



**GREATER BENDIGO CITY COUNCIL**

**GOVERNANCE RULES**

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## 1. TITLE

Greater Bendigo City Council Governance Rules

## 2. OBJECTIVES

The objectives of the Governance Rules are to –

- (a) provide for the peace, order and good government of the Greater Bendigo municipal district;
- (b) provide for the administration of Council's powers and functions;
- (c) regulate proceedings at meetings of Council, a Delegated Committee and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of these Governance Rules are to apply;
- (d) regulate the procedure for the election of the Mayor and Deputy Mayor; promote and encourage local community participation in the system of local government by providing mechanisms within the meeting arrangements for council to ascertain the local community's views and expectations; and
- (e) provide an Election Period Policy to regulate compliance in the lead up to local government elections.

## 3. AUTHORISING PROVISION

The Governance Rules are made under section 60 of the Act.

## 4. OPERATION DATE

The Governance Rules comes into operation on 1 September 2020 and review by 1 December 2021.

## 5. DEFINITIONS

**Act** means the *Local Government Act 2020* (Victoria);

**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;
- (c) that is not a Delegated Committee

**Agenda** means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting;

**Agreement of Council** means indicative agreement of all of the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote.

**Audit and Risk Committee** means the Audit and Risk Committee established by a Council under section 53 of the Act.

**Authorised Officer** has the same meaning as in the *Local Government Act 1989* (Victoria) or any other relevant Act;

**Chairperson** means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson;

**Chamber** means any room where the Council holds a Council Meeting

**Chief Executive Officer** means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office;

**Rule or Sub-rule** means a rule or sub-rule included in these Governance Rules;

**Committee Meeting** means a Meeting of a Delegated Committee;

**Common Seal** means the common seal of Council;

**Council** means Greater Bendigo City Council;

**Councillor** means a Councillor of Council;

**Code of Conduct** has the same meaning as in the Act;

**Council Meeting** means a Meeting of the Council convened in accordance with these Governance Rules and includes a scheduled Meeting and unscheduled Meeting;

**Delegate** means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation;

**Delegated Committee** has the same meaning as in the Act;

**Delegated Committee Meeting** means a Meeting of a Delegated Committee

**Deputy Mayor** means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor;

**Director** means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer;

**Disorder** means any disorderly conduct of a Member of the Gallery or a Councillor and includes:

- interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;
- making comments that are defamatory, malicious, abusive or offensive;
- refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and
- engaging in any other conduct which prevents the orderly conduct of the Meeting;

**Foreshadowed Item** means a matter raised in the relevant section of the Council Meeting that a Councillor intends to submit a Notice of Motion for the next Council Meeting;

**Majority of the Votes** means a majority of Councillors present at the time of a vote voting in favour of a matter;

**Mayor** means the Mayor of Council and any person appointed by Council to be acting as Mayor;

**Meeting** means a Council Meeting or a Delegated Committee Meeting;

**Member** means a member of any committee to which these governance rules apply;

**Minister** means the Minister for Local Government;

**Minutes** means the official record of the proceedings and decisions of a Meeting;

**Motion** means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted;

**Notice of Motion** means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting;

**Notice of Rescission** means a Notice of Motion to rescind a resolution made by Council;

**On Notice** means held or deferred to enable preparation of a response;

**Point of Order** means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting;

**Procedural Motion** means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure;

**Urgent Business** means a matter that relates to or arises out of a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next Meeting;

**Unscheduled Meeting** means a Meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Ordinary Council Meetings set by Council.

## 6. MEETING PROCEDURE

### 6.1 Purpose of Council Meetings

6.1.1 Council holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of Council.

6.1.2 In accordance with the *Local Government Act 2020*, Council and Delegated Committee Meetings are open to the public and the community are able to attend.

6.1.3 In accordance with section 66 of the Act, Meetings will only be closed to members of the public if:

(a) there are clear reasons for matters to remain confidential; or

- (b) a Meeting is required to be closed for security reasons; or
- (c) it is necessary to enable the Meeting to proceed in an orderly manner.

6.1.4 If a Meeting is closed to the public for the reasons outlined in Sub-Rule 2.1.3(b) or (c), the Meeting will be livestreamed. In the event a livestream is not available the Meeting may be adjourned, or a recording of the proceedings may be available on Council website.

## **7. MEETING ROLES**

### **7.1 Chairperson and Members**

7.1.1 The Chairperson, Councillors and Members of Delegated Committees will ensure good Council decision-making by endeavouring to ensure:

- (a) The Decision making is transparent to Members and observers;
- (b) Meeting Members have sufficient information to make good decisions;
- (c) Every Member is supported to contribute to decisions;
- (d) Due process and natural justice in decision making for any person whose rights are affected;
- (e) Debate and discussion is focussed on the issues at hand;
- (f) Meetings are conducted in an orderly and respectful manner.
- (g) Decisions should be made on the merits of the matter.

### **7.2 Mayor to take the Chair**

7.2.1 The Mayor must take the Chair at all Council Meetings at which the Mayor is present.

7.2.2 If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair.

7.2.3 If the Mayor and any Deputy Mayor are not in attendance at a Council Meeting, the immediate past Mayor or immediate past Deputy Mayor will Chair the Meeting.

