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# Governance Rules



September 2022

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Northern Grampians Shire Council  
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## INTRODUCTION

### 1. Nature of Rules

These are the Governance Rules of the Northern Grampians Shire Council, made in accordance with section 60 of the *Local Government Act 2020*.

### 2. Date of Commencement

These Governance Rules commence on 1 September 2022

### 3. Contents

These Governance Rules are divided into the following Chapters—

Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Election Period Policy
Chapter 6	Disclosure of Conflict of Interest
Chapter 7	Miscellaneous

### 4. Definitions

In these Governance Rules, unless the context suggests otherwise, the following words and phrases mean—

<i>Act</i>	<i>means the Local Government Act 2020</i>
<i>attend and in attendance</i>	<i>include attend or in attendance by electronic means</i>
<i>Chief Executive Officer</i>	<i>means the Chief Executive Officer of Council</i>
<i>Community Asset Committee</i>	<i>means a Community Asset Committee established under section 65 of the Act</i>
<i>Council</i>	<i>means the Northern Grampians Shire Council</i>
<i>Councillor</i>	<i>means a person who is an elected member of the Council as defined under the Act</i>
<i>Council meeting</i>	<i>means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting (whether held as face to face (in-person) attendance in a set location or via electronic means of communication (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance</i>
<i>delegated committee</i>	<i>means a delegated committee established under section 63 of the Act</i>
<i>Mayor</i>	<i>means the Mayor of the Council</i>
<i>these Rules</i>	<i>means these Governance Rules</i>
<i>senior officer</i>	<i>means a member of the Executive Leadership Team</i>

## CHAPTER 1 - GOVERNANCE FRAMEWORK

### 1. Context

*These Rules* should be read in the context of and in conjunction with—

1.1 the overarching governance principles specified in section 9(2) of the *Act*, and

1.2 the following documents adopted or approved by *Council*—

1.2.1 *Councillor Code of Conduct*

1.2.2 *Election Period Policy*

1.2.3 *Conflict of Interest Procedure*

1.2.4 *Code of Conduct for Staff*

1.2.5 *Audit and Risk Committee Charter*

1.2.6 *Council Expenses Policy*

1.2.7 *Public Transparency Policy*

1.2.8 *Community Engagement Policy*

1.3 any relevant Ministerial Direction Guidelines prepared by the Minister for Local Government.

### 2. Decision Making

2.1 In any matter in which a decision must be made by a *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision—

2.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and

2.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.

2.2 *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).

2.3. Without limiting anything in paragraph (b) of this sub-Rule—

2.3.1 before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;

2.3.2 if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;

2.3.3 if a report to be considered at a *delegated committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and

2.3.4 if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such persons were provided with an opportunity to communicate their views and their interests considered.



## CHAPTER 2 - MEETING PROCEDURE FOR COUNCIL MEETINGS

### PART A - Introduction

#### 1. Title

This Chapter will be known as the “Meeting Procedure Chapter”.

#### 2. Purpose of this Chapter

The purpose of this Chapter is to—

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor;
- 2.3 provide for the procedures governing the conduct of *Council meetings*; and
- 2.4 set the rules of behaviour for those participating in or present at *Council meetings*.

#### 3. Definitions and Notes

3.1 In this Chapter, the following words—

<i>absolute majority</i>	<i>means the number of Councillors or members which is greater than half the total number of the members of a Council or committee</i>
<i>agenda</i>	<i>means the notice of a meeting setting out the business to be transacted at the meeting</i>
<i>amendment</i>	<i>means a proposed alteration to improve the terms of a motion, without being contradictory</i>
<i>Chair</i>	<i>means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the Act</i>
<i>delegated committee</i>	<i>means a delegated committee established by council under s.63 of the Act to exercise any power of a council</i>
<i>division</i>	<i>means a formal count and recording of the names of those for, and those against and abstaining from voting on a motion</i>
<i>minutes</i>	<i>means the collective record of proceedings of meetings</i>
<i>municipal district</i>	<i>means the municipal district of Council</i>
<i>notice of motion</i>	<i>means a notice setting out the text of a motion which it is proposed to move at the next relevant meeting</i>
<i>notice of rescission</i>	<i>means a notice of motion to rescind a resolution made by Council</i>
<i>point of order</i>	<i>means an objection made by a Councillor that any matter or situation currently before a Council meeting is contrary to these Rules, or is a defamatory, derogatory, irrelevant, or improper statement</i>
<i>quorum</i>	<i>means the minimum number of members of the Council or committee required by the Act and these Rules to be present in order to constitute a valid Council or committee meeting</i>
<i>resolution</i>	<i>means a formal decision made at a meeting of a Council, delegated committee and/or Community Asset Committee</i>
<i>unscheduled Council meeting</i>	<i>means a meeting that is not part of the advertised existing schedule of meetings</i>
<i>vote</i>	<i>means expression of opinion by a show of hands</i>
<i>written</i>	<i>includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and writing has a corresponding meaning</i>

3.2 Introductions to some Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

## Part B - Election of Mayor

*Introduction: This Part is concerned with the annual election of the Mayor. It describes how the Mayor is to be elected.*

### 4. When Required

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act*.

### 5. Method of Voting

The election of the *Mayor* must be carried out by a show of hands.

### 6. Determining the Election of the Mayor

- 6.1 The election of the *Mayor* must be conducted in accordance with the *Act* and *these Rules*.
- 6.2 At a meeting that is open to the public, the *Councillors* must elect a *Councillor* to be the *Mayor* of the *Council*.
- 6.3 At any meeting to elect the *Mayor*, the *Chief Executive Officer* will be the *Chair* and must open the meeting, invite nominations for the office of *Mayor* and confirm acceptance of the nomination with the nominee.
- 6.4 The election of the *Mayor*, or of a temporary or acting *Chair*, must be carried out by a show of hands.
- 6.5 Subject to sub-Rules 6.6 and 6.7.2, the *Mayor* must be elected by an *absolute majority* of the *Councillors*.
- 6.6 If an *absolute majority* cannot be obtained at the meeting, the *Council* may resolve to conduct a new election at a later specified time and date.
- 6.7 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*—
  - 6.7.1 the nomination of a candidate for office must be moved and seconded by a *Councillor* other than the nominee and accepted by the nominee;
  - 6.7.2 where only one *Councillor* is a candidate for *Mayor* the meeting must declare that *Councillor* to be duly elected as *Mayor*;
  - 6.7.3 where two or more nominations are received, a *vote* must be taken and the *Councillor* who receives the number of *votes* equal to or greater than half the *Councillors* of the *Council* must be declared elected;
  - 6.7.4 where two candidates have been nominated and no candidate receives the number of *votes* equal to half the *Councillors* of the *Council*, a second *vote* will be conducted;
  - 6.7.5 where, after a second *vote*, two candidates have been nominated and no candidate receives the number of *votes* equal to half the *Councillors* of the *Council* the *Chief Executive Officer* will seek the meeting to resolve to conduct a new election at a meeting to be held at 6pm the following day;
  - 6.7.6 in the event that no candidate receives an *absolute majority* of the *votes*, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of *votes* must be declared to be a defeated candidate. The *Councillors* present at the meeting must then *vote* for one of the remaining candidates;
  - 6.7.7 if one of the remaining candidates receives an *absolute majority* of the *votes*, they are duly elected. If none of the remaining candidates receives an *absolute majority* of the *votes* and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with the fewest number of *votes* a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an *absolute majority* of the *votes*. That candidate must then be declared to have been duly elected;
  - 6.7.8 in the event of two or more candidates having an equality of *votes* and one of them having to be declared:
    - (a) a defeated candidate; and
    - (b) duly elected

the declaration will be determined by lot;

- 6.7.9 If a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
- (a) each candidate will draw one lot;
  - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the *Councillors* who received an equal number of *votes* except that if two or more such *Councillors*' surnames are identical, the order will be determined by the alphabetical order of the *Councillors*' first names; and
  - (c) as many identical pieces of paper as there are *Councillors* who received an equal number of *votes* must be placed in a receptacle. If the lot is being conducted to determine who 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 unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected); and
- 6.7.10 no candidate can be elected unless they receive an *absolute majority* of the votes.

## 7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for—

7.1 any office of Deputy Mayor; or

7.2 Chair of a *delegated committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the—

7.3 *Chief Executive Officer* is a reference to the *Mayor*; and

7.4 *Mayor* is a reference to the Deputy *Mayor* or the *Chair* of the *delegated committee* (as the case may be).

## 8. Appointment of Acting Mayor

8.1 If *Council* has not established an office of Deputy Mayor and there is a vacancy in the office of the *Mayor* or if the *Mayor* is unable for any reason to attend a *Council meeting* or part of a *Council meeting* or is incapable of performing the duties of the office of *Mayor* for any reason, including illness, the *Council* must—

8.1.1 resolve that a specified *Councillor* be so appointed as the Acting *Mayor* for a specified period; or

8.1.2 follow the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.

## Part C - Meetings Procedure

*Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.*

## 9. Purpose

9.1 *Council* holds scheduled meetings and *unscheduled Council meetings* when required to conduct the business of the *Council*.

9.2 *Council* is committed to transparency in decision making and, in accordance with the *Act*, *Council* and *delegated committee* meetings are open to the public unless the *Council* or *delegated committee* considers it necessary to close the meeting to the public because of the following circumstances—

- (a) the meeting is to consider confidential information; or
- (b) for security reasons; or

(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

- 9.3 If the circumstances specified in sub-Rules 9.2(b) and (c) apply, the meeting can only be closed to the public if the *Council* or *delegated committee* has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.
- 9.4 For the purposes of 9.3, the arrangements may include provision to view the proceedings on the internet or on closed circuit television.
- 9.5 If a meeting is to be closed to the public to consider confidential information, the *Council* or *delegated committee* must record in the *minutes* of the meeting that are available for public inspection—
- (a) the ground/s for determining to close the meeting by reference to the grounds specified in the definition of *confidential information* in section 3(1); and
  - (b) an explanation of why the specified ground/s applied.

## 10. Apologies and Absences

- 10.1 A *Councillor* who is unable to attend a meeting may submit an apology—
- (a) in writing to the *Chair*, who will advise the meeting;
  - (b) by seeking another *Councillor* to submit it at the meeting on their behalf;
- 10.2 An apology submitted to a meeting will be recorded in the *minutes*.
- 10.3 A *Councillor* intending to take a leave of absence should submit it in writing to the *Mayor*.
- 10.4 The *Mayor* will seek to have any leave of absence request received included in the *agenda* of the next *Council meeting*.
- 10.5 A leave of absence not included in a *Council meeting agenda* may still be considered by the *Council* if a *written* request has been received by the *Mayor* prior to the meeting.
- 10.6 *Council* will not necessarily withhold its approval of a leave of absence request.
- 10.7 A *Councillor* who has not submitted an apology or had a leave of absence approved who is not in attendance at a *Council meeting* will be recorded as absent.

## Division 1 - Notices and Agendas

*Overview: Council meetings are held regularly to conduct the ongoing business of the Council and unscheduled meetings may be held from time to time. It is important that the community is made aware of the times, dates and locations of Council and delegated committee meetings and the matters the Council will consider. The timing of this notice should give the community adequate time to make arrangements to attend the meeting or view via the livestream if available.*

*An agenda for each Council meeting must be provided to Councillors in advance so that they can prepare adequately for the Council meeting. The agenda contains the order of business and the professional advice of the organisation, with a recommendation for Council to consider.*

*The agenda is made available to the public via Council's website and at Customer Service Centres.*

## 11. Dates and Times of Meetings Fixed by Council

- 11.1 The date, time and place of all *Council meetings* are to be fixed by the *Council* from time to time and reasonable notice (at least seven days unless urgent or extraordinary circumstances prevent *Council* complying with this minimum) of such meetings must be provided to the public.
- 11.2 Advertising of *Council meetings* can be done as a schedule of meetings either annually or at various times throughout the year, or just prior to each meeting unless extraordinary circumstances exist.
- 11.3 The *Council* may alter the date, time and place of any *Council meeting* which has been fixed by it and must provide reasonable notice (at least seven days unless urgent or extraordinary circumstances prevent *Council* complying with this minimum) of the change to the public.
- 11.4 The *Council* by resolution can determine the proposed or preferred format style of meetings (in-person, electronic including hybrid or parallel) noting the criteria and process available for a member who wishes to request approval to attend by electronic means.
- 11.5 The *Council* may determine certain meetings that must be held solely as face-to-face (in-person) meetings.

## 12. Urgent or Extraordinary Circumstances

- 12.1 If urgent or extraordinary circumstances prevent the *Council* from complying with the minimum of seven days' notice, the *Council* will—
- 12.1.1 give such notice as is practicable via the *Council* website and social media streams as well as at each Customer Service Centre; and
  - 12.1.2 specify in the minutes the urgent or extraordinary circumstances which prevented the *Council* from complying.
- 12.2 In the case of an emergency, the *Chief Executive Officer* or, in the absence of both, a *senior officer*, may postpone a *Council meeting*, provided every reasonable attempt is made to notify every *Councillor* of the postponement.
- 12.3 The *Chief Executive Officer* or *senior officer* must submit a full written report of the circumstances requiring their action in respect of the emergency postponement at the next *Council meeting*.

