



# Governance Rules

# Contents

|                                                                                      |    |
|--------------------------------------------------------------------------------------|----|
| CONTEXT .....                                                                        | 5  |
| DEFINITIONS .....                                                                    | 6  |
| (1) In these Governance Rules: .....                                                 | 6  |
| MEETING PROCEDURE .....                                                              | 9  |
| 1. Purpose of Council meetings .....                                                 | 9  |
| 2. Meeting Roles .....                                                               | 9  |
| 2.1 Chairperson and Members .....                                                    | 10 |
| 2.2 Mayor to take the Chair .....                                                    | 10 |
| 2.3 Delegated Committee Chairperson .....                                            | 10 |
| 2.4 The Chairperson's duties and discretions .....                                   | 10 |
| 2.5 Chief Executive Officer .....                                                    | 11 |
| 2.6 Councillors and members of Delegated Committees .....                            | 11 |
| 2.7 Community .....                                                                  | 11 |
| 2.8 Apologies and absences .....                                                     | 12 |
| 3. Meeting format and the use of electronic means of communication .....             | 12 |
| 3.1 Determination of meeting format .....                                            | 12 |
| 3.2 Meetings conducted in-person .....                                               | 13 |
| 3.3 Requests to participate by electronic means of communication .....               | 13 |
| 3.4 Meetings conducted using electronic means of communication .....                 | 14 |
| 4. Notice of meetings and availability of agenda .....                               | 15 |
| 4.1 Date, time and place of Council meetings .....                                   | 15 |
| 4.2 Postponement .....                                                               | 15 |
| 4.3 Unscheduled meetings .....                                                       | 16 |
| 4.4 Notice of meetings .....                                                         | 17 |
| 4.4.1 Council Meetings .....                                                         | 17 |
| 4.4.2 Unscheduled meetings .....                                                     | 17 |
| 5. Quorum .....                                                                      | 18 |
| 6. Election of Mayor .....                                                           | 19 |
| 6.1 Chief Executive Officer to set time and date for the election of the Mayor ..... | 19 |
| 6.2 Role and Election of Mayor .....                                                 | 20 |
| 6.3 Role and Election of Deputy Mayor .....                                          | 20 |
| 6.4 Method of Voting .....                                                           | 20 |
| 6.5 Determining the Election of Mayor / Deputy Mayor .....                           | 20 |
| 6.6 Ceremonial Mayoral Speech .....                                                  | 21 |
| 6.7 Acting Mayor .....                                                               | 21 |

|            |                                                                   |           |
|------------|-------------------------------------------------------------------|-----------|
| <b>7.</b>  | <b>Business of meetings</b>                                       | <b>22</b> |
| 7.1        | Business at meetings                                              | 22        |
| 7.2        | Order of business for Council meetings                            | 22        |
| 7.3        | Change to order of business                                       | 22        |
| 7.4        | Urgent Business                                                   | 22        |
| 7.5        | Time Limits for Meetings                                          | 23        |
| 7.6        | Chairperson may temporarily adjourn a meeting exceeding two hours | 23        |
| <b>8.</b>  | <b>Community questions and submissions</b>                        | <b>24</b> |
| 8.1        | Open Forum and Questions of Council Time to be held               | 24        |
| 8.2        | Open forum and Questions of Council guidelines                    | 24        |
| 8.3        | Open forum prior notice                                           | 25        |
| 8.4        | Open Forum Procedure                                              | 25        |
| 8.5        | Prior notice of Questions of Council                              | 26        |
| 8.6        | Response to questions                                             | 26        |
| 8.7        | Petitions and joint letters                                       | 27        |
| 8.8        | Display of placards and posters                                   | 28        |
| 8.9        | Chairperson may remove members of the public                      | 28        |
| <b>9.</b>  | <b>Voting</b>                                                     | <b>29</b> |
| 9.1        | How a matter is a determined                                      | 29        |
| 9.2        | Voting must be seen                                               | 29        |
| 9.3        | When a division is permitted                                      | 29        |
| 9.4        | No discussion once a vote has been declared                       | 30        |
| <b>10.</b> | <b>Addressing the meeting</b>                                     | <b>30</b> |
| 10.1       | Councillor allowed to speak uninterrupted                         | 30        |
| 10.2       | Addressing the Meeting                                            | 31        |
| <b>11.</b> | <b>Motions and Debate</b>                                         | <b>31</b> |
| 11.1       | Moving a motion                                                   | 31        |
| 11.2       | Chairperson's duty                                                | 32        |
| 11.3       | Right of reply                                                    | 32        |
| 11.4       | Moving an amendment                                               | 32        |
| 11.5       | Foreshadowing motions                                             | 33        |
| 11.6       | Withdrawal of motions                                             | 33        |
| 11.7       | Separation of motions                                             | 33        |
| 11.8       | Motions moved in a block                                          | 33        |
| 11.9       | Motions in writing                                                | 34        |
| 11.10      | Debate must be relevant to the motion                             | 34        |
| 11.11      | Adequate and sufficient debate                                    | 34        |

