



# GOVERNANCE RULES

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## CHAPTER 1 – PRELIMINARY PROVISIONS

### 1 NATURE OF RULES AND COMMENCEMENT DATE

- 1.1 These are the Governance Rules of Golden Plains Shire Council, made in accordance with section 60 of the *Local Government Act 2020*.
- 1.2 These Governance Rules, as amended, commence on [date of resolution].

### 2 PURPOSE OF THESE RULES

The purpose of these Governance Rules is to determine the way in which *Council* will:

- 2.1 Make decisions:
  - (a) In the best interests of the Golden Plains Shire community
  - (b) Fairly and on the merits of the question
  - (c) In a way that ensures any person whose rights will be directly affected by a decision will be entitled to communicate their views and have their interests considered.
- 2.2 Conduct meetings of *Council* and *delegated committees*, including holding meetings by electronic means of communication;
- 2.3 Elect its *Mayor* and *Deputy Mayor* (if any), Acting Mayor (if required), and *chairpersons* of committees;
- 2.4 Give notice of meetings and record and make available meeting records (including *agendas*, minutes and audio-visual recordings of meetings);
- 2.5 Receive requests and determine approval of attendance at meetings of *Council* and *delegated committees* by electronic means of communication;
- 2.6 Require and manage the disclosure of conflicts of interest by Councillors, members of *delegated committees* and members of *Council* staff.

These Governance Rules also include:

- 2.7 The Election Period Policy, being rules for the conduct of *Council* and Councillors during *election period*; and
- 2.8 Provisions for the use of *Council's Common Seal*.

### 3 AFFECTED PERSONS RIGHTS AND INTERESTS

In accordance with section 60(2) of the *Act*, before making a decision that affects a person's rights, *Council* will identify whose rights may be affected and provide an opportunity for that person (or persons) to convey those views regarding the effect on their rights and consider those views.

This includes but is not limited to the rights outlined in the Charter of Human Rights and Responsibilities Act 2006.

The opportunity provided for a person whose rights have been affected to contribute their views will be documented in any relevant report put before the *Council*.

A *Council officer* making a decision under delegation that affects the rights of a person will record in *writing* the opportunity provided to the person to have their views considered.

## 4 CONTEXT

These Governance Rules:

- 4.1 are to be read in the context of and in conjunction with:
  - (a) The overarching governance principles<sup>1</sup> and the *Act*
  - (b) Community Engagement Policy
  - (c) Public Transparency Policy
  - (d) Election Period Policy
  - (e) Councillor Code of Conduct
  - (f) Employee Code of Conduct
- 4.2 Any guidance, overview notes and footnotes within *these rules* are intended to be explanatory and do not form part of these Governance Rules.
- 4.3 Each numbered section or sub-section of *these rules* is a rule or sub-rule.

## 5 DEFINITIONS

In these Governance Rules, unless inconsistent with the context, the following words and phrases are defined to mean:

***absolute majority*** means the number of Councillors which is greater than half the total number of the *Councillors of Council*;

***Act*** means the *Local Government Act 2020*;

***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*

***agenda*** means the notice of a meeting setting out the business to be transacted at the meeting;

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

***attend, attending*** and ***in attendance*** include attend or in attendance by electronic means of communication;

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<sup>1</sup> Section 9(2) Local Government Act 2020

**Audit and Risk Committee** means the *audit and risk committee* established by *Council* under section 53 of the Act;

**Authorised Officer** has the same meaning as in the 1989 Act or any other Act;

**Chairperson** 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;

**Chamber** means any room where the *Council* holds a Council meeting;

**Chief Executive Officer** has the same meaning as in the Act and includes a person acting in that office;

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

**confidential information** has the same meaning as in the Act;

**Council** means Golden Plains Shire Council;

**Council meeting** has the same meaning as in the Act and includes a *scheduled meeting*, an *unscheduled meeting*, and a Council meeting conducted by electronic means of communication;

**Councillor** means a *Councillor* of *Council*;

**Delegated Committee** means a *delegated committee* established by a *Council* under section 63 of the Act;

**Deputy Mayor** means the *Deputy Mayor* of the *Council*, if such an office has been established under section 20A(1) of the Act;

**election period** has the same meaning as in the Act;

**gallery** means the members of the public sitting in the area set aside for them to view the meeting from. This may be a physical or virtual area;

**joint letter** means a formal application to *Council* in the form of a letter which has been signed by at least five people from separate entities whose names and physical addresses also appear on the letter. A letter from a single entity or organisation that is signed by multiple parties from that organisation or entity will not be classed as a *joint letter*;

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

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

**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*.

**officer** means an employed member of *Council* staff;

**on notice** means held or deferred to enable preparation of a response;

**petition** means a formal *written* application to *Council*, typed or printed without erasure, signed by at least five people whose names and physical addresses also appear, and on which each page of the *petition* bears the wording of the whole of the *petition*;

***scheduled meeting*** means a meeting of the Council, the date and time of which is fixed in advance in accordance with rule 18 of these Rules;

***these Rules*** means these Governance Rules;

***unscheduled meeting*** means a meeting of the Council convened in accordance with rule 20 for a particular purpose that cannot be effectively dealt with in the schedule of Council meetings set by Council;

***written*** includes duplicated, photocopied, photographed, emailed, faxed, printed and typed and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.



**CHAPTER 2 – MEETING PROCEDURES****1 PURPOSE OF THIS CHAPTER**

The purpose of this Chapter is to:

- 1.1 Provide for the election of the *Mayor* and any *Deputy Mayor*;
- 1.2 Provide for the appointment of any Acting Mayor;
- 1.3 Provide for the form and availability of meeting records;
- 1.4 Provide for the procedures for requesting and approval of attendance at *Council meetings* by electronic means of communication; and
- 1.5 Provide for the procedures governing the conduct of *Council meetings* including holding *Council meetings* by electronic means of communication.

**DIVISION 1 – ELECTION OF MAYOR AND DEPUTY MAYOR**

**Overview:** *The role and functions of the Mayor are provided in the Act. The holder of this significant office is the Chairperson at Council Meetings, is the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties.*

*This section describes how the Mayor, a Deputy Mayor and Acting Mayor are to be elected.*

**2 CHIEF EXECUTIVE TO SET TIME AND DATE FOR ELECTION OF MAYOR**

- 2.1 The *Chief Executive Officer* 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* and these Governance Rules.
- 2.2 The order of business and *agenda* at the *Council meeting* to elect the *Mayor* is to be determined by the *Chief Executive Officer*.

**3 ROLE AND ELECTION OF DEPUTY MAYOR**

- 3.1 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*.
- 3.2 If the *Mayor* is not in attendance at a *Council Meeting*, the *Deputy Mayor*, if one has been elected, must take the chair.
- 3.3 The term of a *Deputy Mayor* is identical to the term of the *Mayor* as resolved by *Council*.
- 3.4 If the *Council* has not resolved to establish the position of *Deputy Mayor*, any provisions in these Governance Rules relating to the *Deputy Mayor* have no effect.

**4 METHOD OF VOTING**

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

**5 PROCEDURE FOR ELECTION OF THE MAYOR**

- 5.1 Nominations to be a candidate for *Mayor* must be provided in *writing* to the *Chief Executive Officer* no later than a date and time to be fixed by the *Chief Executive Officer*.
- 5.2 The *Chief Executive Officer* will advise all Councillors of the names of the candidates within 24 hours of nominations closing.
- 5.3 The *Chief Executive Officer* will preside during the election of the *Mayor*.
- 5.4 At the meeting to elect the *Mayor*, *Council* must first resolve if the term of the *Mayor* is to be 1 or 2 years.
- 5.5 The *Chief Executive Officer* must state the nominations for the office of *Mayor* and confirm acceptance of the nomination with the nominee. Once a nominee has confirmed acceptance of the nomination, the nominee becomes a candidate and they may not withdraw their candidature.
- 5.6 Nominations do not require seconding.
- 5.7 Each candidate will be provided up to five minutes to address the Council, in the order in which their nominations were received. The candidate speech must not address matters outside the powers of the Council, be derogatory, or be prejudicial to any person or the Council. No

questions or debate is permitted following candidate speeches except for the purposes of clarification.

5.8 Where in an election for the *Mayor*:

- (a) only one candidate has been nominated, that candidate must be declared elected;
- (b) two candidates have been nominated, a vote must be taken and the candidate who receives an *absolute majority* of the votes must be declared elected;
- (c) two candidates have been nominated and no candidate receives an *absolute majority* of votes, a second vote will be conducted;
- (d) After a second vote, where two candidates have been nominated and no candidate receives an *absolute majority* of the votes, the *Chief Executive Officer* will seek the meeting to resolve to conduct a new election at a meeting to be held at 6 pm the following day;
- (e) more than two candidates have been nominated and no candidate receives an *absolute majority* of the votes:
  - i. where one candidate received the fewest votes, that candidate must be eliminated;
  - ii. the names of the remaining candidates must be put to the vote again; and
  - iii. the procedure in (i) and (ii) above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in sub-rule (b) of this Rule.
- (f) in the event of two or more candidates having an equal lowest number of votes and one of them having to be declared a defeated candidate, the *Chief Executive Officer* will conduct a lot to declare one of the candidates defeated. The names of the remaining candidates must be put to the vote again and the procedures in this sub-rule 5.8 repeated until there remain only two candidates. When there remain only two candidates, the candidate to be declared elected is to be determined by the procedures outlined in sub-rule (b) of this Rule.
- (g) If a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
  - i. Each candidate will draw one lot;
  - ii. The order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes, except that if two or more such candidates surnames are identical, the order will be determined by the alphabetical order of the candidates first names; and
  - iii. As many identical pieces of paper as there are candidates who received an equal number of votes must be placed in a receptacle. The word 'Defeated' shall be *written* on one of the pieces of paper, and the candidate who draws the paper with the word 'Defeated' *written* on it must be declared a defeated candidate.

5.9 If a candidate is nominated for both the position of *Mayor* and *Deputy Mayor* and is successfully elected as *Mayor*, then their nomination for *Deputy Mayor* is deemed to be withdrawn.

5.10 After the election of the *Mayor* is determined, the *Mayor* must take the chair.

### 6 ELECTION OF DEPUTY MAYOR AND CHAIRPERSONS OF DELEGATED COMMITTEES

- 6.1 Any election for any office of *Deputy Mayor* or *Chairperson* of a Delegated Committee will be regulated by Rules 4 and 5 of this Chapter, as if the reference to the:
- (a) *Chief Executive Officer* is a reference to the *Mayor*; and
  - (b) *Mayor* is a reference to the *Deputy Mayor* or the *Chairperson* of the *Delegated Committee* (as the case may be).

### 7 CEREMONIAL MAYORAL SPEECH

- 7.1 Upon being elected, the *Mayor* may make a ceremonial speech for up to 10 minutes.
- 7.2 The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead based on the adopted *Council* plan. The Mayoral speech may not address matters outside the powers of the Council, be derogatory, or be prejudicial to any person or the Council.

### 8 APPOINTMENT OF ACTING MAYOR

- 8.1 If *Council* has not established an office of *Deputy Mayor* and it becomes required to appoint an Acting Mayor, it can do so by:
- (a) resolving that a specified Councillor be so appointed; or
  - (b) following the procedure set out in Rules 4 and 5 (inclusive) of this Chapter,
- at its discretion.
- 8.2 At the time of appointment of an Acting Mayor, *Council* must determine the period for appointment.