## 13. Unscheduled Council Meetings (meetings not fixed by *Council*)

- 13.1 *Council* may by *resolution* call an *unscheduled Council meeting*.
- 13.2 The *Mayor* or at least three *Councillors* may by a *written notice* to the *Chief Executive Officer* call an *unscheduled Council meeting*.
- 13.3 A *written notice* to call an *unscheduled Council meeting* must—
- 13.3.1 specify the date and time of the *Council meeting* and the business to be transacted;
  - 13.3.2 be delivered to the *Chief Executive Officer* in sufficient time to enable at least 24 hours notice to be given to each *Councillor*.
- 13.4 The *Chief Executive Officer* must convene the *Council meeting* as specified in the *written note* and determine the time and date for the meeting, giving consideration to—
- 13.4.1 the urgency of the business to be transacted;
  - 13.4.2 the availability of *Councillors*; and
  - 13.4.3 a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
- 13.5 The *Chief Executive Officer* must arrange for notice of the meeting on *Council's* website.
- 13.6 Any *resolution* of *Council* to call an *unscheduled meeting* must specify the date and time and place of the *unscheduled Council meeting* and the business to be transacted. The date and time of the *unscheduled Council meeting* must not be prior to 6pm on the day following the *Council meeting* at which the *resolution* was made.
- 13.7 The *Chief Executive Officer* must call an *unscheduled Council meeting* to elect a *Mayor* following a *Council* election declaration, in accordance with the *Act*.
- 13.8 The *unscheduled Council meeting* for the election of a *Mayor* following an election may also consider the role of Deputy Mayor and any other matters as determined by the *Chief Executive Officer*.
- 13.9 Only the business specified in the *Council resolution*, or *written notice*, may be considered at an *unscheduled Council meeting*, unless all *Councillors* are present and unanimously agree to deal with any other matter.

## 14. Notices and Agendas

- 14.1 The notice for any *Council meeting*, incorporating or accompanied by an *agenda* of the business to be dealt with, must state the date, time and place of the meeting and the business to be dealt with and must be delivered or sent electronically to each *Councillor* for scheduled *Council meetings* at least five working days the week prior to the meeting. A period of less than five working days may be justified if exceptional circumstances exist.



- 14.2 The notice for any *unscheduled Council meeting* must state the date, time and place of the meeting and the business to be dealt with and must be sent by electronic medium, post or otherwise delivered to each *Councillor* giving as much time as is reasonably practicable prior to the meeting.
- 14.3 An *agenda* for each *Council meeting* will be made available on Council's website—
- (a) no less than 48 hours before the meeting for a *Council meeting*;
  - (b) no less than 24 hours before an *unscheduled Council meeting*;
- 14.4 An *agenda* for an *unscheduled Council meeting* must be made available electronically to every *Councillor* at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- 14.5 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:
- 14.5.1 for *meetings* which it has fixed by preparing a schedule of meetings annually, arranging publication of such schedule in a newspaper generally circulating in the *municipal district*, and
  - 14.5.2 for any meeting by giving notice on its website; and
    - (a) in each of its Customer Service Centres; and/or
    - (b) in at least one newspaper generally circulating in the *municipal district*.

## 15. Leave of Absence

Notices and other *Council meeting* papers will continue to be made available to *Councillors* electronically during the period of absence.

## Division 2 - Quorums

*Overview: No business can be transacted at a Council meeting or a delegated committee meeting (including holding meetings by electronic means of communication) unless a majority of the Councillors or members of the delegated committee (as the case may be) is present (quorum). If there is no quorum at the commencement of a meeting or if a quorum cannot be maintained during a meeting, the meeting is to be adjourned to another date and/or time.*

## 16. Inability to Obtain a Quorum

If after 30 minutes from the scheduled starting time of any *Council meeting*, a *quorum* cannot be obtained:

- 16.1 the meeting will be deemed to have lapsed;
- 16.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- 16.3 the *Chief Executive Officer* must give all *Councillors* *written* notice of the meeting convened by the *Mayor*.

## 17. Inability to Maintain a Quorum

- 17.1 If during any *Council meeting*, a *quorum* cannot be maintained then Rule 16 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 17.2 Sub-Rule 17.1 does not apply if the inability to maintain a *quorum* is because of the number of *Councillors* who have a conflict of interest in the matter to be considered.

## 18. Adjourned Meetings

- 18.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any *Councillor* or member of *Council* staff adjourn a meeting in session to another place.
- 18.2 The *Chief Executive Officer* must give *written* notice to each *Councillor* of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 18.3 If it is impracticable for the notice given under sub-Rule 18.2 to be in *writing*, the *Chief Executive Officer* must give notice to each *Councillor* by telephone or in person.

## 19. Cancellation or Postponement of a Meeting

- 19.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 19.2 The *Chief Executive Officer* must immediately following a *Council meeting* present a *written* report on any exercise of the power conferred by sub-Rule 19.1.

## 20. Time Limits for Meetings

- 20.1 A meeting cannot be continued for more than 30 minutes (or a further 30 minutes if a majority of *Councillors* has already *voted* to continue it for 30 minutes).
- 20.2 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 18.2 and 18.3 apply.

## Division 3 - Minutes

*Overview: The minutes of a meeting must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and incorporate relevant reports or a summary of the relevant reports considered in the decision-making process. The minutes of a Council meeting must be submitted to the next appropriate Council meeting for confirmation.*

## 21. Keeping of Minutes

- 21.1 The *Chief Executive Officer* is responsible for the keeping of *minutes* of *Council meetings* on behalf of the *Council*.
- 21.2 The *Chief Executive Officer* is responsible for making the *minutes* of *Council meetings* available to *Councillors* and members of the public by—
- 21.2.1 uploading *minutes* for *Councillors* to view electronically within seven business days;
  - 21.2.2 posting *minutes* on *Council's* website in the week following the *Council meeting*;
  - 21.2.3 providing electronic copies of *minutes* on request;
  - 21.2.4 providing hard copies of *minutes* at *Council* offices on request.

## 22. Confirmation of Minutes

- 22.1 At every *Council meeting*, the *minutes* of the preceding *Council meeting* must be dealt with as follows:
- 22.1.1 a copy of the *minutes* must be delivered to each *Councillor* no later than 48 hours before the meeting;
  - 22.1.2 if no *Councillor* indicates opposition, the *minutes* must be declared to be confirmed;
  - 22.1.3 if a *Councillor* indicates opposition to the *minutes*—
    - (a) they must specify the item or items with which they are dissatisfied;
    - (b) the objected item or items must be considered separately and in the order in which they appear in the *minutes*;
    - (c) the *Councillor* objecting must move accordingly without speaking to the motion;
    - (d) the motion must be seconded;
    - (e) the *Chair* must ask:  
“Is the motion opposed?”
    - (f) if no *Councillor* indicates opposition, then the *Chair* must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 22.1.3(k);
    - (g) if a *Councillor* indicates opposition, then the *Chair* must call on the mover to address the meeting;
    - (h) after the mover has addressed the meeting, the seconder may address the meeting;

- (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite debate by calling on any *Councillor* who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- (j) if, after the mover has addressed the meeting, the *Chair* invites debate and no *Councillor* speaks to the motion, the *Chair* must put the motion; and
- (k) the *Chair* must, after all objections have been dealt with, ultimately ask:  
“The question is that the *minutes* be confirmed” or  
“The question is that the *minutes*, as amended, be confirmed”.  
and then must put the question to the vote accordingly.

22.2 A resolution of Council must confirm the *minutes* and the *minutes* must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed.

22.3 The confirmed *minutes* will be recorded in the Council's electronic document records management system and the meeting minutes index updated.

22.4 Unless otherwise resolved or required by law, *minutes* of a *delegated committee* requiring confirmation by Council must not be available to the public unless confirmed by Council.

### 23. 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 the proceedings of the meeting to which they relate is questioned.

### 24. Deferral of Confirmation of Minutes

The Council may defer the confirmation of *minutes* until later in the Council meeting or until the next meeting as appropriate.

### 25. Form and Availability of Minutes

25.1 In keeping the *minutes* of any Council meeting, the *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the *minutes* of such meeting) must keep *minutes* of each Council meeting, and those *minutes* must record—

- 25.1.1 the date, place, time and nature of the meeting and if was commenced, adjourned, resumed and concluded;
- 25.1.2 the names of Councillors and whether they are PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc;
- 25.1.3 the names of members of Council staff present;
- 25.1.4 the arrival and departure times of Councillors during the course of the Council meeting (including any temporary departures or arrivals);
- 25.1.5 disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 6 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;
- 25.1.6 every motion and *amendment* moved, including the mover of the motion or *amendment*;
- 25.1.7 every motion and *amendment* seconded, including the seconder of the motion or *amendment*;
- 25.1.8 the outcome of every motion and *amendment*, that is,
  - (a) whether it was put to the vote;
  - (b) if it was put to the vote, the result of the vote (namely CARRIED, LOST, WITHDRAWN, LAPSED OR AMENDED);
- 25.1.9 procedural motions (which might be highlighted);
- 25.1.10 where a valid *division* is called, a table of the names of every Councillor and the way their vote was cast, either FOR or AGAINST, and abstentions;
- 25.1.11 the vote cast by any Councillor who has requested that their vote be recorded in the



- minutes;
  - 25.1.12 details of failure to achieve or maintain a *quorum* and any adjournment whether as a result of lack of a *quorum* or otherwise;
  - 25.1.13 details of any petitions made to the *Council*;
  - 25.1.14 the time and reason for any adjournment of the meeting or suspension of standing orders and resumption;
  - 25.1.15 when requested by a *Councillor*, a record of their support of, opposition to, or abstention from voting on any motion, noting that under s.61(5) of the *Act* that a *Councillor* present at the meeting who does not *vote* is taken to have *voted* against the question;
  - 25.1.16 a summary of any question asked and the response provided as part of public question time;
  - 25.1.17 inclusion in confidential reports the relevant ground or grounds designated Confidential under section 3(1) of the *Act* as to why the reports are deemed to be confidential; and
  - 25.1.18 any other matter, which the *Chief Executive Officer* thinks should be recorded to clarify the intention of the meeting or assist in the reading of the *minutes*.
- 25.2 In addition, the *minutes* should—
- 25.2.1 be page numbered;
  - 25.2.2 contain consecutive item numbers which are clearly headed with subject titles; and
  - 25.2.3 be indexed and be supplemented by an annual cumulative index.

## 26. Availability of Minutes

- 26.1 The *Chief Executive Officer* must ensure that the *minutes* of any *Council meeting* are:
  - 26.1.1 published on the Council's website; and
  - 26.1.2 available for inspection at Council's office during normal business hours.
- 26.2 Nothing in Rule 25.2 requires *Council* or the *Chief Executive Officer* to make public any *minutes* relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.
- 26.1 A person in the gallery must not operate film, photograph or use tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the *Chair*.
- 26.2 The consent of the *Chair* may be revoked at any time during the course of a meeting by the *Chair* stating that consent has been revoked and ordering that the recording ceases.

## Division 4 - Business of Meetings

*Overview: The business to be transacted at a Council meeting is contained in the agenda provided to Councillors and available to the public on Council's website. The Chief Executive Officer oversees preparation of the agenda to determine the content and order of business to facilitate open, efficient and effective processes of government. The role of the Mayor includes providing advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings. Council can admit an item of if it has arisen after distribution of the agenda and cannot be reasonably deferred to the next meeting.*

## 27. Agenda and Order of Business

- 27.1 The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.
- 27.2 The business of a *Council meeting* must be conducted in the following order unless the *Council* otherwise resolves.
  - 27.2.1 Opening of meeting and reading of Affirmation
  - 27.2.2 Apologies and requests for leave of absence
  - 27.2.3 Confirmation of minutes

- 27.2.4 Business arising from previous minutes
- 27.2.5 Disclosures of interest and declarations of conflict of interest
- 27.2.6 Presentations/awards
- 27.2.7 Items brought forward
- 27.2.8 Presentations of petitions and joint letters
- 27.2.9 Consideration of reports of officers
- 27.2.10 Notices of motion or rescission
- 27.2.11 Reports from committees/*Councillors*
- 27.2.12 Urgent business
- 27.2.13 Public question time
- 27.2.14 Closure of meeting pursuant to section 66 of the *Act*.
- 27.3 Notwithstanding sub-rule 27.2, the *Chief Executive Officer* may vary the order of business if they think it appropriate to do so.
- 27.4 Once an *agenda* has been sent to *Councillors*, the order of business for that meeting may only be altered by a *resolution* of the *Council*.
- 27.5 The *Chief Executive Officer* shall include any matter on an *agenda*, which they think should be considered by the meeting.
- 27.6 The *Council* may resolve to bring an item that appears later on the *agenda* forward to an earlier part of the meeting.
- 27.7 If the *agenda* for a *Council meeting* makes provision for urgent business, business can be admitted as urgent business by *resolution* of the *Council*.
- 27.8 *Council* must only admit business as urgent business if the business—
  - 27.8.1 cannot safely or conveniently be deferred to the next *Council meeting*;
  - 27.8.2 involves a matter of urgency, as determined by the *Chief Executive Officer*;
  - 27.8.3 cannot be addressed through an operational service request process;
  - 27.8.4 does not—
    - (a) substantially affect the levels of council service
    - (b) commit the *Council* to significant expenditure not included in the adopted budget
    - (c) establish or amend council policy
    - (d) commit the *Council* to any contractual arrangement.
- 27.9 The *Chief Executive Officer* will advise the *Mayor* of any matter they determine appropriate for *Council* to consider admitting as urgent business.