|       |                                                                             |    |
|-------|-----------------------------------------------------------------------------|----|
| 11.12 | Speaking times .....                                                        | 34 |
| 11.13 | Procedural motions .....                                                    | 35 |
| 11.14 | Notice of motion .....                                                      | 38 |
| 11.15 | Notice of Rescission .....                                                  | 39 |
| 11.16 | Change of Council Policy .....                                              | 41 |
| 11.17 | Foreshadowed items .....                                                    | 41 |
| 12.   | Points of Order .....                                                       | 42 |
| 12.1  | Dissent in Chairperson's ruling .....                                       | 42 |
| 12.2  | Valid points of order .....                                                 | 42 |
| 12.3  | Contradiction or opinion .....                                              | 43 |
| 12.4  | Disorderly Conduct .....                                                    | 43 |
| 12.5  | Chairperson may adjourn disorderly Meeting .....                            | 43 |
| 13.   | Minutes .....                                                               | 44 |
| 13.1  | Keeping of Minutes .....                                                    | 44 |
| 13.2  | Confirmation of Minutes .....                                               | 45 |
| 13.3  | Recording of Proceedings .....                                              | 45 |
| 14.   | Suspension of Standing Orders .....                                         | 46 |
| 14.1  | Suspension of standing orders .....                                         | 46 |
| 15.   | Delegated Committees .....                                                  | 47 |
| 16.   | Community Asset Committees .....                                            | 47 |
| 17.   | Audit and Risk Committee .....                                              | 48 |
| 18.   | Election Period Policy .....                                                | 48 |
| 19.   | Conflict of interest .....                                                  | 49 |
| 19.1  | Obligations with regard to conflict of interest .....                       | 49 |
| 19.2  | Councillors and Members of Delegated Committees .....                       | 49 |
| 19.3  | Procedure at a Council or Delegated Committee Meeting .....                 | 49 |
| 19.4  | Procedure at other meetings organised, hosted or supported by Council ..... | 50 |
| 19.5  | Council staff .....                                                         | 50 |
| 19.6  | Procedure for disclosures of conflicts of interest by Council Staff .....   | 50 |
| 20.   | Joint council meetings .....                                                | 51 |
|       | Revision History and Review .....                                           | 52 |

## CONTEXT

The Governance Rules provide for Council to consider and make decisions on any matter fairly and on the merits, and enable a person whose rights are directly affected by a decision to have their views heard and interest considered in the process.

The conduct of Council meetings is at the discretion of Council except as provided in the Act and the Governance Rules. Section 60 of the *Local Government Act 2020* (the Act) requires Council to adopt Governance Rules to:

- (a) manage the conduct of Council meetings, including delegated committee meetings;
- (b) detail the form and availability of meeting records;
- (c) establish the process for the election of Mayor and Deputy Mayor;
- (d) outline the appointment of an Acting Mayor;
- (e) detail the arrangements during an election period policy; and
- (f) specify how Councillors, members of delegated committees and Council staff disclose of conflicts of interest in accordance with the Act.

These Governance Rules will replace the Local Law No. 1 Procedures for Council Meetings.

Council may amend its Governance Rules following a process of community engagement. However, under section 60(5) a community engagement process is not required if Council is adopting a good practice guideline issued by the Minister for Local Government.

Governance Rules are not subordinate legislation. The Act provides that the Mayor is responsible promoting good behaviour at Council meetings. The Mayor has the power to direct Councillors and members of the public to leave a meeting if their behaviour is preventing the Council from conducting its business.

The Governance Rules apply to Council meetings and meetings of delegated committees and community asset committees. The Governance Rules will apply to other Council meetings, such as Audit and Risk Committee meetings, as outlined in the relevant terms of reference or charter.

## DEFINITIONS

### (1) In these Governance Rules:

*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 a document containing the date, time and place of a meeting and a list of business to be transacted at the meeting.

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

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

*Authorised Officer* has the same meaning as in the *Local Government Act 1989* or any other Act.

*Chairperson* means the Chairperson of a meeting and includes an acting, temporary and substitute Chairperson.

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

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

*Code of Conduct* has the same meaning as in section 139 of the Act.

*Committee meeting* means a meeting of a delegated committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as face-to-face attendance in a set location, via electronic means or in a hybrid format that mixes in-person and electronic attendance).

*Council* means East Gippsland Shire Council.

*Council meeting* means a meeting of the Council convened in accordance with section 61 of the Act and these Governance Rules and includes a scheduled meeting and unscheduled meeting (whether held as face-to-face attendance in a set location, via electronic means or in a hybrid format that mixes in-person and electronic attendance).

*Councillor* means a Councillor of Council.

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

*Delegated committee* has the same meaning as in section 63 of the Act.

*Delegated committee meeting* means a meeting of a delegated committee.

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

*Disorder* means any disorderly conduct of a member of the gallery or a Councillor and includes:

- a) interjecting when another person is speaking, except, in the case of where a Councillor is raising a point of order;
- b) making comments that are defamatory, malicious, abusive or offensive;
- c) refusing to leave the meeting when requested, ordered or directed to do so by the Chairperson in accordance with section 19 or 318 of the Act and the Governance Rules; or
- d) engaging in any other conduct which prevents the orderly conduct of the meeting;

*Emergency* As defined by the *Emergency Management Act 2013* an emergency means an actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety of health of any person in Victoria or which destroys or damages, or threatens to destroy or damage, any property in Victoria or endangers or threatens to endanger the environment or an element of the environment in Victoria including but not limited to:

- (a) an earthquake, flood, windstorm or other natural event; and
- (b) a fire; and
- (c) an explosion; and
- (d) a road accident or any other accident; and
- (e) a plague or an epidemic or contamination; and
- (f) a warlike act or act of terrorism, whether directed at Victoria or a part of Victoria or at any other State or Territory of the Commonwealth; and
- (g) a hi-jack, siege or riot; and
- (h) a disruption to an essential service;

in respect of which the Chief Executive Officer has declared in writing that an Emergency exists.

*Foreshadowed item* means a matter raised in the relevant section of the Council meeting that a Councillor intends to submit a notice of motion for the next Council meeting.

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

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

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

*Meeting* means a Council meeting or a delegated committee meeting.

*Member* means a member of any committee to which these Governance Rules apply.

*Minutes* means the official record of the proceedings and decisions of a meeting.

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

*Notice of motion* means a notice setting out the text of a motion which a Councillor proposes to move at a Council meeting.

*Notice of rescission* means a notice of motion to rescind a resolution made by Council.

*On notice* means held or deferred to enable preparation of a response.

*Operational services* are the day-to-day tasks of Council. Council has a process in place that captures requests from the community. Council Officers consider, assess, prioritise and action the requests.

