



Challenge the boundaries, be the difference

Baw Baw Shire Council Meeting Procedure Local Law

Date resolved by Council	11 March 2015
Commencement Date	11 March 2015
Review Date	1 July 2017
Revocation Date	1 July 2022

CONTENTS

PART 1 – INTRODUCTION	5
1. Local Law	5
2. Objectives	5
3. Operational Date of this Local Law	5
4. Application of the Local Law	5
5. Definitions and Notes.....	6
PART 2 – COMMON SEAL.....	8
6. Purpose	9
PART 3 - ELECTION OF MAYOR, DEPUTY MAYOR AND COMMITTEE	
CHAIRPERSONS.....	10
7. Procedure for Election of Mayor	10
8. Procedures for Election of Deputy Mayor	11
9. Procedures for Election of Committee Chairperson.....	11
10. Ceremonial Mayoral Speech.....	11
PART 4 – COUNCIL MEETING PROCEDURES	12
11. Matters Not Provided For.....	12
12. Dates and Times of Meetings	12
13. Notice of Meetings	12
14. Special Meetings	12
15. Urgent or Emergency Meetings	12
16. Leave of Absence and Agenda.....	13
17. Mayor to Chair Meetings.....	13
18. Quorum.....	13
19. Time limits for Meetings	14
20. The Order of Business.....	14
21. Change to the Order of Business.....	14
22. Urgent Business	15
23. General Business	15
24. Councillor and Mayor Reports	15
25. Petitions and Joint Letters	15
26. Minutes	17
27. Suspension of Councillor	17

PART 5 – MOTIONS AND DEBATES.....	18
28. Notices of Motion.....	18
29. Form of Motion.....	18
30. Moving a Motion or Amendment.....	18
31. Right of Reply	19
32. Amendments.....	19
33. Foreshadowing Motions.....	20
34. Withdrawal of Motions	20
35. Separation of Motions.....	20
36. Repeating Motion and/or Amendment	20
37. Councillor must rise when speaking	20
38. Mode of Address.....	20
39. Debate	21
40. Time Limits for Debate.....	21
41. Extension of Time Limits.....	21
42. Revocation and Amendment	22
43. Formal Motions	22
44. Points of Order.....	22
45. Suspension of Standing Orders.....	23
46. Voting	23
47. Divisions	24
48. Motion of Dissent.....	24
PART 6 – COMMUNITY PARTICIPATION	26
49. Addressing the Council.....	26
50. Conduct at Meetings by Visitors	26
51. Recording of Proceedings	26
PART 7 - CONFIDENTIALITY.....	27
52. Application generally.....	27
53. Items considered Confidential	27
54. Source and Categorisation of Confidential Information.....	27
55. Consideration of Confidential Material at meetings of Council.....	28
56. Types of Information to be deemed Confidential	28
PART 8 - COMMITTEES.....	30
Division 1 – Special Committees.....	30

57. Application generally.....	30
58. Quorum.....	30
59. Addressing a Special Committee Meeting.....	30
60. Application specifically.....	30
Division 2 – Advisory Committees.....	30
61. Application specifically.....	30
PART 9 - OFFENCES.....	31
62. Offences.....	31
63. Infringement Notices.....	31
SCHEDULE – FORMAL MOTIONS.....	32

PART 1 – INTRODUCTION

1. Local Law

- 1.1. This is the Baw Baw Shire Council Meeting Procedure Local Law which is made under Section 91 and Part 5, Section 111 of the *Local Government Act 1989*.
- 1.2. This Local Law shall apply to, and have operation throughout, the whole of the Municipal District of the Baw Baw Shire.

2. Objectives

- 2.1. The objectives of this Local Law are to:
 - 2.1.1. Regulate proceedings at Council meetings, Committee meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply;
 - 2.1.2. Regulate proceedings for the election of the Mayor, Deputy Mayor and Chairpersons of various Committees;
 - 2.1.3. Regulate the use of the common seal;
 - 2.1.4. Prohibit unauthorised use of the common seal or any device resembling the common seal;
 - 2.1.5. Make provision for related administrative procedures; and
 - 2.1.6. Provide for the peace, order and good government of the municipal district.

3. Operational Date of this Local Law

- 3.1. This Local Law operates from the day following publication in the Victoria Government Gazette, at which time Council's Meeting Procedure Local Law 2009 is revoked and will cease to operate.
- 3.2. Any amendment to this Local Law will operate from the day following publication in the Victorian Government Gazette of these amendments.
- 3.3. This Local Law ends on the tenth anniversary of the day on which it commenced operation unless sooner revoked.

4. Application of the Local Law

- 4.1. This Local Law applies to:
 - 4.1.1. Council meetings;
 - 4.1.2. Special Committee meetings; and
 - 4.1.3. Advisory Committee meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of the Local Law apply.

5. Definitions and Notes

5.1. In this Local Law –

Absolute Majority	Means a number of votes greater than one-half of the total number of votes cast, and if necessary, includes the vote by lot or second vote of the Chairperson.
Act	Means the <i>Local Government Act 1989</i> .
Advisory Committee	Means a committee established by Council as an advisory committee under the Act.
Agenda	Means a document containing the date, time and place of a meeting and a list of business to be transacted at the meeting.
Amendment	Means a proposed alteration to improve the terms of a motion, without being contradictory.
Authorised Officer	Means a person who is authorised by Council to carry out specific functions under this Local Law.
Chair	Refers to the Chairperson.
Chairperson	Means the person who chairs a meeting of the Council, Special or Advisory Committee of the Council and includes an acting, temporary or a substitute Chairperson.
Chief Executive Officer	Means the person who is appointed to be the Chief Executive Officer of Council or any person acting in that position.
Clause	Means a clause of this Local Law.
Committee meeting	Means a meeting of a Special Committee or an Advisory Committee.
Common Seal	Means the common seal of Council.
Council	Means the Baw Baw Shire Council.
Councillor	Means a person who is an elected member of the Council.
Council meeting	Means an Ordinary or Special meeting of the Council.
Division	Means a formal count and recording of the names of those for and those against a motion.
Delivery	Means notification in writing, in person or by any electronic means, including publication on the Council's Internet website.
Formal Motion	Means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but is used merely as a formal procedural measure and includes the following: <ol style="list-style-type: none">a. that the motion or amendment be put;b. that the motion be deferred;c. that the matter proceed to the next meeting; and

-
- d. that the motion or amendment before the Chair be adjourned to a later time in the same meeting.