## Division 5 - Motions and Debate

*Overview: This part describes the procedure for introducing a motion or amendment, the rules of debate, foreshadowing a motion or amendment and the duty of the Chair in relation to accepting motions and amendments. It also describes the process for a Councillor to lodge a notice of motion for consideration and/or indicating they will raise a matter at the next Council meeting.*

*A Councillor may move any motion related to an item included in the agenda. In the interest of transparency and informed decision making, motions or amendments should not introduce new matters to a debate that have not been the subject of the report or background of the motion being considered by Council. Motions are required to be submitted in writing so they can be displayed to the meeting.*

*As a resolution must be able to be acted upon, a motion must clearly state what is intended and what its effect will be if it becomes the decision. This provides clarity for the implementation of Council decisions.*

*This Part also describes the circumstances and procedures under which a Council decision can be rescinded or altered.*

## 28. Chair's Duty

The *Chair* must not accept any motion, *amendment*, statement or question which—

- 28.1 is defamatory or embarrassing to any *Councillor*, member of Council staff or member of the public;
- 28.2 is abusive or objectionable in language or nature;
- 28.3 is vague or unclear in its intention;
- 28.4 is outside the powers of the *Council*;
- 28.5 is not relevant to an item of business on the *agenda* and has not been admitted as urgent business;
- 28.6 purports to be an *amendment* but is not; or
- 28.7 is a direct negative of the question before the meeting.

## 29. Introducing a Motion or an Amendment

- 29.1 The procedure for moving any motion or *amendment* is—
  - 29.1.1 the mover must state the motion without speaking to it;
  - 29.1.2 the motion must be seconded by a *Councillor* other than the mover;
  - 29.1.3 if a motion is not seconded, the motion will lapse for want of a seconder; and
  - 29.1.4 if the motion or *amendment* is seconded, the *Chair* will then request—
    - (a) the mover to address the *Council* on the motion;
    - (b) the seconder to address the *Council* on the motion (who may, without speaking on the motion, reserve their address until later in debate);
    - (c) any *Councillor* opposed, to debate the motion; and
    - (d) any other *Councillors* for and against the motion to debate in turn;before putting the motion to a *vote*, declaring the result of that *vote*.
- 29.2 A *Councillor* may speak once on the motion except for the mover of a motion who has a right of reply in accordance with Rule 30, after which the motion must be put to the meeting for the *vote*.

## 30. Right of Reply

- 30.1 The mover of a motion including an amendment may, once debate has been exhausted, exercise a right of reply to matters raised during debate but must not raise any new matters.
- 30.2 After any right of reply has been taken, but subject to any *Councillor* exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the *vote* without any further discussion or debate.

## 31. Moving an Amendment to a Motion

- 31.1 With the leave of the *Chair*, both the mover and the seconder of a motion may agree to an alteration to a motion before the meeting proposed by another *Councillor* without the need to formally amend the motion.
- 31.2 Otherwise a motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.
- 31.3 A motion to confirm a previous *resolution* of *Council* cannot be amended.
- 31.4 An *amendment* may be moved or seconded by any *Councillor*, other than the mover or seconder of the original motion.
- 31.5 A *Councillor* may speak on any *amendment* once, whether or not they have spoken to the original motion but debate must be confined to the terms of the *amendment*.
- 31.6 An *amendment* must not be directly opposite to the motion.
- 31.7 Any one *Councillor* cannot move more than two *amendments* in succession.

## 32. How many Amendments may be Proposed

- 32.1 Any number of *amendments* may be proposed to a motion but only one *amendment* may be accepted by the *Chair* at any one time.
- 32.2 No second or subsequent *amendment*, whether to the original motion or an *amendment* of it, can be taken into consideration until the previous *amendment* has been dealt with.

### 33. An Amendment Once Carried

- 33.1 If the *amendment* is carried, the motion as amended then becomes the question before the meeting (known as the 'substantive Motion') and the amended motion must then be put.
- 33.2 The mover and seconder of the *amendment* are deemed to be the mover and seconder of the motion before the meeting.
- 33.3 If the *amendment* is lost, the debate in respect of the original motion resumes from where it left off.
- 33.4 A *Councillor* who has already spoken on the original motion must not speak again unless to continue the debate as if the *amendment* had not been put.
- 33.5 The mover of the original motion retains the right of reply to that motion.

### 34. Foreshadowing Motions

- 34.1 At any time during debate a *Councillor* may foreshadow a motion so as 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.
- 34.2 A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the meeting is resolved in a certain way, a *Councillor* intends to move an alternative or additional motion.
- 34.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 34.4 It is not required to have foreshadowed motions recorded in the *minutes* until the foreshadowed motion is formally moved.
- 34.5 The *Chair* is not obliged to accept foreshadowed motions.

### 35. Withdrawal of Motions

- 35.1 Once a motion or *amendment* is seconded it cannot be withdrawn, except with the leave of the *Chair* prior to the motion being put to the *vote*.
- 35.2 If the majority of *Councillors* object to the withdrawal of the motion, it may not be withdrawn.

### 36. Separation of Motions

- 36.1 Where a motion or *amendment* contains more than one part, a *Councillor* may at any time before a *vote* is taken request the *Chair* to put the motion to the *vote* in separate parts.
- 36.2 The *Chair* may decide to put any motion to the *vote* in several parts.
- 36.3 The *Chair* may consent to or refuse such a request in their absolute discretion.

### 37. Motions moved in a Block

The *Chair* may allow like motions to be moved, or request *Councillors* to move like items, in a block (en bloc), only if the motions note actions already taken and will not commit *Council* to further action, spending or changes to policy.

### 38. Councillor Must Rise when Speaking

- 38.1 A *Councillor* need not rise when moving a motion or *amendment* but except in the case of sickness or physical disability, must rise when addressing the meeting.
- 38.2 The *Chair* may remain seated when speaking at a meeting.

### 39. Priority of Address

In the case of competition for the right to speak, the *Chair* must decide the order in which the *Councillors* concerned will be heard.

### 40. Motions in Writing

- 40.1 The *Chair* may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.

- 40.2 The *Chair* may suspend the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

#### 41. Repeating Motion and/or Amendment

The *Chair* may request the person taking the minutes of the *Council meeting* to read the motion or *amendment* to the meeting before the *vote* is taken.

#### 42. Debate Must be Relevant to the Motion

42.1 Debate must always be relevant to the question before the meeting, and if not, the *Chair* must request the speaker to confine debate to the subject of the motion.

42.2 If after being requested by the *Chair* to confine debate to the motion before the meeting, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the motion. The speaker must immediately comply with any such direction.

42.3 A speaker to whom a direction has been given under sub-Rule 42.2 must comply with that direction.

#### 43. Notices of Motion

43.1 *Councillors* may ensure that an issue is listed on an *agenda* by lodging a *notice of motion*.

43.2 A *notice of motion* cannot be accepted by the *Chair* unless it has been listed on the *agenda* for the meeting at which it is proposed to be moved.

43.3 A *notice of motion* must be in *writing* signed by a *Councillor* and be lodged with or sent to the *Chief Executive Officer* to allow sufficient time for the *Chief Executive Officer* to include the *notice of motion* in *agenda* papers for a *Council meeting* and to give each *Councillor* at least 48 hours' notice of such *notice of motion*.

43.4 The *Chief Executive Officer* must list the *notice of motion* on the *agenda* for the next *Council meeting* and, if more than one, in the order they were received.

43.5 The *Chief Executive Officer* at their discretion may provide comments to the *Council* on the motion to assist the *Council's* deliberation.

43.6 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda* and outline the policy, financial and resourcing implications if the *notice of motion* is passed.

#### 44. Procedure

44.1 A *notice of motion* must relate to the objectives, role and functions of *Council* as outlined in the *Act*.

44.2 A *Councillor* may give *notice of motion* on any matter they want discussed at a *Council meeting* by delivering a signed *notice of motion* outlining the subject and the motion proposed for discussion, to the *Chief Executive Officer*.

44.3 A *notice of motion* may be withdrawn by the *Councillor* who lodged it by a request *in writing* received prior to the publication of the *agenda* for which the *notice of motion* was intended. Otherwise, the item must be dealt with at the relevant *Council meeting*.

#### 45. Rejection of a Notice of Motion

- 45.1 The *Chief Executive Officer* may reject any *notice of motion* which—
- 45.1.1 is vague or unclear in intention;
  - 45.1.2 is identical or substantially similar to a *notice of motion* that has been considered by the *Council* and lost in the preceding three months;
  - 45.1.3 is defamatory;
  - 45.1.4 may be prejudicial to any person or to the *Council*;
  - 45.1.5 is objectionable in language or nature;
  - 45.1.6 is beyond the powers of the *Council* to pass;
  - 45.1.7 is submitted during the election period;
  - 45.1.8 is a matter subject to a *Council* decision-making process which has commenced but is not yet complete; or
  - 45.1.9 if passed would result in *Council* otherwise acting invalidly.
- 45.2 The *Chief Executive Officer* may reject a proposed *notice of motion* that—
- 45.2.1 relates to a matter than can be addressed through the operational customer request process;
  - 45.2.2 relates to a matter that has been previously resolved by *Council* or is acted upon.
- 45.3 If the *Chief Executive Officer* rejects a *notice of motion* under sub-Rule 45.1 they will inform the *Councillor* who lodged the *notice of motion* in writing of that rejection and the reasons for it no later than nine business days before the meeting at which it is intended to be considered. The *Councillor* may submit a revised motion within 24 hours from the time of rejection.
- 45.4 A *notice of motion* must call for a Council report if the *notice of motion* proposes any action that—
- 45.4.1 impacts the levels of Council service;
  - 45.4.2 commits *Council* to expenditure that is not included in the adopted Council budget;
  - 45.4.3 proposes to establish, amend or extend Council policy;
  - 45.4.4 proposes to impact the rights of any person who has not had the opportunity to contribute their views;
  - 45.4.5 commits *Council* to any contractual arrangement;
  - 45.4.6 concerns any litigation in respect of which *Council* is a party.
- 45.5 The motion moved must not be substantially different to the motion published in the *agenda*, however, may be amended by *resolution* of the *Council*.

#### 46. Register of Notices

The *Chief Executive Officer* must cause every *notice of motion* received to be sequentially numbered, dated and maintained in a register in the order in which they were received.

#### 47. May be Moved by any Councillor and Amended

A *notice of motion* listed on an agenda may be moved by any *Councillor* present and, except where the *notice of motion* is to confirm a previous *resolution* of the *Council*, may be amended.

#### 48. If Motion is not Moved

If a *notice of motion* is not moved at the *Council meeting* at which it is listed lapses.

#### 49. Confirmation of Previous Resolution

If a *notice of motion* to confirm a previous *resolution* of the *Council* cannot be carried in its original form, it is lost.

#### 50. If Lost

Unless the *Council* resolves to re-list at a future meeting a *notice of motion* which has been lost, a similar motion cannot be put before the *Council* for at least three months from the date it was last lost.



## Division 6 - Rescission Motions

### 51. Procedure

- 51.1 A *notice of rescission* is a form of *notice of motion*. Accordingly, all provisions in this Chapter regulating *notices of motion* equally apply to *notices of rescission*.
- 51.2 A *Councillor* may propose a *notice of rescission* provided—
- 51.2.1 it has been signed and dated by at least three *Councillors*;
  - 51.2.2 the *resolution* proposed to be rescinded has not been acted on; and
  - 51.2.3 the *notice of rescission* is delivered to the *Chief Executive Officer* within 24 hours of the *resolution* having been made setting out—
    - (a) the *resolution* to be rescinded;
    - (b) the meeting and date when the *resolution* was carried.
- 51.3 A *resolution* will be deemed to have been acted upon if—
- 51.3.1 its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or
  - 51.3.2 statutory process has commenced so as to vest enforceable rights in or obligations on the *Council* or any other person.
- 51.4 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a *resolution* which—
- 51.4.1 has not been acted on; and
  - 51.4.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 51.2.3;
- unless deferring implementation of the *resolution* would have the effect of depriving the resolution of efficacy.
- 51.5 The *Chief Executive Officer*, or a member of *Council* staff with responsibility for the subject matter of a *resolution*, may implement a *resolution* of *Council* at any time after the close of the meeting at which it was made.

### 52. If Lost

If a motion for rescission is lost, a similar motion may not be put before *Council* for at least one month from the date it was last lost, unless *Council* resolves that the *notice of rescission* be re-listed at a future meeting.