*Point of order* means a procedural point (about how the meeting is being conducted), not involving the substance of a matter before a meeting.

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

*Resolution* means a decision of Council as defined in section 59 of the Act.

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

*Urgent business* means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next meeting.

*Unscheduled meeting* means a meeting of the Council (whether held as face-to-face attendance in a set location, via electronic means or in a hybrid format that mixes in-person and electronic attendance), convened for a particular purpose that cannot be effectively dealt with in the schedule of Ordinary Council meetings set by Council.

## MEETING PROCEDURE

### 1. Purpose of Council meetings

- (1) Council holds scheduled meetings and, when required, unscheduled meetings to conduct the business of Council.
- (2) Council is committed to transparency in decision making and, in accordance with the *Local Government Act 2020*, Council and delegated committee meetings are open to the public and the community are able to attend.
- (3) Meetings will only be closed to members of the public, in accordance with section 66 of the Act, if:
  - (a) there are clear reasons for particular matters to remain confidential; or
  - (b) a meeting is required to be closed for security reasons; or
  - (c) it is necessary to enable the meeting to proceed in an ordinary manner.
- (4) A meeting closed to the public for the reasons outlined in sub-rule 3(b) or 3(c) will continue to be livestreamed. In the event a livestream is not available:
  - (a) the meeting may be adjourned; or
  - (b) a recording of the proceedings may be available on the Council website.

### 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, 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 the meeting and generally does not participate in debate or move or second motions. The Chairperson will vote and provide the casting vote if votes are tied (section 61(5)(d)).

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.

## **2.1 Chairperson and Members**

- (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 are focussed on the issues at hand;
  - (f) meetings are conducted in an orderly manner; and
  - (g) decisions should be made on the merits of the matter.

## **2.2 Mayor to take the Chair**

- (1) The Mayor must take the Chair at all Council Meetings at which the Mayor is present (section 61(3)(a)).
- (2) If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair (section 61(3)(b)).
- (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 (section 61(3)(d)).

## **2.3 Delegated Committee Chairperson**

- (1) At the Meeting at which Council establishes a delegated committee it must also appoint a Chairperson (section 63(2)).
- (2) The Chair of a delegated committee must be a Councillor (section 63(2)(a)).
- (3) For the avoidance of doubt, sub-rule (1) does not intend to limit the powers of the Mayor provided in the Act.

## **2.4 The Chairperson's duties and discretions**

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

- (1) must not accept any motion, question or statement which is:
  - (a) vague or ambiguous;
  - (b) defamatory, malicious, abusive or objectionable in language or substance;
  - (c) not relevant to the item of business of the agenda and has not been admitted as urgent business;
  - (d) purports to be an amendment but is not; or
  - (e) outside the powers of Council;
- (2) must allow the Chief Executive Officer or delegate the opportunity to correct factual errors or incorrect assertions that arise during the meeting;

- (3) must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council (section 19(1)(b) and section 318);
- (4) may direct that a vote be recounted to be satisfied of the result; and
- (5) must decide on all points of order.

## **2.5 Chief Executive Officer**

- (1) The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chairperson.
- (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, legal, financial or other risks, including non-compliance with statutory obligations arising from a proposed resolution;
  - (c) help clarify the intent of any unclear resolution to facilitate implementation; or
  - (d) on request, assist with procedural issues that may arise.

## **2.6 Councillors and members of Delegated Committees**

- (1) Councillors and members of delegated committees contribute to good governance and decision making by:
  - (a) seeking views of community members and reading the agenda prior to the meeting;
  - (b) demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers;
  - (c) attending meetings and participating in debate and discussion;
  - (d) demonstrating respect for the role of the Chairperson and the rights of other Councillors or members of delegated committees to contribute to the decision-making; and
  - (e) being courteous and orderly.

## **2.7 Community**

- (1) Council meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings.
- (2) Community members may only participate in Council meetings in accordance with Rule 8.
- (3) Community members are encouraged to participate in Council's community engagement processes.
- (4) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Council meetings.

## **2.8 Apologies and absences**

- (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; or
  - (c) in writing to the Chief Executive Officer or delegate who will advise the Chairperson.
- (2) An apology submitted to a meeting will be recorded in the minutes.
- (3) A Councillor intending to take a leave of absence (section 35(4)) should submit a request in writing to the Mayor.
- (4) The Mayor will seek to have any leave of absence request received included in the agenda of the next Council meeting.
- (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.
- (6) Council will not unreasonably withhold its approval of a leave of absence request.
- (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.

## **3. Meeting format and the use of electronic communication**

### **Overview**

Under the Act, Council meetings are able to be held in the following formats:

- In-person (all voting members are physically present in a set location);
- Electronic (all voting members are participating by electronic means); or
- Hybrid (voting members participate using a mix of in-person and electronic means).

### **3.1 Determination of meeting format**

- (1) By default, meetings shall be conducted in-person except as otherwise provided for in these Rules.
- (2) Despite sub-rule 3.1(1), Council may, by resolution, determine that a specific meeting or meetings will be conducted:
  - (a) in-person; or
  - (b) electronically.
- (3) Should the Chief Executive Officer determine that extraordinary circumstances warrant it, they are authorised to determine that any meeting be conducted solely by electronic means of communication.

- (4) 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;
  - (e) the availability of suitable meeting facilities.

### **3.2 Meetings conducted in-person**

- (1) At meetings conducted in-person, Councillors shall physically attend the meeting unless a request to participate by electronic means of communication has been received and approved in accordance with sub-rule 3.3.
- (2) A Councillor who is not physically in attendance at a meeting but is present by electronic means of communication without approval, shall be recorded as absent, and shall not be able to participate in the proceedings of the meeting, including moving or seconding motions, speaking during a debate or casting a vote on a motion before the meeting.