General Business	Means business of a minor or routine nature.
Mayor	Means the Mayor of Council and any person acting as the Mayor.
Meeting	Means an Ordinary and a Special Meeting of the Council, and a meeting of a Special Committee.
Member	Means a member of a Special Committee established by Council under the Act and who is entitled to vote at a meeting.
Minister	Means the Minister responsible for administering the <i>Local Government Act 1989</i> .
Minutes	Means the record of proceedings of a meeting.
Motion	Means a proposed resolution before it has been adopted (passed or carried) by the meeting.
Municipality	Means the municipal district of Council.
Municipal Offices	Means the offices of the Council.
Notice of motion	Means a notice setting out the text of a motion which a Councillor proposes to move at a meeting.
Notice of rescission	Means a notice of motion to rescind or amend part or all of a resolution made by Council.
Offence	Means an act breaching this Local Law.
Officer	Means a member of Council staff.
Ordinary Meeting	Means any meeting of Council which is not a Special Meeting.
Part	Means a Part of this Local Law.
Penalty Units	Means penalty units as prescribed in the <i>Sentencing Act 1992</i> .
Point of Order	Is an objection made by a Councillor or a Member that the motion, amendment or statement currently before a Council meeting or a Special Committee meeting is contrary to this Local Law, Councillor Code of Conduct or the provisions of the Act, or is a defamatory, derogatory, irrelevant, or improper statement.
Procedural Motion	Means a motion dealing with the conduct of the meeting.
Quorum	Means the minimum number of members of a Council, Advisory or a Special Committee of Council required by the Act to be present in order to constitute a valid meeting of the Council, Advisory or Special Committee respectively.
Regulations	Means the Local Government (General) Regulations 2004.
Replica	In relation to the common seal of the Council means any representation which purports to be, looks like or is capable of

	being mistaken for the common seal whether fixed to or printed on a document or advertisement or sign and includes any use of a symbol resembling the common seal which is capable of misleading a person into believing it is used with the authority of the Council.
Resolution	Means a formal determination by a meeting of Council or Special Committee.
Senior Officer	Has the meaning ascribed to it in Section 3 of the Act.
Special Committee	Means a Special Committee established by Council under section 86 of the Act.
Special Meeting	Means a Special meeting of Council convened and held in accordance with Section 84 of the Act.
Statutory Meeting	Means the Annual Meeting of the Council held for the purpose of: <ul style="list-style-type: none"> - Swearing in of Councillors elected at a general election of the Council; and/or - Fixing any allowance in accordance with Section 74 of the Act; and/or - Electing the Mayor in accordance with Section 71 of the Act or any Deputy Mayor; and/or - Appointing Councillors on committees.
Suspension of Standing Orders	Means the suspension of the provisions of this Local Law to facilitate full discussion on an issue without formal constraints.
Urgent Business	Means business that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next Ordinary meeting or Special Committee meeting.
Visitor	Means any person (other than a Councillor, member of a Special Committee or member of Council staff) who is in attendance at a Council meeting or Special Committee meeting.
Vote	Means expression of opinion by show of hands
Written	Includes duplicated, photocopied, printed and typed.

5.1. Introduction to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

PART 2 – COMMON SEAL

Introduction: The Common Seal is a device which formally and solemnly records the collective will of Council. The provisions of this Part are designed to protect the integrity of the Common Seal, and describe when it can be affixed to a document.

PART 3 - ELECTION OF MAYOR, DEPUTY MAYOR AND COMMITTEE CHAIRPERSONS

Introduction: This part is concerned with the annual election of the Mayor, any Deputy Mayor and Committee Chairpersons.

7. Procedure for Election of Mayor

- 7.1. Any Councillor is eligible for election or re-election to the office of Mayor.
- 7.2. The Chief Executive Officer will be the temporary Chairperson of the meeting at which the election of the Mayor is held but will have no voting rights.
- 7.3. The Chief Executive Officer will be the returning officer for the election of the Mayor.
- 7.4. The Chief Executive Officer shall invite nominations for the office of Mayor, and the following procedures shall apply to the conduct of the election:
 - 7.4.1. Every nomination shall require a seconder.
 - 7.4.2. Any Councillor nominated may refuse nomination.
 - 7.4.3. If there is only one nomination received, the candidate nominated is declared elected.
 - 7.4.4. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates by a show of hands.
 - 7.4.5. If a candidate receives an absolute majority of the votes, that candidate is declared elected.
 - 7.4.6. If no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates.
 - 7.4.7. No division is to be accepted for the election of the Mayor.
 - 7.4.8. This procedure shall continue until one of the candidates has received an absolute majority of votes.
 - 7.4.9. In the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate or duly elected, the Chief Executive Officer must determine the result by lot.
- 7.5. The following provisions apply to the conduct of a lot by the Chief Executive Officer:
 - 7.5.1. Each candidate will draw one lot;
 - 7.5.2. The order of drawing lots will be determined by the alphabetical order of the last names of the Councillors who received an equal number of votes except that if two or more such Councillors' last names are identical, the order will be determined by the alphabetical order of the Councillors' given names;
 - 7.5.3. As many identical pieces of paper as there are Councillors who receive an equal number of votes must be placed in a receptacle;

7.5.4. If a lot is being conducted to determine which is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates); and

7.5.5. If a lot is being conducted to determine which candidate is to be duly elected, the word "Elected" must be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Elected" written on it must be declared to have been duly elected.