**DIVISION 2 – MEETING ROLES**

**Overview:** *In accordance with Section 61 and 63 of the Act, the Mayor must take the chair at all Council Meetings at which the Mayor is present. If the Mayor is absent, the Deputy Mayor (if any) must take the chair and if both are absent, Council must elect one of the Councillors as Chairperson of the meeting.*

*The way in which Council and Committee Meetings are conducted makes a significant contribution to good governance. The Chairperson plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors and members of delegated committees and advisory committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.*

*The Chairperson is an independent leader of meetings and generally does not participate in debate or move or second motions.*

*The Act provides for the Mayor to appoint a Councillor as the chair of a delegated committee and any such appointment prevails over any appointment made by Council. While there are no limitations on exercising that power, the Mayor must always act in a way that is consistent with the adopted Councillor Code of Conduct and transparency commitments of the Council.*

*Additionally, each member of the meeting has an obligation to participate in good decision-making.*

*Specific duties and discretions of the Chairperson are outlined throughout these Governance Rules.*

**9 CHAIRPERSON AND MEMBERS**

- 9.1 The *Chairperson*, Councillors and members of *delegated committees* will ensure good council decision-making by endeavouring to ensure:
- (a) 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) Any person whose rights are affected has their interests considered;
  - (e) Debate and discussion is focussed on the issues at hand;
  - (f) Meetings are conducted in an orderly manner; and
  - (g) Decisions are made on the merits of the matter.

**10 MAYOR TO TAKE THE CHAIR**

- 10.1 The *Mayor* must take the chair at all *Council meetings* at which the *Mayor* is present, unless precluded from doing so because of a conflict of interest.
- 10.2 If the *Mayor* is not in attendance or is unable to take the chair at a *Council meeting*, the *Deputy Mayor* (if one has been elected), must take the chair.
- 10.3 If the *Mayor* and any *Deputy Mayor* are not in attendance at a *Council meeting*, *Council* must appoint one of the Councillors as chair of the meeting by resolution.

**11 DELEGATED COMMITTEE CHAIRPERSON**

- 11.1 At the meeting at which *Council* establishes a *delegated committee*, it must also appoint a *Chairperson*.
- 11.2 The chair of a *delegated committee* must be a Councillor.
- 11.3 For the avoidance of doubt, sub-rule (1) does not intend to limit the powers of the *Mayor* provided in the *Act*.

**12 THE CHAIRPERSON'S DUTIES AND DISCRETIONS**

- 12.1 In addition to the specific duties and discretions provided in these Governance Rules, the *Chairperson*:
- (a) Must not accept any motion, question or statement which is:
    - i. Vague or ambiguous;
    - ii. Defamatory, malicious, abusive or objectionable in language or substance; or
    - iii. Outside the powers of *Council*
  - (b) Must allow the *Chief Executive Officer* the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
  - (c) Must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of *Council*;
  - (d) May direct that a vote be recounted to be satisfied of the result; and
  - (e) Must decide on all points of order.

**13 CHIEF EXECUTIVE OFFICER**

- 13.1 The *Chief Executive Officer*, or delegate, may participate in the meeting to provide support to the *Chairperson*.
- 13.2 The *Chief Executive Officer* 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.

**14 COUNCILLORS AND MEMBERS OF DELEGATED COMMITTEES**

- 14.1 Councillors and members of *delegated committees* contribute to good governance and decision-making by:
- (a) Seeking the views of community members and reading the *agenda* prior to the meeting;

- (b) Demonstrating due respect and consideration to community views and professional or 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.

## 15 COMMUNITY

- 15.1 *Council meetings* are decision-making forums and it is important that they are open to the community to attend and/or view proceedings.
- 15.2 Community members may only participate in *Council meetings* in accordance with [Division 7](#) of *these rules*.
- 15.3 Community members are encouraged to participate in *Council's* engagement forums.
- 15.4 Community members may seek to inform individual Councillors of their views by contacting them directly in advance of meetings.

## 16 APOLOGIES AND ABSENCES

- 16.1 Councillors and members of *delegated committees* who are unable to attend a meeting may submit an apology:
  - (a) In *writing* to the *Chairperson*, who will advise the meeting; or
  - (b) By seeking another Councillor or member of the *delegated committee* to submit it at the meeting on their behalf.
- 16.2 An apology submitted to a meeting will be recorded in the minutes.
- 16.3 A Councillor intending to take a leave of absence must do so at a prior *Council meeting* or, if this is not practicable, submit it in *writing* to the *Mayor*.
- 16.4 The *Mayor* will seek to have any leave of absence request received included in the *agenda* of the next *Council meeting*.
- 16.5 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* prior to the meeting.
- 16.6 *Council* will not unreasonably withhold its approval of a leave of absence request.
- 16.7 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.
- 16.8 It will not be necessary for a notice of meeting, *agenda* or minutes to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the *Chief Executive Officer* in *writing*, to continue to give notice of any meeting to be held during the period of their absence.

**17 JOINT COUNCIL MEETINGS**

**Overview:** *Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While 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.<sup>2</sup>*

- 17.1 Council may resolve to participate in a Joint Council meeting to consider:
- (a) Matters subject to discussion of regional alliances;
  - (b) Collaborative projects;
  - (c) Collaborative procurement; or
  - (d) Emergency Response.
- 17.2 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.
- 17.3 Where Golden Plains Shire 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.
- 17.4 A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- 17.5 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.
- 17.6 A joint briefing arranged in accordance with this Rule may be held electronically.

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<sup>2</sup> Section 62, Local Government Act 2020.



**DIVISION 3 – NOTICES OF MEETINGS AND DELIVERY OF 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 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.*

*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.*

**18 DATE, TIME AND PLACE OF COUNCIL MEETINGS**

- 18.1 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.
- 18.2 *Council* by resolution, may change the date, time and place of any *Council meeting* and must provide reasonable notice of the change to the public.

**19 CANCELLATION OR POSTPONEMENT**

- 19.1 The *Chief Executive Officer* or Delegate, or in the absence of both, a senior member of *Council* staff, in consultation with the *Mayor* where such consultation is practicable, may cancel or postpone any meeting by giving notice in accordance with Rule 25, where they are satisfied that the cancellation or postponement is warranted because:
- (a) Of an emergency;
  - (b) A quorum will not be achieved due to apologies received ahead of the meeting;
  - (c) There is insufficient material in the *agenda* to justify a meeting being held;
  - (d) Holding the meeting would give rise to a risk to health and/or safety; or
  - (e) Of any other circumstances that have arisen which make the holding of the meeting undesirable.
- 19.2 The *Chief Executive Officer*, Delegate or senior member of *Council* staff must present to the following *Council meeting* a *written* report of the circumstances requiring their action in respect of the cancellation or postponement of a *Council meeting*.

**20 UNSCHEDULED MEETINGS**

- 20.1 *Council* may by resolution call an *unscheduled meeting* of the *Council*.
- 20.2 The *Mayor* and one Councillor, or three Councillors may by *written* notice call an *unscheduled meeting* of the *Council*.
- 20.3 The CEO, following consultation with the *Mayor*, may call an *unscheduled meeting*.
- 20.4 A *written* notice to call an *unscheduled meeting* must:

- (a) Specify the business to be transacted; and
  - (b) be delivered to the *Chief Executive Officer* or delegate in sufficient time to enable notice to be given in accordance with Rule 21.
- 20.5 The *Chief Executive Officer* 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; and
  - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
- 20.6 Any resolution of *Council* to call an *unscheduled meeting* must specify the date and time of the *unscheduled meeting* and the business to be transacted. The date and time of the *unscheduled meeting* must not be prior to 6pm on the day following the *Council meeting* at which the resolution was made.
- 20.7 The *Chief Executive Officer* must call an *unscheduled meeting* to elect a *Mayor* following a *Council* election declaration, in accordance with the *Act*.
- 20.8 The *unscheduled meeting* for the election of a *Mayor* following an election may also consider the election of a *Deputy Mayor* and any other matters as determined by the *Chief Executive Officer*.
- 20.9 Only the business specified in the *Council* resolution, or *written* notice, may be considered at an *unscheduled meeting*, unless all Councillors are present and by unanimous resolution determine to admit another matter.

## 21 NOTICE OF MEETINGS

### Scheduled meetings

- 21.1 A notice of a *Council meeting*, that is not an *unscheduled meeting*, incorporating or accompanied by an *agenda* of the business to be dealt with, must be sent electronically or made available electronically to every Councillor as early as practicable or at least 2 days before the meeting.
- 21.2 An *agenda* for each *Council meeting*, that is not an *unscheduled Meeting*, will be made available on *Council's* website no less than 48 hours before the *Council meeting*.
- 21.3 A schedule of *Council meetings* must be prepared and published on *Council's* website at least once each year and with such greater frequency as the *Chief Executive Officer* determines. The schedule of *Council meetings* must also be available from *Council's* Customer Service Centres.

### Unscheduled meetings

- 21.4 Notice of an *unscheduled meeting* must be published on *Council's* website and sent electronically to every Councillor as soon as practicable after the time and date of the meeting has been determined.
- 21.5 An *agenda* for an *unscheduled meeting* must be made available electronically to every Councillor at least 2 days prior to the time and date of the meeting. A period of less than 2 days prior to the *unscheduled meeting* may be justified if extraordinary circumstances exist.
- 21.6 An *agenda* for an *unscheduled meeting* will be made available to the public on *Council's* website at least 24 hours before a *Council meeting*, unless extraordinary circumstances exist.



**DIVISION 4 – QUORUMS AND ADJOURNMENT**

**Overview:** *No business can be transacted at a Council meeting or a delegated committee meeting 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.*

**22 QUORUM TO BE PRESENT**

- 22.1 No business may be conducted at any *Council meeting* unless a quorum is present.
- 22.2 A quorum is an absolute majority in accordance with section 61 of the *Act*.

**23 INABILITY TO OBTAIN A QUORUM**

- 23.1 If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:
- (a) The meeting will be deemed to have lapsed;
  - (b) The *Mayor*, or in the absence of the *Mayor*, the Acting *Chairperson* or *Chief Executive Officer*, must convene another *Council meeting* and ensure that the *agenda* for such meeting is identical to the *agenda* for the meeting which is deemed to have lapsed; and
  - (c) The *Chief Executive Officer* must give all Councillors and the public notice in accordance with Rule 25, of the subsequent meeting convened.

**24 INABILITY TO MAINTAIN A QUORUM**

- 24.1 If during any *Council meeting*, a quorum cannot be maintained, then Rule 23 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 24.2 Sub-rule 24.1 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.
- 24.3 If *Council* cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision in regard to a matter then the *Council* must consider whether the decision can be made by dealing with the matter in an alternative manner, which may include:
- (a) Resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
  - (b) Making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.
- 24.4 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, *Council* will delegate the decision to be made:
- (a) By the *Chief Executive Officer*, or
  - (b) By a *delegated committee*, established for the purpose of determining the matter and comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the *Council* considers suitable.

- 24.5 A decision made under delegation due to *Council* not being able to achieve or maintain a quorum will be reported to the next *Council meeting*.

## 25 ADJOURNED MEETINGS

- 25.1 *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.
- 25.2 The *Chief Executive Officer* must give *written* notice, including by electronic means, to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 25.3 If it is impracticable for the notice given under sub-Rule 25.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.
- 25.4 Notice of an adjournment to another date or time must be published on *Council's* website as soon as practical.
- 25.5 The *Chairperson* may call a comfort break at any time during a *Council meeting*, whether at their own discretion or following a request from a *Councillor*.

## 26 TIME LIMITS FOR MEETINGS

- 26.1 A *Council meeting* must not continue after 11pm unless a majority of Councillors present vote in favour of its continuance.
- 26.2 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chairperson* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 25.2, 25.3 and 25.4 will apply.

### **Quorum calculation**

Section 61(4) of the Act provides that a quorum at a meeting must be at least a majority of the Councillors or members of the delegated committee.

<i>Number of Councillors/committee members</i>	<i>Number required for quorum</i>
11	6
10	6
9	5
8	5
7	4

**DIVISION 5 – 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 and determines 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 urgent business if it has arisen after distribution of the agenda and cannot be reasonably deferred to the next meeting.*

**27 AGENDA AND THE ORDER OF BUSINESS**

- 27.1 The *agenda* for and order of business to be conducted at a *Council meeting* will be determined by the *Chief Executive Officer* to facilitate and maintain open, efficient and effective processes of government.
- 27.2 In doing so, the *Chief Executive Officer* will be guided by the following order of business:
- (a) Welcome and acknowledgement of Country
  - (b) Apologies and requests for leave of absence
  - (c) Confirmation of minutes of previous meetings
  - (d) Declarations of conflicts of interest
  - (e) Public question time
  - (f) Business reports for decision
  - (g) Notices of motion
  - (h) Notices of rescission
  - (i) Confidential reports for decision
- 27.3 Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may only be altered by a resolution of *Council*.