### 53. If Not Moved

If a *notice of motion* to rescind or amend a previous *resolution* of the *Council* is not moved at the meeting for which it is listed, it will lapse and will be treated for the purposes of *these Rules* as a *notice of motion* which has been lost.

### 54. May be Moved by Any Councillor

A motion for rescission listed on an *agenda* may be moved by any *Councillor* present but be moved in the form it was listed and must not be amended.

### 55. When not required

- 55.1 Unless sub-Rule 55.2 applies, a motion for rescission is not required where *Council* wishes to change policy.
- 55.2 The following standards apply if *Council* wishes to change policy—
- 55.2.1 if a policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and
  - 55.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

**56. Speaking Times**

- 56.1 Unless a motion for an extension of speaking time has been carried, the maximum speaking times are—
- 56.1.1 the mover of a motion – five minutes;
  - 56.1.2 the mover of a motion when exercising a right of reply – two minutes;
  - 56.1.3 any other speaker – three minutes.

**57. By Resolution of the Council**

- 57.1 An extension of speaking time may be granted by *resolution* of the *Council* but only one extension is permitted for each speaker on any question.
- 57.2 A motion for an extension of speaking time cannot be accepted by the *Chair* if another speaker has commenced a debate.
- 57.3 Any extension of speaking time must not exceed three minutes.

**58. Right to ask Questions**

- 58.1 A *Councillor* may, when no other *Councillor* is speaking, ask any question concerning or arising out of the motion or *amendment* before the *Chair*.
- 58.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

**59. Interruption for Point of Order**

A *Councillor* who has the floor must not be interrupted unless called to order or given notice by the *Chair* his speaking time has elapsed or is about to elapse, or when they must sit down and remain silent until the *Councillor* raising the *point of order* has been heard and the *point of order* dealt with.

**Division 7 - Procedural Motions**

**60. Procedural Motions**

- 60.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- 60.2 A procedural motion may not be moved or seconded by the *Chair*.
- 60.3 A procedural motion requires a seconder.
- 60.4 Notwithstanding any other provision in *these Rules*, a procedural motion must be dealt with in accordance with the procedures set out in the following Procedural Motions Table.



## Procedural Motions Table

Procedural Motion	Form	Mover and Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate permitted on Motion
Deferral of a matter to a future meeting	That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor (b) During the election of a Chair (c) When another Councillor is speaking	Consideration/debate on the motion and/or any amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debate(d)	Debate continues unaffected	Yes
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councilll who has not moved or seconded the original motion or otherwise spoken to the original motion	(a)During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing <i>Council</i> 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
Closure (of debate)	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During the nominations for <i>Chair</i>	Motion or Amendment in respect of which the closure is carried is put to the vote immediately without debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
Laying a motion on the Table (pausing debate)	That the motion be laid on the table	Any Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor.	Motion and/or any amendment is not further discussed or voted on until: (a) Council resolves to take the question from the table at the same meeting; or (b) The matter is placed on a subsequent agenda and Council resolves to take the question from the table	Debate continues unaffected	No
Alter the order of business	That the item listed as xx on the agenda be considered before/after the item listed as xy	Any Councillor	(a)At a meeting to elect the Mayor/Deputy Mayor or (b)During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the agenda	No
Suspension of Standing Orders	That Standing Orders be suspended to (reason must be provided)	Any Councillor		(a)The rules of the meeting are temporarily suspended for the specific reason given in the motion.  (b) No debate or decision on any matter, other than a decision to resume Standing Orders is permitted	The meeting continues unaffected	No
<b>Procedural</b>	<b>Form</b>	<b>Mover and</b>	<b>When Motion</b>	<b>Effect if Carried</b>	<b>Effect if</b>	<b>Debate</b>

Motion		Seconded	Prohibited		Lost	permitted on Motion
Consideration of confidential matter(s) (Close the meeting to members of the public)	That in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of Item x.x is confidential as it relates to [insert reason]	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting continues to be open to the public	Yes
Re-open the meeting	That the meeting be reopened to members of the public	Any Councillor		The meeting is reopened to the public	The meeting remains closed to the public	No

## Division 8 - Points of Order

*Overview: A point of order is taken when a Councillor draws the attention of the Chair to an alleged irregularity in the proceedings. Valid points of order, the process for raising and ruling on a point of order, and the procedure if there is dissent on the Chair's ruling are described in this section.*

### 61. Chair to Decide

The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

### 62. Procedure for Point of Order

62.1 A *Councillor* raising a *point of order* must—

62.1.1 state the *point of order*, and

62.1.2 state any section, Rule, paragraph or provision relevant to the *point of order* before resuming their seat.

62.2 The *Chair* may request a *Councillor* provide an explanation in respect of the *point of order* raised.

### 63. Valid Points of Order

63.1 A *point of order* may be raised in relation to—

63.1.1 an act that is contrary to *these Rules*;

63.1.2 a motion which has not been accepted by the *Chair*;

63.1.3 a question of procedure or clarification of fact;

63.1.4 a *Councillor* who is or appears to be out of order;

63.1.5 any act of disorder; or conduct in contravention of the *Councillor Code of Conduct*;

63.1.6 abusive or objectionable language or comments;

63.1.7 a matter that is outside the powers of *Council*; and

63.1.8. any debate which is irrelevant to the motion before the meeting.

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

#### 64. Chair May Adjourn to Consider

- 64.1 The *Chair* may adjourn the meeting to consider a *point of order* but otherwise they must rule on it as soon as it is raised.
- 64.2 No *Councillor* may debate a *point of order* or the merits of a *point of order*.
- 64.3 All other matters before the meeting are to be suspended until the *point of order* is decided.

#### 65. Dissent from *Chair's* Ruling

- 65.1 A *Councillor* may move a motion to the effect that the meeting dissent from the *Chair's* ruling by moving:  
"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- 65.2 A motion of dissent in the *Chair's* ruling shall, if seconded, be given priority to all other items of business.
- 65.3 When a motion in accordance with this Rule is moved and seconded, the following process must be followed—
  - 65.3.1 the *Chair* must leave the *Chair* and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, temporary *Chair* must take their place;
  - 65.3.2 the temporary *Chair* must invite the mover of the motion of dissent to outline the reasons for their dissent and the *Chair* must reply.
- 65.4 The Deputy Mayor or temporary *Chair* must invite the mover to state the reasons for their dissent and the *Chair* may then reply.
- 65.5 The Deputy Mayor or temporary *Chair* must put the motion in the following form:  
"That the *Chair's* ruling be dissented from".
- 65.6 If the *vote* is in the negative, the *Chair* resumes the *Chair* and the meeting proceeds.
- 65.7 If the *vote* is in the affirmative, the *Chair* must then resume the *Chair*, reverse or vary (as the case may be) their previous ruling and proceed.
- 65.8 The defeat of the *Chair's* ruling is in no way a motion of censure or no-confidence in the *Chair*, and should not be so regarded by the meeting.

#### 66. Contradiction of Opinion

Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

### Division 9 - Voting at Meetings

*Overview: At the conclusion of debate on a matter before the meeting, the Chair must put the question, motion or amendment to the vote. Each Councillor is entitled to one vote and voting must be able to be seen by those participating in the meeting and those observing the meeting. The vote is determined by a majority of the Councillors present at the meeting at the time the vote is taken voting in favour of the motion. If a vote is tied, the Chair generally has a casting vote. A Councillor can abstain from voting.*

*Sometimes a Councillor may want their vote recorded; this is provided for in this section, along with the procedure when a Councillor calls for a division on a vote which is when how each Councillor voted is recorded.*

*Provision is made for the introduction of an electronic voting system as long as Council has resolved to implement the system and all participants in the meeting and those observing a meeting are able to see which way Councillor has voted on a matter at the time the vote is taken.*

## 67. How Motion is Determined

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion or *amendment* and then those opposed to the motion or *amendment* before declaring the result to the meeting.

## 68. Silence

Subject to Rule Voting must take place in silence.

## 69. Recount

The *Chair* may direct that a *vote* be recounted to satisfy himself or herself of the result.

## 70. Casting Vote

70.1 In the event of a tied vote, the *Chair* must exercise a casting vote.

70.2 The *Chair* may adjourn a meeting to consider how their casting vote will be cast.

## 71. How Votes are Cast

Voting on any matter is by show of hands or such other visible or audible means as the *Chair* determines.

## 72. Procedure for a Division

72.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a *Councillor* may call for a *division*.

72.2 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.

72.3 When a *division* is called for, the *Chair* must—

72.3.1 first ask each *Councillor* wishing to *vote* in the affirmative to raise a hand and, upon such request being made, each *Councillor* wishing to *vote* in the affirmative must raise one of their hands or otherwise signify their support in a manner recognised by the *Chair*. The *Chair* must then state, and the *Chief Executive Officer* or any authorised officer must record the names of those *Councillors* voting in the affirmative.

72.3.2 then ask each *Councillor* wishing to *vote* in the negative to raise a hand and, upon such request being made, each *Councillor* wishing to *vote* in the negative must raise one of their hands or otherwise signify their opposition in a manner recognised by the *Chair*. The *Chair* must then state, and the *Chief Executive Officer* or any authorised officer must record, the names of those *Councillors* voting in the negative.

## 73. No Discussion Once Declared

Once a *vote* on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves—

73.1 a *Councillor* requesting, before the next item of business is considered, that their opposition to a *resolution* be recorded in the *minutes* or a register maintained for that purpose; or

73.2 foreshadowing a *notice of rescission* where a *resolution* has just been made, or a positive motion where a *resolution* has just been rescinded.

## Division 10 - Community Participation and Behaviour

*Overview: As outlined in the purpose of these Governance Rules, Council meetings are held for Council to make its decisions. There are provisions for Council to respond to questions from the community and for the public to make submissions to Council. At each meeting there is an opportunity for members of the public to ask questions of the Council. Assistance will be available for any community member seeking or requiring support to write their question(s).*

*Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to Council. This Part sets out the procedures to be followed to submit a question or petition and to address the meeting including the behaviours expected of Councillors, members of Council staff and members of the public at*

*Council meetings.*

*Community members may only participate in Council meetings in accordance with these Governance Rules that include addressing how the community can participate if the meeting is electronic, or a 'hybrid' or 'parallel' style meeting.*

*Council may suspend standing orders to have the opportunity to discuss issues outside the ordinary constraints of these Rules.*

*This Part provides for the adoption of policies, guidelines and procedures to ensure opportunities exist for community input, beyond formal consultation processes, including live stream or broadcast and recording of meetings to improve public participation.*

**74. Addressing the Meeting**

- 74.1 *Council* may allocate time to enable any member of the community to address the *Council* at a *Council meeting* or other alternative time in accordance with any *Council meeting* policy.
- 74.2 Sub-Rule 74.1 does not apply where the *Council* has resolved to close the meeting in respect of a matter under section 66 of the *Act*.
- 74.3 Except for the *Chair* and *Chief Executive Officer*, any *Councillor* or person who addresses the meeting must, except in the case of sickness or physical disability, stand and direct all remarks through the *Chair*.
- 74.4 The *Chair* may permit any *Councillor* or person to remain seated while addressing the *Chair*.
- 74.5 Any person, including a *Councillor* and member of Council staff, addressing the *Chair* must refer to the *Chair* as—
  - 74.5.1 Madam Mayor;
  - 74.5.2 Mr Mayor;
  - 74.5.3 Madam Chair; or
  - 74.5.4 Mr Chair.as the case may be.
- 74.6 All *Councillors*, other than the *Mayor*, must be addressed as Cr ..... (surname).
- 74.7 All members of Council staff and members of the public, as appropriate, must be addressed as Mrs, Ms, Miss or Mr ..... (surname).

**75. Conduct at Meetings by Visitors**

- 75.1 Any member of the public addressing the *Council* must extend due courtesy and respect to the *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 75.2 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.
- 75.3 Visitors at a meeting must not interject, jeer, call a *point of order*, *vote* or take part in the debate or disrupt the meeting and must behave in a respectful and appropriate manner that allows the meeting to proceed without disruption.

**76. Chair May Adjourn a Disorderly Meeting**

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, the *Chair* may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules 18.2 and 18.3.3.

**77. Chair may Remove**

- 77.1 The *Chair* must call to order any person, including a *Councillor*, who—
  - 77.1.1 is disruptive, or unruly during any meeting; or
  - 77.1.2 who says anything which is defamatory, abusive or objectionable in language or

nature,

and may direct that person to remain silent and/or to resume their seat.

77.2 The *Chair* may order and cause the removal from the gallery of any person, other than a *Councillor*, who disrupts any *Council meeting* or fails to comply with a direction.

77.3 In causing a person's removal, the *Chair* may ask the *Chief Executive Officer*, an *Authorised Officer* or a member of Victoria Police to remove the person.

77.4 The *Chair* who is the *Mayor* can direct a *Councillor* to leave a *Council meeting* if the behaviour of the *Councillor* is preventing the *Council* from conducting its business.