7.6. The Chief Executive Officer will declare the result of the election and the successful candidate.

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

8. Procedures for Election of Deputy Mayor

8.1. The procedure outlined in clause 7 of this Local Law will be used to elect a Deputy Mayor if the Council resolves to elect a Deputy Mayor.

9. Procedures for Election of Committee Chairperson

9.1. The procedure outlined in clause 7 of this Local Law will be used to elect Committee Chairpersons for all Advisory and Special Committees of Council, unless their Terms of Reference or Charter states otherwise and is endorsed by Council.

9.2. The Chief Executive Officer, or their delegate, will conduct the election of the Advisory and Special Committee Chairpersons.

10. Ceremonial Mayoral Speech

10.1. Upon being elected, the Mayor may make a ceremonial speech.

10.2. The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead based on the adopted Council Plan.

PART 4 – COUNCIL MEETING PROCEDURES

Introduction: The purpose of this Part is to regulate the proceedings of meetings, and describe how and when a meeting is convened and when and how business may be transacted at a meeting.

11. Matters Not Provided For

- 11.1. Where a situation has not been provided for under this Local Law, the Council may resolve to adopt a policy or procedure to determine the matter.

12. Dates and Times of Meetings

- 12.1. Council must from time to time fix the date, time and place of all Ordinary Meetings.
- 12.2. Council may change the date, time and place of any Ordinary Meeting which has been fixed and must provide notice of the change to the public.

13. Notice of Meetings

- 13.1. In accordance with section 89(4) of the Act, Council must before the holding of:
 - 13.1.1. an Ordinary Council Meeting; or
 - 13.1.2. a Special Council Meeting (other than a Special Meeting called in accordance with section 84(1)); or
 - 13.1.3. a meeting of a Special Committee comprised solely of Councillors, give reasonable notice (being at least 7 days notice) of the meeting to the public, including the time date and location of the meeting. Council may do this by preparing a schedule of meetings, either annually, twice yearly or from time to time, and arranging publication of such a schedule in a public notice.
- 13.2. The Chief Executive Officer must ensure that notice of, and the agenda for, any Ordinary Meeting or Special Meeting is available to every Councillor so that it is received at least 48 hours before the meeting.

14. Special Meetings

- 14.1. The Mayor or at least three Councillors may by a written notice call a Special Meeting.
- 14.2. The notice must specify the date and time of the Special Meeting and the business to be transacted.
- 14.3. The Chief Executive Officer must convene the Special Meeting as specified in the notice.
- 14.4. Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.
- 14.5. 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. Urgent or Emergency Meetings

- 15.1. An urgent or emergency meeting can be initiated under the following circumstances:

-
- 15.1.1. A natural disaster within the municipality; or
 - 15.1.2. The death, serious injury or the like of any Councillor or Senior Officer or other significant person, which would affect the normal operation of the Council, the organisation or the community and cannot wait until the next scheduled meeting of the Council.
 - 15.2. In the case of an emergency, the Chief Executive Officer or, in their absence, a Senior Officer, may call or postpone a meeting of the Council, without the necessity to comply with Clause 13 provided reasonable attempts are made to notify every Councillor.
 - 15.3. The Chief Executive Officer or Senior Officer must submit a full written report of the circumstances requiring their action to the next Ordinary Meeting of the Council.

16. Leave of Absence and Agenda

- 16.1. It is unnecessary for a notice of meeting or agenda to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held or agenda during the period of their absence.

17. Mayor to Chair Meetings

- 17.1. The Mayor must take the chair at all Council meetings at which he or she is present.
- 17.2. The Deputy Mayor must chair all Council meetings from which the Mayor is absent.
- 17.3. If the Mayor and Deputy Mayor are both absent from a meeting, Council must appoint one of the Councillors present to be the Acting Mayor in accordance with section 73(3) of the Act.

18. Quorum

- 18.1. The quorum for Council meetings, Special Meetings and Urgent and Emergency meetings is a majority of the number of Councillors.
- 18.2. If after 30 minutes from the scheduled starting time of any Council, Special, Urgent or Emergency meeting, a quorum cannot be obtained:
 - 18.2.1. Those Councillors present; or
 - 18.2.2. If there are no Councillors present, the Chief Executive Officer; or
 - 18.2.3. In the absence of the Chief Executive Officer, an authorised or senior officer;may adjourn the meeting for a period not exceeding fourteen days from the date of the adjournment.
- 18.3. If during any Council, Special, Urgent or Emergency meeting a quorum cannot be maintained:
 - 18.3.1. Those Councillors present; or
 - 18.3.2. If there are no Councillors present, the Chief Executive Officer; or

18.3.3. In the absence of the Chief Executive Officer, an authorised or senior officer;

may adjourn the meeting for a period not exceeding fourteen days from the date of the adjournment.

18.4. If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by a majority of Councillors, the Chief Executive Officer, or, in their absence, an authorised officer, may adjourn the item for a length of time sufficient to enable any dispensation for the affected Councillors to be granted by the Minister administering the Act.

18.5. The Chief Executive Officer must provide written notice of a meeting adjourned under clauses .2, .3, .4, but where this is not practicable because time does not permit that to occur, then, provided every reasonable attempt is made to contact every Councillor by telephone, in person or by any electronic means, is sufficient.

19. Time limits for Meetings

19.1. A Council, Special, Urgent or Emergency meeting must not go longer than three hours in duration, unless a majority of Councillors present vote in favour of its continuance.