### **3.3 Requests to participate by electronic means of communication**

- (1) In accordance with section 60(1)(ba) of the Act, Council's Governance Rules must include a process for the request and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication.
- (2) A request to participate by electronic means of communication may be submitted for a single meeting, multiple meetings or a period of time.
- (3) A request to participate by electronic means of communication must be made using the 'Request to Participate Electronically' form, signed by the Councillor (including by electronic means) and be lodged with the Mayor and Chief Executive Officer at least two hours before the commencement of the meeting.
- (4) A request to participate in a meeting by electronic means of communication must provide an explanation as to why the Councillor cannot participate in the meeting in person. The Mayor and Chief Executive Officer shall, if requested by the Councillor, keep confidential the submitted reasons for the request.
- (5) If a request to participate in a meeting by electronic means of communication does not comply with sub-rules 3.3(3) or 3.3(4), the Chief Executive Officer shall notify the Councillor that the request is invalid and, if time permits, provide them an opportunity to submit a further request.

- (6) Subject to sub-rule 3.3(8), the Mayor in consultation with the Chief Executive Officer shall grant approval of all requests to participate in the meeting by electronic means of communication.
- (7) Where requests to participate in the meeting by electronic means of communication are received from the Mayor, and subject to sub-rule 3.3(8), the Chief Executive Officer shall grant approval of all requests.
- (8) In-person attendance is required for the first meeting of Council after a general election, or if the meeting will consider:
  - the election of the Mayor under section 25 of the Act; or
  - the election of the Deputy Mayor under section 27 of the Act;and requests for electronic attendance will not be accepted unless the request is deemed necessary by the Chief Executive Officer because of extraordinary circumstances.

### **3.4 Meetings conducted using electronic means of communication**

- (1) Any Councillor attending a meeting through the use of electronic means of communication must ensure:
  - (a) that they can be seen and be heard at all times throughout the meeting, except where required to leave a meeting due to the disclosure of a conflict of interest; and
  - (b) the appropriateness of their surroundings when considering confidential information in the part of a meeting closed to the public in accordance with section 66(2)(a).
- (2) Where a meeting is conducted using electronic means of communication, the following modifications to the application of these Governance Rules are to be made:
  - (a) References to a Councillor being present at a meeting shall be a reference to a Councillor being able to both hear and see other members in attendance, and be heard and be seen by other members in attendance;
  - (b) Momentary absences (less than one minute) shall not be recorded as absences for the purposes of the meeting minutes, unless the absence occurs during declarations of conflicts of interest or the taking of a vote;
  - (c) 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 Chair, 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 shall resume in the Councillor's absence;

- (d) In the event of a Councillor being required to leave a meeting following the declaration of a conflict of interest, a Councillor must leave the meeting by disconnecting from the online meeting platform and must not communicate with any participants in the meeting while the decision is being made.
- (3) The Chair may, with the consent of Councillors present, modify the application of any other of the Governance Rules to facilitate the more efficient and effective transaction of the business of a meeting which is conducted using electronic means of communication.

## **4. Notice of Meetings and availability of agenda**

### **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 can be accessed online at Customer Service Centres and Council libraries.

### **4.1 Date, time and place of Council meetings**

- (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.
- (2) Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any meeting which has been fixed and must provide notice of the change to the public.

### **4.2 Postponement**

- (1) In the case of an emergency, the Chief Executive Officer or delegate or, in the absence of both, a Senior Officer, may postpone a Council meeting, provided every reasonable attempt is made to notify every Councillor of the postponement.
- (2) The Chief Executive Officer, Delegate or Senior Officer must submit a full written report of the circumstances requiring his or her action in respect of the emergency postponement at the next scheduled meeting.

### 4.3 **Unscheduled meetings**

- (1) Council may by resolution call an unscheduled meeting of the Council.
- (2) The Mayor, or three Councillors may by written notice call an unscheduled meeting of the Council.
- (3) The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting.
- (4) A written notice to call an unscheduled meeting must:
  - (a) specify the business to be transacted;
  - (b) the date and time for the unscheduled meeting
  - (c) be delivered to the Chief Executive Officer or delegate 5 days prior to the date and time specified for the meeting in the written notice.
- (5) The Chief Executive Officer must determine the time and date for the unscheduled meeting, giving consideration to:
  - (a) the urgency of the business to be transacted
  - (b) the availability of Councillors
  - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
- (6) The Chief Executive Officer must arrange for notice of the meeting on Council's website.
- (7) Any resolution of Council to call an unscheduled meeting must:
  - (a) specify the date and time of the unscheduled meeting; and
  - (b) the business to be transacted.
- (8) The date and time of the unscheduled meeting must not be prior to 6:00pm on the day following the Council meeting at which the resolution was made.
- (9) The Chief Executive Officer must call an unscheduled meeting to elect a Mayor following a Council election declaration, in accordance with the Act.
- (10) The unscheduled meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.
- (11) Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled meeting, unless all Council, by unanimous resolution determine to admit another matter.

## **4.4 Notice of meetings**

### **4.4.1 Council Meetings**

- (1) A notice of a meeting, that is not an unscheduled meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council meetings' at least 5 days before the meeting. A period of less than 5 days may be justified if exceptional circumstances exist.
- (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.
- (3) A schedule of Council meetings must be prepared and published.
- (4) The Chief Executive Officer must ensure it is available to a broad section of the community at least once each year and with such greater frequency as the Chief Executive Officer determines.
- (5) The schedule of Council meetings must also be available on the Council's website and can be accessed online at Customer Service Centres and Council libraries.

### **4.4.2 Unscheduled meetings**

- (1) Notice of an unscheduled meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.
- (2) An agenda for an unscheduled meeting must be made available electronically to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- (3) An agenda for an unscheduled meeting will be made available on Council's website no less than 24 hours before the Council meeting.

## 5. Quorum

### 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. A quorum is an absolute majority as outline in section 61(7) of the Act.

