.1. the resolution proposed to be rescinded has not been acted on; and
  - 56.1.2. the Notice of Rescission must be received in writing to the Chief Executive Officer setting out:
    - 56.1.2.1. the resolution to be rescinded; and
    - 56.1.2.2. the meeting and date when the resolution was carried.
- 56.2. A Council officer may recommend rescission in their report to Council.
- 56.3. A resolution will be deemed to have been acted on if:
  - 56.3.1. its contents have, or substance has been formally communicated to, a person whose interests are materially affected by it; or
  - 56.3.2. a statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.
- 56.4. The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
  - 56.4.1. has not been acted on; and
  - 56.4.2. is the subject of a Notice of Rescission which has been delivered to the Chief Executive Officer in accordance with clause 56.1.2;unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

### **57. If Lost**

If a Motion for Rescission is lost, a similar motion may not be put before Council for at least two (2) months from the date it was last lost, unless Council resolves that the Notice of Motion be re-listed at a future Council Meeting.

### **58. If Not Moved**

If a Motion for Rescission is not moved at the Council Meeting at which it is listed, it lapses.

### **59. May be Moved by any Councillor**

A Motion for Rescission listed on an Agenda may be moved by any Councillor present but may not be amended.

### **60. When Not Required**

- 60.1. A Motion for Rescission is not required where Council wishes to change policy.
- 60.2. Any intention to change a Council policy must be included as a recommendation by Officers in their report to Council.
- 60.3. If there is a recommendation for Council to adopt a new policy, the previous version of that policy must be revoked by resolution of Council.

## Part 9: Minutes

### 61. Confirmation of Minutes

At every Council Meeting, the minutes of the preceding Council Meeting must be dealt with as follows:

- 61.1. a copy of the minutes must be given to each Councillor no later than 48 hours before the next Council Meeting;
- 61.2. if no Councillor indicates opposition, the minutes must be declared to be confirmed;
- 61.3. if a Councillor indicates opposition to the minutes:
  - 61.3.1. he or she must specify the item(s) to which he or she objects;
  - 61.3.2. the objected item(s) must be considered separately in the order in which they appear in the minutes and in accordance with clause 26;
  - 61.3.3. after all objections have been dealt with, the Chairperson ultimately asks: "That the minutes be confirmed"  
  
or  
  
That the minutes as amended, be confirmed"  
  
and he or she must put the question to the vote accordingly.
- 61.4. a resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chairperson of the Council Meeting at which they have been confirmed.
- 61.5. the confirmed minutes must be:
  - 61.5.1. placed in a bound book in chronological order and placed in a secure area until sent to the Public Record Office of Victoria; or
  - 61.5.2. stored electronically and backup copies retained securely in accordance with Council procedures.
- 61.6. the Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the Council Meeting and to take the minutes of such meeting) must keep minutes of each Council meeting and those minutes must record:
  - 61.6.1. the date, time and nature of the Council Meeting;
  - 61.6.2. the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
  - 61.6.3. the names of members of Council staff present;
  - 61.6.4. any disclosure of an interest or a conflict of interest made by a Councillor;
  - 61.6.5. arrivals and departures (including temporary departures) of Councillors and Council staff during the course of the Council Meeting;
  - 61.6.6. each motion, amendment moved and foreshadowed motions (including motions and amendments that lapse for the want of a seconder);

- 61.6.7. the vote cast by each Councillor upon a division;
- 61.6.8. the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
- 61.6.9. questions upon notice;
- 61.6.10. the failure of a quorum;
- 61.6.11. any adjournment of the Council Meeting and the reasons for that adjournment; and
- 61.6.12. the time at which Standing Orders were suspended and resumed.

## **62. No Debate on Confirmation of Minutes**

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

## **63. Deferral of Confirmation of Minutes**

Council may defer the confirmation of minutes until later in the Council Meeting or until the next Council Meeting if considered appropriate.

## **64. Records of Council Meetings**

Records should be kept of Council Meetings in accordance with the Act and clause 61.5.

## **65. Recording of Meetings**

- 65.1. If Council resolves that the proceedings of a Council Meeting be recorded or broadcast, the Chief Executive Officer (or other person authorised by the Chief Executive Officer) must record or broadcast on suitable recording equipment all of the proceedings of the Council Meeting.
- 65.2. Subject to clause 65.1, a person must not operate any recording equipment at any Council Meeting without first obtaining the consent of Council or the Chairperson (as the case may be). Such consent may at any time during the course of such meeting be revoked by Council or the Chairperson (as the case may be).

**Penalty: 5 Penalty Units**

## **Part 10: Conduct at Council Meetings**

### **66. Behaviour of Councillors**

- 66.1. Having made a signed declaration stating they will abide by the Councillor Code of Conduct, Councillors must at all times observe the Councillor Code of Conduct.
- 66.2. A Councillor must not in any debate make any defamatory, indecent, abusive, offensive or disorderly statement or comment.
- 66.3. If such a statement is made, the Chairperson may require the Councillor to withdraw it and if that is required the Councillor concerned must immediately and unreservedly do so.
- 66.4. A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.
- 66.5. Except in cases of sickness or physical disability, a Councillor at any Meeting must stand when speaking.
- 66.6. The Chairperson may remain seated when speaking at any Meeting and he or she may speak on any matter under discussion.