19.2. In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Chairperson.

19.3. Council may adjourn any meeting.

19.4. The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

20. The Order of Business

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

20.2. In setting the order of business the Chief Executive Officer should have regard to:

20.2.1. The expected duration of the meeting;

20.2.2. Potential implications for subsequent meetings or events;

20.2.3. The sensitivity of any particular item;

20.2.4. The anticipated community interest in any particular item;

20.2.5. The urgency of any particular item; and

20.2.6. Any other relevant factor which may impact on the processes and good governance of the Council.

21. Change to the Order of Business

21.1. Once an agenda has been sent to Councillors, the order of business for that meeting may only be altered with the consent of Council.

22. Urgent Business

- 22.1. If the agenda for an Ordinary, Special Committee, Urgent or Emergency meeting makes provision for urgent business, business must not be admitted as urgent business unless it:
 - 22.1.1. Relates to or arises out of a matter which has arisen since distribution of the agenda; and
 - 22.1.2. Cannot safely or conveniently be deferred until the next Ordinary or Special Committee meeting.

23. General Business

- 23.1. Notwithstanding anything to the contrary in this Local Law, a Councillor may at an Ordinary meeting submit or propose an item of general business if the matter relates to:
 - 23.1.1. Business that calls for the presentation of a report to a subsequent meeting; or
 - 23.1.2. Condolence or ceremonial motions that are made from time to time.
- 23.2. A general business item cannot require the making of a decision that:
 - 23.2.1. Substantially affects level of Council service; or
 - 23.2.2. Commits Council to expenditure not included in the adopted Council Budget; or
 - 23.2.3. Establishes or amends Council policy; or
 - 23.2.4. Commits Council to any contractual arrangement; or
 - 23.2.5. Concerns any litigation in respect of which Council is a party or with which Council is otherwise concerned; or
 - 23.2.6. Requires, pursuant to a policy determined by Council from time to time, the giving of prior notice; or
 - 23.2.7. Deals with any prior Council resolutions.
- 23.3. The proposed general business motion must be tabled in writing before it is moved.

24. Councillor and Mayor Reports

- 24.1. Councillors and the Mayor have the opportunity at each Ordinary meeting to speak on any meetings, conferences or events which they have represented the Council at recently.
- 24.2. The duration of any report from a Councillor is limited to two minutes.
- 24.3. The duration of any report from the Mayor as part of the Mayoral Minute Report will be limited to three minutes in order to allow the Mayor to provide insight into the Mayoral role for the visitors to the meeting.

25. Petitions and Joint Letters

- 25.1. Council will recognise a petition or joint letter when it has been signed by five people or more, and must:
 - 25.1.1. Be in legible and permanent writing or typed;

-
- 25.1.2. Not be defamatory, indecent, abusive or objectionable in language or content; and
- 25.1.3. Not relate to matters beyond the powers of Council.
- 25.2. Any petition or joint letter that does not comply with sub-clause 21.1 will not be tabled at a Council meeting and will be forwarded directly to the appropriate member of Council staff for action.
- 25.3. Every page of a petition or joint letter must bear the whole of the petition or request.
- 25.4. Any signature appearing upon a page, which does not bear the whole of the petition or request, may not be considered by Council.
- 25.5. Where the petition relates to a current planning or subdivision application, the petition will be considered as an objection in accordance with the *Planning and Environment Act 1987* and will not be tabled at Council as a separate matter.
- 25.6. If a petition contains more than five signatures it will be presented to Council and then forwarded to the appropriate Director for action.
- 25.7. All petitions or joint letters received by Councillors and/or Council Officers must be lodged with the Chief Executive Officer for tabling no later than 5.00pm the day prior to the meeting.
- 25.8. All petitions or joint letters received after this deadline will be held over for tabling at the next Ordinary meeting.
- 25.9. A petition or joint letter presented to Council must lie on the table until the next Ordinary Meeting and no motion, other than to receive the petition or joint letter, may be accepted by the Chairperson unless Council agrees to deal with it earlier.
- 25.10. When tabled, Council must resolve to receive the petition or joint letter and to refer the matter for a report or appropriate action as required to a future meeting of the Council not more than 6 weeks away, unless the Council agrees to deal with it earlier.
- 25.11. Every page of a petition or joint letter, must be a single piece of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.
- 25.12. On receipt of a petition or joint letter, the Chief Executive Officer must note on the first page the total number of signatures.
- 25.13. A copy of the text of the petition or joint letter must be included in the minutes of the Council meeting at which it was tabled.
- 25.14. A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated Council may reply to the first or any person whose signature appears on the petition.
- 25.15. Any fraudulent signatures on a petition or joint letter which is then presented to Council will be deemed invalid.

26. Minutes

- 26.1. The Chief Executive Officer shall keep minutes of a Council meeting in accordance with section 93 of the Act.
- 26.2. When confirming the minutes of a meeting, opposition can only be expressed on the basis that the record contained in the minutes is incomplete or inaccurate.
- 26.3. The Chairperson must not allow discussion or motions on any other issue than the alleged omission from, or inaccuracy of the minutes.
- 26.4. If no Councillor indicates opposition, the Chairperson must declare the minutes to be confirmed.
- 26.5. If any Councillor indicates opposition, he or she must specify the particular item or items in the minutes concerned and may, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record.
- 26.6. Once the minutes are confirmed the Chairperson of the meeting at which they were confirmed, must sign them.

27. Suspension of Councillor

- 27.1. Council may suspend a Councillor from a meeting for the balance of the meeting.
- 27.2. A Councillor cannot be suspended unless:
 - 27.2.1. The Chairperson has warned the Councillor that he or she is engaging in improper or disorderly conduct, or that his or her actions are disrupting the business of Council at the meeting and have impeded its orderly conduct; and
 - 27.2.2. Council resolves that the Councillor's conduct following the Chairperson's warning is continuing and that the Councillor should be suspended.

PART 5 – MOTIONS AND DEBATES

Introduction: The purpose of this Part is to describe the types of motions, when they can be used, and the provisions that govern debate in a meeting.