### **7.3 Delegated Committee Chairperson**

7.3.1 At the Meeting at which Council establishes a Delegated Committee it must also appoint a Chairperson.

7.3.2 The Chair of a Delegated Committee must be a Councillor.

7.3.3 For the avoidance of doubt, Sub-Rule 3.3.1 does not intend to limit the powers of the Mayor provided in the Act.

### **7.4 The Chairperson's Duties, Responsibilities and Discretions**

In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:

- 7.4.1 must preside over and control the Meeting, conduct it impartially and according to this Local Law and established protocols in order to ensure the smooth passage of the business.
- 7.4.2 must not accept any Motion, question or statement which is:
  - (a) vague or ambiguous;
  - (b) defamatory, malicious, abusive or objectionable in language or substance;  
or
  - (c) outside the powers of Council;
- 7.4.3 must allow the CEO the opportunity to correct factual errors or incorrect assertions that arise during the Meeting;
- 7.4.4 must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council;
- 7.4.5 must declare the results of all votes and may direct that a vote be recounted to be satisfied of the result; and
- 7.4.6 must decide on all points of order.

## **7.5 CEO**

- 7.5.1 The CEO, or delegate, may participate in the Meeting to provide support to the Chairperson.
- 7.5.2 The CEO should:
  - (a) Immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
  - (b) Advise if there are operational, financial or risk implications arising from a proposed resolution;
  - (c) Help clarify the intent of any unclear resolution to facilitate implementation;
  - (d) On request, assist with procedural issues that may arise.

## **7.6 Councillors and Members of Delegated Committees**

- 7.6.1 Councillors and Members of Delegated Committees contribute to good governance and decision making by:
  - (a) Reading and understanding items in the Agenda and being aware of the community impact of these Meeting;
  - (b) Demonstrating due respect and consideration to community views and the professional / expert advice provided in the Agenda papers;



- (c) Attending Meetings and participating in debate and discussion;
- (d) Demonstrating respect for the role of the Chairperson and the rights of other Councillors or Members of Delegated Committees to contribute to the decision-making;
- (e) Being courteous and orderly.

## **7.7 Community**

- 7.7.1 Council Meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings.
- 7.7.2 Community Members may only participate in Council Meetings in accordance with these rules.
- 7.7.3 Community Members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

## **7.8 Apologies and absences**

- 7.8.1 Councillors and Members of Delegated Committees who are unable to attend a Meeting may submit an apology in writing or verbally to the Chairperson, the CEO or the Manager Governance:
- 7.8.2 An apology submitted to a Meeting will be recorded in the minutes.
- 7.8.3 A Councillor intending to take a leave of absence should submit a request in writing to the Mayor, CEO or the Manager Governance and the request will be included in the Agenda of the next Council Meeting.
- 7.8.4 A leave of absence not included in a Council Meeting Agenda may still be considered by Council if a written request has been received by the Mayor, CEO or the Manager Governance prior to the Meeting.
- 7.8.5 Council will not unreasonably withhold its approval of a leave of absence requests for reasonable periods of time.
- 7.8.6 A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee Meeting will be recorded as absent.

## **8. NOTICE AND AGENDA**

### **8.1 Scheduled Meetings**

- 8.1.1 At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year.
- 8.1.2 The schedule of Council Meetings must be posted on the Council website and also be available from Council's Customer Service Centres.

- 8.1.3 The public must be given at least seven days' notice of all Meetings by notice posted on the Council website
- 8.1.4 The Council, or the CEO, may change the date, time and place of any Council Meeting which has been fixed and must provide at least seven days' notice of the changes to the public by the Council website.
- 8.1.5 The notice necessary to call a scheduled Meeting in accordance with the Act must be delivered to the CEO in sufficient time to enable seven days' notice to be given to Councillors.
- 8.1.6 A notice of Meeting incorporating or accompanied by an Agenda of the business to be dealt with must be sent electronically to every Councillor:
  - (a) at least five days before a scheduled Meeting, or
  - (b) at least two days before an unscheduled Meeting.
- 8.1.7 Agendas will be available to the public on the Council website at least five clear days before the Meeting.
- 8.1.8 It will not be necessary for a notice of Meeting or Agenda to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the CEO in writing to continue to be given notice of any Meeting to be held during the period of his or her absence.
- 8.1.9 In the case of an emergency, unexpected or circumstances deemed urgent by the CEO, the CEO or, in the absence of the CEO, a delegate of the CEO may without the requisite notice stated above:
  - (a) call or postpone a Meeting of the Council,
  - (b) change the place of a Meeting.

## **8.2 Unscheduled Meetings**

- 8.2.1 Council may by resolution call an unscheduled Meeting of the Council.
- 8.2.2 The Mayor, or three Councillors may by written notice call an unscheduled Meeting of the Council.
- 8.2.3 The CEO, following consultation with the Mayor, may call an unscheduled Meeting.
- 8.2.4 The CEO must determine the time and date for the Meeting, giving consideration to:
  - (a) the urgency of the business to be transacted
  - (b) the availability of Councillors
  - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted

- 8.2.5 The CEO must call an unscheduled Meeting to elect a Mayor following a Council election declaration, in accordance with Section 26 of the Act.
- 8.2.6 The unscheduled 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 CEO.
- 8.2.7 Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled Meeting, unless all Council, by unanimous resolution determine to admit another matter.