- (1) Meetings must commence within 30 minutes of the scheduled starting time.
- (2) If, after 30 minutes from the scheduled starting time of any meeting or adjournment, a quorum cannot be obtained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Senior Officer, may adjourn the meeting for a period not exceeding 14 days from the date of the adjournment.
- (3) If, during any meeting or any adjournment of the meeting, a quorum cannot be maintained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Senior Officer, may adjourn the meeting for a period not exceeding 14 days from the date of the adjournment.
- (4) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an agenda for a future Council meeting.
- (5) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, Council will:
  - (a) determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
  - (b) determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained.
- (6) 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 by a delegated committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.
- (7) 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.

- (8) The Chief Executive Officer must provide written notice, including by electronic means, to each Councillor of any Council meeting adjourned to another date or time due to an inability to achieve or maintain a quorum.
- (9) Where it is not practicable because time does not permit notice in accordance with clause 8 to occur, then, provided every reasonable attempt is made to contact each Councillor either verbally, or by some other means, it will be sufficient.
- (10) Notice of an adjournment to another date or time due to another date or time must be published on Council's website as soon as practical.

For example, if Council is proposing to include items in the budget that would give rise to conflicts of interest to more than half of the number of Councillors, Council may consider whether to include these items in the budget as individual decisions prior to adopting the budget as a whole.

**Table 1: Quorum Calculation**

| Number of Councillors / Committee members | Number required for a Quorum |
|-------------------------------------------|------------------------------|
| 11                                        | 6                            |
| 10                                        | 6                            |
| 9                                         | 5                            |
| 8                                         | 5                            |
| 7                                         | 4                            |

## **6. Election of 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, Deputy Mayor and Acting Mayor are to be elected.

#### **6.1 Chief Executive Officer to set time and date for the election of the Mayor**

- (1) The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor.
- (2) The election of Mayor must be held no later than one month after the date of the general election (section 26(1)).
- (3) The election of the Mayor must be held in accordance with section 25 of the Act and these Governance Rules.
- (4) Where the position of Mayor has become vacant, the Chief Executive Officer will set, date and time within one month of the vacancy.
- (5) Depending on the term of office decided in Rule 6.5 the next election of the Mayor will be held as close as possible to the end of the term.

## **6.2 Role and Election of Mayor**

- (1) The Mayor will chair the Council meetings.
- (2) The Mayor will promote behaviour among Councillors that meet the standards established in the Councillor Code of Conduct.
- (3) The Mayor will lead engagement with the community.
- (4) The Mayor may direct a Councillor to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

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

- (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.
- (2) If the Mayor is not in attendance at a Council meeting the Deputy Mayor must take the Chair.
- (3) The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- (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.

## **6.4 Method of Voting**

- (1) The election of the Mayor must be carried out by a show of hands or following a resolution made in accordance with Rule 9.2(1), an electronic method that enables those observing (in attendance and those watching a livestream broadcast) to see who a Councillor has voted for at the time the vote is taken.

## **6.5 Determining the Election of Mayor / Deputy Mayor**

- (1) The Chief Executive Officer will preside during the election of the Mayor.
- (2) The election of the Mayor and Deputy Mayor must be determined by resolution of the Council for a term of office of 1 year or 2 years.
- (3) The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- (4) 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 the number of votes equal to or greater than half the Councillors of the Council must be declared elected;
  - c) two candidates have been nominated and no candidate receives the

number of votes equal to half the Councillors of the Council, a second vote will be conducted;

- d) where, after a second vote, where two candidates have been nominated and no candidate receives the number of votes equal to half the Councillors of the Council the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held at 6.00 pm the following day;
- e) more than two candidates have been nominated and no candidate receives a number of votes equal to or greater than half the Councillors of the Council:
  - i) the candidate with the fewest number of votes cast 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 (4)(b) of this Rule.
  - iv) in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate (where there are three or more candidates with equal votes) then the election must be determined by lot;
- f) The Chief Executive Officer will conduct a vote for one candidate to be defeated.
- g) If Council resolves to have the office of Deputy Mayor, the provisions of sub-rules (3) and (4) apply to the election of the Deputy Mayor with all necessary modifications and adaptations.

## **6.6 Ceremonial Mayoral Speech**

- (1) Upon being elected, the Mayor may make a ceremonial speech.
- (2) The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead.

## **6.7 Acting Mayor**

- (1) Council may appoint a Councillor, for a specified period, as the Acting Mayor if the Mayor is unavailable, and no Deputy Mayor has been elected.
- (2) The Acting Mayor will perform the role of Mayor during the specified period.

## **7. 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.

This section also provides time limits for meetings. A Council Meeting must not continue after 3 hours unless a majority of Councillors agree.

### **7.1 Business at meetings**

- (1) The Chief Executive Officer may include any matter on the agenda for a Council meeting which they think should be considered at the meeting to which the agenda relates.
- (2) No business can be dealt with at a meeting unless it is:
  - a) contained on the agenda; or
  - b) admitted as urgent business in accordance with sub-rule 7.4.

### **7.2 Order of business for Council meetings**

- (1) The order of business for Council meetings will be determined by the Chief Executive Officer in consultation with the Mayor having regard to the principles of open, efficient and effective conduct of Council business.

### **7.3 Change to order of business**

- (1) Once an agenda has been sent to Councillors, the order of business for that meeting may be altered by a resolution of Council.

### **7.4 Urgent Business**

- (1) If the agenda for a meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if:
  - a) it relates to or arises out of a matter which has arisen since distribution of the agenda; and
  - b) deferring the item until the next meeting will mean a decision on the item will not have any effect on the matter; or
  - c) the item involves a matter of urgency as determined by the Chief Executive Officer;
  - d) it cannot be addressed through an operational service request process; or
  - e) a decision on the matter does not:

- i) substantially affect the levels of Council service;
  - ii) commit Council to significant expenditure not included in the adopted budget;
  - iii) establish or amend Council Policy; or
  - iv) commit Council to any contractual arrangement.
- (2) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 3:00pm on the day of the meeting.
- (3) The Chief Executive Officer will advise the Mayor of any matter they determine appropriate for Council to consider admitting as urgent business.