28. Notices of Motion

- 28.1. Councillors may ensure that an issue is listed on an agenda by submitting to the Chief Executive Officer a notice of motion for consideration at a meeting.
- 28.2. A notice of motion must be in writing, signed by the Councillor, and be lodged with the Chief Executive Officer to allow sufficient time for inclusion in the agenda for the meeting.
- 28.3. The Chief Executive Officer may reject any notice of motion that is vague or unclear in intention after giving the Councillor delivering the notice an opportunity to amend it if it is practicable to do so.
- 28.4. On rejection of a notice of motion, the Chief Executive Officer must notify in writing the Councillor who lodged it and provide the reasons for the rejection.
- 28.5. A notice of motion should spell out the action proposed by the motion.
- 28.6. The Chief Executive Officer must cause all notices of motion to be sequentially numbered, dated and entered in a register.
- 28.7. If a Councillor who has given a notice of motion:
 - 28.7.1. Is absent from the meeting; or
 - 28.7.2. Fails to move the motion when called upon by the Chairperson;any other Councillor may move the motion, failing which the motion lapses.

29. Form of Motion

- 29.1. A motion or amendment, which is proposed by a Councillor at a meeting, must:
 - 29.1.1. Relate to the powers or functions of Council;
 - 29.1.2. Be clearly expressed and unambiguous;
 - 29.1.3. Not be defamatory or objectionable in nature; and
 - 29.1.4. Be relevant to an item on the agenda unless it relates to an item which has been admitted by the meeting under clause 19.
- 29.2. Any motion or amendment which differs in wording from a recommendation or notice of motion which is on the agenda must, if requested by the Chairperson, be written out by the proposer and given to the Chairperson.
- 29.3. Any motion or amendment which does not conform to clause 25.1 may be rejected by the Chairperson.

30. Moving a Motion or Amendment

- 30.1. The procedure for any motion or amendment is:
 - 30.1.1. The mover must first state the motion or amendment without speaking to it;
 - 30.1.2. The motion or amendment must be seconded by a Councillor other than the mover;

-
- 30.1.3. Any motion or amendment which is not seconded lapses;
 - 30.1.4. If the motion or amendment is seconded, the Chairperson must call the mover to address the meeting;
 - 30.1.5. After the mover has addressed the meeting, the seconder may address the meeting;
 - 30.1.6. After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chairperson may call upon any Councillor who wishes to speak against the motion or amendment;
 - 30.1.7. If no Councillor speaks against the motion or amendment then the Chairperson may put the motion or amendment or call any other Councillor to speak.
- 30.2. A Councillor may speak once on the motion or amendment except for the mover of a motion who has a right of reply in accordance with clause 27 after which the motion must be put to the meeting for decision.
 - 30.3. A Councillor may be permitted by the Chairperson or by resolution to speak more than once to explain that the Councillor has been misrepresented or misunderstood.
 - 30.4. A Councillor calling the attention of the Chairperson to a Point of Order is not regarded as speaking to the motion or the amendment.

31. Right of Reply

- 31.1. The mover of a motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.
- 31.2. After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.
- 31.3. No right of reply is available where an amendment is before the Council.

32. Amendments

- 32.1. With the leave of the Chairperson, both the mover and the seconder of a motion may agree to an alteration proposed by another Councillor without the need to formally amend the motion as provided for in this clause.
- 32.2. A motion having been moved and seconded may be amended by leaving out or adding words, which must be relevant to the original motion and framed as to complement it as an intelligible and consistent whole.
- 32.3. A motion to confirm a previous resolution of Council cannot be amended.
- 32.4. An amendment may be proposed or seconded by any Councillor except the mover or seconder of the motion.
- 32.5. A Councillor may address the meeting once on any amendment, whether or not they have spoken to the motion but debate must be confined to the terms of the amendment.
- 32.6. Only one amendment can be before the meeting at a time and until it is put to the vote no further amendment can be proposed, but with the leave of the

Chairperson another amendment or a new motion can be foreshadowed by any Councillor stating in brief terms the nature of it.

32.7. If the amendment is carried:

32.7.1. The motion as amended then becomes the motion before the meeting;

32.7.2. The mover and seconder of the amendment are deemed to be the mover and seconder of the motion before the meeting; and

32.7.3. The amended motion can then be further amended.

33. Foreshadowing Motions

33.1. At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

33.2. 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.

33.3. A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.

34. Withdrawal of Motions

34.1. Once a motion or amendment is seconded it cannot be withdrawn, except with the leave of the Chairperson prior to the motion being put to the vote.

34.2. If the mover or seconder of a motion or an amendment indicates that he or she wishes to withdraw from moving or seconding the motion or amendment, the Chairperson may seek another mover or seconder (as the case requires), but if no Councillor indicates his or her willingness to be the substitute mover or seconder, the motion lapses.

35. Separation of Motions

35.1. A Councillor may request at any time before a vote is taken on a motion or amendment which is in two or more parts, that each part be put to the vote separately.

35.2. The Chairperson may consent to or refuse such a request.

36. Repeating Motion and/or Amendment

36.1. Despite any other provisions of this Local Law, before putting a motion or amendment to the vote, the Chairperson may require the Chief Executive Officer to read out the text of the motion or amendment.

37. Councillor must rise when speaking

37.1. A Councillor need not rise when proposing or seconding a motion or amendment but except in the case of sickness or physical disability, must rise when addressing the meeting.

37.2. The Chairperson may remain seated when speaking at a meeting.

38. Mode of Address

38.1. A Councillor or any other person who addresses a meeting must do so in a courteous manner and must direct their address through the Chair.

-
- 38.2. Any person addressing the Chair should refer to the Chairperson as:
- 38.2.1. Madam Mayor; or
 - 38.2.2. Mr Mayor; or
 - 38.2.3. Madam Chairperson; or
 - 38.2.4. Mr Chairperson
- as the case may be.
- 38.3. All Councillors, other than the Mayor, should be addressed as Cr _____ (name).
- 38.4. All Officers should be addressed by their first and last name or by their official title.