### **8.3 Quorum**

- 8.3.1 The quorum required for Ordinary Council Meetings will be not less than half the total number of elected Councillors.
- 8.3.2 The quorum required for Special Council Meetings will be not less than half the total number of elected Councillors.
- 8.3.3 The quorum for Special Committee Meetings will be determined by the Committee but in the absence of the Committee determination, the quorum required will be not less than half of the total number of persons elected to the Committee.
- 8.3.4 In the case of an emergency where the CEO or, in the absence of the CEO, a delegate of the CEO, has called a Meeting, the quorum for a Special (Emergency) Meeting will be not less than half of the total number of elected Councillors.
- 8.3.5 If after thirty (30) minutes of the scheduled starting time of any Meeting or adjournment a quorum cannot be obtained, those Councillors present or if there are no Councillors present, the CEO or, in the absence of the CEO a delegate of the CEO, may adjourn the Meeting for a period not exceeding ten (10) days from the date of the adjournment.
- 8.3.6 If during any Meeting or any adjournment of the Meeting a quorum cannot be achieved and maintained, those Councillors present or if there are no Councillors present, the CEO or, in the absence of the CEO a delegate of the CEO, may adjourn the Meeting for a period not exceeding ten (10) days from the date of the adjournment.
- 8.3.7 If during any Meeting or adjournment a quorum cannot be achieved or maintained due to the declaration of conflict of interest by the majority of Councillors, the CEO, or in the absence of the CEO, a delegate of the CEO, may adjourn the Meeting for a length of time sufficient to enable special dispensation for the affected Councillors to be obtained from the Minister.
- 8.3.8 The CEO may provide written notice of an adjourned Meeting but where that is not practicable because time does not permit that to occur then provided a reasonable attempt is made to contact each Member, notice by telephone, email, in person or by some other measure will be sufficient.

## **9. ELECTION OF MAYOR**

The Mayor must be elected in accordance with Sections 25 and 26 of the Act which states:

### **9.1 Section 25 – Election of Mayor**

- (1) *At a Council Meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.*
- (2) *Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.*
- (3) *The election of the Mayor must—*
  - (a) *be chaired by the CEO; and*
  - (b) *subject to this section, be conducted in accordance with the Governance Rules.*
- (4) *Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.*
- (5) *If an absolute majority of the Councillors cannot be obtained at the Meeting, the Council may resolve to conduct a new election at a later specified time and date.*
- (6) *If only one Councillor is a candidate for Mayor, the Meeting must declare that Councillor to be duly elected as Mayor.*
- (7) *In this section, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.*

### **9.2 Section 26 – When is a Mayor to be elected**

- (1) *A Mayor is to be elected no later than one month after the date of a general election.*
- (2) *The Mayor of the Greater Geelong City Council must be elected for a 2 year term.(Not applicable to Greater Bendigo City Council).*
- (3) *Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.*
- (4) *If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.*
- (5) *If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.*
- (6) *A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.*
- (7) *The election of a Mayor after the period specified in this section does not invalidate the election.*

- (8) *A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.*

### **9.3 Time and date for election of Mayor**

- 9.3.1 The CEO must determine the most appropriate time and date for the election of the Mayor, except that the election of the Mayor must be held in accordance with any provisions contained in the Act.
- 9.3.2 The CEO will preside during the election of the Mayor.
- 9.3.3 The CEO must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.

### **9.4 Determining the Mayor-Elect and the Mayor**

- 9.4.1 Voting is by an informal process involving a secret ballot at a Councillors Forum (Assembly of Councillors) to determine the Mayor-Elect.
- 9.4.2 The CEO or a Member of Council staff will act as a Returning Officer. One Councillor not standing for election may act as scrutineer. If all Councillors stand for election, the Councillors will nominate one scrutineer.
- 9.4.3 All Councillors present are required to vote.
- 9.4.4 If a candidate receives an absolute majority of total number of votes he or she is declared Mayor-Elect.
- 9.4.5 If a candidate fails to receive an absolute majority of votes, there are further rounds of voting and each time the candidate with the least amount of votes is eliminated.
- 9.4.6 If at any stage there are an equal number of votes, Councillors vote to eliminate a candidate. If there is an even number of votes Councillors will pause for further discussion and vote again. If there is still an even amount of votes a candidate will have to be eliminated by lot.
- 9.4.7 If there is an even number of Councillors present and at the end of the process there is still an equal number of votes Councillors will pause for a period of time (agreed by a majority of Councillors) for further discussion and vote again; if there is still an equal number of votes for the two (2) remaining candidates the Mayor-Elect will be drawn by lot.
- 9.4.8 At the Meeting of Council to elect the Mayor the Mayor-Elect is nominated for the position of the Mayor. By convention it is expected that the Mayor-elect will be elected to be the Mayor
- 9.4.9 Where only one candidate is nominated that candidate must be declared elected.
- 9.4.10 If there is more than one nomination at the Council Meeting, the election of the Mayor will follow the same process as for the Mayor-Elect. In this event voting must be carried out by a show of hands.

## **9.5 Role and Election of Deputy Mayor**

- 9.5.1 At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- 9.5.2 The predominant role of the Deputy Mayor is to support the Mayor as required during his/her Mayoral term.
- 9.5.3 In order to support the Mayor, the role of the Deputy Mayor is to:
- (a) Chair Meetings in the absence of the Mayor in accordance with these Rules;
  - (b) At the Mayor's request, deputise for the Mayor at civic, social and other functions, ceremonies and engagements
  - (c) Preside at Citizenship Ceremonies in the absence of the Mayor.
- 9.5.4 If the Council resolves to elect a Deputy Mayor the provisions contained in this part for the election of the Mayor will apply to the election of Deputy Mayor.
- 9.5.5 As outlined in clause 3.2.2, if the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the Chair.
- 9.5.6 The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- 9.5.7 If the Council has not resolved to establish the position of Deputy Mayor, any provisions in this these Governance Rules relating to the Deputy Mayor have no effect.