**28 URGENT BUSINESS**

- 28.1 Subject to sub-Rule 28.2, urgent business may be considered at any scheduled *Council meeting*.
- 28.2 Urgent business can only be admitted by resolution of *Council* and only then if:
- (a) It is proposed for admission by the *Chief Executive Officer* after consulting with the *Mayor*;
  - (b) It relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
  - (c) It cannot safely or conveniently be deferred until the next *Council Meeting*.
- 28.3 A Councillor may submit an item intended for inclusion as an item of urgent business to the *Chief Executive Officer* for consideration in accordance with this rule.

**29 MEETINGS TO BE OPEN TO THE PUBLIC**

- 29.1 *Council meetings* must be open to the public unless a *Council* considers it necessary to close the meeting to the public because a specific circumstance applies. The circumstances are:
- (a) The meeting is to consider *confidential information*; or
  - (b) Security reasons; or
  - (c) It is necessary to do so to enable the meeting to proceed in an orderly manner.
- 29.2 If the circumstances specified in 29.1(b) or 29.1(c) applies, the meeting can only be closed to the public if the *Council* has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.
- 29.3 If *Council* determines that a meeting is to be closed to the public to consider *confidential information*, the *Council* must record in the minutes of the meeting that are available for public inspection:
- (a) The ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of *confidential information* in section 3(1) of the *Act*; and
  - (b) An explanation of why the specified ground or grounds applied.
- 29.4 If an item or recommendation is to be moved out of the closed part of the meeting:
- (a) The *Chairperson* must call for a motion to move all or part of the item or items into the open part of the meeting; and
  - (b) That item or part of the item must be included in the minutes of the *Council meeting* that are available for public inspection.
- 29.5 Matters considered in a meeting or part of a meeting closed to the public are considered confidential until Council resolves otherwise. At the time of making a determination on a confidential matter, *Council* may also make a determination on a date, action, or event upon which the matter or resolution is no longer considered confidential.

**DIVISION 6 – ADDRESSING THE MEETING**

**Overview:** *This section provides for how the meeting is to be addressed by Councillors and Members of Council Staff.*

*Members of the Community may only address a meeting in accordance with [Division 7](#) of these rules.*

**30 COUNCILLOR ALLOWED TO SPEAK UNINTERRUPTED**

30.1 A Councillor who is speaking must not be interrupted unless:

- (a) Called to order, when they must cease speaking immediately and remain silent until the Councillor raising the Point of Order has been heard and the Point of Order dealt with.
- (b) Given notice by the *Chairperson* that their speaking time has elapsed or is about to elapse.

**31 ADDRESSING THE MEETING**

31.1 Any Councillor or person who addresses the meeting should direct all remarks through the *Chairperson*.

31.2 Any person addressing the meeting should refer to the *Chairperson* as:

- (a) *Mayor*; or
- (b) *Chairperson*

As the case may be.

31.3 All Councillors, other than the *Mayor*, should be addressed as Councillor [surname].

31.4 All *Council* staff should be addressed as Officer [surname] or by their official title.

**32 REPORTS FROM OFFICERS**

32.1 Officers will support the meeting process through provision of officer reports in the *agenda* and Councillors should make every effort to seek clarification on information in advance of the meeting.

32.2 Any report(s) by officers to a *Council meeting* must contain a recommendation and be in the appropriate report style format approved by the *Chief Executive Officer*.

32.3 Where Councillors need to seek clarification by asking questions of officers during the meeting that were not able to be asked prior to the meeting, such questions must be:

- (a) Directed through the *Chief Executive Officer*;
- (b) Relevant to an item on the *agenda*;
- (c) Seeking genuine clarification of a matter that is not already addressed in the officer's report;
- (d) Not objectionable in language, nature or tone;
- (e) Not intended to draw officers into debating a matter or justifying a recommendation; and



- (f) Not designed to canvass matters or disseminate information to the public.

### **33 CLARIFICATION BY CHIEF EXECUTIVE OFFICER**

- 33.1 With the prior consent of, or at the request of the *Chairperson*, the *Chief Executive Officer* (or other officer authorised by the *Chief Executive Officer*) may address any item to clarify a statement made by a Councillor during the course of debate.

## DIVISION 7 – PUBLIC PARTICIPATION IN MEETINGS

**Overview:** *As outlined in the purpose of these Governance Rules, Council Meetings are held for Council to make its decisions. Members of the public do not have a right to address Council, however provisions are made 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 section sets out the procedures to be followed to submit a question or petition, the circumstances under which a question or petition may be disallowed and the process for addressing and responding to a question or petition at or after the meeting.*

*Council meetings are recorded and broadcasted to the public, this includes community questions and submissions.*

### 34 PUBLIC QUESTION TIME

- 34.1 There must be a public question time at every scheduled *Council meeting* fixed under sub-rule 18.1 to enable members of the public to submit questions to *Council*.
- 34.2 Thirty minutes will be allocated for public question time. The time allocated may be extended by no more than an additional thirty minutes at the discretion of the *Chairperson*.
- 34.3 Sub-rule 34.1 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*.
- 34.4 Persons wishing to ask a question at a *Council meeting* may register by submitting their name, suburb, and the question, by no later than 10:00am on the day of the meeting. Contact details should be provided to enable a *written* response to be provided where relevant under this Rule. Registrations may be submitted:
  - (a) Electronically using an online question form for that purpose on Council's website;
  - (b) By email to [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au); or
  - (c) In hard copy in person at the Council Customer Service centres.
- 34.5 Questions lodged in accordance with sub-rule 34.4 will be provided electronically to all Councillors by the *Chief Executive Officer* or by a person authorised prior to the meeting.
- 34.6 If a question is submitted in a language other than English, the *Chief Executive Officer* will take all reasonable steps to translate the question into English prior to the *Council meeting*. If the question cannot be translated prior to the commencement of the *Council meeting*, the submitter will be notified accordingly, and a *written* response will be provided as soon as possible.
- 34.7 Questions submitted late must be either dealt with at the next *Council meeting* or at the discretion of the *Chief Executive Officer* may be answered in *writing*.
- 34.8 No person may submit more than two questions during any one public question time.

- 34.9 If a person has submitted two questions to a meeting, the second question may, at the discretion of the *Chairperson*, be deferred until all other persons who have asked a question have had their questions asked and answered or may not be asked if the time allotted for public question time has expired.
- 34.10 A question submitted in accordance with sub-rule 34.4 will be responded to at a *Council meeting* if the person who asked the question is present at the meeting. The question asked and the answer given will be recorded in the minutes of the meeting.
- 34.11 Where the person who has submitted the question is not present at the *Council meeting*, the question(s) will not be read and any answer given will not be recorded in the minutes of the meeting, however, the *Chief Executive Officer* will cause a *written* response to be provided to the person asking the question within 7 days of the meeting.
- 34.12 A person who has submitted a question in accordance with sub-rule 34.4 may appear via electronic means of communication, where logistically possible and if previously arranged and agreed with the *Chief Executive Officer* or a member of Council staff, by no later than 10am on the day of the *Council meeting*. All questions and answers must be as brief as possible. Any preamble to a question will not be read out unless the *Chairperson* considers it appropriate.
- 34.13 A question must not be read and an answer must not be given to the *Council meeting* if the *Chairperson* determines that it:
- (a) Relates to a matter outside the duties, functions and powers of *Council*;
  - (b) Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - (c) Deals with a subject matter already answered;
  - (d) Is aimed at embarrassing a Councillor or member of *Council* staff;
  - (e) Relates to a matter which *Council* considers would be likely to prejudice *Council* or any person;
  - (f) Relates to personnel matters;
  - (g) Relates to industrial matters;
  - (h) Relates to contractual matters;
  - (i) Relates to legal advice or a matter subject to or likely to become subject to legal action;
  - (j) Relates to matters affecting the security of *Council* property; or
  - (k) Relates to a matter which will be, or is likely to be, considered in a meeting closed to the public in accordance with rule 29.1(a).
- 34.14 Where a question has been disallowed under sub-rule 34.13, the *Chief Executive Officer* will provide a *written* response to the submitter as soon as practicable stating the reasons why the question has been disallowed.
- 34.15 A copy of any question which has been disallowed by the *Chairperson* must be made available to any other Councillor upon request.
- 34.16 Like questions may be grouped together and a single answer provided.

- 34.17 No discussion or debate on questions asked or answers given is permitted.
- 34.18 The *Chairperson* may respond or may nominate a Councillor or member of Council staff to respond to a question.
- 34.19 The individual nominated to respond to a question may require a question to be put *on notice*. If a question is put *on notice*, a *written* copy of the answer will be sent to the person who asked the question.
- 34.20 The *Chief Executive Officer* may advise Council that the reply to a question should be given in a meeting closed to members of the public. The *Chief Executive Officer* must state briefly why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

### 35 PUBLIC SUBMISSIONS

- 35.1 Members of the public may only address a *Council meeting* in accordance with the provisions of *these rules*.
- 35.2 Where a person wishes to be heard in respect of their submission to Council under:
- (a) Section 223 of the *Local Government Act 1989*;
  - (b) The *Planning and Environment Act 1987*;
  - (c) Any other legislation; or
  - (d) A Council policy
- Council will provide an opportunity for the person or their nominated representative, to make a presentation at a *Council meeting* where the matter is listed on the *agenda* or, where deemed necessary by the *Chief Executive Officer*, at a prior meeting held for the purposes of hearing submissions.
- 35.3 Submissions may be presented immediately prior to the *agenda* item being considered and prior to any motions relating to the item being accepted.
- 35.4 Council will receive *written* submissions on all other matters listed on the *agenda* where sub-rule 35.2 does not apply. *Written* submissions received before 3:00pm on the day of the meeting will be provided electronically to all Councillors. Time will not be allocated for the submitter to appear in person to make a presentation to Council.
- 35.5 Members of the public able to make a submission under sub-rule 35.2 may register their intention to do so by submitting their name, suburb, and a summary of the submission they intend to make, by no later than 10:00am on the day of the meeting. No unregistered public presenters will be permitted to speak.
- 35.6 Registrations may be submitted:
- (a) Electronically using an online question form for that purpose on *Council's* website;
  - (b) By email to [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au); or
  - (c) In hard copy in person at the *Council* Customer Service centres.
- 35.7 A submission will be disallowed by the *Chairperson* if they determine that it:

- (a) Relates to a matter outside the duties, functions and powers of *Council*;
- (b) Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- (c) May lead to a breach of *Council's* statutory duties;
- (d) Does not relate to a matter listed on the *agenda*;
- (e) Is aimed at embarrassing a Councillor or member of *Council* staff;
- (f) Relates to a planning matter and the person requesting to speak is not a party to, or the representative of a party to, the matter being considered, in accordance with the *Planning and Environment Act 1987*;
- (g) Relates to a matter which *Council* considers would be likely to prejudice *Council* or any person; or
- (h) Relates to a matter which will be, or is likely to be, considered in a meeting closed to the public in accordance with rule 29.1(a).