39. Debate

- 39.1. A Councillor must not in any debate make any defamatory, indecent, abusive, offensive or disorderly statement or comment.
- 39.2. If such a statement or comment 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.
- 39.3. Debate must always be relevant to the motion before the Chair, and if not, the Chairperson may request the speaker to confine debate to the subject matter.
- 39.4. If after being requested to confine debate to the motion before the Chair, the Councillor continues to debate irrelevant matters, the Chairperson may require the Councillor to not speak further in respect of the matter before the Chair.
- 39.5. In cases where there is competition for the right to speak at a meeting, the Chairperson must decide the order in which Councillors may speak.
- 39.6. If a debate is adjourned by motion, then the Councillor who moved the adjournment has the right to speak first when the debate is resumed.
- 39.7. A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.
- 39.8. The Chairperson may speak on any matter under discussion.
- 39.9. When exercising a right of reply, a Councillor must not introduce a new matter.

40. Time Limits for Debate

- 40.1. A Councillor must not speak on any one motion or amendment or other matter before a meeting for a time longer than that stated below unless granted an extension by the Chairperson:
- 40.1.1. the mover of a motion: 5 minutes
 - 40.1.2. any other speaker: 3 minutes
 - 40.1.3. the mover of a motion exercising a right of reply 2 minutes

41. Extension of Time Limits

- 41.1. An extension of speaking time may be granted by the Chairperson but only one extension is permitted for each Councillor on any motion.

41.2. Any extension of speaking time must not exceed three minutes.

42. Revocation and Amendment

42.1. Motions to revoke or amend a previous resolution can be made in the following ways:-

42.1.1. By notice of revocation; or

42.1.2. By report by an officer on the agenda.

42.2. Any notice of motion that proposes that revocation or amendment of a previous resolution of Council must be included on an agenda for the meeting at which it is to be considered and cannot be proposed as an item of urgent business.

42.3. A previous resolution can only be revoked or amended if it has not been acted upon.

42.4. 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.

42.5. A resolution will be deemed to have been acted on if:

42.5.1. Its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or

42.5.2. A statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.

43. Formal Motions

43.1. Unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.

43.2. The procedure for, and result of any formal motions is set out in the Schedule.

43.3. Both the mover and seconder of a formal motion must not have moved, seconded or spoken to the substantive motion or any amendment of it before the Chair.

43.4. The Chair cannot move a formal motion.

43.5. Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.

43.6. Unless otherwise provided, a formal motion cannot be amended.

44. Points of Order

44.1. A Councillor may call a point of order in relation to:

44.1.1. A motion, which, under clause 25, should not be accepted by the Chairperson;

44.1.2. A question of procedure or clarification of fact;

44.1.3. A Councillor who is or appears to be out of order; or

44.1.4. Any act of disorder.

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

-
- 44.3. When a point of order is called the Councillor speaking at the time must stop and be seated (unless asked by the Chairperson for an explanation), until the Chairperson rules upon it.
 - 44.4. The Chairperson may take a point of order from any Councillor.
 - 44.5. A Councillor may call a point of order by stating, 'Point of Order' and must:
 - 44.5.1. State the point of order; and
 - 44.5.2. State any section, clause, paragraph or provision relevant to the point of order.
 - 44.6. The Chairperson may adjourn the meeting to consider a point of order which has been taken, and must rule upon it as soon as possible and before the business of the meeting proceeds further.
 - 44.7. The Chairperson must, when ruling upon a point of order, state the provision of this Local Law or other legislation, rule, custom or practice upon which he or she is basing the ruling.

45. Suspension of Standing Orders

- 45.1. Any provision of this Local Law, except that relating to a quorum, may by resolution be suspended for any part of a meeting.
- 45.2. The Chairperson or any Councillor may indicate a desire to suspend standing orders to expedite the business of a meeting.
- 45.3. The Chairperson may suspend standing orders by resolution of the meeting.
- 45.4. The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- 45.5. Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- 45.6. It should not be used purely to dispense with the processes and protocol of the governance of Council.
- 45.7. An appropriate motion would be "That standing orders be suspended to enable discussion on...."
- 45.8. No motion, except one which proposes the resumption of standing orders, may be accepted by the Chairperson during such suspension.
- 45.9. An appropriate motion would be "That standing orders be resumed."

46. Voting

- 46.1. To determine a motion or amendment before a meeting, the Chairperson must first call for those in favour of the motion or amendment and then those opposed to the motion or amendment, and must then declare the result to the meeting.
- 46.2. In the event of an equality of votes, the Chairperson has a casting vote, except in cases where the Act provides that a matter or amendment is to be determined by lot.

-
- 46.3. When using a casting vote, the Chairperson must make clear to the meeting whether the casting vote is in favour or opposition to the motion or amendment and state clearly the reason for that vote.
 - 46.4. Unless Council resolves otherwise except for voting in secret if the meeting is open to members of the public, voting on any matter is by show of hands.
 - 46.5. At any meeting a Councillor may immediately after the Chairperson has put any motion, amendment or other question to the vote and has announced the result of that vote, ask that his or her name be recorded in the minutes as having voted in the negative.

47. Divisions

- 47.1. At any meeting a division may be called by a Councillor immediately after the Chairperson has put any motion or amendment to the vote and has announced the result of that vote.
- 47.2. A division cannot be called after the meeting has commenced to consider the next item on the agenda after that to which the call for a division relates.
- 47.3. The calling of a division sets aside the result of the voting announced by the Chairperson.
- 47.4. When a division has been called, the Chairperson must ask Councillors voting in the affirmative to raise a hand, and then announce the names of those Councillors.
- 47.5. The Chairperson must then ask for those voting in the negative to stand up and announce the names of those Councillors.
- 47.6. The names of Councillors voting in the affirmative and in the negative must be recorded in the minutes of the meeting.
- 47.7. No Councillor is prevented from changing his or her original vote on the division, and the outcome of the division will determine whether the motion or amendment is carried or is lost.
- 47.8. The Chairperson must announce the result of the vote immediately after the division is taken.