## **9.6 Election of Acting Mayor**

- 9.6.1 From time to time it may be necessary Council to appoint an Acting Mayor if:
- (a) the Mayor is unable to perform the duties of Mayor due to ill health or other incapacitation
  - (b) the Mayor is on leave, interstate or overseas for more than one week
  - (c) Other unforeseen circumstances require.
- 9.6.2 In these circumstances the Deputy Mayor will be Acting Mayor.
- 9.6.3 If the Deputy Mayor is unable to fulfil the role of Acting Mayor the position of Acting Major will be filled by the immediate past Mayor or failing that the immediate past Deputy Mayor.
- 9.6.4 If the position of Acting Mayor is still unable to be filled Council will appoint an Acting Mayor in accordance with Sections 25 and 26 of the Act.

## **10. BUSINESS OF MEETINGS**

### **10.1 Order of Business**

- 10.1.1 The order of business will be determined by the CEO to facilitate and maintain open, efficient and effective processes of government.
- 10.1.2 Once an Agenda has been sent to Councillors the order of business for that Meeting may only be altered by resolution of the Council.
- 10.1.3 Notwithstanding Clause 18(1), the CEO may include any matter on an Agenda which he or she thinks should be considered by the Meeting.
- 10.1.4 No business may be conducted at an Ordinary Meeting of Council unless it is business:
- (a) notice of which has been given either by inclusion in the Agenda or any report accompanying the Agenda or
  - (b) in a Notice of Motion or
  - (c) the Council agrees to consider as an item of urgent business.

### **10.2 Urgent Business**

- 10.2.1 If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:
- (a) It relates to or arises out of a matter which has arisen since distribution of the Agenda; and
  - (b) deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
  - (c) the item involves a matter of urgency as determined by the CEO; and
  - (d) it cannot be addressed through an operational service request process.
  - (e) Provided the matter does not:
    - substantially affect the levels of Council service;
    - commit Council to significant expenditure not included in the adopted budget;
    - establish or amend Council Policy; or
    - commit Council to any contractual arrangement.
- 10.2.2 A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the CEO no later than 3pm on the day of the Meeting.
- 10.2.3 The CEO will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.



## **11. MEETING TIME LIMITS AND ADJOURNMENTS**

### **11.1 Time Limits**

- 11.1.1 A Meeting must not continue after four hours from the time it commences unless a majority of Councillors/Members present vote in favour of its extension in accordance with this Clause.
- 11.1.2 Extensions of a Meeting will be in block periods of 30 minutes.
- 11.1.3 After the initial 30-minute extension the Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.
- 11.1.4 A Meeting may only be continued for a maximum of two 30-minute extensions.
- 11.1.5 In the absence of such extensions as provided for in sub-clauses 7.1.1, 7.1.2 and 7.1.3, or in the event there is further business to be transacted at the completion of two extensions, the Meeting must stand adjourned to 6pm on the following day.
- 11.1.6 Notwithstanding sub-clause 7.1.5, the Chairperson may seek the Agreement of Council not to adjourn the Meeting to the following day, if the Chairperson reasonably believes the remaining business will take less than 10 minutes to transact.

### **11.2 Chairperson may temporarily adjourn a Meeting exceeding two hours**

- 11.2.1 The Chairperson may adjourn a Meeting for a 10 minute break, at an appropriate point in proceedings after three hours has elapsed.
- 11.2.2 Notwithstanding sub-clause 7.2.1, the Chairperson may seek the Agreement of Council not to adjourn the Meeting if the Chairperson reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

## **12. OTHER MEETING MATTERS**

### **12.1 Questions of Council**

- 12.1.1 The Council will hold a period of public question time for questions of Council for up to 30 minutes duration at each Council Meeting (except those Meetings called for a special purpose such as to elect the Mayor). Extension of time may be granted by resolution of Council.
- 12.1.2 Questions are limited to one per person.
- 12.1.3 Questions can be submitted in writing prior to the Meeting or presented in person at the Meeting. Answers to written questions submitted prior to the Meeting will have priority at the Meeting.
- 12.1.4 Questions will not be accepted if they relate to planning matters listed on the agenda for that Meeting.
- 12.1.5 Council by resolution will determine the rules governing question time. The Mayor in consultation with Councillors may set aside these rules from time to



time for reasons such as to protect the orderly and/or safe conduct of the Meeting.

- 12.1.6 Questions of Council will not apply during any period when the Council has resolved to close the Meeting in respect of a matter under section 66 (1) of the Act.
- 12.1.7 Questions of Council may be on any matter except if it:
- (a) relates to a planning matter listed on the Agenda for that Meeting
  - (b) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
  - (c) relates to confidential information as defined under the Act;
  - (d) relates to the personal hardship of any resident or ratepayer;
  - (e) breaches any obligations of the Council under legislation; or
  - (f) relates to any other matter which the Council or the CEO considers would prejudice the Council or any person.

Where the CEO or his or her delegate does not accept a written question, the submitter is to be informed of the reason or reasons for which their question was not accepted.

- 12.1.8 Copies of all written questions allowed by the CEO or his or her delegate will be provided in writing to all Councillors.
- 12.1.9 A question submitted in writing by a member of the public, which has been disallowed by the CEO or his or her delegate will be provided to any Councillor on request.
- 12.1.10 The Mayor reserves the right to cease or reject a verbal question that he or she deems inappropriate.