35.8 No submissions directed at an individual Councillor or member of *Council* staff will be allowed.

## **36 MAKING A SUBMISSION**

- 36.1 A presenter may appear via teleconference or other digital media, where logistically possible and agreed with the *Chief Executive Officer* or member of *Council* staff at least 48 hours in advance of the meeting.
- 36.2 If the presenter or their representative is not present in the gallery or online, if appearing in accordance with sub-rule 36.1, when the *agenda* item is to be considered, their submission will not be read out.
- 36.3 Submissions must be directed through the *Chairperson* and must not be directed to individual Councillors or members of *Council* staff.
- 36.4 Submissions must be as brief as possible. Each presenter will be allocated 5 minutes to present to the *Council*.
- 36.5 One extension of no more than 2 minutes may be granted at the *Chairperson's* discretion.
- 36.6 The person making the submission must clearly state their name and their suburb or where a representative is presenting, the name of the representative and the name and suburb of the person being represented. The name of the submitter must be recorded in the minutes of the meeting, as an official record.
- 36.7 The content of submissions and any subsequent questions and answers will not be recorded in the minutes.
- 36.8 Any Councillor can ask questions of the submitter at the end of each presentation. Questions may be asked for clarification only and must not be intended to draw the submitter into debate on the matter.
- 36.9 The *Chairperson* has the right to limit questions and direct that the next submission be heard or, if there are no further submissions, that the matter be considered.

- 36.10 No presenter has a right of reply unless a Councillor asks a question or the *Chairperson* expressly invites further comment. The submitter's answers to questions or any further comments are to be brief and to the point.

### 37 PETITIONS AND JOINT LETTERS

- 37.1 A *petition* or *joint letter* must be lodged with the *Chief Executive Officer* at least seven days prior to the *Council meeting* at which it is to be considered to allow inclusion into the *agenda*.
- 37.2 Every *petition* submitted to *Council* must:
- (a) Be *written* (other than in pencil), typed or printed;
  - (b) Contain at least five signatures;
  - (c) Have the full name, address and signature of all individual signatories;
  - (d) Not be defamatory, indecent, abusive or objectionable in language or content;
  - (e) Not relate to matters beyond the powers of the *Council*;
  - (f) Not be aimed at embarrassing a Councillor or member of *Council* staff;
  - (g) Not relate to a matter which will be, or is likely to be, considered in a meeting closed to the public in accordance with rule 29.1(a); and
  - (h) Include the whole of the request of the petitioners or signatories on each page.
- 37.3 Where a *petition* has been signed by less than five 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.
- 37.4 The *Chief Executive Officer* must arrange for *petitions* to be submitted to the next practicable meeting following their receipt.
- 37.5 Only the request of the petitioners or signatories and the number of signatories will be included in the *agenda* for the *Council meeting* at which it will be considered.
- 37.6 If a *petition* is addressed to an individual Councillor and listed on the *agenda*, that Councillor may read the *petition* out at the *Council meeting* without speaking to it. Other *petitions* will be read by the *Chief Executive Officer* or delegate.
- 37.7 The only motions that may be considered for any *petitions* are:
- (a) That the *petition* be received; and
  - (b) That the *petition* be referred to the *Chief Executive Officer* for consideration and response; or
  - (c) That the *petition* be referred to the *Chief Executive Officer* for a report to a future *Council meeting*.
- 37.8 If the *petition* relates to an operational matter, the *Council* must refer it to the *Chief Executive Officer* for consideration and response.
- 37.9 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.

37.10 If a *petition* relates to:

- (a) A planning matter which is the subject of a public notification process under the *Planning and Environment Act 1987*, or
- (b) A statutory matter which is the subject of a public submissions process;

The *petition* will be treated as a joint submission in relation to the planning matter or the statutory matter (as the case may be).

37.11 A *petition* may nominate a person to whom a reply must be sent, but if no person is nominated or is the obvious intended contact person, the *Council* may reply to the first signatory who appears on the *petition*.

37.12 Any *petitions* that do not comply with these rules:

- (a) Can be referred to relevant Councillors or members of Council staff by the *Chief Executive Officer* for their information; or
- (b) Can be tabled as a *joint letter* at a Council meeting.

37.13 Nothing in this rule prevents:

- (a) The *Chief Executive Officer* from determining that an electronic or online *petition* will be submitted to a *Council meeting*;
- (b) The *Chief Executive Officer* from determining that a *petition* that does not fully comply with this Rule will be submitted to a *Council meeting* for consideration; or
- (c) The *Council* resolving to consider a *petition* as urgent business under rule 28.

## **38 DISPLAY OF PLACARDS AND POSTERS**

38.1 Subject to sub-rules 38.2 and 38.3, a person can display any placards or posters in the *Council Chamber* or in any building where a meeting is being, or is about to be, held, including outside the entrance to the building.

38.2 A placard or poster must not:

- (a) Display any offensive, indecent, insulting or objectionable item or words; or
- (b) Obstruct the entrance to the *Council Chamber* or a building where a meeting is being, or is about to be, held; or
- (c) Obstruct the view or physically impede any person.

38.3 The *Chairperson* may order and cause the removal of any placard or poster that is deemed by the *Chairperson* to be objectionable, disrespectful or otherwise inappropriate.

## **39 PUBLIC BEHAVIOUR**

39.1 Members of the public may be requested to sign an attendance register prior to entering the area in which a *Council meeting* is to be, or is being, held.

39.2 *Council* may, on some or all occasions, conduct bag searches of some or all people attending *Council meetings*. This is done for security and safety reasons and to ensure that all who attend *Council meetings* are able to attend and to participate in a safe environment.



- 39.3 Members of the public cannot directly distribute any item to a Councillor. Any item must firstly be given to a *Council* officer who will then determine if it is appropriate to distribute the item to some or all of the Councillors.
- 39.4 Members of the public are permitted silent use of their mobile devices but are not permitted to use mobile devices for recording, talking or any usage that generates noise, unless permission is granted by the *Chairperson* of the meeting.

#### 40 REMOVAL FROM MEETING

- 40.1 Members of the public present at a *Council meeting* must not interject during the *Council meeting*.
- 40.2 If a person, other than a Councillor, interjects or gesticulates offensively during the *Council meeting*, the *Mayor* may direct:
- (a) The person to stop interjecting or gesticulating offensively; and
  - (b) If the person continues to interject or gesticulate offensively, the removal of the person.
- 40.3 The *Chairperson* may cause the removal of any object or material that is deemed by the *Chairperson* to be objectionable or disrespectful.
- 40.4 In causing a person's removal under sub-rule 40.2(b) or the removal of an object or material under sub-rule 40.3, the *Chairperson* may ask the *Chief Executive Officer*, an *Authorised Officer* or a member of Victoria Police to remove the person, object or material.

*It is intended that this power to remove a member of the public be exercisable by the Chairperson, without the need for any Council resolution. The Chairperson may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens the Chairperson's authority in chairing the meeting.*

*The power to remove a Councillor from a Council meeting is considered in Rule 64.*



## DIVISION 8 – MOTIONS AND DEBATE

**Overview:** *This Section describes the procedure for introducing a motion or amendment, the rules of debate, foreshadowing a motion or amendment and the duty of the Chairperson in relation to accepting motions and amendments. It also describes the process for a Councillor lodging a notice of motion for consideration and/or indicating they will raise a matter at the next Council Meeting (foreshadowing items).*

*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 Section also describes the circumstances and procedures under which a Council decision can be rescinded or altered. It also prescribes a procedure under which a Council policy can be altered or varied.*

### 41 NOTICE OF MOTION

- 41.1 A Councillor can submit to the *Chief Executive Officer* a *notice of motion* for inclusion in the *agenda* for a meeting.
- 41.2 A *notice of motion* must:
- (a) Be in *writing*, or sent electronically, and generally be in a form approved by the *Chief Executive Officer*;
  - (b) Be signed, including by electronic means, by the Councillor submitting the *notice of motion*;
  - (c) Be signed, including by electronic means, by another Councillor willing to second the motion for the purpose of debate at the meeting at which it will be considered;
  - (d) Be lodged with the *Chief Executive Officer* by 5pm 6 days prior to the date of the meeting at which it is intended to be considered to ensure its inclusion in the *agenda*; and
  - (e) Relate to the objectives, role and functions of *Council* as outlined in the *Act*.
- 41.3 A *notice of motion* must call for an officer report if the *notice of motion* proposes any action that:
- (a) impacts the levels of *Council* services;
  - (b) commits *Council* to expenditure greater than \$10,000 that is not included in the adopted budget;
  - (c) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
  - (d) commits *Council* to any contractual arrangement; and/or
  - (e) concerns any litigation in respect of which *Council* is a party.
- 41.4 A Councillor may attach any supporting documentation to their *notice of motion* for inclusion in the *agenda*. 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.

- 41.5 The *Chief Executive Officer* may designate a *notice of motion* to be confidential in accordance with relevant grounds as contained in the *Act*, in which case, the *notice of motion* will be considered in the part of the relevant *Council meeting* that is closed to members of the public.
- 41.6 The *Chief Executive Officer* must reject any *notice of motion* which in the opinion of the *Chief Executive Officer*:
- (a) Is too vague;
  - (b) Is defamatory;
  - (c) May be prejudicial to any person or *Council*;
  - (d) Is objectionable in language or nature;
  - (e) Does not meet the requirements of sub-rule 41.3;
  - (f) Is outside the powers of *Council*; or
  - (g) Is submitted during *election period*.
- 41.7 The *Chief Executive Officer* may reject a proposed *notice of motion* which in the opinion of the *Chief Executive Officer*:
- (a) Relates to a matter than can be addressed through an operational service request process; or
  - (b) Relates to a matter that has previously been resolved by *Council* or is acted upon.
- 41.8 Prior to rejecting a *notice of motion*, the *Chief Executive Officer* must, if practicable, give the Councillor who lodged it an opportunity to amend the *notice of motion* and may suggest revised wording to the *notice of motion* to facilitate compliance with the requirements under this Rule.
- 41.9 If rejecting a *notice of motion*, the *Chief Executive Officer* must notify in *writing* the Councillor who lodged it of that rejection and the reasons for the rejection.
- 41.10 The *Chief Executive Officer* will give all Councillors notice of a *notice of motion* received in accordance with sub-rule 41.2 and not rejected in accordance with sub-rules 41.6 and 41.7.
- 41.11 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the *notice of motion* register in the order in which they were received.
- 41.12 Except by resolution of *Council*, notices of motion before any *Council meeting* must be considered in the order in which they were recorded in the *notice of motion* register.
- 41.13 If a Councillor who has given a *notice of motion* is absent from the *Council meeting* or fails to move the motion when called upon by the *Chairperson* to do so, any other Councillor may move the motion.
- 41.14 The *Chairperson*, having lodged a *notice of motion* in accordance with this rule, must vacate the chair of the *Council meeting* to move the *notice of motion* and the *Deputy Mayor* or, in the absence of any *Deputy Mayor*, temporary *Chairperson* appointed by the *Council*, will take the chair for the duration of consideration of the item.

- 41.15 If a *notice of motion*, whether amended or not, is lost or lapsed, a similar motion cannot again be put before the current *Council* for a period of three calendar months from the date it was lost.
- 41.16 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses.
- 41.17 Before the *notice of motion* is put to the vote, it may be withdrawn by the Councillor.

## 42 NOTICES OF RESCISSION OR AMENDMENT

- 42.1 A *notice of rescission* is a form of *notice of motion*. Accordingly, all provisions in *these rules* regulating *notices of motion* equally apply to notices of rescission except to the extent of any inconsistency with this Rule.
- 42.2 Motions to rescind or alter a previous resolution of *Council* can be made by:
- (a) A *notice of rescission* delivered by a Councillor in accordance with sub-rule 42.3; or
  - (b) A recommendation contained in an officer's report included in the *agenda*.
- 42.3 A Councillor may propose a motion to rescind or alter a previous resolution of *Council* provided:
- (a) The previous resolution has not been acted on; and
  - (b) A notice is delivered to the *Chief Executive Officer* or delegate setting out:
    - i. The relevant previous resolution to be rescinded or altered; and
    - ii. The meeting and date when the relevant previous resolution was carried.
- 42.4 A *notice of motion* to rescind or amend must be:
- (a) In *writing*, or sent electronically, and generally be in a form approved by the *Chief Executive Officer*;
  - (b) Be signed, including by electronic means, by the Councillor intending to move the motion to rescind or amend;
  - (c) Be signed, including by electronic means, by another Councillor willing to second the motion to rescind or amend for the purpose of debate at the meeting at which it will be considered; and
  - (d) Be lodged with the *Chief Executive Officer* no later than 72 hours following the meeting at which the resolution proposed to be rescinded or amended was adopted.
- 42.5 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. A resolution of *Council* will be deemed to have been acted on if:
- (a) Its contents or substance has been formally communicated in *writing* to a person whose interests are materially affected by it, including by publishing the proposed minutes of a *Council meeting* on *Council's* website; or
  - (b) A statutory process has been commenced so as to vest enforceable rights or obligations on *Council* or any other person.
- 42.6 Notwithstanding sub-rule 42.5, the *Chief Executive Officer* or member of *Council* staff must defer implementing a resolution which:

- (a) Has not been acted on; and
- (b) Is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-rule 42.3 and 42.4;

Unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, or giving rise to non-compliance with a legal obligation, or placing the *Council* at legal, financial or other risk.