### **67. Conduct of Visitors at Meetings**

- 67.1. Visitors at a Meeting must not interject or take part in the debate.
- 67.2. Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the Meeting) at all times during a Meeting.
- 67.3. Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.

### **68. Chairperson may Remove**

The Chairperson may order and cause the removal of any person, including a Councillor, who disrupts any Council Meeting or fails to comply with a direction.

### **69. Suspensions**

Council may suspend from a portion of the Council Meeting, or for the balance of the Council Meeting, any Councillor whose actions have disrupted the business of Council at that Council Meeting, and have impeded its orderly conduct.

### **70. Offences**

It is an Offence for:

- 70.1. a Councillor to not withdraw an expression considered by the Chairperson to be offensive or disorderly and apologise when called on twice by the Chairperson to do so;

**Penalty: 2 Penalty Units**

- 70.2. any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the room when requested by the Chairperson to do so;

**Penalty: 5 Penalty Units**

- 70.3. any person to fail to comply with a direction of the Chairperson in relation to the conduct of the Council Meeting and the maintenance of order; or

**Penalty: 2 Penalty Units**

- 70.4. a Councillor to refuse to leave the Chamber on suspension.

**Penalty: 5 Penalty Units**

### **71. Chairperson may adjourn disorderly Council Meeting**

If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council Meeting, he or she may adjourn the Council Meeting to a later time on the same day or to some later day as he or she thinks proper.

### **72. Removal from Chamber**

The Chairperson, or Council, in the case of a suspension, may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Local Law and whom the Chairperson has ordered to be removed from the gallery under clause 70 of this Local Law or whom Council has suspended under clause 69 of this Local Law.

### **73. The Chairperson's Duties and Discretions**

In addition to the duties and discretions provided in this Local Law, the Chairperson:

- 73.1. must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- 73.2. must call to order any person who is disruptive or unruly during any Council Meeting.

## **Part 11: Suspension of Standing Orders**

### **74. Suspension of Standing Orders**

- 74.1. The suspension of Standing Orders should be used to enable full discussion of any issue without the constraints of formal meeting procedures. Its purpose is to enable the formalities of meeting procedures to be temporarily disposed of while an issue is discussed.
- 74.2. Council may decide to suspend the Council Meeting to discuss the issues surrounding an item on the Agenda, or to facilitate a break in proceedings between ordinary and confidential items. Council may discuss in the Council Chamber or move to another room to discuss in private.
- 74.3. The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be:  

“That standing orders be suspended to enable discussion on...”
- 74.4. Once the discussion has taken place and before any motions can be put, the resumption of Standing Orders will be necessary. An appropriate motion would be:  

“That standing orders be resumed”.

**Part 12: Public Question Time and Public Representations**

From time to time Council may adopt policies and procedures which allow for public submissions to be made and for questions from the public to be asked at Council Meetings. In the event that Council has resolved to adopt such policies or procedures, the processes outlined within them will be applied by the Chairperson.

**Part 13: Miscellaneous****75. Procedure Not Provided in Local Law**

In all cases not specifically provided for by this Local Law, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to Council proceedings).

**76. Criticism of Members of Council Staff**

- 76.1. A Councillor who proposes to express criticism of an officer or Council staff at a Meeting, must raise the matter by no later than six (6) hours before the Meeting with the Chief Executive Officer and the Chief Executive Officer must respond to that Councillor before the meeting.
- 76.2. The Chief Executive Officer may make a brief statement at a Council Meeting in respect of any statement by a Councillor made at the Council Meeting criticising him or her or any member of Council staff.
- 76.3. A statement under clause 76.2 must be made by the Chief Executive Officer, through the Chairperson, as soon as is practicable after the Councillor who made the statement has resumed his or her seat.

## **Part 14: Special Committees**

### **77. Application Generally**

If Council establishes a Special Committee, for the purposes of this Local Law, a reference in this Local Law to:

- 77.1. a Councillor is to be read as a reference to a member of the Special Committee;
- 77.2. the Mayor is to be read as a reference to the Chairperson of the Special Committee.

### **78. Application specifically**

Notwithstanding clause 77, if Council establishes a Special Committee:

- 78.1. Council may; or
- 78.2. the Special Committee may, with the approval of Council, resolve that any provision(s) of Parts 1 -11 is or are (as appropriate) not to apply, with the exclusion of provisions relating to Conflicts of Interest, which must be complied with, whereupon that provision or those provisions shall not apply until Council resolves, or the Special Committee with the approval of Council resolves, otherwise.

**F: Certification of Local Law No. 3**

This is to certify that the above writing contained on 33 pages of paper is a true copy of the Local Law of the Corangamite Shire Council and that we have informed ourselves of the legislative requirements necessary to giving validity to such Local Law and as to our observance and belief that such requirements have been fulfilled.