## **7.5 Time Limits for Meetings**

- (1) A meeting must not continue after 3 hours from the time it commences unless a majority of Councillors/members present vote in favour of its extension.
- (2) In the absence of an agreed extension as provided for in sub-rule (1), or in the event there is further business to be transacted at the completion of the resolved extension, the meeting must stand adjourned to a time, date and place announce by the Chairperson immediately before the standing meeting is adjourned.
- (3) Notwithstanding sub-clause (2), the Chairperson may seek the agreement of Council not to adjourn the meeting to future time, if the Chairperson reasonably believes the remaining business will take less than 10 minutes to transact.

## **7.6 Chairperson may temporarily adjourn a meeting exceeding two hours**

- (1) The Chairperson may adjourn a meeting for a 10-minute break, at an appropriate point in proceedings after two hours has elapsed.
- (2) Notwithstanding sub-rule (1), the Chairperson may seek the agreement of Council not to adjourn the meeting if the Chairperson reasonably believes the remaining business of the meeting will take less than 30 minutes to transact.

## **8. Community questions and submissions**

### **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 Rule 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 the question or petition at or after the meeting.

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

### **8.1 Open Forum and Questions of Council Time to be held**

- (1) The Council will hold open forum and questions of Council time for up to 30 minutes to allow public submissions and questions of Council, where time does not allow a question to be asked Council will resolve to take the question on notice and provide a response in the minutes.
- (2) Open forum is an opportunity for the general public to present to Council on a matter listed on the agenda or any other matter.
- (3) Questions of Council are an opportunity for the general public to submit a question prior to the meeting and receive a response from Council in the Questions of Council time.
- (4) Council meetings are recorded and broadcasted to the public, this includes community questions and submissions.

### **8.2 Open forum and Questions of Council guidelines**

- (1) Questions of Council time and open forum will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.
- (2) Submissions as part of open forum and questions of Council may be on any matter except if it:
  - (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
  - (b) relates to confidential information as defined in section 3(1) of the Act;
  - (c) relates to the personal hardship of any resident or ratepayer; or

- (d) relates to any other matter which the Council considers would prejudice the Council or any person.
- (3) No more than two questions will be accepted from any person at anyone meeting.
- (4) Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- (5) The Mayor reserves the right to cease a question or submission as part of open forum if they deem the question or submission inappropriate.
- (6) Copies of all submissions and questions allowed by the Chief Executive Officer will be provided in writing to all Councillors.
- (7) A submission or question submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer will be provided to any Councillor on request.

### **8.3 Open forum prior notice**

- (1) It is preferable for any member of the public who wishes to be heard at open forum to give prior notice.
- (2) Prior notice in writing must:
  - (a) contain the name, address and email or contact telephone number of the person to be heard; or
  - (b) be in a form approved or permitted by Council; or
  - (c) via a letter or email addressed to the Mayor or Chief Executive Officer; or
  - (d) hand delivered to a Council officer; and
  - (e) received 3 days prior to the meetings published commencement time.
- (3) It is preferable for any group or association that wishes to be heard at Open Forum to nominate a spokesperson for an issue upon which the group or association may wish to be heard.

### **8.4 Open Forum Procedure**

- (1) The Chair will allocate a maximum of 5 minutes to each person who wishes to address Council.
- (2) The Chair will first invite any person who has given prior notice to present to Council.
- (3) The Chair will then invite members of the gallery who would like to present to Council.
- (4) The Chair or Chief Executive Officer have the discretion to alter the order of persons to be heard.

- (5) The person in addressing the Council:
  - (a) must confine their address to the 5-minute allocation of time;
  - (b) shall extend due courtesy and respect to the Council and the processes under which it operates; and
  - (c) shall take direction from the Chair whenever called upon to do so.
- (6) Council may suspend standing orders to hear from a community member or representative of an organisation, on matters of significance to the Council, only if prior arrangements have been made by written request to the Mayor or Chief Executive Officer.
- (7) There will be no discussion or debate with the attendees to Open Forum however Councillors may ask questions of clarification of the attendee.
- (8) Standing orders do not need to be suspended to allow discussion for the purposes of clarification.

#### **8.5 Prior notice of Questions of Council**

- (1) Council must receive prior notice of questions to be heard as part of questions of Council time.
- (2) Questions must be received exactly as intended to be read.
- (3) Questions submitted to the Council in a written form must:
  - (a) contain the name, address and email or contact telephone number of the person submitting the question;
  - (b) be in a form approved or permitted by the Council;
  - (c) addressed to the Mayor or the Chief Executive Officer; and
  - (d) submitted no less than 4 hours before the meeting's published commencement time; or
  - (e) handed to the Council officer on duty no less than 15 minutes before the meeting's published commencement time on the day of the meeting.
- (4) Questions submitted to the Council in video must be received by the Council by midday on the day immediately prior to the published day of the meeting.

#### **8.6 Response to questions**

- (1) Response to a question raised during the open forum may be provided immediately as part of the open forum time at the discretion of the Council.
- (2) The matter will be referred to the relevant Officer for investigation and response if required.
- (3) Council officers will respond acknowledging the question and providing procedural advice and/or the response within 10 working days of the Council meeting.