*By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).*

*In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.*

*Sub-Rule 42.6 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.*

- 42.7 The *Chief Executive Officer* will give all Councillors notice of a *notice of motion* to rescind or amend received in accordance with sub-rules 42.3 and 42.4.
- 42.8 A *notice of rescission* listed on an *agenda* may be moved by any Councillor present but must be moved in the form it was listed and must not be amended.
- 42.9 If a motion for rescission is not moved at the meeting for which it is listed, it lapses.
- 42.10 Before the *notice of motion* to rescind or amend is put to the vote, it may be withdrawn by the Councillor who moved the *notice of motion* to rescind or amend.
- 42.11 If a motion for rescission or amendment is lost or lapses, a similar motion cannot again be put before the current *Council* for a period of three calendar months from the date it was lost or lapsed.
- 42.12 Where *Council* intends to review, amend or update one or more of its policies, a notice to rescind or amend a previous resolution is not required. The new decision, despite being inconsistent with the earlier decision, reflects *Council's* changed policy position and does not rescind or amend the earlier decision.
- 42.13 Notwithstanding sub-rule 42.12, an appropriate course of action should be the submission of a *notice of motion*, in accordance with sub-rule 41.1, requesting an officer report regarding the proposed policy change.

## **43 REQUIREMENTS FOR MOTIONS AND AMENDMENTS**

- 43.1 A motion may be moved by a Councillor as a formal proposal that the *Council meeting* should resolve on in certain terms.
- 43.2 Before a motion is moved, the *Chairperson* will briefly summarise the officer report on a matter and recommendation (if any) or allocate this role to the *Chief Executive Officer* (or other officer authorised by the *Chief Executive Officer*).

- 43.3 Any motion or amendment, except procedural motions, which differs in wording from a recommendation or *notice of motion* which is on the *agenda* must, if required by the *Chairperson*, be *written* out by the proposer, given to the *Chairperson* and, if possible, be presented on the screens used for display of the meeting proceedings. If required by a Councillor, a copy must be given to all Councillors present before any further debate takes place on the matter or before the vote on it is taken. The *Chairperson* may adjourn the *Council meeting* to allow time for these requirements to be met.
- 43.4 The *Chairperson* must not accept any motion which:
- (a) Is defamatory; or
  - (b) Is objectionable in language or nature; or
  - (c) Is vague or unclear in its intention; or
  - (d) Is outside the powers of *Council*; or
  - (e) In the absence of an officer report, commits the *Council* to any contractual arrangement or to expenditure in excess of \$10,000 that has not been included in the adopted budget. Such a motion must first call for an officer report to be presented to a subsequent meeting; or
  - (f) Is not relevant to an item of business on the *agenda* and has not been admitted as urgent business; or
  - (g) Purports to be an amendment but is not.
- 43.5 Before any matter is put to the vote, the *Chairperson* may require that the motion or amendment be read again.

#### 44 MOVING A MOTION

- 44.1 Before a motion at a *Council meeting* is moved, a Councillor may introduce it by indicating in not more than two (2) minutes:
- (a) Its intent; or
  - (b) The desired outcome, if it is passed.
- 44.2 The procedure for moving any motion is:
- (a) A Councillor proposing to move a motion must first indicate a wish to address the *Chairperson*;
  - (b) Once recognised by the *Chairperson*, the mover must state the motion and may introduce it in accordance with sub-rule 44.1, without speaking in support of it;
    - i. Where the mover intends to move a recommendation as it appears in the *agenda*, they may do so in the following manner, "I move the recommendation on page (state page number) of the *agenda*."
    - ii. Where the mover intends to move a motion other than a recommendation as it appears in the *agenda*, they must state the motion in full;
  - (c) The *Chairperson* must call for a seconder (who must be a Councillor other than the mover);

- i. If a motion is not seconded, the motion lapses for want of a seconder;
  - ii. If there is a seconder, the *Chairperson* must call on the mover to speak to the motion;
- (d) After the mover has spoken to the motion, the seconder may also speak to the motion or reserve their right to speak until later in the debate;
  - (e) After the seconder has spoken to the motion (or after the mover has spoken to the motion if the seconder does not speak), the *Chairperson* must ask, "Is the motion opposed?"
  - (f) If there is opposition, the *Chairperson* must call on any Councillor who wishes to speak against the motion, then on any Councillor who wishes to speak for the motion, after waiting until all Councillors wishing to speak to the motion have spoken; and
  - (g) If no Councillor wishes to speak against the motion, then the *Chairperson* may put the motion or call on any other member to speak.

*A resolution must be capable of standing alone, that is, a person reading the decision of Council in the minutes will be able to understand what Council is seeking to achieve without reference to other sources. This usually means it should include specifics about the action to be taken, the timing of the action to be taken, the details of any other organisation, and any other relevant information.*

#### **45 RIGHT OF REPLY**

- 45.1 The mover of a motion may, once debate has been exhausted, exercise a right of reply to matters raised during debate.
- 45.2 No new matters may be raised in the right of reply.
- 45.3 If an amendment to a motion has been carried, the mover of the original motion retains the right of reply to that motion.
- 45.4 If no Councillor has spoken against a motion, there will be no right of reply.
- 45.5 After the right of reply has been exercised, the *Chairperson* must put the motion to the vote without making comment or permitting any further comment on the motion.

#### **46 MOVING AN AMENDMENT**

- 46.1 A motion, having been moved and seconded, may be amended by leaving out, inserting or adding words in a manner which is relevant to the subject of the motion and that leaves the intention and effect of the motion materially undisturbed.
- 46.2 An amendment to a motion may be moved or seconded by any Councillor, except the mover or seconder of the original motion.
- 46.3 A motion which purports to be an amendment but which if passed would directly contradict or negate the motion or materially deprive the motion of effect cannot be accepted as an amendment.
- 46.4 An amendment must call for an officer report if the amendment commits the *Council* to expenditure in excess of \$10,000 that has not been included in the adopted budget.



## GOVERNANCE RULES

- 46.5 If a Councillor proposes an amendment and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote.
- 46.6 If a Councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:
- (a) Sub-rule 44.2 will apply to an amendment as if any reference to a motion is a reference to the proposed amendment;
  - (b) The amendment must be moved and seconded. If an amendment is not seconded, the amendment lapses;
  - (c) Any one Councillor cannot move more than two amendments in succession;
  - (d) A Councillor may speak on any amendment once, whether or not they have spoken to the motion, but debate must be confined to the terms of the amendment;
  - (e) Any number of amendments may be proposed to a motion, but only one amendment may be accepted by the *Chairperson* at any one time. No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on;
  - (f) If the amendment is carried, the motion as amended then becomes the motion before the meeting (known as the 'substantive motion'), and may then be put or be subject to further amendment; and
  - (g) The mover of an amendment does not have right of reply.

*If a proposed amendment is ruled to be the negative of, or substantially contrary to, the motion, it should be treated as an alternative motion to be considered only in the event that the motion before the Chairperson is lost – see Foreshadowing Motions.*

## 47 FORESHADOWING MOTIONS

- 47.1 At any time during debate a Councillor may, without speaking to it, foreshadow a Motion so as to inform *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.
- 47.2 A motion foreshadowed may be prefaced with a statement that, in the event of a particular motion before the meeting being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 47.3 No discussion or debate is allowed on a foreshadowed motion unless and until the foreshadowed motion is subsequently formally moved as a motion.
- 47.4 A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the Meeting.
- 47.5 The minutes of the meeting will not include foreshadowed motions unless the foreshadowed motion is subsequently formally moved as a motion.

## 48 WITHDRAWAL OF MOTIONS

- 48.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the agreement of *Council*.

48.2 If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

## 49 SEPARATION OF MOTIONS

49.1 Where a motion contains more than one part, a Councillor may request the *Chairperson* to put the motion to the vote in separate parts.

49.2 The *Chairperson* may decide to put any motion to the vote in separate parts.

## 50 EN BLOC RESOLUTIONS

50.1 Subject to sub-Rule 50.2, *Council* may consider *agenda* items en bloc, so long as the motion to hear the items en bloc is firstly moved, seconded and approved by a majority vote.

50.2 *Agenda* items may only be considered en bloc if the motions note actions already taken and will not commit *Council* to further action, spending or changes to policy. Items that relate to planning matters or that involve statutory third-party rights must not be considered en bloc.

## 51 PROCEDURAL MOTIONS

51.1 Unless otherwise prohibited, a procedural motion may be moved after the completion of the Councillor currently speaking on a matter and must be dealt with immediately by the *Chairperson*.

51.2 Procedural motions require a seconder.

51.3 Regardless of any other provision in these Governance Rules, a procedural motion must be dealt with in accordance with the table in [Schedule 1](#).

51.4 A procedural motion may not be moved or seconded by the *Chairperson*.

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

51.6 A procedural motion cannot be amended.

## 52 CONDUCT OF DEBATE

52.1 A Councillor may only speak once on the motion and once on any amendment of a motion, unless exercising the right of reply subject to rule 45.

52.2 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the *Chairperson*.

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

52.4 The *Chairperson* has the right to limit questions and direct that debate be commenced or resumed.

52.5 If a debate is adjourned by motion then the Councillor who moved the adjournment has the right to speak first when the debate is resumed.

52.6 A Councillor is not deemed to be speaking on the motion or amendment before the meeting when:

- (a) Calling a point of order;



- (b) Asking a question;
- (c) Foreshadowing a new motion or further amendment; or
- (d) Making a request under sub-Rule 43.3 or 49.1.

- 52.7 A Councillor must not in any debate make any defamatory, indecent, abusive, offensive or disorderly statement or comment, or a statement or comment which is objectionable in language, substance or nature.
- 52.8 If a statement or comment is made contrary to sub-Rule 52.752.6(d), the *Chairperson* may call upon the Councillor to withdraw it and apologise and if that is required the Councillor concerned must immediately and unreservedly do so.

### 53 DEBATE MUST BE RELEVANT TO THE MOTION

- 53.1 Debate must always be relevant to the motion before the *Chairperson*, and if not, the *Chairperson* must request the speaker to confine the debate to the motion.
- 53.2 If the speaker continues to debate irrelevant matters after being requested to confine debate the *Chairperson* may direct the speaker not to speak further in respect of the motion before the *Chairperson*.

### 54 SPEAKING TIMES

- 54.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chairperson*:
- (a) The mover of a motion or an amendment: 3 minutes;
  - (b) The seconder of motion or an amendment: 3 minutes;
  - (c) Any other Councillor: 3 minutes; and
  - (d) The mover of a motion exercising a right of reply: 2 minutes.
- 54.2 Only one extension of speaking time is permitted for each speaker.
- 54.3 Any extension of speaking time must not be more than two minutes.