## **12.2 Petitions and joint letters**

- 12.2.1 Petitions and joint letters with more than 10 signatures are presented at the Council Meeting and a report is to be provided within two Meetings, unless otherwise resolved. Petitions or joint letters relating to planning issues are considered as part of the planning process.
- 12.2.2 Every petition submitted to Council must:
- (a) be in legible and in permanent writing;
  - (b) is clear and on each page the matter and action sought from Council is stated
  - (c) not be derogatory, defamatory or objectionable in language or nature;
  - (d) not relate to matters outside the powers of Council; and

- (e) include the names, addresses and original signatures
- 12.2.3 Where a petition has been signed by less than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- 12.2.4 Any Councillor presenting a petition is responsible for ensuring that:
  - (a) he or she is familiar with the contents and purpose of the petition; and
  - (b) the petition is not derogatory, defamatory or objectionable in language or nature.
- 12.2.5 Unless sub-clauses (5) or (6) apply, the only Motions that may be considered by Council on any petition are:
  - (a) that the petition be received; and
  - (b) that the petition be referred to the CEO or relevant Director for consideration and response; or
  - (c) that the petition be referred to the CEO or relevant Director for a report to a future Council Meeting.
- 12.2.6 If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
- 12.2.7 If a petition relates to a 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).
- 12.2.8 The CEO may determine that an electronic or online petition will be submitted to a Council Meeting. An online or electronic petition may be submitted to a Council Meeting.
- 12.2.9 The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.
- 12.2.10 An online or electronic petition will not be presented to a Council Meeting if it contains signatures that are false or misleading.

### **12.3 Display of placards, banners and posters**

- 12.3.1 It is prohibited to display any placards, posters, banners or other signage in the Council Chamber or in any building where a Meeting is being, or is about to be, held.
- 12.3.2 The Chairperson may order and cause the removal of any placard, poster, banner or other signage that is displayed in the Council Chamber or in any building where a Meeting is being, or is about to be, held in breach of 12.3.1.

#### **12.4 Chairperson may remove**

- 12.4.1 Members of the public present at a Council Meeting must not interject during the Council Meeting.
- 12.4.2 The Chairperson or the Council in the case of a suspension, may ask any Authorised Officer or member of the Victoria Police to remove from the Chamber any person who has committed an offence or breached a Local Law adopted by Council.
- 12.4.3 It is an offence under Council Local Laws, for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chairperson to do so.
- 12.4.4 It is an offence under the Act for a Councillor to refuse to leave the Chamber on suspension.
- 12.4.5 The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.

#### **12.5 Joint Council Meetings**

- 12.5.1 Council may resolve to participate in a Joint Council Meeting to consider:
  - (a) Matters of joint interest
  - (b) Collaborative procurement
  - (c) Emergency Response
- 12.5.2 If Council has resolved to participate in a Joint Council Meeting, the Chief Executive Officer (or delegate) will agree on governance rules with the participating Councils.
- 12.5.3 Where Council is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting
- 12.5.4 No fewer than five Councillors will be appointed to represent Council at a Joint Council Meeting.
- 12.5.5 Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the CEO to facilitate a joint briefing.
- 12.5.6 A joint briefing arranged in accordance with Sub-Rule 8.5.5 may be held electronically.

#### **12.6 Adjournment of Meeting**

- 12.6.1 The Chairperson or the Council may adjourn any Meeting until a time and place to be determined.

## **13. VOTING, CASTING VOTES AND DIVISIONS**

### **13.1 Voting**

13.1.1 A question before a Council Meeting is to be determined as follows:

- (a) each Councillor present at a Council Meeting who is entitled to vote is entitled to one vote;
- (b) voting at a Meeting must not be in secret, but if the Meeting is closed to the public, a Councillor is not required to divulge their vote to the public;
- (c) the question is determined in the affirmative by a majority of the Councillors present at a Meeting at the time the vote is taken voting in favour of the question;
- (d) for the purpose of determining the result of a vote, a Councillor present at the Meeting who abstains from voting is to be taken to have voted against the question.
- (e) To determine a motion before a Meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result of the motion.
- (f) Unless the Council resolves otherwise voting on any matter will be by show of hands.
- (g) Once a vote on a motion has been taken no further discussions relating to the motion will be allowed unless the discussion is:
  - (i) For a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
  - (ii) Where Notice of Motion is given to rescind.

### **13.2 Casting Vote**

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

13.2.2 The Chairperson does not have a casting vote in the election of Mayor or Deputy Mayor as these positions must be elected by an absolute Majority of Councillors.

### **13.3 Procedures for a Division**

13.3.1 A division may be requested by any Councillor on any matter.

13.3.2 The request for a division must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

13.3.3 Once a division has been requested, the Chairperson will call for those Councillors voting for the motion to raise their hand and then those Councillors opposed to the motion, to raise their hand.

13.3.4 The vote taken during this division is a final vote for the purpose of Sub-Rule 9.3.5.

13.3.5 The CEO must record in the Minutes the names of Councillors and whether they voted for or against the motion.

## **14. MEETING PROTOCOLS**

### **14.1 Addressing the Meeting**

14.1.1 Except for the Chairperson, any Councillor or person who addresses the Meeting must stand and direct all remarks through the Chairperson with all Councillors and Officers being addressed in the form of their official title.

14.1.2 The Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson.

14.1.3 A Councillor who has the floor must not be interrupted unless called to order when he or she must sit down and remain silent until the Councillor raising the points of order has been heard and the question disposed of.

### **14.2 Councillor allowed to speak uninterrupted**

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

## **15. MOTIONS AND DEBATE**

### **15.1 Motions**

15.1.1 Any motion or amendment which:

- (a) Is defamatory; or
- (b) Is objectionable in language or nature; or
- (c) Is outside the powers of the Council; or
- (d) Is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or
- (e) Is intended to be an amendment but is not;

Must not be accepted by the Chairperson.