## 8.7 Petitions and joint letters

- (1) Every petition submitted to Council must:
  - (a) be legible and in permanent writing;
  - (b) be clear and on each page the matter and action sought from council is stated;
  - (c) not be derogatory, defamatory or objectionable in language or nature;
  - (d) not relate to matters outside the powers of Council;
  - (e) include the names, addresses and original signatures of all petitioners; and be assessed by the Chief Executive Officer as meaningful and appropriate for formal presentation.
- (2) Where a petition has been signed by less than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- (3) Any Councillor presenting a petition is responsible for ensuring that:
  - (a) they are familiar with the contents and purpose of the petition; and
  - (b) the petition is not derogatory, defamatory or objectionable in language or nature.
- (4) Unless sub-rules (5) or (6) apply, the only motions that may be considered by Council on any petition are:
  - (a) that the petition be received; and
  - (b) that the petition be referred to the Chief Executive Officer or relevant General Manager for consideration and response; or
  - (c) that the petition be referred to the Chief Executive Officer or relevant General Manager for a report to a future Council Meeting.
- (5) 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.
- (6) If a petition relates to a planning matter or statutory matter which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the planning matter or the statutory matter, as the case may be.
- (7) The Chief Executive Officer may determine that an electronic or online petition will be submitted to a Council meeting.
- (8) The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council meeting.
- (9) An online or electronic petition will not be presented to a Council meeting if it contains signatures that are false or misleading.

## **8.8 Display of placards and posters**

- (1) Subject to sub-rules (2) and (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.
- (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.
- (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.

## **8.9 Chairperson may remove members of the public**

- (1) Members of the public present at a Council meeting must not interject during the Council meeting.
- (2) If a person, other than a Councillor, interjects or gesticulating 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.
- (3) The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.
- (4) In causing a person's removal under sub-clause (2)(b), or the removal of an object or material under sub-rule (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.
- (5) The Chairperson may cause the removal of members of the public without the need for a Council resolution.

## **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 has a casting vote.

Sometimes a Councillor may want their 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.

### **9.1 How a matter is determined**

- (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 and must then declare the result to the meeting.
- (2) In the event of a tied vote, the Chairperson must, unless the Act provides otherwise, exercise the casting vote.

### **9.2 Voting must be seen**

- (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 Council has voted at the time a vote is taken.
- (2) In the absence of a Council resolving an alternative method, voting on any matter is by show of hands.

### **9.3 When a division is permitted**

- (1) A division may be requested by any Councillor on any vote.
- (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.
- (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 that they are abstaining 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.
- (4) Where a division is requested after the original vote has been taken, the motion is decided on the division. 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.

#### **9.4 No discussion once a vote has been declared**

- (1) Once a vote on a motion has been declared carried or lost by the Chairperson, no further discussion relating to the motion is allowed, unless the discussion:
  - (a) involves a Councillor requesting that their opposition to a resolution be recorded in the minutes or calling for a division in accordance with Rule 9.3; or
  - (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.

## **10. 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 section 8 of these rules.

#### **10.1 Councillor allowed to speak uninterrupted**

- (1) A Councillor who has the floor must not be interrupted unless called to order or given notice by the Chairperson their speaking time has elapsed or is about to elapse.
- (2) When a point of order is raised a Councillor, who has the floor must sit down and remain silent until the Councillor raising the point of order has been heard and the point of order dealt with.

## 10.2 Addressing the Meeting

- (1) If the Chairperson so determines:
  - (a) any person addressing the Chairperson must refer to the Chairperson as:
    - Mayor; or
    - Chairperson;
  - (b) all Councillors, other than the Mayor, must be addressed as Cr (surname);  
and
  - (c) all Council staff must be addressed by their official title.
- (2) Except for the Chairperson and Chief Executive Officer, any person who addresses the meeting must move to the designated position and direct all remarks through the Chairperson.

## 11. 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 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.

### 11.1 Moving a motion

The procedure for moving any motion is:

- (1) the mover must outline the motion without speaking in support of it;
- (2) the motion must be seconded by a Councillor other than the mover;
- (3) if a motion is not seconded, the motion lapses for want of a seconder;
- (4) if there is a seconder, then the Chairperson must call on the mover to speak to the motion;
- (5) after the mover has spoken to the motion, the seconder may also speak to the motion;

- (6) after the seconder has spoken to the motion (or after the mover has spoken to the motion if the seconder does not speak to the motion), 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
- (7) if no Councillor wishes to speak against the motion, then the Chairperson may put the motion or call on any other member to speak.

### **11.2 Chairperson's duty**

The Chairperson must not accept any motion which:

- (1) is defamatory; or
- (2) is objectionable in language or nature; or
- (3) is vague or unclear in its intention; or
- (4) is outside the powers of Council; or
- (5) is not relevant to an item of business on the agenda and has not been admitted as urgent business; or
- (6) purports to be an amendment but is not.

### **11.3 Right of reply**

- (1) The mover of a motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during debate.
- (2) No new matters may be raised in the right of reply.
- (3) If no Councillor has spoken against a motion, there will be no right of reply.
- (4) After the right of reply has been exercised, the motion must immediately be put to the vote without any further discussion or debate.

### **11.4 Moving an amendment**

- (1) A motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the motion.
- (2) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion.
- (3) 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.
- (4) If a Councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:
  - (a) the amendment must be moved and seconded;
  - (b) 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;

- (c) 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;
- (d) if the amendment is carried, the motion as amended then becomes the motion before the meeting (known as the substantive motion); and
- (e) 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 Chair is lost – see foreshadowing motions.

### **11.5 Foreshadowing motions**

- (1) At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (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.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- (4) The minutes of the meeting will not include foreshadowed motions unless the foreshadowed motion is subsequently formally moved as a motion.

### **11.6 Withdrawal of motions**

- (1) Before any motion is put to the vote, it may be withdrawn with the agreement of Council.

### **11.7 Separation of motions**

- (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.
- (2) The Chairperson may decide to put any motion to the vote in separate parts.