48. Motion of Dissent

- 48.1. When the Chairperson makes a ruling on a point of order during a meeting, a Councillor may move a motion that the meeting disagree with the Chairperson's ruling, being, "That the Chairperson's ruling be dissented from".
- 48.2. When a motion of dissent is moved and is seconded, the following procedures must be followed:
 - 48.2.1. The Chairperson must invite the mover to state the reasons for his or her dissent, and the Chairperson may then reply;
 - 48.2.2. The matter is put to the vote and the Chairperson announces the result; and
 - 48.2.3. The Chairperson is bound by the result of the motion of dissent – if it is carried then his or her previous ruling is changed so that it conforms with the motion of dissent; if it is defeated then his or her previous ruling stands.

48.3. The defeat of the Chairperson's ruling is not a motion of censure or no confidence in the Chairperson, and must not be so regarded by the meeting.

PART 6 – COMMUNITY PARTICIPATION

49. Addressing the Council

- 49.1. Council may allocate time to enable any member of the community to address the Council at an Ordinary meeting of the Council or other alternative time in accordance with any Council Community Participation Time or Council Meeting Policy.
- 49.2. Clause 45.1 does not apply where the Council has resolved to close the meeting in respect of a matter under Section 89(2) of the Act.
- 49.3. 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.

50. Conduct at Meetings by Visitors

- 50.1. Silence must be preserved by visitors in the gallery (other than by a person in the gallery who is invited to address the meeting) at all times during a meeting.
- 50.2. Visitors at a meeting must not interject, jeer, call a point of order, vote or take part in the debate and must behave in a respectful and appropriate manner that allows the meeting to proceed without disruption.
- 50.3. Visitors must not bring in any placards, posters or materials other than personal effects unless prior permission has been sought and granted from the Mayor or Chairperson.
- 50.4. The Chairperson has the discretion to cause the removal of any visitor (or any Councillor subject to clause 23) that disrupts any meeting or fails to comply with a direction.
- 50.5. Any authorised officer or member of the Victoria Police may remove from the meeting any person who acts in breach of this Local Law.
- 50.6. The Chairperson may adjourn a disorderly meeting.

51. Recording of Proceedings

- 51.1. A person must not operate film, photograph, or tape, or operate equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chairperson.
- 51.2. In deciding whether or not to give such consent, the Chairperson may ask whether any person present at the meeting objects.
- 51.3. Such consent may at any time during the course of such meeting be revoked by the Chairperson.

PART 7 - CONFIDENTIALITY

Introduction: The purpose of this Part is to provide the guidance required to balance the needs of the Council for information to be kept confidential and the rights of the community for openness.

52. Application generally

- 52.1. Any person who has access to any information that is deemed confidential is bound by this part of the Local Law.
- 52.2. This part of the Local Law does not override:
 - 52.2.1. An individual's statutory obligation in respect of the use of information and the necessity of disclosing any conflict of interest in a matter under consideration by the Council; or
 - 52.2.2. The Council's obligations under the Act or any other legislation to disclose or publish information required by law to be disclosed or published.

53. Items considered Confidential

- 53.1. It is necessary to balance the need for Council to consider certain matters confidentially against the fundamental principle of open decision making.
- 53.2. Matters classified as confidential generally relate to reports containing:
 - 53.2.1. Commercial in confidence information which has been provided by tenderers, contractors or joint venturers;
 - 53.2.2. Information that would be of direct financial or other disadvantage to Council if it were circulated publicly;
 - 53.2.3. Information that should be kept confidential relating to staff or other personnel issues; and
 - 53.2.4. Information that is still only partly formulated and may, if released, give a misleading view to the community of what Council is planning.

54. Source and Categorisation of Confidential Information

- 54.1. "Information" includes letters, reports, documents, faxes, attachments, tapes, electronic media, and all other forms of information.
- 54.2. Confidential information may be derived from outside the Council, including:
 - 54.2.1. Commercial in confidence information provided by contractors or tenderers, joint venture partners and wholly owned subsidiaries of Council;
 - 54.2.2. Confidential information from government departments or ministers;
 - 54.2.3. Financial and legal opinion/analysis where the disclosure of that information may prejudice the Council's position or that of a third party; and
 - 54.2.4. Information presented to Councillors at meetings outside of formal Council meetings.
- 54.3. Confidential information shall not be:
 - 54.3.1. Disclosed to any third party without the Council's consent; and

-
- 54.3.2. Incorporated in the agenda and minutes of any Council meeting (except by reference) unless in the agenda or minutes of a meeting of the Council that has been closed to members of the public.

55. Consideration of Confidential Material at meetings of Council

- 55.1. The following procedures will apply to the preparation of confidential material for consideration at meetings of Council:
 - 55.1.1. Management will make a recommendation as to what is considered confidential in line with clauses 49 and 50;
 - 55.1.2. The material will be clearly identified as confidential; and
 - 55.1.3. The reason for confidentiality will be set out in that material.
- 55.2. Councillor briefings and informal meetings are considered confidential and the information presented at these meetings is confidential unless:
 - 55.2.1. The meeting agrees to release the information; and/or
 - 55.2.2. Officers are required to take the action or report to a formal meeting of Council to achieve resolution.
- 55.3. Matters resolved in a meeting of the Council that has been closed to members of the public in accordance with the Act will remain confidential unless Council resolves otherwise.