## 78. Suspension of a Councillor

78.1 The *Council* may by resolution suspend a *Councillor* from a *Council meeting* for the balance of that meeting.

78.2 A *Councillor* cannot be suspended unless—

78.2.1 the *Chair* has warned the *Councillor* that they are engaging in improper or disorderly conduct, or that their actions are disrupting the business of *Council*; and

78.2.2 the *Council* resolves that the *Councillor's* conduct following the *Chair's* warning is continuing and that the *Councillor* should be suspended.

78.3 The *Chair*, or the *Council*, in the case of a suspension of a *Councillor*, may ask the *Chief Executive Officer* or a member of Victoria Police to remove from the Chamber any person who breaches *these Rules* and who has been suspended or ordered to leave the gallery.

## 79. Suspension of Standing Orders

*Overview: Standing orders are the rules made to govern the procedure at Council meetings contained in these Rules. The standing orders cover a range of matters including the order of business, rules of debate, procedural motions and election procedures.*

79.1 *Council* may decide to suspend standing orders at a *Council meeting* to discuss the issues surrounding an item on the *agenda* without the ordinary constraints of *these Rules*.

79.2 The provisions of *these Rules* may be suspended for a particular purpose by *resolution* of the *Council*—

79.2.1 to enable full discussion of any issue without the constraints of formal meeting procedure; or

79.2.2 to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

79.3 The provisions of *these Rules* must not be suspended purely to dispense with the processes and protocol of the government of the *Council*. An appropriate motion would be:

“That standing orders be suspended to enable discussion on .....

79.4 Once the discussion has taken place and before any motions can be put, the *Council* must resolve to resume the provisions of *these Rules*. An appropriate motion would be:

“That standing orders be resumed.”

79.5 No substantive or procedural motion may be accepted by the *Chair* or be lawfully dealt with during any suspension of standing orders, other than a motion to resume standing orders.

## 80. Public Question Time

80.1 There must be a Public Question Time at *Council meetings* to enable members of the public to submit questions to *Council*.



- 80.2 Sub-Rule 80.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.
- 80.3 This Rule only applies to *Council meetings* listed in the schedule of meetings set by *Council* annually and, for the avoidance of doubt, does not apply to *unscheduled Council meetings*.
- 80.4 Question time shall not exceed 15 minutes.
- 80.5 A person can ask a maximum of three questions at any one meeting and the presentation of each question shall not exceed two minutes.
- 80.6 The *Chair* may accept or reject a question related to the formal question put to the meeting.
- 80.7 Questions will not pre-empt debate on a matter listed on the *agenda*.
- 80.8 Questions with notice must be submitted by 12 noon on the Wednesday the week prior to a *Council meeting*, online, electronically to the *Council's* designated email address or in writing by mail or hand delivery to one of the Council offices.
- 80.9 Questions without notice can be submitted on a Questions Without Notice form which must be handed to the *Chair* before the start of each *Council meeting*. Copies of the form will be made available at the *Council meeting*.
- 80.10 If the person asking the question cannot attend the *Council meeting* for which their question has been submitted personally, they may nominate another person to ask their question on their behalf.
- 80.11 The *Chair* may refrain from reading a question or having a question read if the person who submitted the question is not in attendance at the time when the question is due to be read.
- 80.12 The person asking the question shall, if able, stand and direct their question to the *Chair*. Prior to asking the question the person must state their name and address. If necessary, they may provide a very brief background to their question (30-50 seconds).
- 80.13 The *Chair* may summarise a question before putting it to the *Council meeting*.
- 80.14 The *Chair* may disallow a question if it—
- 80.14.1 is phrased as a statement, rather than a question;
  - 80.14.2 relates to matters outside the duties, functions and powers of *Council*;
  - 80.14.3 is defamatory, abusive or offensive;
  - 80.14.4 deals with a subject matter already answered; or
  - 80.14.5 is aimed at embarrassing a *Councillor* or member of Council staff.
- 80.15 The *Chair* or *Councillor* or member of Council staff to whom a question is referred may-
- 80.15.1 decline to answer the question;
  - 80.15.2 have the question put on notice for the next *Council meeting*;
  - 80.15.3 advise that it is their opinion that the reply to a question should be given in a meeting closed to members of the public. They must state briefly the reason why the reply should be so given, and, unless *Council* resolves to the contrary, the reply to such question must be so given;
  - 80.15.4 agree to provide the questioner with a *written* response after the *Council meeting*.
- 80.16 Answers to questions shall be confined to the substance of the question asked and its relationship to matters of concern to the *Council*.
- 80.17 A question will not be debated.
- 80.18 Subject to this Rule 80, Public Question Time will be conducted in accordance with any policy adopted by the *Council* from time to time.
- 80.19 Details of question time must be minuted.
- 80.20 Questions without notice will be taken on notice unless the *Chair* determines a response can be provided at the meeting.
- 80.21 A written response will be given for all public questions.
- 80.22 *Council* will facilitate the reading of questions on notice at virtual meetings where technology allows.

## 81. Petitions and Joint Letters

- 81.1 This Rule does not apply to *unscheduled Council meetings*.

- 81.2 A petition or joint letter received by the *Council* or an individual *Councillor* must be lodged with the *Chief Executive Officer* at least ten days before a *Council meeting* to ensure sufficient time to include the item on the *agenda*.
- 81.3 The petition or joint letter must—
- 81.3.1 be in writing;
  - 81.3.2 contain the request of the petitioners or signatories;
  - 81.3.3 be signed by at least 12 people;
  - 81.3.4 not be defamatory, indecent, abusive or objectionable in language or content; and
  - 81.3.5 not relate to matters beyond the powers of *Council*.
- 81.4 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 81.5 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 81.6 Any petition or joint letter that does not comply with sub-rules 81.2 or 81.3 will not be tabled at a *Council meeting* and will be forwarded directly to the appropriate member of *Council* staff for action.
- 81.7 Where the petition or joint letter relates to a current planning or subdivision application, the petition will be considered as an objection in accordance with the *Planning and Environment Act 1989* and will not be tabled at a *Council meeting* as a separate matter.
- 81.8 Any *Councillor* presenting a petition or joint letter will be responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it does not contain language disrespectful towards *Council*.
- 81.9 Every *Councillor* presenting a petition or joint letter to *Council* must:
- 81.9.1 write or otherwise record their name at the beginning of the petition or joint letter; and
  - 81.9.2 confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- 81.10 The *Chief Executive Officer* must arrange for petitions and joint letters to be submitted to the next practicable *Council meeting* following their receipt.
- 81.11 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next fixed *Council meeting* after that at which it has been presented.
- 81.12 If a petition or joint letter relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.
- 81.13 Where a petition or joint letter has been allowed to lay on the table, the *Chief Executive Officer* may refer it to the appropriate member of *Council* staff for a report prior to it next being considered by the *Council*, as deemed appropriate by the *Chief Executive Officer* in their discretion.
- 81.14 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.
- 81.15 A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated the *Council* will reply to the first person whose signature appears on the petition or joint letter.
- 81.16 Only the text of the petition or joint letter and the number of signatories will be included in the *agenda* for the *Council meeting* at which it will be considered.
- 81.17 Nothing in this Rule shall prevent the *Chief Executive Officer* from determining that an electronic or online petition will be submitted to a *Council meeting* or the *Council* resolving to consider a petition as urgent business.
- 81.18 Electronic or online petitions, joint letters, memorials or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purposes of this Rule, qualify as the address and signature of such petitioner or signatory.



**82. Engagement of Public**

*Council* may adopt policies, guidelines and procedures from time to time relating to public participation, including live streaming or broadcasting and recording of meetings and the use of available technology and systems, to ensure the smooth and efficient conduct of and representation by members of the public at *Council meetings*.

**83. Joint Meetings of Councils**

*Overview: Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it is possible for the participating councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold joint council meetings as are provided for in the Act.*

- 83.1 The *Council* may resolve to participate in a joint meeting of councils to consider—
- 83.1.1 collaborative projects;
  - 83.1.2 collaborative procurement.
- 83.2 If the *Council* has resolved to participate in a joint meeting, the *Chief Executive Officer* will agree on governance rules with the participating councils.
- 83.3 Where the *Council* is the lead council on a matter to be brought for consideration at a joint meeting, the *Mayor* will be nominated to Chair the joint meeting.
- 83.4 At least a majority of *Councillors* will be appointed to represent *Council* at a joint meeting.
- 83.5 Consistent information will be provided to *Councillors* prior to any joint meeting and every endeavour will be made by the *Chief Executive Officer* to facilitate a joint briefing.
- 83.6 A joint briefing arranged in accordance with sub-Rule 83.1 may be held electronically.
- 83.7 The provisions of the *Act*, except section 61(3), (4) and (5)(d) apply accordingly.
- 83.8 Subject to subsections 62(2) and (6) of the *Act*, the procedures for conducting a joint meeting are to be determined by the councils holding the joint meeting.

**Division 11 – Physical and Remote Attendance****84. Mode of Attendance**

- 84.1 Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:
- 84.1.1 wholly in person;
  - 84.1.2 wholly by electronic means of communication; or
  - 84.1.3 partially in person and partially by electronic means of communication.
- 84.2 The indication in the notice of meeting must be consistent with any Resolution of *Council* that has expressed a preference for, or otherwise specified, when *Council meetings* are to be conducted:
- 84.2.1 wholly in person;
  - 84.2.2 wholly by electronic means of communication; or
  - 84.2.3 partially in person and partially by electronic means of communication.
- 84.3 If a *Council meeting* is to be conducted wholly in person a *Councillor* may nonetheless request to attend by electronic means of communication.
- 84.4 Any request made under sub-Rule 84.3 must:
- 84.4.1 be in writing;
  - 84.4.2 be given to the *Chief Executive Officer* no later than 24 hours prior to the commencement of the relevant *Council meeting*;
  - 84.4.3 specify the meeting(s) that will be attended via electronic means of communication; and
  - 84.4.4 specify the reasons why the *Councillor* is unable or does not wish to attend the *Council meeting* in person.

- 84.5 The *Chief Executive Officer* must ensure that any request received in accordance with sub-Rule 84.4 and any other request received from a *Councillor* to attend by electronic means of communication is made known at the commencement of the relevant *Council meeting*.
- 84.6 *Council* may approve and must not unreasonably refuse any request.
- 84.7 A *Councillor* who is attending a *Council meeting* by electronic means of communication is responsible for ensuring that they are able to access such equipment and are present in such an environment that facilitates participation in the *Council meeting*.
- 84.8 Without detracting from anything said in sub-Rule 84.7, a *Councillor* who is attending a meeting by electronic means of communication must be able to:
- 84.8.1 hear the proceedings;
- 84.8.2 see all *Councillors* and members of Council staff who are also attending the *Council meeting*, at least while a *Councillor* or member of Council staff is speaking;
- 84.8.3 be seen by all *Councillors*, members of Council staff and members of the public who are physically present at the *Council meeting*; and
- 84.8.4 be heard when they speak.
- 84.9 If the conditions of sub-Rule 84.8 cannot be met by one or more *Councillors* attending a *Council meeting*, whether because of technical difficulties or otherwise:
- 84.9.1 the *Council meeting* will nonetheless proceed as long as a quorum is present; and
- 84.9.2 the relevant *Councillor* (or *Councillors*) will be treated as being absent from the Council meeting or that part of the *Council meeting*;  
unless the *Council meeting* has been adjourned in accordance with *these Rules*.
- 84.10 Nothing in this Rule 84 prevents a *Councillor* from joining (or re-joining) a *Council meeting* at the time that they achieve compliance with sub-Rule 84.8 even if the *Council meeting* has already commenced or has continued in their absence.

## 85. Quorum

It should be noted that under section 61(6A) of *the Act*, for the purposes of these meetings, a *Councillor* present by electronic means of communication is deemed present for the purposes of a quorum.

## 86. Public Question Time

At each meeting there is an opportunity for members of the public to ask questions of the Council. If the meeting is to be held in a single electronic or hybrid/parallel format then the general public will follow the set procedures to submit a question or petition as set out in Rule 80 and Rule 81.

## 87. Meetings Conducted Remotely

If a *Council meeting* is conducted wholly or partially by electronic means of communication, the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

## Division 12 - Miscellaneous

### 88. Criticism of members of Council Staff

- 88.1 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 them or any member of *Council* staff.
- 88.2 A statement under sub-Rule 88.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as is practicable after the *Councillor* who made the statement has resumed their seat.

### 89. Procedure not provided in this Chapter

In all cases not specifically provided for by this Chapter, 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).

## CHAPTER 3 - MEETING PROCEDURE FOR DELEGATED COMMITTEES

*Overview: Council may establish delegated committees as part of its governance framework. Delegated committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to delegated committees, their meeting procedures need to be formal.*

*Delegated committees have specific powers (delegations) and to ensure public transparency in their operations, members must declare interests. They operate under a delegation of the Council (albeit for limited purposes) and members are subject to many of the same requirements as Councillors, such as conflict of interest, personal interest returns and standards of conduct.*

*Members are subject to many of the same requirements as Councillors, such as conflict of interest, personal interest returns and standards of conduct.*

### 1. Purpose

The purpose of this Chapter is to—

- (a) provide for the procedures governing the conduct of *delegated committee* meetings, including holding meetings of *delegated committees* by electronic means of communication; and
- (b) set the rules of behaviour for those participating in or present at *delegated committee* meetings.