15.1.2 The procedure for any motion is:

- (a) The mover must state the motion without speaking to it;
- (b) If a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- (c) "If the motion is seconded, the Chairperson must ask:

- (i) If the Mover wishes to address the Council on the motion;
  - (ii) The Seconder to address the Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate);
  - (iii) Any Councillor opposed to debate the motion; and
  - (iv) Any other Councillors for and against the motion to debate in turn.”
- 15.1.3 The mover of a motion shall have a right of reply, after which the motion shall be immediately put. No right of reply is available where an amendment is before the Council.
- 15.1.4 An amendment may be proposed or seconded by a Councillor, except the mover or seconder of the original motion. An amendment shall not be a direct negative of the motion.
- 15.1.5 If the mover and seconder for the original motion accept an amendment, the amendment does not have to be put to a vote.
- 15.1.6 A Councillor may address the Meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- 15.1.7 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. 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.
- 15.1.8 If the amended motion is carried, it then becomes the final motion before the Chair.
- 15.1.9 At any time during debate a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the Meeting, but this does not extend any special right to the foreshadowed motion.
- 15.1.10 Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- 15.1.11 The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- 15.1.12 Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- 15.1.13 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.
- 15.1.14 Unless a motion for an extension of time has been carried, the maximum speaking times will be:

- (a) The mover of a motion - 5 minutes;
- (b) The mover of a motion when exercising their right of reply - 2 minutes
- (c) Any other Councillor - 3 minutes

15.1.15 Any one or more of the subclauses contained in this Clause may be suspended for a particular purpose by resolution of the Council.

15.1.16 No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of standing orders.

## **15.2 Formal Motions**

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

15.2.2 The mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it

15.2.3 A formal motion cannot be moved by the Chairperson.

15.2.4 Debate on a formal motion is not permitted and the mover does not have a right of reply.

15.2.5 A formal motion cannot be amended.

15.2.6 A motion "That the (motion, report etc.) be deferred" is a formal motion which if carried, has the effect of deferring any further debate on the matter until such time (if any) as the Council resolves to consider the motion, report."

15.2.7 A motion "That the motion be now put":

- (a) Is a formal motion which if carried in respect to an original motion, that original motion must be put to the vote immediately without any further debate, discussion or amendment
- (b) The Chairperson has the discretion to reject the motion upon which it is proposed has not been sufficiently debated.

15.2.8 A motion "That the motion and amendments now before the Meeting be deferred until:

- (a) Is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
- (b) Is a motion on which debate is permitted, but may only be amended in relation to the time, date and place of proposed adjournment.

## **15.3 Notices of Motion**

15.3.1 Notices of Motion are submitted in time for the Meeting of Councillors convened to consider the draft agenda.



15.3.2 The following items cannot be considered in a notice of motion:

- (a) the sale or lease of any asset;
- (b) the declaration of any rate or charge
- (c) the creation, alteration or abolition of any strategy or policy;
- (d) any direction without a researched report for an investigation which will unreasonably or substantially divert staff resources;
- (e) the commitment of funds, or in kind contributions, for any purpose exceeding \$5,000

15.3.3 The CEO:

- (a) May reject any Notice of Motion that is too vague against public order or safety or may have an adverse impact on the community and give the Councillor delivering the notice an opportunity to amend it prior to its rejection; and
- (b) Must notify the relevant Councillor of any Notice of Motion which has been rejected and give the reasons for its rejection and discuss the matter with the Mayor and Councillors at the earliest opportunity.

15.3.4 A Notice of Motion listed on a Meeting Agenda may be moved by any Councillor present and may be amended, except if the Notice of Motion is to confirm a previous resolution of the Council.

15.3.5 If a recorded Notice of Motion is not moved or postponed it will be struck out.

15.3.6 If a Notice of Motion is lost, a similar motion cannot again be put before the Council unless there is new information.

15.3.7 If a Councillor who has given a notice of motion is absent from the Meeting or fails to move the motion when called upon by the Chairperson, any other Councillor may himself or herself move the motion.

15.3.8 The Notice of Motion may be accompanied by supporting information.

15.3.9 An officer comment may be provided for the business papers to provide comments on the Notice of Motion submitted.

#### **15.4 Notices of Rescission**

15.4.1 A Councillor may propose a motion to rescind a decision of the Council provided the previous Motion has not been acted upon.

15.4.2 A resolution is acted upon when the CEO or other officer initiate action or cause action to be initiated on any Council resolution at any time after the close of the Meeting at which it was carried. A resolution will be considered as having been acted upon once its details have been communicated to persons affected by or reliant upon the resolution or where a statutory procedure has been carried out.



- 15.4.3 Once a Notice of Rescission Motion has been given, either in writing or by a Councillor verbally, no further action is to be taken on the resolution.
- 15.4.4 A Notice of Rescission must be lodged in writing with the CEO or Manager Governance within two business days of the decision of the Council or such Notice is deemed to have lapsed, and must include:
- (a) The decision to amended or rescinded; and
  - (b) The meeting and date when the decision was made; and
  - (c) Councillor providing a Notice of Rescission Motion, is required to provide written justification that must include one or more of the following:
    - (i) the vote may not have accurately reflected the opinion held by the Meeting due to the misunderstanding of the motion or for some other reason, or,
    - (ii) new information to hand, or,
    - (iii) some vital information has been overlooked.
- 15.4.5 A Notice of Rescission Motion must include the written endorsement of one other Councillor.
- 15.4.6 The CEO must inform the Councillor whether or not the motion has been accepted or not, and any grounds for refusal and discuss the matter with the Mayor and Councillors at the earliest opportunity.
- 15.4.7 Once a Notice of Rescission Motion is accepted by the CEO, consideration must be given to notifying relevant or effected residents or parties who may be impacted by such notice.
- 15.4.8 For a decision of the Council to be rescinded, the motion for rescission must be carried by a Majority of the whole Council (which may include the casting vote of the Chairperson).
- 15.4.9 If a motion for rescission is lost, a similar motion may not be put before Council unless there is new information.
- 15.4.10 If a motion for rescission is not moved at the Meeting for which it is listed, it lapses.
- 15.4.11 A motion for rescission listed on an Agenda may be moved by any Councillor present but may not be amended.