**DIVISION 9 – VOTING**

**Overview:** *At the conclusion of debate on a matter before the meeting, the Chairperson 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 Chairperson generally has a casting vote.*

*Sometimes a Councillor may want his or her vote is 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 a Councillor has voted on a matter at the time the vote is taken.*

**55 HOW A MATTER IS DETERMINED**

- 55.1 To determine a motion at a meeting, the *Chairperson* must first call for those in favour of the motion, and then those opposed to the motion, then if required identify any Councillor who has abstained from voting, and must then declare the result.
- 55.2 For the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote (abstains) is to be taken to have voted against the question.<sup>3</sup>
- 55.3 In the event of a tied vote, the *Chairperson* must exercise the casting vote, except in the case of:
- (a) The election of a *Mayor* or *Deputy Mayor*, or
  - (b) A vote to declare the office of *Mayor* or *Deputy Mayor* vacant.
- 55.4 In the event that a vote is tied as a result of a Councillor/s present at the meeting who does not vote (abstains) and is taken to have voted against the question, the *Chairperson* cannot exercise a casting vote.
- 55.5 The *Chairperson* may direct that the vote be recounted as often as may be necessary to satisfy the *Chairperson* of the result.

**56 VOTING MUST BE SEEN**

- 56.1 Voting may be by any method resolved by *Council* that enables those in attendance and those watching a livestream broadcast to clearly see which way a Councillor has voted at the time a vote is taken.
- 56.2 In the absence of a *Council* resolving an alternative method, voting on any matter is by show of hands.

**57 SILENCE WHEN VOTING**

- 57.1 Voting must take place in silence.

<sup>3</sup> Section 61(5)(e), Local Government Act 2020.

**58 WHEN A DIVISION IS PERMITTED**

- 58.1 A division may be requested by any Councillor on any vote.
- 58.2 The request must be made to the *Chairperson* either immediately prior to, or immediately after, the vote has been taken and may not be made after the meeting has moved to the next item of business.
- 58.3 When a division is called for the *Chairperson* must:
- (a) First ask each Councillor wishing to vote in favour of the motion to indicate their vote and the *Chairperson* must then state the names of those Councillors to be recorded in the minutes;
  - (b) Then ask each Councillor wishing to vote against the motion to indicate their vote and the *Chairperson* must then state the names of those Councillors to be recorded in the minutes;
  - (c) Next ask each Councillor abstaining from voting to indicate their vote and the *Chairperson* must then state the names of those Councillors to be recorded in the minutes; and
  - (d) Finally, declare the result of the division.
- 58.4 Where a division is requested after the original vote has been taken, the motion is decided on the division and the fact that there may be a difference between the result obtained when the original vote was taken and the result obtained on the division must be disregarded.

**59 NO DISCUSSION ONCE A VOTE HAS BEEN DECLARED**

- 59.1 Once a vote on a motion has been declared by the *Chairperson*, no further discussion relating to the motion is allowed, unless the discussion:
- (a) Involves a Councillor requesting, before the next item of business is considered, that their opposition to a resolution be recorded in the minutes or calling for a division in accordance with Rule 58;
  - (b) Is a Councillor foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

For the avoidance of doubt, nothing in this rule prohibits a Councillor moving a different motion where a motion has been declared lost.

*For example, sub-rule 59.1(b) would allow a Councillor to indicate, immediately after a resolution was made, their intention to lodge a notice of motion to rescind that resolution.*

*Equally, Rule 59 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.*

*Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-rule 59.1(b), to discussion about a positive motion where a resolution has just been rescinded.*

**DIVISION 10 – POINTS OF ORDER**

**Overview:** A point of order is taken when a Councillor draws the attention of the Chairperson 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 Chairperson's ruling are described in this section.

**60 VALID POINTS OF ORDER**

- 60.1 A point of order may be raised in relation to a statement or behaviour which is:
- (a) Irrelevant, meaning it does not relate to the matter under consideration or is outside the powers of Council;
  - (b) Improper, meaning it constitutes improper behaviour or is offensive;
  - (c) Misleading, meaning it is an untrue or false assertion or statement;
  - (d) Disorderly, being an act that disrupts or distracts from the orderly operation of the meeting or is otherwise not behaviour that is in accordance with the Councillor Code of Conduct;
  - (e) Contrary to *these Rules*.
- 60.2 Expressing a difference of opinion or to contradict a speaker is not a point of order.

**61 PROCEDURE FOR POINTS OF ORDER**

- 61.1 A Councillor raising a point of order must state that the statement or behaviour is:
- (a) Irrelevant
  - (b) Improper
  - (c) Misleading
  - (d) Disorderly; or
  - (e) Contrary to *these Rules*, in which case the Councillor should identify the rule or sub-rule that is being contravened.
- 61.2 The *Chairperson* must decide all points of order without entering into any discussion or comment.
- 61.3 The *Chairperson* may adjourn the meeting to consider a point of order, otherwise they must rule on it as soon as it is raised.
- 61.4 All other matters before *Council* are suspended until the point of order is decided.
- 61.5 The *Chairperson* may call a Councillor to order without a point of order being called by another Councillor.
- 61.6 When called to order, a Councillor must remain silent until the point of order is decided unless they are requested by the *Chairperson* to provide an explanation.
- 61.7 The *Chairperson* must, when ruling on a point of order, give reasons for that ruling.

**62 DISSENT IN CHAIRPERSON'S RULING**

- 62.1 The *Chairperson's* ruling on a point of order will be final unless a majority of Councillors present at the meeting vote in favour of a motion of dissent. A motion of dissent must be moved immediately after the ruling is made.
- 62.2 A motion of dissent in the *Chairperson's* ruling on a point of order must, if seconded, be given priority to all other items of business.
- 62.3 A substitute *Chairperson* must be elected to preside while the motion is being considered.
- 62.4 The substitute *Chairperson* must put questions relative to the ruling to the *Chairperson* first, and then to the mover of the motion.
- 62.5 The substitute *Chairperson* must conduct a debate on the *Chairperson's* ruling, and the matter must be decided by a majority vote.
- 62.6 The *Chairperson* is bound by the result of the motion of dissent – if it is passed then the previous ruling is changed so that it conforms to the motion of dissent, if it is defeated then the previous ruling stands.
- 62.7 The *Chairperson* must then resume the chair for the remainder of the meeting.
- 62.8 The defeat of the *Chairperson's* ruling is in no way a motion of censure or non-confidence in the *Chairperson* and must not be so regarded by the meeting.

**63 DISORDERLY CONDUCT**

- 63.1 The conduct of Councillors and members at meetings is governed by the *Act*, *these rules* and the Councillor Code of Conduct.

**64 CHAIRPERSON MAY ADJOURN DISORDERLY MEETING**

- 64.1 The *Chairperson* may call a break in a meeting for either a short time, or to resume another day if the behaviour at the *Council* table or in the *gallery* is significantly disrupting the meeting.
- 64.2 The break referred to in sub-rule 64.1 is an adjournment and is to be dealt with in accordance with rule 25.
- 64.3 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.
- 64.4 Where *Council* suspends a Councillor under sub-rule 64.3(a), or the *Mayor* directs a Councillor to leave the meeting under 64.3(b), the Councillor will take no active part in the portion of the meeting from which they have been suspended.
- 64.5 If a Councillor has been suspended from a meeting or directed to leave in accordance with sub-rule 64.3, the *Chairperson* may ask the *Chief Executive Officer*, an *Authorised Officer* or a member of Victoria Police to remove the Councillor.

*The Act 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.<sup>4</sup>*

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<sup>4</sup> Section 19(1)(b), *Local Government Act 2020*

**DIVISION 11 – 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.*

**65 FORM AND AVAILABILITY OF MINUTES**

65.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such a meeting) must keep minutes of each *Council meeting*, and those minutes must record:

- (a) The date, place, time and nature of the *Council meeting*, the time of its commencement and conclusion and the time of any adjournment and resumption of the meeting;
- (b) The names of Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
- (c) The names of the members of *Council* staff present;
- (d) Any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under [Chapter 4](#) and whether, under [Chapter 4](#), the conflict of interest was indicated to be a general conflict of interest or a material conflict of interest;
- (e) Arrivals and departures (including any temporary departures) of Councillors during the course of the meeting)
- (f) Each motion and amendment moved (including motions and amendments that lapse for want of a seconder);
- (g) The proceedings of any vote for *Mayor* or *Deputy Mayor*:
  - i. The name of each Councillor nominated as a candidate
  - ii. The name of each candidate eligible for election in each round of voting
  - iii. The vote of each Councillor in each round of voting
  - iv. The outcome of any drawing of lots conducted during the election
  - v. The outcome of the election
- (h) The vote cast by each Councillor upon a division (including Councillors abstaining);
- (i) The vote cast by any Councillor who has requested that their vote be recorded in the minutes;
- (j) A summary of any questions asked in accordance with Rule 34 and a summation of the answer given verbally at the meeting;
- (k) An indication of any formal submission made verbally by a visitor;
- (l) The failure of a quorum;
- (m) Any adjournment of the meeting and the reasons for that adjournment;

- (n) The time at which standing orders were suspended and resumed;
- (o) Any other matter, which the *Chief Executive Officer* or Delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the minutes; and
- (p) The time the *Council meeting* was opened and closed, including any part of the *Council meeting* that was closed to members of the public.

65.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:

- (a) Published on *Council's* website; and
- (b) Available for inspection at *Council's* office during normal business hours.

65.3 Nothing in this rule 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*.

## 66 CONFIRMATION OF MINUTES

66.1 At every *Council meeting*, the minutes of the preceding *Council meeting* must be dealt with as follows:

- (a) A copy of the minutes must be delivered to each Councillor no later than one week following the *Council meeting* to which they relate;
- (b) If no Councillor indicates opposition, the minutes must be declared to be confirmed;
- (c) If a Councillor indicates opposition to the minutes:
  - i. They must specify the item(s) to which they object;
  - ii. The objected item(s) must be considered separately and in the order in which they appear in the minutes;
  - iii. The Councillor objecting must move accordingly without speaking to the motion;
  - iv. The motion must be seconded;
  - v. The *Chairperson* must ask, "Is the motion opposed?"
  - vi. If no Councillor indicates opposition, then the *Chairperson* must declare the motion carried without discussion and then ask the second of the questions described in sub-rule 66.1(d));
  - vii. If a Councillor indicates opposition, then the *Chairperson* must call on the mover to address the meeting;
  - viii. After the mover has addressed the meeting, the seconder may address the meeting;
  - ix. After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chairperson* must invite debate by calling on any Councillor who wishes to speak to the motion;
  - x. If, after the mover has addressed the meeting, the *Chairperson* invites debate and no Councillor speaks to the motion, the *Chairperson* must put the motion; and



(d) The *Chairperson* 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 they must put the question to the vote accordingly.

- 66.2 A resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed, including by electronic means, by the *Chairperson* of the meeting at which they have been confirmed.
- 66.3 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.
- 66.4 *Council* may defer the confirmation of minutes until later in the *Council meeting* or until the next meeting if considered appropriate.
- 66.5 If a Councillor indicates opposition to the minutes which relate to a *Council meeting* or part of a *Council meeting* which was closed to members of the public in accordance with section 66 of the *Act*, the confirmation of the minutes of that meeting or part of a meeting will be deferred and presented to the confidential part of the next *Council meeting*.

**DIVISION 12 – SUSPENSION OF STANDING ORDERS**

**Overview:** *Standing Orders are the rules made to govern the procedure at Council Meetings contained in this governance rules. The Standing Orders cover a range of matters including the order of business, rules of debate, procedural motions and election procedures. Standing Orders can be suspended to facilitate the business of a meeting.*

**67 SUSPENSION OF STANDING ORDERS**

- 67.1 To temporarily remove the constraints of formal meeting procedure and allow full discussion or clarification of an issue, *Council* may, by resolution, suspend standing orders in accordance with the procedural motion table in [Schedule 1](#).
- 67.2 Suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*.
- 67.3 No motion can be accepted by the *Chairperson* or lawfully be dealt with during any suspension of standing orders, except a motion to resume standing orders.
- 67.4 Once the discussion has taken place and before any motions can be put, the resumption of meeting procedures will be necessary.