### 2. Definitions and Notes

In this Chapter—

<i>committee meeting</i>	<i>means a meeting of a delegated committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as a face-to-face attendance in a set location or via electronic means of communication (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance</i>
<i>delegated committee</i>	<i>means a delegated committee established by council under s.63 of the Act to exercise any power of a council</i>
<i>Instrument of Delegation</i>	<i>means an instrument of delegation made by the Council under section 11(1(a) of the Act</i>
<i>joint delegated committee</i>	<i>means a delegated committee of two or more councils that have resolved to establish the joint delegated committee under s.64 of the Act, to exercise any power of a council</i>

### 3. Meeting Procedure Generally

- 3.1 A *delegated committee* exercises the powers, duties or functions of the *Council*, therefore is subject to the same governance rules as *Council*.
- 3.2 Except as provided in this Chapter, and unless the contrary intention appears, if the *Council* establishes a *delegated committee* all the provisions of Chapter 2 apply to meetings of *delegated committees*.
- 3.3 A reference in Chapter 2 to—
  - 3.3.1 a *Council meeting* is to be read as a reference to a meeting of a *delegated committee*;
  - 3.3.2 a Councillor is to be read as a reference to a member of the *delegated committee*;
  - 3.3.3 the *Mayor* is to be read as a reference to the *Chair* of the *delegated committee*.
- 3.4 A *delegated committee* must also act in accordance with its *Instrument of Delegation* by *Council*.

#### 4. Meeting Procedure Can be Varied

Notwithstanding sub-Rule 3.2, if *Council* establishes a *delegated committee* that is not composed solely of *Councillors*—

4.1 *Council* may; or

4.2 the *delegated committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *delegated committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *delegated committee* with the approval of *Council* resolves, otherwise.

#### 5. Election of Committee Chair

5.1 The *Chair* of a *delegated committee* must be a *Councillor*.

5.2 The procedure outlined in Rule 15 of *these Rules* will be used to elect the *Chair* for all *delegated committees* of *Council* unless their *Instrument of Delegation* states otherwise.

5.3 The *Chief Executive Officer* will conduct the election of the *delegated committee Chair*.

#### 6. Meetings to be Open to the Public

6.1 *Delegated committee* meetings are open to the public unless the *Chair* of the *delegated committee* considers it necessary to close the meeting to the public because of the following circumstances—

6.1.1 the meeting is to consider confidential information; or

6.1.2 for security reasons; or

6.1.3 it is necessary to do so to enable the meeting to proceed in an orderly manner.

6.2 If the circumstances in sub-Rule 6.1(b) and (c) apply, the meeting can only be closed to the public if the *delegated committee* has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.

6.3 For the purposes of sub-Rule 6.2, the arrangements may include provision to view the proceedings on the internet or on closed circuit television.

6.4 If the *delegated committee* determines that a meeting is to be closed to the public to consider confidential information, the *delegated committee* must record in the *minutes* of the meeting that are available for public inspection—

6.4.1 the ground or grounds for determining to close the meeting to the public;

6.4.2 an explanation of why the specified ground or grounds applied.

#### 7. The Order of Business

The business of a *delegated committee* meeting must be conducted in the following order unless the committee otherwise resolves—

7.1 Opening

7.2 Apologies

7.3 Confirmation of Minutes

7.4 Business arising from previous minutes

7.5 Disclosures of interest and declarations of conflict of interest

7.6 General Business

7.7 Close

#### 8. Apologies and absences

8.1 Members of a *delegated committee* who are unable to attend a meeting may submit an apology—

(a) in writing to the *Chair*, who will advise the meeting; or

(b) by seeking another member of the committee to submit it at the meeting on their behalf.

8.2 An apology submitted to a meeting will be recorded in the *minutes*.

8.3 A member who has not submitted an apology who is not in attendance at a meeting will be recorded as absent.

## 9. Voting at Meetings

- 9.1 A *delegated committee* established by a *Council*—
- 9.1.1 must include at least two *Councillors*; and
  - 9.1.2 may include any other persons appointed to the *delegated committee* by the *Council* who are entitled to *vote*.
- 9.2 A question before a *delegated committee* meeting is to be determined as follows—
- 9.2.1 each member present who is entitled to *vote* is entitled to one *vote*;
  - 9.2.2 voting at a meeting must not be in secret, but if the meeting is closed to the public, a committee member is not required to divulge their *vote* to the public;
  - 9.2.3 the question is determined in the affirmative by a majority of the committee members present at a meeting at the time the *vote* is taken voting in favour of the question;
  - 9.2.4 if the number of *votes* in favour of the question is half the number of committee members present at the meeting at the time the *vote* is taken, the *Chair* has a second *vote*;
  - 9.2.5 for the purpose of determining the result of a *vote*, a committee member present at the meeting who does not *vote* is to be taken to have *voted* against the question.
- 9.3 Voting on any matter will be by a show of hands.
- 9.4 At any meeting a committee member may immediately after the *Chair* has put any motion or *amendment* to the *vote* and has announced the result of that *vote*, ask that their opposition to the motion be recorded in the minutes.

## 10. Meeting Procedure

- 10.1 A meeting of a *delegated committee* must be chaired by a *Councillor* appointed by the *Council* or the *Mayor*.
- 10.2 If the member who is appointed *Chair* is not present at the meeting, a member who is present at the meeting and is appointed by the members of the committee who are present at the meeting, must take the *Chair*.
- 10.3 A *quorum* at a meeting of a *delegated committee* is an *absolute majority*.
- 10.4 A member of a *delegated committee* to whom a delegation is given under section 11(1)(a) of the *Act* can only exercise the delegation while acting as a member of the *delegated committee* at a meeting of the *delegated committee*.
- 10.5 The *Chair* of a *delegated committee* may change the date, time and place of any committee meeting and must provide reasonable notice to members of the committee.
- 10.6 The *Chair* of a *delegated committee* may call a special committee meeting and must give 48 hours' notice to members of the committee and must specify the purpose of the meeting.
- 10.7 Meeting *minutes* will be recorded and provided to members of the committee.
- 10.8 Members of a *delegated committee* are subject to the same conflict of interest requirements as *Councillors* and must declare interests as set out in Chapter 7.
- 10.9 Members of a *delegated committee* are subject to the same conduct rules as *Councillors*.
- 10.10 A *resolution* of a *delegated committee* holds the same weight as a *resolution* of *Council*, provided it falls within the committee's delegated powers.
- 10.11 Meetings of a *delegated committee* can be held remotely using available technology.

## 11. Joint Delegated Committees

- 11.1 The provisions of the *Act*, with the exception of section 61(3), (4) and (5)(d), apply for meetings of a *joint delegated committee*.
- 11.2 A meeting of a *joint delegated committee* must be chaired by a *Councillor* from one of the councils that has resolved to establish the *joint delegated committee* who is present at the meeting and is appointed by the members of the *joint delegated committee* who are present at the meeting.
- 11.3 A *joint delegated committee* must include at least one *Councillor* from each of the councils that has resolved to establish the joint delegated committee.
- 11.4 A *quorum* at a meeting of a *joint delegated committee* is constituted by the number of members that is equal to at least a majority of the members constituting the *joint delegated committee*.

- 11.5 Unless anything in the *Instrument of Delegation* provides otherwise, the conduct of a meeting of a *joint delegated committee* is to be determined by the councils that have resolved to establish the *joint delegated committee*.

## **12. Reporting Requirements**

- 12.1 A *delegated committee* must report the minutes of all committee meetings to the next practicable *Council meeting*.
- 12.2 All other reporting requirements for a *delegated committee* are to be specified by the *Council* in the *Instrument of Delegation*.



## CHAPTER 4 - MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES

*Overview: The Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee. These committees receive delegation of Council's powers, duties and functions from the Chief Executive Officer and the powers delegated must be limited in the amount and purpose of any financial delegation.*

*Community asset committees have specific powers (delegations) and to ensure public transparency in their operations, members must declare interests. They operate under delegation of the council (albeit for limited purposes) and members are subject to many of the same requirements as Councillors, such as conflict of interest, personal interest returns and standards of conduct.*

### 1. Purpose

The purpose of this Chapter is to provide for the procedures governing the conduct of *community asset committee* meetings.

### 2. Definitions and Notes

In this Chapter—

*Community Asset Committee* means a committee appointed under section 65 of the Act for the purpose of managing a community asset

*Instrument of Delegation* means an instrument of delegation made by the Chief Executive Officer under section 47(1)(b) of the Act

### 3. Application Generally

Unless anything in the *Instrument of Delegation* provides otherwise, the conduct of a meeting of a *Community Asset Committee* is at the discretion of the *Community Asset Committee*.

### 4. Appointment of Committee

- 4.1 Council may establish a *community asset committee* and appoint as many members to the committee as they consider necessary to enable the committee to achieve the purpose of managing a community asset.
- 4.2 The *Chief Executive Officer* may by *Instrument of Delegation* delegate any power, duty or function of the *Council* that has been delegated to him or her to a *community asset committee*.
- 4.3 A delegation to members of the *community asset committee* is to be exercised subject to the terms and conditions specified by the *Chief Executive Officer* which must include—
  - 4.3.1 the specified limit on any financial delegation and the specified purpose for which the financial delegation may be used;
  - 4.3.2 compliance with specified governance requirements to ensure appropriate standards of probity are met;
  - 4.3.3 specified monitoring and reporting of the activities and performance of the community asset committee.
- 4.4 Meetings of a *community asset committee* do not have a requirement to be chaired by a *Councillor* or *Mayor* and any member can be elected as *Chair* from the membership unless the *Instrument of Delegation* states otherwise.

### 5. Meetings

- 5.1 Meetings of a *community asset committee* are not open to the public unless the *Council* provides for in the committee *Instrument of Delegation*.
- 5.2 Meetings of a *community asset committee* can be held remotely using available technology.
- 5.3 A member of a *community asset committee* to whom a delegation is given under section 11(1)(a) of the *Act* can only exercise the delegation while acting as a member of the *community asset committee* at a meeting of the *community asset committee*.

- 5.4 An exercise of a power or the performance of a duty or function of the *Council* by a member of a *community asset committee* is a 'resolution of *Council*'.
- 5.5 Members of a *community asset committee* are subject to the same conflict of interest requirements as *Councillors* and must declare interests as set out in Chapter 7.
- 5.6 Members of a *community asset committee* are subject to the same conduct rules as *Councillors*.

## 6. Reporting Requirements

- 6.1 A *community asset committee* must report the *minutes* of all committee meetings to the next practicable *Council meeting*.
- 6.2 All other reporting requirements including the level of spend, for a *community asset committee* are specified by the *Chief Executive Officer* in the Instrument of Sub-Delegation.
- 6.3 The *Chief Executive Officer* must submit an annual report on the activities of a *community asset committee* to the *Council*.



## CHAPTER 5 - ELECTION PERIOD POLICY

### 1. Purpose

A *Council* must include an election period policy in its Governance Rules under section 69 of the *Act*.

The purpose of this Chapter is to set out the *Council's* policy to govern decision making in the lead up to Council elections, the use of council resources and publications, media and communications issues and Councillor behaviour. The policy will ensure the transparency and accountability of the *Councillors*, members of Council staff and candidates during an election period and compliance with the *Act*.

### 2. Definitions and Notes

In this Chapter—

<i>election candidates</i>	<i>means all sitting Councillors who will be considered as being election candidates until the close of nominations</i>
<i>electoral matter</i>	<i>means matter which is intended or likely to affect voting in an election, but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election, It includes matter that contains an express or implied reference to, or comment on the election, a candidate in the election or an issue submitted to, or otherwise before, the voters in connection with the election</i>
<i>electoral material</i>	<i>means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting</i>
<i>election period</i>	<i>means the legislative 'caretaker' period for a general election that—</i> <i>(a) starts at 12 noon the time that nominations close on nomination day; and</i> <i>(b) ends at 6pm on election day.</i>

### 3. Policy

#### 3.1 Council's Election Period Policy:

- 3.1.1 governs decision making during a local government election period, including what may be considered at a *Council meeting* and what *Council* decisions are prohibited;
  - 3.1.2 prohibits any *Council* decision during the *election period* that would enable the use of *Council* resources in a way that is intended to influence or is likely to influence voting at the election, including Federal, State or *Council* elections;
  - 3.1.3 sets out the conditions for any community engagement required to be undertaken during an *election period*, including consultations, civic events and activities of *delegated committees* established by the *Council*;
  - 3.1.4 sets out the requirements for any *Council* publications during a local government election period – including the website, social media, newsletters and advertising – to ensure the *Council* does not publish materials that relate to issues that are the subject of election campaigns;
  - 3.1.5 defines roles and responsibilities in relation to who is the spokesperson for *Council* during an *election period*;
  - 3.1.6 sets out the requirements for a *Councillor* or member of *Council* staff who is a candidate in an election including a Federal, State or Council election.
- 3.2 At least once in each *Council* term and, not later than 12 months prior to the commencement of an *election period*, *Council* will review its election period policy.
- 3.3 The *Election Period Policy* forms part of *these Rules*.
- 3.4 The operation of any *delegated committee* and *community asset committee* shall be suspended upon the commencement of the *election period* ahead of a general *Council* election.
- 3.5 Any outstanding committee reports/minutes may still be reported to a *Council meeting* during the *election period*.