## **15.5 Change of Council Policy**

- 15.5.1 Council regularly reviews its policies to ensure they are current and continue to reflect community expectations and the position held by a particular Council.
- 15.5.2 Such reviews may lead to change in policy position.
- 15.5.3 If Council wishes to change a Council policy, a formal notice of rescission is not required.



## **15.6 Foreshadowed Items**

- 15.6.1 At the time designated in the Meeting Agenda, a Councillor may foreshadow a Notice of Motion to be submitted for consideration at the next Meeting by indicating, when called on to do so by the Chair, the subject matter of the foreshadowed Notice of Motion.
- 15.6.2 The subject matter, as indicated by the Councillor, of a Foreshadowed Item will be recorded in the Minutes.
- 15.6.3 No discussion or debate is allowed on a Foreshadowed Item.
- 15.6.4 A Foreshadowed Item will have no further formal status at that Council Meeting.
- 15.6.5 Foreshadowed Items are not Notices of Rescission and are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council Meeting.

## **15.7 Points of Order**

- 15.7.1 A point of order may be raised in relation to:
  - (a) A procedural matter;
  - (b) A Councillor who is or appears to be out of order; or
  - (c) Any act of Disorder.
  - (d) An error in fact
  - (e) Objectionable/offensive language
  - (f) Lack of relevance to the motion before the Council
- 15.7.2 The Chairperson will decide all points without entering into any discussions or comment.
- 15.7.3 The Chairperson may adjourn the Meeting to consider a point of order otherwise he or she must rule on it as soon as it is raised.
- 15.7.4 All other matters before the Council will be suspended until the point of order is decided.
- 15.7.5 A Councillor raising a point of order must state:
  - (a) The point of order; and
  - (b) The reason for the point of order.
- 15.7.6 Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

## **15.8 Disorderly Conduct**

- 15.8.1 The conduct of Councillors and Members at Meetings is governed by the *Act*, these Rules and the Councillor Code of Conduct.
- 15.8.2 The Chairperson may adjourn a disorderly Meeting for either a short time, or to resume another day if:
- (a) the behaviour at the Council table or in the gallery is significantly disrupting the Meeting; or
  - (b) when a Meeting has been in progress for longer than 4 hours.
- 15.8.3 Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
- (a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
  - (b) The Mayor, under section 19 of the *Act*, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the Meeting for a period of time or the balance of the Meeting.
- 15.8.4 Where Council suspends a Councillor under Sub- Rule (1)(a), or the Mayor directs a Councillor to leave the Meeting under Sub-Rule (1)(b) the Councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
- 15.8.5 If a Councillor has been suspended from a Meeting or directed to leave in accordance with Sub-Rule 11.8.3 the Chairperson may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

The Act (section 19(1)(b) provides the power to the Mayor to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

## **16. MINUTES AND CONFIRMATION**

### **16.1 Minutes**

- 16.1.1 In keeping the minutes of any Meeting, the CEO must arrange the recording of minutes so as to show:
- (a) The names of Councillors and whether they are PRESENT, and APOLOGY, on LEAVE OR ABSENCE, etc; and
  - (b) The names of officers present;

- (c) The arrival and departure of Councillors during the course of the Meeting (including any temporary departures or arrivals);
  - (d) The outcome of every motion and amendment, that is,
    - Whether it was put to the vote:
    - If it was put to the vote, the result of the vote (namely CARRIED, LOST, WITHDRAWN OR LAPSED)
  - (e) Procedural motions (which might be highlighted);
  - (f) 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;
  - (g) Details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
  - (h) The time and reason for any adjournment of the Meeting or suspension of standing orders; and
  - (i) Disclosure of any conflict interest and the reason for the conflict of interest prior to the report being considered.
- 16.1.2 Confidential items considered under the Act are maintained in a separate Minute book.
- 16.1.3 In addition the minutes should:
- (a) bear the date and time the Meeting was commenced, adjourned, resumed and concluded;
  - (b) be consecutively page numbered;
  - (c) contain consecutive item numbers which are clearly headed with
  - (d) subject titles and, where appropriate, sub-titles; and
  - (e) be indexed and be supplemented by an annual cumulative index.
- 16.1.4 The CEO is responsible for the keeping of minutes on behalf of the Council.

## **16.2 Confirmation of Minutes**

- 16.2.1 The Minutes as recorded by the CEO, or Delegate, will be made available as the proposed Minutes to:
- (a) Councillors, within 7 business days;
  - (b) members of the public, by publishing them on Council's website, within 9 business days (with the exception of confidential items)
  - (c) of the Council Meeting they relate to.