**DIVISION 13 – MEETINGS AND THE USE OF ELECTRONIC COMMUNICATION**

**Overview:** *The Act requires Council to provide procedures for the conduct of meetings by electronic means of communication. This includes providing a process to requesting and approving requests by Councillors and members of Committees who wish to attend meetings by electronic means of communication. Where a meeting must be open to the public, this requirement is satisfied if members of the public are able to attend it in person or if it is broadcast live on Council's website.*

**68 DETERMINATION OF MEETING FORMAT**

- 68.1 By default, *Council meetings* will be conducted in person except as provided for in this Division.
- 68.2 Despite this Division, *Council* may, by resolution, determine that a specific meeting or meetings will be conducted:
- (a) In person; or
  - (b) By electronic means of communication.

**69 MEETINGS CONDUCTED IN PERSON**

- 69.1 At meetings conducted in person, Councillors will physically attend the meeting unless a request to participate by electronic means of communication has been granted in accordance with this section.
- 69.2 Any request made under sub-rule 69.1 must:
- (a) Be in *writing*;
  - (b) Be given to the *Chief Executive Officer* no later than 3 hours prior to the commencement of the relevant Council meeting; and
  - (c) Specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.
- 69.3 For the avoidance of doubt, a Councillor's personal preference to participate by electronic means of communication does not constitute sufficient grounds for making a request. The *Chief Executive Officer* shall, if requested by the Councillor, keep confidential the submitted reasons for the request.
- 69.4 If a request to participate in a meeting by electronic means of communication does not comply with sub-rule 69.2, the *Chief Executive Officer* will notify the Councillor and, if time permits, provide them with an opportunity to submit a further request.
- 69.5 Subject to sub-rule 69.6, the *Chief Executive Officer* will grant all requests to participate in the meeting by electronic means of communication and will notify all Councillors of the decision. The *Chief Executive Officer* may accept a request to participate in a meeting by electronic means of communication that does not comply with sub-rule 69.2 if they are satisfied that it is a genuine request and that the orderly conduct of the meeting will not be compromised by the use of electronic means of communication.
- 69.6 The *Chief Executive Officer* may not grant a request to participate in a meeting by electronic means of communication:
- (a) At the first meeting of Councillors after a general election;

- (b) Where the meeting is being held in such a location that, in the opinion of the *Chief Executive Officer*, does not have the facilities to support participation in the meeting by electronic means of communication; or
- (c) If the meeting will consider:
  - i. The election of the *Mayor* under section 25 of the *Act*;
  - ii. The election of a *Deputy Mayor* under section 27 of the *Act*;
  - iii. The adoption of Governance Rules under section 60 of the *Act*;
  - iv. The adoption of a Community Vision under section 88 of the *Act*;
  - v. The adoption of a Council Plan under section 90 of the *Act*;
  - vi. The adoption of a Long-Term Financial Plan under section 91 of the *Act*;
  - vii. The adoption of an Annual Budget under section 94 of the *Act*;
  - viii. The adoption of a Revised Budget under section 94 of the *Act*;
  - ix. The presentation of an Annual Report under section 100 of the *Act*; or
  - x. The adoption of a Councillor Code of Conduct under section 139 of the *Act*;

Unless they are satisfied that circumstances warrant it.

- 69.7 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. This includes ensuring that the location from which the Councillor is participating is private or able to be made private where the meeting is closed to members of the public in accordance with section 66 of the *Act*.
- 69.8 Without detracting from anything said in sub-rule 69.7, a Councillor who is attending a meeting by electronic means of communication must be able to:
- (a) hear the proceedings;
  - (b) 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;
  - (c) be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting; and
  - (d) be heard when they speak.
- 69.9 If the conditions of sub-rule 69.8 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:
- (a) in the event of a vote, sub-rule 71.1(d) will apply;
  - (b) the Council meeting will nonetheless proceed as long as a quorum is present; and
  - (c) 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.

- 69.10 Nothing in this Rule 69 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-rule 69.8 even if the Council meeting has already commenced or has continued in their absence.

## **70 MEETINGS CONDUCTED BY ELECTRONIC MEANS OF COMMUNICATION**

- 70.1 Should the *Chief Executive Officer* receive requests under rule 69 to participate in a meeting by electronic means of communication from an absolute majority of Councillors, the meeting shall be conducted solely by electronic means of communication.
- 70.2 Should the *Chief Executive Officer* determine that circumstances warrant it, they may determine that any meeting be conducted solely by electronic means of communication.
- 70.3 The *Chief Executive Officer* may take all relevant factors into account in making a determination that extraordinary circumstances warrant a meeting being conducted solely by electronic means of communication including, but not limited to:
- (a) Any risk to the health and safety of Councillors, staff and the community;
  - (b) Whether all or part of the meeting is planned to be closed to members of the public under section 66(2) of the Act;
  - (c) The ability to provide public notice to members of the public who had registered to attend the meeting;
  - (d) Whether the orderly conduct of a meeting may be affected by the choice of meeting format; and
  - (e) The availability of suitable meeting facilities.
- 70.4 A meeting conducted solely by electronic means of communication must be streamed live. If the live stream is interrupted for any reason, the *Chief Executive Officer* must immediately inform the Council meeting and the Council meeting be adjourned until the live stream can be reinstated or until such later date and time as determined in accordance with rule 25.

## **71 ADJUSTMENTS TO MEETING RULES**

- 71.1 If a meeting is conducted by electronic means of communication, the following modifications to the application of the Rules in this Chapter are to be made:
- (a) Momentary absences (less than one minute) will not be recorded as absences for the purposes of the meeting minutes, unless a vote or the *Chairperson's* request for the declaration of conflicts of interest occurs during the absence;
  - (b) Casting a vote may occur by a Councillor either raising their hand in view of their camera such that it can be seen by other members in attendance or, at the *Chairperson's* request, verbally stating their vote;
  - (c) If a meeting is conducted solely by electronic means of communication, a member of the public, having submitted a question for public question time in accordance with rule 34, may elect to have their public question read out by the *Chairperson* as a proxy if they do not wish to appear in the meeting;

- (d) In the event of the absence of a Councillor during a vote due to an apparent technical failure, a Councillor or member of Council staff may bring this to the attention of the *Chairperson*, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Should the Councillor be unable to reconnect within five minutes, the meeting will resume in the Councillor's absence;
  - (e) In the event that a quorum is lost due to an apparent technical failure of a Councillor participating in the meeting by electronic means of communication, a Councillor or member of Council staff must immediately bring this to the attention of the *Chairperson*, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Should the Councillor be unable to reconnect within five minutes, the inability to maintain a quorum will be dealt with in accordance with rule 24;
  - (f) In the event of a Councillor being required to leave a meeting due following the declaration of a conflict of interest, a Councillor may leave the meeting by:
    - i. Deactivating their microphone and camera; or
    - ii. Disconnecting from the online meeting platform.
- 71.2 If a Council meeting is conducted wholly or partially by electronic means, the *Chairperson* may, with the consent of the meeting, modify the application of any other Rules in this Chapter to facilitate the more efficient and effective transaction of the business of a meeting which is conducted by electronic means of communication.

## DIVISION 14 – MISCELLANEOUS

**72 LIVESTREAMING AND RECORDING OF MEETINGS**

- 72.1 *Council* will livestream broadcast and/or digitally record the proceedings at each *Council meeting* except where the meeting is closed to the public or where the meeting is open for members of the public to physically attend, in the case of technical errors which prevent the meeting from being streamed or recorded.
- 72.2 If a *Council meeting* is open for members of the public to physically attend and the only items of business on the agenda for the meeting are items of *confidential information*, the part of the meeting that is open to the public will not be livestreamed.
- 72.3 Archived live streamed recordings of *Council meetings* will be retained and available to the public for viewing on *Council's* website.
- 72.4 Members of the public will be advised by appropriate venue signage that the meeting is being live streamed and by the *Chairperson* in the welcome and introduction that the cameras will film and record Councillors and some officers at the meeting but care is taken to try not to film or record images of members of the public.
- 72.5 For the avoidance of doubt, if a meeting is open for members of the public to physically attend and the live broadcast is not available, a meeting that has not commenced will proceed as scheduled and a meeting that has commenced will continue.

**73 RECORDING OF PROCEEDINGS BY MEMBERS OF THE GALLERY**

- 73.1 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*.
- 73.2 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.

## CHAPTER 3 – COMMITTEES

### 1 PURPOSE OF THIS CHAPTER

The purpose of this Chapter is to:

- 1.1 Provide for the procedures governing the conduct of meetings of *delegated committees*.



**DIVISION 1 - DELEGATED COMMITTEES**

**Overview:** *Council may establish delegated committees and advisory 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 Committees, their meeting procedures need to be formal.*

**2 MEETING PROCEDURES FOR DELEGATED COMMITTEES**

2.1 If *Council* establishes a *delegated committee*:

- (a) All of the provisions of [Chapter 2](#) apply to meetings of the *delegated committee*; and
- (b) Any reference in [Chapter 2](#) to:
  - i. A *Council meeting* is to be read as a reference to a *delegated committee* meeting;
  - ii. A Councillor is to be read as a reference to a member of the *delegated committee*; and
  - iii. The *Mayor* is to be read as a reference to the *Chairperson* of the *delegated committee*.

**3 MEETING PROCEDURE CAN BE VARIED**

3.1 Notwithstanding Rule 2, if *Council* establishes a *delegated committee* that is not composed solely of Councillors:

- (a) *Council* may; or
- (b) 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.

**DIVISION 2 – 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 and delegate to it powers, duties or functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.*

**4 INTRODUCTION**

- 4.1 In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the *Chief Executive Officer* under section 47(1)(b) of the *Act*.

**5 MEETING PROCEDURE**

- 5.1 Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a Community Asset Committee is in the discretion of the Community Asset Committee.
- 5.2 Notwithstanding sub-rule 5.1, a Community Asset Committee must keep and report the minutes of all Committee Meetings to the next practicable *Council meeting*.

**DIVISION 3 – AUDIT AND RISK COMMITTEE**

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

**6 MEETING PROCEDURE**

- 6.1 The Governance Rules will apply to the *Audit and Risk Committee* established by *Council* unless otherwise provided in the Audit and Risk Charter.
- 6.2 *Council* may resolve, in establishing an *Audit and Risk Committee* that [Chapter 2](#) of these Governance Rules does not apply.
- 6.3 An *Audit and Risk Committee* must report the minutes of all Committee meetings to the next practicable *Council meeting*.
- 6.4 An *Audit and Risk Committee* must act in accordance with its Charter adopted by *Council*.

## CHAPTER 4 – DISCLOSURE OF CONFLICTS 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.*

*The Act also provides Council must include in its Governance Rules procedures for disclosures of Conflicts of interest, including at meetings conducted under the auspices of Council that are not Council meetings. Meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.*

*These Rules provide the procedures for disclosures of conflicts of interest. Further guidance is available from the Managing Conflicts of Interest guideline.*

### 1 PURPOSE OF THIS CHAPTER

The purpose of this Chapter is to:

- 1.1 Provide procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130 of the *Act*;
- 1.2 Provide procedures for the disclosure of a conflict of interest by a Councillor under section 131 of the *Act*;
- 1.3 Provide procedures for the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1) of the *Act*.

### 2 INTRODUCTION

- 2.1 In this Chapter:
  - (a) “Meeting conducted under the auspices of *Council*” 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 5](#) (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
  - (b) A member of a *delegated committee* includes a Councillor.
- 2.2 Councillors, members of *delegated committees* and *Council* staff are required to:
  - (a) Avoid – all situations which may give rise to conflicts of interest;
  - (b) Identify – any conflicts of interest; and
  - (c) Disclose – or declare all conflicts of interest.
- 2.3 *Council* will maintain a conflict of interest register. The register will be kept by the Governance team.

### 3 DISCLOSURE AT COUNCIL MEETINGS

- 3.1 A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which the Councillor:
  - (a) Is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* at the time indicated in the *agenda* for

disclosure of conflicts of interest and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest; or

- (b) Intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a *written* notice:
- i. Advising of the conflict of interest, and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest;
  - ii. Explaining the nature of the conflict of interest; and
  - iii. Detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
    - Name of the other person;
    - Nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - Nature of that other person's interest in the matter,

And then at the time indicated in the *agenda* for disclosure of conflicts of interest 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.