- 3.6 *Council* committees shall resume meeting following the election and the appointment by the incoming *Councillors* to each committee.

#### 4. Candidates

- 4.1 A person is not qualified to be a Councillor if the person is a member of the Victorian or Commonwealth Parliament.
- 4.2 A member of Council staff who has not taken leave to stand is not qualified to nominate as a candidate.
- 4.3 A member of Council staff who wishes to nominate as a candidate at a Federal, State or Local election can seek approval in writing from the *Chief Executive Officer* for the duration of the election period for that election to:
- 4.3.1 take leave from their office or position; and
- 4.3.2 not perform any of the duties of their position.
- 4.4 A person who is a Councillor of a *Council* cannot nominate as a candidate for an election as a Councillor of any council unless at the time of the nomination the person will cease to hold office as a Councillor on or before the election day for that election.
- 4.5 A person who has nominated as a candidate for an election as a Councillor of a council cannot nominate as a candidate for any other election as a Councillor unless at the time of the nomination the person has withdrawn the previous nomination.
- 4.6 A person must not nominate as a candidate for more than one election of Councillors to be held on the same day.
- 4.7 A person cannot nominate as a candidate for an election as a Councillor unless the person has completed the prescribed training.
- 4.8 If a Councillor becomes aware they have ceased to be qualified to be a Councillor of the *Council* under section 34 of the *Act*, the Councillor must immediately give notice in writing to the *Chief Executive Officer*.

#### 5. Decision Making

- 5.1 *Council* may at its discretion decide to implement 'caretaker arrangements' earlier than nomination day.
- 5.2 Given the relatively short election period, the *Council* will reschedule most decisions until after the new *Council* commences its term, or if that is not appropriate, bring decisions forward so they are determined before the *election period* starts.
- 5.3 *Council* will continue to hold *Council meetings* during the *election period*.
- 5.4 *Council* is **prohibited** from making any *Council* decision during the election period for a general election that—
- (a) relates to the appointment or remuneration of a *Chief Executive Officer* but not to the appointment or remuneration of an Acting Chief Executive Officer;
- (b) commits the *Council* to expenditure exceeding one percent of the *Council's* income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- (c) the *Council* considers could be reasonably deferred until the next *Council* is in place; or
- (d) the *Council* considers should not be made during an *election period*.
- 5.5 *Council* is prohibited from making any *Council* decision during the *election period* for a general election that would enable the use of *Council* resources in a way that is intended to influence, or is likely to influence, voting at the election. (s.69(3) LGA)
- 5.6 Other types of decisions that the *Council* will not make during an election period are—
- 5.6.1 Allocating community grants or other forms of direct funding to community organisations.
- 5.6.2 Major planning scheme amendments.
- 5.6.3 Changes to strategic objectives or strategies in the Council Plan.
- 5.6.4 Any decisions of a significant nature and which would unnecessarily bind an incoming council.
- 5.7 *Council* commits that any other decision will be considered only if absolutely necessary for

council operational purposes or pursuant to a statutory requirement.

- 5.8 It is noted that to avoid making certain decisions during an election (other than decisions prohibited under section 69(2) of the *Act* is not legally binding; however, if it becomes important to make a decision contrary to this policy during the *election period*, the necessity will need to be demonstrated to the community.
- 5.9 Should the *Council* make any decision in contravention of sub-Rules 5.4 (a) and (b), the decision is invalid. [s.69(2)(a) and (b) LGA]
- 5.10 Any person who suffers any loss or damage as a result of acting in good faith on a *Council* decision that is invalid by virtue of section 69(4) of the *Act* is entitled to compensation from the *Council* for that loss or damage.
- 5.11 Papers prepared for *Council meetings* during the election period will be carefully vetted by the *Chief Executive Officer* to ensure that no agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage *Councillor* candidates to use the item as part of their electioneering.
- 5.12 *Council* commits that all *Councillors* will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election.

## 6. Use of Council resources

- 6.1 Public resources must not be used in any way that is intended to; or is likely to affect the result of any Federal, State or Local Council election.
- 6.2 A *Councillor* or member of Council staff must not use Council resources in any way that would influence the way people vote in elections or give a *Councillor* any inappropriate real or perceived electoral advantage.
- 6.3 A *Councillor* will be treated in the same way as any other candidate with respect to access to Council resources.
- 6.4 The following guidelines will ensure that due propriety is observed in the use of and access to staff, property, equipment and other resources during the *election period*—
- 6.4.1 A *Councillor* or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorised to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the *Council* unless the electoral material only contains information about the election process or is otherwise required.
- 6.4.2 A *Councillor* will continue to be provided with resources during the election period to continue to perform their elected role.
- 6.4.3 *Council* resources, including officers, support staff, email services, equipment (ipads, photocopiers, motor vehicles), branding and stationery, are only to be used for normal *Council* business and are not to be used for any election campaign activities.
- 6.4.4 Members of Council staff must—
- (a) avoid assisting any *Councillor* in ways that are or could create a perception that they are being used for electoral purposes;
  - (b) report any interest in being involved privately in the election campaign of any candidate to the *Chief Executive Officer*;
  - (c) not provide any information to any candidate or prospective candidate other than information that is available to the general public and will direct all election enquiries to the Returning Officer;
  - (d) report to the *Chief Executive Officer* when the use of resources might be construed as being related to a candidate's election campaign;
  - (e) not make any public statement that relates to an election issue unless such statements have been approved by the *Chief Executive Officer*.
- 6.4.5 A *Councillor* must—
- (a) not use Council resources for any election campaign activities except as provided for under this policy;
  - (b) not use Council funded mobile phones or email addresses or Council provided photographs for electioneering;
  - (c) not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign;

- (d) not ask Councillor support staff to undertake any tasks indirectly or directly connected with a *Councillor* candidate's election campaign;
- (e) not exert undue influence over the timing of works or the delivery of Council services that may result in political gain for electoral purposes.

## 7. Public Consultation

- 7.1 Consultation is an integral part of the *Council's* policy development process and operations, however there are concerns that consultation undertaken close to a general election may become an election issue in itself and influence voting, issues raised through the consultation and decisions that follow may also unreasonably bind the incoming *Council*.
- 7.2 Normal *Council* events are not prohibited in the election period; however, *Council* will keep these events to a minimum. *Council* will continue with normal community consultation and scheduling of Council events during the *election period*, but consultations and events will avoid express or implicit links to the election.
- 7.3 Where events occur and whether or not a *Councillor* is to make a speech, each *Councillor* will be reminded that they are representing the *Council* and are not to use the opportunity for electioneering.
- 7.4 Functions or events for the purpose of electioneering must not be resourced or publicised by the *Council*.

## 8. Equitable Access to Council Information

Each *Councillor* will be treated in the same way as other candidates with respect to access to *Council* held information. The following guidelines will ensure that due propriety is observed in the use of and access to information during the election period—

- 8.1 A *Councillor* may continue to automatically access Council held documents during the *election period*, but only as is necessary for them to perform their elected role and functions.
- 8.2 Information and briefing material prepared and provided to a *Councillor* must be necessary to the carrying out of their role and must not be used for election purposes.
- 8.3 Any document made available to a *Councillor* will also be made available to candidates.
- 8.4 Applications for access to Council information by all parties will be processed by the Manager Governance & Civic Support who will ensure that information made available to one candidate is accessible to all candidates.

## 9. Prohibitions on Publications

- 9.1 *Council* will not publish any material with public funds that might influence or be seen to influence people's voting decisions.
- 9.2 All publications including Council newsletters, advertisements and notices, media releases, leaflets, letters, reports, publicity for a Council function or event and brochures and mail outs during the election period **will not** contain *electoral matter*. This also applies to the publication of such material on the Council website.
- 9.3 A *Councillor* or member of Council staff will not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, *electoral material* unless the name and address of the person who authorised the electoral material is clearly displayed on its face.
- 9.4 A *Councillor* or member of Council staff will not print, publish or distribute, or cause, permit or authorise to be printed, published or distributed any matter or thing that they know, or should reasonably be expected to know, is likely to mislead or deceive a voter in relation to the casting of the vote of the voter.
- 9.5 Council staff will avoid all publication activity, including updated or new information added to the Council's website during the election period except where printing, publishing or distributing a document is essential for the conduct of Council operations.
- 9.6 *Council* will not publish material which links *Councillor* candidates with particular Council achievements, commitments or programs.
- 9.7 All requests for publications during the *election period* will be decided on a case by case basis by the Manager Governance & Civic Support to ensure compliance with the *Act* and this policy. Relevant matters to be considered when undertaking an assessment to determine whether or not the publication complies are:

- 9.7.1 Who wants the material published?
  - 9.7.2 What is the content of the material?
  - 9.7.3 In what form is it to be published?
  - 9.7.4 In what context is it to be published?
  - 9.7.5 At what time is it to be published?
  - 9.7.6 What does the publication seek to achieve?
- 9.8 *Council* can publish materials on electoral processes or availability of Council services.

## 10. Media and communications

- 10.1 All official media statements will only be made by the *Chief Executive Officer*.
- 10.2 Media Releases, social media posts or other media statements will not refer to a specific *Councillor* or feature any photograph, quote or name of any incumbent *Councillor* during the election period.
- 10.3 Where it is necessary to make or clarify any public statement, comment on sensitive or political issues or identify a spokesperson in relation to an issue, the matter must be referred to and approved by the *Chief Executive Officer*.
- 10.4 Media statements dealing with their election campaign must be issued by a *Councillor* privately. Statements must be clearly communicated as personal opinion and not undermine the standing of the *Council* in the community.
- 10.5 Members of Council staff will not provide advice or assistance in the preparation of media releases, social media posts or other media statements that contain *electoral material*.
- 10.6 Members of Council staff must not make any public statement that can be interpreted as a political comment or have influence on the electoral process.
- 10.7 The Media and Communications Officer will undertake constant monitoring of social media sites during the *election period* to ensure no *electoral matter* is posted.
- 10.8 The Council website will not be used to convey information that could be regarded as *electoral matter* but will contain information about the election process.
- 10.9 The *Council* website will be checked at the start of the *election period* to ensure that any information prominently displayed that might be regarded as likely to influence how people vote will be removed. Profiles of each *Councillor* will also be removed but contact details and photos will remain.

## 11. Other

- 11.1 A 'Caretaker Statement' will be included in every report submitted to the *Council* for a decision.
- 11.2 *Electoral material*, including pamphlets, posters and notices will not be visible or available at any Council premises, including libraries, during the election period. The only exception to this is material issued by the Victorian Electoral Commission for the purpose of conducting the election.
- 11.3 A *Councillor* may use the title 'Councillor' in their election material as they continue to hold the position in the *election period*; however, to avoid confusion a *Councillor* must ensure that any election publication using the title 'Councillor' clearly indicates that it is their own material and does not represent *Council*.
- 11.4 Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign will be referred to the *Chief Executive Officer* for consideration.
- 11.5 Claims for the reimbursement of expenses incurred during the *election period* shall only relate to expenditure incurred whilst conducting *Council* business in accordance with the *Council Expenses Policy* and not election activities.



## CHAPTER 6 - DISCLOSURE OF CONFLICT OF INTEREST

*Overview: The Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances. This Chapter sets out how and when conflicts of interest are to be disclosed at a meeting of the Council, a delegated committee, a community asset committee or a meeting under the auspices of the Council and that are not Council meetings such as a Councillor Briefing, an informal meeting of Councillors or a meeting of an advisory committee.*

### 1. Purpose

The purpose of this Chapter is to set out the procedure for the disclosure of a *conflict of interest* by—

- 1.1 a *Councillor*, member of a *delegated committee* and a member of a *community asset committee* under sections 130 and 131 of the Act;
- 1.2 a member of Council staff when providing information in respect of a matter within the meaning of section 126(1) of the Act.
- 1.3 a *Councillor*, member of a committee or member of staff attending a *Council-auspiced meeting*.