56. Types of Information to be deemed Confidential

- 56.1. Without in any way limiting the application of the Act, information which a “person knows, or should reasonably know” Council wishes to keep confidential:
 - 56.1.1. An agenda item which is marked “Confidential” is intended to be confidential;
 - 56.1.2. If a meeting of Council or any formal meeting of Council that has delegated authority resolves that an item is to be confidential in accordance with the Act, it is intended to be confidential;
 - 56.1.3. If the Mayor or Chairperson of a Council meeting or any formal meeting of Council that has delegated authority, or the Chief Executive Officer asks that a matter be treated as confidential and no attendee present indicates an intention not to respect that request, the matter is intended to be confidential, noting that in the event that an attendee does indicate to the contrary, Council will formally resolve as to whether the issue shall remain confidential;
 - 56.1.4. If Council exercises its power under the Act to close its meeting to members of the public, matters discussed during that closed meeting or the closed portion of the meeting are intended to be confidential;
 - 56.1.5. Information which is expressed to be given to Councillors in confidence is intended to be confidential;
 - 56.1.6. Information which is not expressly declared to be confidential but which contains information about the personal affairs of any party or is information which could result in any action being taken against Council for defamation is intended to be confidential;

-
- 56.1.7. Legal advice given to Council is presumed to be confidential unless or until Council, or the Chief Executive Officer declares it not to be confidential;
 - 56.1.8. Where papers are provided and state the word “confidential”, the information contained on these papers is intended to be confidential;
and
 - 56.1.9. The agendas and minutes of the audit committee are intended to be confidential.
- 56.2. If a person has any doubt as to whether Council intends to keep information confidential, it is preferable to act on the assumption that Council intends to do so until the doubt is resolved at a subsequent meeting of Council.

PART 8 - COMMITTEES

Introduction: The purpose of this Part is to regulate proceedings at Committee meetings.

Division 1 – Special Committees

57. Application generally

- 57.1. Except as provided in this Part, if Council establishes a Special Committee, Part 4 and Part 5 of this Local Law apply with any necessary modifications.
- 57.2. For the purpose of clause 53.1, a reference in Part 4 to:
 - 57.2.1. A Council meeting is to be read as a reference to a meeting of the Special Committee;
 - 57.2.2. A Councillor is to be read as a reference to a member of the Special Committee; and
 - 57.2.3. The Mayor is to be read as a reference to the Chairperson of the Special Committee.

58. Quorum

- 58.1. The quorum for a meeting of a Special Committee must be at least a majority of the number of members of the Committee.

59. Addressing a Special Committee Meeting

- 59.1. It is not necessary for a Member to rise when addressing a Special Committee meeting.

60. Application specifically

- 60.1. If Council establishes a Special Committee, Council may resolve that a provision of Part 4 does not apply.

Division 2 – Advisory Committees

61. Application specifically

- 61.1. If Council establishes an Advisory Committee, Council may resolve that various provisions of Part 4 and Part 5 apply to that Advisory Committee with any necessary modifications.

PART 9 - OFFENCES

Introduction: The purpose of this Part is to provide guidance as to when it is an offence under this Local Law and the consequences of committing an offence.

62. Offences

62.1. It is an offence-

62.1.1. For any person to use the common seal or a replica without the authority of Council;

Penalty: 20 penalty units.

62.1.2. For a Councillor or Member 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 by the Chairperson to do so;

Penalty: 5 penalty units.

62.1.3. For any visitor or person, not being a Councillor or Member, 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;

Penalty: 5 penalty units.

62.1.4. For a Councillor or Member to refuse to leave the Chamber on suspension; or

Penalty: 5 penalty units.

62.1.5. For any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting or the maintenance of order.

Penalty: 5 penalty units.

63. Infringement Notices

63.1. An Authorised Officer or a member of Victoria Police may issue an infringement notice for an offence against this Local Law.

63.2. The form of an infringement notice shall be in the form as described in section 13 of the *Infringements Act 2006*.

SCHEDULE – FORMAL MOTIONS

Procedural Motion	Form	Mover & Secunder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1.Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(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
2.Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(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 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 meeting if on the agenda	Debate continues unaffected	Yes

Procedural Motion	Form	Mover & Secunder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
3. 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	During the 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
4. 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	During the election of a Chairperson; During a meeting which is a call of the Council has been made for that meeting in accordance with section 85 of the Act; or When the motion would have the effect of causing Council to be in breach of a legislative requirement.	Motion and amendment is not further discussed or voted on until: Council resolves to take the question from the table at the same meeting; or The matter is placed on a subsequent agenda and Council resolves to take the question from the table.	Debate continues unaffected	No

Procedural Motion	Form	Mover & Secunder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
5. 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	<ul style="list-style-type: none"> (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 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 	<ul style="list-style-type: none"> (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

Procedural Motion	Form	Mover & Secunder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
6. Proceeding to next business	That the meeting proceed to the next business Note: This motion: (a) May not be amended (b) May not be debated; and (c) Must be put to the vote as soon as seconded	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(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 meeting in accordance with section 85 of the Act; or (d) When a motion would have the effect of causing Council to be in breach of a legislative requirement	If carried in respect of: (a) An amendment, Council considers the motion without reference to the amendment; (b) A motion – no vote or further discussion on the motion until it is placed on an agenda for a later meeting.	Debate continues unaffected	No

The COMMON SEAL of)
BAW BAW SHIRE COUNCIL)
was affixed on 31 March 2015)
in the presence of:



.....D. Brown.....
Mayor/Councillor

.....
Chief Executive Officer/Authorised Officer

CERTIFICATION

This Local Law was made by resolution of Baw Baw Shire Council on 11 March 2015

Date of public notice of the making of this Local Law in Warragul & Drouin Gazette
newspaper: Tuesday 14 April 2015

Date of notice of the making of this Local Law in the Victoria Government
Gazette: Thursday 16 April 2015

Date of sending this Local Law to the Minister: Wednesday 8 April 2015