- 3.2 The Councillor must, in either event described in sub-rule 3.1, leave the *Council meeting* immediately before the matter is considered and may not return to the meeting until after the matter has been disposed of.
- 3.3 A Councillor who has disclosed a conflict of interest must not attempt to influence any decision or communicate with any participant in the meeting in relation to the matter about which they have a conflict of interest, whether this communication is before, during or after the decision is made.

#### **4 DISCLOSURE AT DELEGATED COMMITTEE MEETINGS**

- 4.1 A member of a *delegated committee* who has a conflict of interest in a matter being considered at a *delegated committee* meeting at which the member:
- (a) Is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *delegated committee* meeting at the time indicated in the *agenda* for disclosure of conflicts of interest or, if no time is indicated, immediately before the matter is considered and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest; or
  - (b) Intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *delegated committee* meeting commences a *written* notice:
    - i. Advising of the conflict of interest, and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest;
    - ii. Explaining the nature of the conflict of interest; and
    - iii. Detailing, if the nature of the conflict of interest involves a member of a *delegated committee*'s relationship with or a gift from another person, the
      - Name of the other person;

- Nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- Nature of that other person's interest in the matter,

And then at the time indicated in the *agenda* for disclosure of conflicts of interest, or if no time is indicated, immediately before the matter is considered, 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.

- 4.2 The member of a *delegated committee* must, in either event described in sub-rule 4.1, leave the *delegated committee* meeting immediately before the matter is considered and not return to the meeting until after the matter has been disposed of.
- 4.3 A member of a *delegated committee* who has disclosed a conflict of interest must not attempt to influence any decision or communicate with any participant in the *delegated committee* meeting in relation to the matter about which they have a conflict of interest, whether this communication is before, during or after the decision is made.

## 5 DISCLOSURE AT COMMUNITY ASSET COMMITTEE MEETINGS

- 5.1 A Councillor who has a conflict of interest in a matter being considered at a Community Asset Committee meeting at which the Councillor:
- (a) Is present, must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee meeting at the time indicated in the *agenda* for disclosure of conflicts of interest or, if no time is indicated, immediately before the matter is considered and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest; or
  - (b) Intends to be present, must disclose that conflict of interest by providing to the *Chief Executive Officer* before the Community Asset Committee meeting commences a *written* notice:
    - i. Advising of the conflict of interest, and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest;
    - ii. Explaining the nature of the conflict of interest; and
    - iii. Detailing, if the nature of the conflict of interest involves Councillor's relationship with or a gift from another person, the
      - Name of the other person;
      - Nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
      - Nature of that other person's interest in the matter,

And then at the time indicated in the *agenda* for disclosure of conflicts of interest, or if no time is indicated, immediately before the matter is considered, 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.

- 5.2 The Councillor must, in either event described in sub-rule 5.1, leave the Community Asset Committee meeting immediately before the matter is considered and not return to the meeting until after the matter has been disposed of.
- 5.3 A Councillor who has disclosed a conflict of interest must not attempt to influence any decision or communicate with any participant in the Community Asset Committee meeting in relation to the matter about which they have a conflict of interest, whether this communication is before, during or after the decision is made.

## **6 DISCLOSURE AT MEETINGS UNDER THE AUSPICE OF COUNCIL**

- 6.1 A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which the Councillor is present must:
- (a) Disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting at the time indicated in the *agenda* for disclosure of conflicts of interest or immediately before the matter is considered, and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest;
  - (b) Absent themselves from any discussion of the matter; and
  - (c) 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, or have the disclosure recorded in the minutes or notes of the meeting.

## **7 DISCLOSURE BY MEMBERS OF COUNCIL STAFF PREPARING COUNCIL REPORTS**

- 7.1 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 the member of staff is preparing or contributing to the preparation of a report for the consideration of a:
- (a) *Council* meeting;
  - (b) *Delegated committee* meeting;
  - (c) 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, explaining the nature of the conflict of interest and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest.
- 7.2 The *Chief Executive Officer* must ensure that a report referred to in sub-rule 7.1 records the fact that a member of *Council* staff disclosed a conflict of interest in the subject matter of the report.
- 7.3 If the member of *Council* staff referred to in sub-rule 7.1 is the *Chief Executive Officer*:
- (a) The *written* notice referred to in sub-rule 7.1 must be given to the *Mayor*; and
  - (b) The obligation imposed by sub-rule 7.2 may be discharged by any other member of *Council* staff responsible for the preparation of the report.

## **8 DISCLOSURE BY MEMBERS OF COUNCIL STAFF IN THE EXERCISE OF DELEGATED**

**POWER**

- 8.1 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 a 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.
- 8.2 If the member of *Council* staff referred to in sub-rule 8.1 is the *Chief Executive Officer*, the *written* notice must be given to the *Mayor*.

**9 DISCLOSURE BY MEMBERS OF COUNCIL STAFF IN THE EXERCISE OF A STATUTORY FUNCTION**

- 9.1 A member of *Council* staff who has a conflict of interest in a matter requiring a statutory function to be performed under any 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 the conflict of interest is a general conflict or a material conflict of interest.
- 9.2 If the member of *Council* staff referred to in sub-rule 9.1 is the *Chief Executive Officer*, the *written* notice must be given to the *Mayor*.

**10 CONTRACTORS AND CONSULTANTS**

- 10.1 All Contractors and consultants engaged by *Council* to provide advice to the decision-making process will be required to disclose conflicts of interest.
- 10.2 A Contractor or consultant who discloses a conflict of interest will not be engaged to provide advice on that matter unless:
- (a) The conflict is so remote or insignificant it could not be considered to influence the advice being provided; or
  - (b) There are no other contractors or consultants reasonably available and qualified to provide the technical advice required; and
  - (c) The conflict of interest is documented in all advice provided by that contractor or consultant, as well as any *Council* Report(s) relating to the work or advice from that consultant.

**11 CONFLICT OF INTEREST EXEMPTIONS**

- 11.1 A conflict of interest does not arise if any of the exemptions contained within section 129 of the *Act* apply. This section applies to all disclosures of conflict of interest and all relevant persons outlined in this chapter.

**12 RETENTION OF WRITTEN NOTICES**

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



## CHAPTER 5 – MISCELLANEOUS

**1 INFORMAL MEETINGS OF COUNCILLORS**

1.1 If there is a meeting of Councillors that:

- (a) Is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- (b) Is attended by an *absolute majority* of Councillors and one member of *Council* staff; and
- (c) 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:

- (a) Tabled at the next convenient *Council meeting*; and
- (b) Recorded in the minutes of that *Council meeting*.

**2 CONFIDENTIAL INFORMATION**

- 2.1 If the *Chief Executive Officer* is of the opinion that information relating to a meeting is *confidential information* within the meaning of the *Act*, the *Chief Executive Officer* may designate the information as confidential and advise Councillors and/or members of *Council* staff in *writing* accordingly.
- 2.2 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*.
- 2.3 Nothing in sub-rule 2.2 will, without more, mean that information designated by the *Chief Executive Officer* under sub-rule 2.1 satisfies the definition of “confidential information” contained in section 3(1) of the *Act*.

**CHAPTER 6 – COMMON SEAL**

*The purpose of this Part is to regulate the use of the Common Seal, which is a device which formally records the making of a Council decision and prohibit the unauthorised use of the Common Seal or any device resembling the Common Seal.*

**1 PURPOSE OF THIS CHAPTER**

The purpose of this Chapter is to:

- 1.1 Regulate the use of the Common Seal, which is a device which formally records the making of a Council decision; and
- 1.2 Prohibit the unauthorised use of the Common Seal or any device resembling the Common Seal

**2 THE COMMON SEAL AND SEALING CLAUSE**

- 2.1 The *common seal* may be used only on the authority of *Council* granted either generally or specifically.
- 2.2 A person must not use the *common seal* or any device resembling the *common seal* without the authority of *Council*.
- 2.3 The *Chief Executive Officer* must keep the *common seal* in safe custody.
- 2.4 The form of the *common seal* and sealing clause is to be as detailed in Rule 2 below or to like effect.
- 2.5 Every document to which the *common seal* is affixed must be signed by the *Mayor* or *Deputy Mayor* and the *Chief Executive Officer*.

**3 FORM OF COMMON SEAL**

- 3.1 Unless *Council* resolves otherwise, the form of the *common seal* and the words accompanying it will be as follows:

*The COMMON SEAL of GOLDEN PLAINS )*  
*SHIRE COUNCIL was affixed in the )*  
*presence of: )*

[Affix common seal here]

.....  
*Chief Executive Officer*

.....  
*Mayor/Deputy Mayor*

## CHAPTER 7 – ELECTION PERIOD POLICY

**Overview:** *The Election Period Policy governs the conduct of Council, Councillors and members of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election.*

*The Election Period Policy prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council does not print, publish or distribute any material that may influence the outcome of the election.*

*Additionally, the Election Period Policy addresses Councillors and staff standing as candidates in Council, State or Federal elections.*

### 1 PURPOSE OF THIS CHAPTER

The purpose of this Chapter is to:

- 1.1 Provide an election period policy in accordance with section 69 of the Act;

### 2 ELECTION PERIOD POLICY

- 2.1 *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 and Civic events, and activities of *delegated 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*; and
  - (f) Sets out the requirements for a Councillor or member of *Council* staff who is a candidate in an election.
- 2.2 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.
- 2.3 The Election Period Policy forms part of these Governance Rules.
- 2.4 The operation of *Council delegated committees* shall be suspended upon the commencement of the *election period* ahead of a general *Council* election.
- 2.5 Any outstanding *delegated committee* reports may still be reported to a meeting of *Council* during this period.
- 2.6 *Council* committees shall resume meeting following the election and the appointment of Councillors to each committee by the incoming *Council*.

## GOVERNANCE RULES

These Governance Rules were made by resolution of the Golden Plains Shire Council on [date of resolution].

.....  
*Chief Executive Officer*

.....  
*Mayor/Deputy Mayor*

### DOCUMENT HISTORY

Version	Document History	Adopted by Council	Updated on website
1	New document	25 August 2020	26 August 2020
2	Amendment	26 October 2021	29 September 2021
3	Amendment	24 August 2022	25 August 2022
4	Amendment	[Date of resolution]	

## SCHEDULE 1 – PROCEDURAL MOTIONS – PROCEDURE AND EFFECT

Procedural Motion	Form	Mover and Seconded	When motion prohibited	Effect if carried	Effect if lost	Debate Permitted
Adjournment of debate to later hour and/or date	‘That this matter be deferred to [time] am/pm and/or [date]’	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	a) During the election of a Chairperson; b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	a) During the election of a Chair; b) When another Councillor is speaking; or c) When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
Closure (of debate)	‘That the motion now be put’	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a <i>Chairperson</i>	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising the right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

## GOVERNANCE RULES

Procedural Motion	Form	Mover and Second	When motion prohibited	Effect if carried	Effect if lost	Debate Permitted
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	a) During the election of a Chairperson; b) When another Councillor is speaking; c) When a motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and amendment is not further discussed or voted on until: a) Council resolves to take the question from the table at the same Council meeting; or b) The matter is placed on a subsequent agenda and Council resolves to take the question.	Debate continues unaffected	No
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the <i>agenda</i> be considered before/after the item listed as xy'	Any Councillor	a) At a meeting to elect the Mayor; or b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the <i>agenda</i>	No

## GOVERNANCE RULES

Procedural Motion	Form	Mover and Second	When motion prohibited	Effect if carried	Effect if lost	Debate Permitted
Suspension of Standing orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor (including the <i>Mayor/Chairperson</i> )	During debate	The rules of the meeting are temporarily suspended for the specific reason given in the motion. No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor (including the <i>Mayor/Chairperson</i> )	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	'That, in accordance with section 66(2)(a) of the <i>Act</i> the meeting be closed to members of the public for the consideration of item xx which is confidential as it relates to [insert grounds from definition]'	Any Councillor	During the election of the <i>Mayor/Deputy Mayor</i>	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes
Reopen 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