### 2. Definitions and Notes

In this Chapter—

<i>conflict of interest</i>	<i>as defined in section 126 of the Act</i>
<i>Council-auspiced meeting</i>	<i>means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 7 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name)</i>
<i>delegated committee</i>	<i>a member of a delegated committee includes a Councillor</i>
<i>family member</i>	<i>means—</i> <ol style="list-style-type: none"> <li>(a) <i>a spouse or domestic partner of the relevant person; or</i></li> <li>(b) <i>a parent, transparent, sibling, child, grandchild, step-parent, step sibling or step-child of the relevant person or of their spouse or domestic partner;</i></li> <li>(c) <i>any other relative that regularly resides with the relevant person</i></li> </ol>
<i>general conflict of interest</i>	<i>the person’s private interests could result in that person acting in a manner that is contrary to their public duty</i>
<i>material conflict of interest</i>	<i>if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter, directly or indirectly</i>
<i>matter</i>	<i>means a matter with which a council, delegated committee, community asset committee or a member of council staff is concerned and that will require—</i> <ol style="list-style-type: none"> <li>(a) <i>a power to be exercised, or a duty or function to be performed, or a decision to be made, by the council, delegated committee or community asset committee in respect of the matter; or</i></li> <li>(b) <i>a power to be exercised, or a duty or function to be performed, or a decision to be made by a member of council staff in respect of the matter</i></li> </ol>
<i>private interests</i>	<i>means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief</i>
<i>public duty</i>	<i>means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person</i>
<i>relevant person</i>	<i>means a person who is a-</i> <ol style="list-style-type: none"> <li>(a) <i>Councillor; or</i></li> <li>(b) <i>member of a delegated committee who is not a Councillor; or</i></li> <li>(c) <i>member of council staff</i></li> </ol>

and for the purposes of these Rules includes a person who is a member of a community asset committee and a Council-aided committee, including the Audit and Risk Committee.

### 3. Obligations

- 3.1 A relevant person is required to—
- 3.1.1 avoid all situations which may give rise to a *conflict of interest*;
  - 3.1.2 identify any *conflict of interest*; and
  - 3.1.3 disclose or declare any *conflict of interest*.
- 3.2 A relevant person is required to disclose the *conflict of interest* in the manner required by these Rules.

### 4. Disclosure of Conflict of Interest

- 4.1 This Chapter applies to a *conflict of interest* in respect of a *matter*—
- 4.1.1 to be considered at a *Council meeting*; or
  - 4.1.2 to be considered at a meeting of a *delegated committee*; or
  - 4.1.3 to be considered at a meeting of a *community asset committee*; or
  - 4.1.4 to be considered at a *Council-aided meeting*; or
  - 4.1.5 that arises in the course of the exercise of a power of delegation by a member of Council staff; or
  - 4.1.6 that arises in the course of the exercise of a statutory function under the *Act* or any other Act.

### 5. Disclosure of a Conflict of Interest at a Council Meeting

A *Councillor* who has a *conflict of interest* in a *matter* being considered at a *Council meeting* at which they:

- 5.1 are in attendance present must disclose that *conflict of interest* by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the *matter* is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 5.2 intend to *attend* must disclose that *conflict of interest* by providing to the *Chief Executive Officer* before the *Council meeting* commences a *written notice*—
- 5.2.1 advising of the conflict of interest;
  - 5.2.2 explaining the nature of the *conflict of interest* and indicating whether it is a general conflict of interest or a material conflict of interest; and
  - 5.2.3 detailing, if the nature of the *conflict of interest* involves a *Councillor's* relationship with or a gift from another person, the—
    - (a) name of the other person;
    - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - (c) nature of that other person's interest in the *matter*;

and then immediately before the *matter* is considered at the meeting announcing to those in attendance that they have a *conflict of interest* and that a *written notice* has been given to the *Chief Executive Officer* under this sub-Rule.

The *Councillor* must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the *matter* has been disposed of.

### 6. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a *delegated committee* who has a *conflict of interest* in a *matter* being considered at a *delegated committee* meeting at which they—

- 6.1 are *in attendance* must disclose that *conflict of interest* by explaining the nature of the *conflict of interest* to those present at the *delegated committee* meeting immediately before the *matter* is



considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

6.2 intend to attend must disclose that *conflict of interest* by providing to the *Chief Executive Officer* before the *delegated committee* meeting commences a *written* notice—

6.2.1 advising of the *conflict of interest*;

6.2.2 explaining the nature of the *conflict of interest* and indicating whether it is a general conflict of interest or a material conflict of interest; and

6.2.3 detailing, if the nature of the *conflict of interest* involves a member of a *delegated committee*'s relationship with a gift from another person the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person's interest in the *matter*,

and then immediately before the *matter* is considered at the meeting announcing to those present that they have a *conflict of interest* and that a *written* notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *delegated committee* must, in either event, leave the *delegated committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the *matter* has been disposed of.

## 7. Disclosure of Conflict of Interest at a Community Asset Committee Meeting

A *Councillor* who has a *conflict of interest* in a *matter* being considered at a *community asset committee* meeting at which they:

7.1 are *in attendance* must disclose that *conflict of interest* by explaining the nature of the *conflict of interest* to those in attendance at the *community asset committee* meeting immediately before the *matter* is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

7.2 intends to *attend* must disclose that *conflict of interest* by providing to the *Chief Executive Officer* before the *community asset committee* meeting commences a *written* notice—

7.2.1 advising of the *conflict of interest*;

7.2.2 explaining the nature of the *conflict of interest* and indicating whether it is a general conflict of interest or a material conflict of interest; and

7.2.3 detailing, if the nature of the *conflict of interest* involves a member of a *Councillor*'s relationship with a gift from another person the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of the other person's interest in the *matter*,

and then immediately before the *matter* is considered at the meeting announcing to those *in attendance* that they have a *conflict of interest* and that a *written* notice has been given to the *Chief Executive Officer* under this sub-Rule.

The *Councillor* must, in either event, leave the *community asset committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the *matter* has been disposed of.

## 8. Disclosure at a Meeting Conducted Under the Auspices of Council

A *Councillor* who has a *conflict of interest* in a *matter* being considered by a meeting under the auspices of *Council* at which they are *in attendance* must—

8.1 disclose that *conflict of interest* by explaining the nature of the *conflict of interest* to those present at the meeting immediately before the *matter* is considered and indicating whether it is a general conflict of interest or a material conflict of interest;

8.2 absent themselves from any discussion of the *matter*; and

- 8.3 as soon as practicable after the meeting concludes, provide to the *Chief Executive Officer* a *written* notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

## 9. Disclosure by Members of Council Staff Preparing Reports for Meetings

- 9.1 A member of Council staff who, in their capacity as a member of Council staff, has a *conflict of interest* in a *matter* in respect of which they are preparing or contributing to the preparation of a report for the consideration of a—
- 9.1.1 *Council meeting*;
  - 9.1.2 *delegated committee* meeting;
  - 9.1.3 *community asset committee* meeting
- must, immediately upon becoming aware of the *conflict of interest*, provide a *written* notice to the *Chief Executive Officer* disclosing the *conflict of interest* and explaining the nature of the *conflict of interest* and indicating whether it is a general conflict of interest or a material conflict of interest.
- 9.2 The *Chief Executive Officer* must ensure that the report referred to in sub-Rule 9.1 records the fact that a member of Council staff disclosed a *conflict of interest* in the subject matter of the report.
- 9.3 If the member of Council staff referred to in sub-Rule 9.1 is the *Chief Executive Officer*—
- 9.3.1 the *written* notice referred to in sub-Rule 9.1 must be given to the *Mayor*; and
  - 9.3.2 the obligation imposed by sub-Rule 9.2 may be discharged by any other member of Council staff responsible for the preparation of the report.

## 10. Disclosure of Conflict of Interest by Member of Council Staff in the Exercise of Delegated Power

- 10.1 A member of Council staff who has a *conflict of interest* in a *matter* requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a *written* notice to the *Chief Executive Officer* explaining the nature of the *conflict of interest* and indicating whether it is a general conflict of interest or a material conflict of interest.
- 10.2 If the member of Council staff referred to in sub-Rule 10.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

## 11. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

- 11.1 A member of Council staff who has a *conflict of interest* in a *matter* requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the *conflict of interest*, immediately provide a *written* notice to the *Chief Executive Officer* explaining the nature of the *conflict of interest* and indicating whether it is a general conflict of interest or a material conflict of interest.
- 11.2 If the member of Council staff referred to in sub-Rule 11.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

## 12. Retention of Written Notices

The *Chief Executive Officer* must retain all *written* notices received under this Chapter for a period of three years.

## 13. Recording

*Conflict of interest* disclosures are recorded in the meeting *minutes*. For any *written* disclosure to the *Chief Executive Officer* it will be recorded in the *minutes* that a *written* disclosure was also provided. The record will be reported to a *Council meeting* and incorporated in the *Council minutes*.

## 14. Exemptions

A *conflict of interest* does not arise if any of the following applies—

- 14.1 the *conflict of interest* is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the *relevant person* in relation to the *matter*;

- 14.2 the interest that would give rise to a *conflict of interest* is held in common with a substantial proportion of the residents, ratepayers or electors of the *municipal district* and does not exceed the interest held by the other residents, ratepayers or electors;
- 14.3 the *relevant person* does not know the circumstances that give rise to the *conflict of interest*, and could not be reasonably expected to know those circumstances;
- 14.4 the interest only arises because the *relevant person* is the representative of the *Council* on a not-for-profit organisation that has an interest in the *matter* and the relevant person receives no personal advantage from the not-for-profit organisation;
- 14.5 the interest only arises because a *family member* of the *relevant person* is a member but not an office-holder of a not-for-profit organisation;
- 14.6 the interest only arises because the *relevant person* is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the *matter*;
- 14.7 the interest arises in relation to a decision by a *Councillor* on a *matter* or in a circumstance that is prescribed to be exempt by the regulations.

## CHAPTER 7 - MISCELLANEOUS

### 1. Purpose

The purpose of this Chapter is to provide for various matters not already designated in other Chapters.

### 2. Definitions

In this Chapter—

*advisory committee* means a committee established by the Council that provides advice to—

- (a) the council; or
- (b) a member of Council staff who has been delegated a power, duty or function of the Council;

that is not a delegated committee

### 3. Advisory Committees

Advisory committees provide advice to *Council* but any final decision for action or expenditure is taken by *Council* in a *Council meeting*. An *advisory committee* can comprise *Councillors*, members of Council staff and others; however, the *Chair* does not necessarily have to be a *Councillor*. Less formal procedures will apply to *advisory committee* meetings than *delegated committees*. Members are not subject to the same requirements as *Councillors* such as conflicts of interest, personal interest returns and standards of conduct.

The meeting procedure in Chapter 2 in *these Rules* may apply for an *advisory committee* with any necessary modifications.

### 4. Other Committees

*Overview: Council can establish any other committee that meets its needs, provided it has no delegated powers of council and does not manage a community asset on behalf of the council.*

Unless anything in the Charter or Terms of Reference provides otherwise, the conduct of other committee meetings is at the discretion of each committee.

Other committees include but are not limited to—

- 4.1 Portfolio *advisory committees* to provide advice to a specific area of policy or service. Examples include:
  - (a) disability;
  - (b) transport;
  - (c) reconciliation action plan;
  - (d) environmental management;
  - (e) economic development;
  - (f) sport and recreation;
  - (g) public art.
- 4.2 Project *advisory committees* that may be time-limited.
- 4.3 Program or grant *advisory committees* that advise *Council* on the awarding of grants or program funding but are not responsible for the final decision.
- 4.4 Program funding committees that are not responsible for the final decision.
- 4.5 Reference committees or groups to provide input into a decision where members are representative of the community that will be affected by decisions or actions. Examples include:
  - (a) older persons;
  - (b) youth;
  - (c) disability inclusion.

- 4.6 Steering committees to provide advice to inform a Council decision on a project. Examples include—
- (a) activity/community centre steering committee;
  - (b) special events;
  - (c) providing advice on reserves or parks (not directly managing them).

## 5. Informal Meetings of *Councillors*

If there is a meeting of *Councillors* that—

- 5.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing *Councillors*;
- 5.2 is attended by at least one member of *Council* staff; and
- 5.3 is not a *Council meeting*, *delegated committee meeting* or *Community Asset Committee meeting*  
the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:
  - 5.3.1 tabled at the next convenient *Council meeting*; and
  - 5.3.2 recorded in the minutes of that *Council meeting*.

## 6. Confidential Information

- 6.1 If the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, they may designate the information as confidential and advise *Councillors* and/or members of Council staff in writing accordingly.
- 6.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to *Councillors* and/or members of Council staff in writing accordingly, will be presumed to be confidential information.
- 6.3 Nothing in sub-Rule 6.2 will, without more, mean that information designated by the *Chief Executive Officer* under sub-Rule 6.1 satisfies the definition of 'confidential information' contained in section 3(1) of the *Act*.
- 6.4 The provisions in *the Act* regarding confidential information continue to apply to electronic meetings. Confidential information must not be intentionally or recklessly disclosed. *Councillors* should be able to demonstrate to the satisfaction of the *Chair* that their location is secure to ensure the deliberations are confidential.

## 7. Review of Governance Rules

- 7.1 *Council* may amend *these Rules*.
- 7.2 A review of *these Rules* will be undertaken every four years to align with the Council term to ensure they remain current with legislative changes and introduction of new systems or procedures.
- 7.3 *Council* must ensure that a process of community engagement is followed in amending *these Rules*.
- 7.4 Sub-Rule 7.3 does not apply if the *Council* is developing and adopting or amending a Governance Rule that only adopts a Ministerial good practice guideline.