- 16.2.2 At every Council Meeting the Minutes of the preceding Council Meeting(s) must be dealt with through a motion to confirm the minutes.
- 16.2.3 If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:
  - (a) State the item or items with which they are dissatisfied; and
  - (b) Propose a motion clearly outlining the alternative wording to amend the minutes.
- 16.2.4 No debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate;
- 16.2.5 Once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed; and
- 16.2.6 The Minutes must be entered in the minute book and each item in the minute book must be entered consecutively.
- 16.2.7 A master set of Council Meeting minutes, agenda, and associated reports will be retained and stored in accordance with the Public Records of Victoria Act 1973 and Clause 8.4.1 of the Retention and Disposal Authority for Records of Records of Local Government Function (PROS 09/05 VAR2)

### **16.3 Recording of Proceedings**

- 16.3.1 The CEO (or other person authorised by the CEO), may record on suitable audio recording equipment all the proceedings of a Council Meeting. The recording is for internal use only. The CEO may release all or part of a recording to respond to issues that may arise from time to time.
- 16.3.2 A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.
- 16.3.3 The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

### **16.4 Suspension of Standing Orders**

- 16.4.1 To expedite the business of a Meeting, the Chairperson may indicate an intention to suspend standing orders and may proceed on that intention with the support of the Meeting.
- 16.4.2 The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal Meeting procedure. (Public question time and recognition of achievements of staff and residents is conducted during the suspension of standing orders).
- 16.4.3 Its purpose is to enable the formalities of Meeting procedure to be temporarily disposed of while an issue is discussed.

- 16.4.4 It should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be: "That standing order be suspended to enable discussion on....."
- 16.4.5 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be: "That standing orders be resumed."

## **17. COMMITTEES**

### **17.1 Establishment of a Delegated Committee**

If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.

- 17.1.1 For the purpose of sub- clause (1):
- (a) a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
  - (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
  - (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- 17.1.2 If Council establishes a Delegated Committee, Council may resolve that a provision of this governance rules do not apply to that Committee.

### **17.2 Community Asset Committees**

- 17.2.1 The Governance Rules may apply to any Community Asset Committee established by Council.
- 17.2.2 Council may resolve, in establishing a Community Asset Committee which chapters of the Governance Rules apply but as a minimum must include Chapters 12 (Minutes).
- 17.2.3 A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council Meeting.
- 17.2.4 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

### **17.3 Audit and Risk Committee**

The Act provides for Council to establish an Audit and Risk committee to provide oversight.

- 17.3.1 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.

- 17.3.2 Council may resolve, in establishing an Audit and Risk Committee that the Meeting procedure chapter of these Governance Rules does not apply.
- 17.3.3 An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council Meeting.
- 17.3.4 Agendas of all Audit and Risk Committee Meetings are to be made available to all Councillors.
- 17.3.5 An Audit and Risk Committee must act in accordance with its adopted Charter adopted by Council.

## **18. POLICY AND PROCEDURES**

### **18.1 Election Period Policy**

- 18.1.1 Council will have in place an election period policy that:
  - (a) Governs decision making during a local government election period, including what may be considered at a Council Meeting
  - (b) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
  - (c) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committees established by Council
  - (d) Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns
  - (e) Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period
  - (f) 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.
- 18.1.2 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.
- 18.1.3 The Election Period Policy forms part of these Governance Rules.
- 18.1.4 The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- 18.1.5 Any outstanding Delegate's Reports may still be reported to an ordinary Meeting of Council during this period.
- 18.1.6 Council Committees shall resume Meeting following the election and the appointment by the incoming Council of Councillors to each committee.
- 18.1.7 See Appendix One for Council's Election Period Policy



## 18.2 Conflict of Interest

### 18.2.1 Definition

- (a) 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.
- (b) These Rules provide the procedures for disclosures of conflicts of interest.
- (c) Further guidance is available from the Managing Conflicts of Interest guideline.

### 18.2.2 Obligations with regard to conflict of interest

- (a) Councillors, members of Delegated Committees and Council staff are required to:
  - Avoid - all situations which may give rise to conflicts of interest;
  - Identify - any conflicts of interest; and
  - Disclose – or declare all conflicts of interest.
  - Manage – any potential, perceived or actual conflicts of interest.

### 18.2.3 Councillors and Members of Delegated Committees

- (a) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (b) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (c) All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.
- (d) Council will maintain a Conflict of Interest Register which will be made available on Council's website.

### 18.2.4 Procedure at a Council or Delegated Committee Meeting

- (a) At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that Agenda must indicate they have a conflict of interest by clearly stating:
  - (i) The item for which they have a conflict of interest; and
  - (ii) Whether their conflict of interest is general or material; and
  - (iii) The circumstances that give rise to the conflict of interest.

- (b) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.
- (c) A Councillor who is not present at the designated time in the Agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at sub-rule (1) prior to leaving the Meeting.
- (d) A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council Meeting must not communicate with any participants in the Meeting while the decision is being made.

#### 18.2.5 Procedure at other Meetings organised, hosted or supported by Council

- (a) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (b) At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (c) If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- (d) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the Meeting for the duration of the discussion.
- (e) The existence of a conflict of interest will be recorded in the minutes of the Meeting.
- (f) If there are no minutes kept of the Meeting, the conflict of interest will be recorded in a Meeting record and provided to the Governance team for recording in the register of Conflicts of Interest.
- (g) The Meeting minutes or record will also record the duration of the discussion and whether the Councillor left the Meeting.
- (h) Meeting records and reports will be presented to Council for noting and inclusion on the public record.

#### 18.2.6 Council staff

- (a) Must act in accordance with the Employee Code of Conduct.
- (b) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (c) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 5.6 and the Employee Code of Conduct.

#### 18.2.7 Procedure for disclosures of conflicts of interest by Council Staff

- (a) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the CEO.
- (b) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- (c) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
  - (i) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
  - (ii) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
  - (iii) The staff member's Director determines that the conflict of interest has not influenced the advice provided; and
  - (iv) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

### 19. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Review Date
Aug, 2020	Manager Governance	Governance	Developed	1	June 2021