We further certify that such Local Law came into force on the 27 July 2016.

**G: Council Adoption**

The Common Seal of )  
Corangamite Shire Council )  
was affixed in the presence of )



*[Handwritten signature]*  
.....

Chief Executive Officer

*27/7/2016*  
.....

Date

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated 26 May 2016 and 11 August 2016 respectively.

Public Notice of the proposal to make and confirmation for the making of this Local Law were included on the Shire’s website, Warrnambool Standard and Western District Newspapers the weeks commencing 28 May 2016 and 13 August 2016 respectively.

A copy of this Local Law was sent to the Minister for Local Government on 12 August 2016.

## Schedule 1

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and Seconder</b>	<b>Matter in respect of which motion may be moved</b>	<b>When motion prohibited</b>	<b>Effect if carried</b>	<b>Effect if lost</b>	<b>Debate permitted on motion</b>
1. Adjournment of debate to later hours and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor or Special Committee Member who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter	(a) During the election of a Chairperson;  (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and Secunder</b>	<b>Matter in respect of which motion may be moved</b>	<b>When motion prohibited</b>	<b>Effect if carried</b>	<b>Effect if lost</b>	<b>Debate permitted on motion</b>
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor or Special Committee Member who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter except: (a) election of a chairperson (b) a matter in respect of which a call of the Council has been made for that Meeting	(a) During the election of a Chairperson; (b) When another Councillor or Member is speaking; (c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with Section 85 of the Act; or (d) When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later Council Meeting if on the Agenda	Debate continues unaffected	Yes
3. Adjournment of Meeting to later hour or date	That the Meeting be adjourned to *am/pm and/or *date	Any member	Any Meeting	(a) During the election of a Chairperson (b) When another member is speaking	Meeting adjourns immediately until the stated time and/or date	Debate continues unaffected	No

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and Secunder</b>	<b>Matter in respect of which motion may be moved</b>	<b>When motion prohibited</b>	<b>Effect if carried</b>	<b>Effect if lost</b>	<b>Debate permitted on motion</b>
4. The closure	That the motion be now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter	During nominations for Chairperson	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and Seconder</b>	<b>Matter in respect of which motion may be moved</b>	<b>When motion prohibited</b>	<b>Effect if carried</b>	<b>Effect if lost</b>	<b>Debate permitted on motion</b>
5. Laying question on the table	That the question lie on the table	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter	<p>(a) During the election of a Chairperson;</p> <p>(b) During a Council Meeting which is a call of the Council has been made for that meeting in accordance with section 85 of the Act; or</p> <p>(c) When the motion would have the effect of causing Council to be in breach of a legislative requirement</p>	<p>Motion and amendment is not further discussed or voted on until:</p> <p>(a) Council resolves to take the question from the table at the same Council Meeting; or</p> <p>(b) The matter is placed on a subsequent Agenda and Council resolves to take the question from the table</p>	Debate continues unaffected	No

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and Seconder</b>	<b>Matter in respect of which motion may be moved</b>	<b>When motion prohibited</b>	<b>Effect if carried</b>	<b>Effect if lost</b>	<b>Debate permitted on motion</b>
6. Previous question	That the question be not now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter except: (a) election of a chairperson (b) a matter in respect of which a call of the Council has been made for that Meeting	(a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the council has been made for that Council Meeting in accordance with section 85 of the Act; (d) When an amendment is before Council; or (e) When a motion would have the effect of causing Council to be in breach of a legislative requirement	(a) No vote or further discussion on the motion until it is placed on a subsequent Agenda for a later meeting; and (b) Proceed to next business	Motion (as amended up to that time) put immediately without further amendment or debate	Yes

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and Seconder</b>	<b>Matter in respect of which motion may be moved</b>	<b>When motion prohibited</b>	<b>Effect if carried</b>	<b>Effect if lost</b>	<b>Debate permitted on motion</b>
7. Proceeding to next business	<p>That the meeting proceed to the next business</p> <p>Note: This motion:</p> <p>(a) may not be amended;</p> <p>(b) may not be debated; and</p> <p>(c) must be put to the vote as soon as seconded</p>	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<p>Any matter except:</p> <p>(a) election of a chairperson</p> <p>(b) a matter in respect of which a call of the Council has been made for that Meeting</p>	<p>a) During the election of a Chairperson;</p> <p>(b) When another Councillor is speaking;</p> <p>(c) When the matter is one in respect of which a call of the council has been made for that Council Meeting in accordance with section 85 of the Act; or</p> <p>(d) When a motion would have the effect of causing Council to be in breach of a legislative requirement</p>	<p>If carried in respect of:</p> <p>(a) An amendment, Council considers the motion without reference to the amendment;</p> <p>(b) A motion – no vote or further discussion on the motion until it is placed on an Agenda for a later Council Meeting</p>	<p>Debate continues</p> <p>Unaffected</p>	No