### **11.8 Motions moved in a block**

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

### **11.9 Motions in writing**

- (1) All motions, except procedural motions, must be submitted in writing.
- (2) The Chairperson may adjourn a meeting while a motion is being written or may request Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

### **11.10 Debate must be relevant to the motion**

- (1) Debate must always be relevant to the motion before the meeting, and, if not, the Chairperson must request the speaker to confine debate to the motion.
- (2) If, after being requested by the Chairperson to confine debate to the motion before the meeting, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to not speak further in respect of the motion before the Chairperson. The speaker must immediately comply with any such direction.

### **11.11 Adequate and sufficient debate**

- (1) Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to participate in the debate.
- (2) A motion has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.
- (3) Once the views put are representative of the views of all Councillors or members the debate would be regarded as sufficient.

### **11.12 Speaking times**

- (1) Unless a motion for an extension of speaking time has been carried, the maximum speaking times are:
  - (a) the mover of a motion or amendment – 5 minutes;
  - (b) the mover of a motion when exercising his or her right of reply - 3 minutes;and
  - (c) any other speaker – 3 minutes.
- (2) A motion for an extension of speaking time must be proposed before the initial speaking time, for that speaker, expires.
- (3) A motion for an extension of speaking time must not be accepted by the Chairperson if another Councillor has commenced speaking.
- (4) Only one extension of speaking time is permitted for each speaker.
- (5) Any extension of speaking time must not be more than 2 minutes.

### 11.13 Procedural motions

- (1) Unless otherwise prohibited, and subject to sub-rule (3), a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Procedural motions require a seconder.
- (3) The Chairperson may reject a procedural motion if they believe the motion on which it is proposed has not been adequately or sufficiently debated.
- (4) Regardless of any other provision in the Governance Rules, a procedural motion must be dealt with in accordance with the table at sub-rule (8).
- (5) A procedural motion may not be moved or seconded by the Chairperson.
- (6) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- (7) Unless otherwise provided, a procedural motion must not be amended.
- (8) Procedural motions table:

| <b>Motion</b>                                                   | <b>Suggested Form</b>                                                                                      | <b>Mover/ Second</b>                                                                                        | <b>When prohibited</b>                                                                                                                         | <b>Effect if Carried</b>                                                                                                                                                                                     | <b>Effect if Lost</b>                                     | <b>Debate Permitted</b> |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------------------|
| <b>Deferral of a matter (to a future meeting)</b>               | 'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'... | Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion | (a) During the election of the Mayor/ Deputy Mayor;<br>(b) During the election of a Chairperson; or<br>(c) When another Councillor is speaking | Consideration/ debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated | Debate continues unaffected                               | Yes                     |
| <b>Closure (of debate)</b>                                      | '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 Chairperson                                                                                                           | Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion                      | Debate continues unaffected                               | No                      |
| <b>Laying a motion on the table (pausing debate)</b>            | 'That the motion be laid on the table'                                                                     | A Councillor who has not spoken for/against the motion                                                      | During the election of the Mayor/ Deputy Mayor                                                                                                 | Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting                                                                                      | Debate continues unaffected                               | No                      |
| <b>Take a motion from the table (resume debate on a matter)</b> | '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                      |
| <b>Alter the order of business</b>                              | 'That the item listed at XX on the agenda be considered before/after the item listed as XY'                | Any Councillor                                                                                              | (a) At a Meeting to elect the Mayor; or<br>(b) During any debate                                                                               | Alters the order of business for the meeting                                                                                                                                                                 | Items are considered in the order as listed in the agenda | No                      |

| Motion                                                                                          | Suggested Form                                                                                                                                                                                                            | Mover/ Second  | When prohibited                                | Effect if Carried                                                                                                                                                                                        | Effect if Lost                                 | Debate Permitted |
|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|------------------|
| <b>Suspension of Standing Orders</b>                                                            | 'That Standing Orders be suspended to ...'<br>(reason must be provided)                                                                                                                                                   | Any Councillor |                                                | The rules of the meeting are temporarily suspended for the specific reason given in the motion<br><br>No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted | The meeting continues unaffected               | No               |
| <b>Resumption of Standing Orders</b>                                                            | 'That Standing Orders be resumed'                                                                                                                                                                                         | Any Councillor | When Standing Orders have not been suspended   | The temporary suspension of the rules of the meeting is removed                                                                                                                                          | The meeting cannot continue                    | No               |
| <b>Consideration of confidential matter(s)<br/>(Close the meeting to members of the public)</b> | That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item XX <i>is confidential as it relates to [insert reason]</i> | Any Councillor | During the election of the Mayor/ Deputy Mayor | The meeting is closed to members of the public                                                                                                                                                           | The meeting Continues to be open to the public | Yes              |
| <b>Reopen the meeting</b>                                                                       | '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               |

#### 11.14 Notice of motion

- (1) A Councillor can submit to the Chief Executive Officer a notice of motion for inclusion in the agenda for a meeting.
- (2) A notice of motion must be in writing, signed by the Councillor (including by electronic means), and be lodged with the Chief Executive Officer at least 5 business day by no later than 5:00pm Tuesday the weeks prior to the meeting at which it is proposed to be considered.
- (3) The Chief Executive Officer must inform Councillors about the operational, legal, financial and other risks, including non-compliance with statutory obligations of any proposed notice of motion. The Chief Executive Officer may suggest revised wording to the draft notice of motion to facilitate compliance with the requirements for notices of motion under the Governance Rules.
- (4) A notice of motion must relate to the objectives, role and functions of Council as outlined in the Act.
- (5) A notice of motion must call for a Council report if the notice of motion proposes any action that:
  - (a) impacts the levels of Council service;
  - (b) commits Council to expenditure not included in the adopted Council Budget;
  - (c) proposes to establish, amend or extend Council policy;
  - (d) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
  - (e) commits Council to any contractual arrangement; or
  - (f) concerns any litigation in respect of which Council is a party.
- (6) The Chief Executive Officer must reject any notice of motion which:
  - (a) is too vague;
  - (b) is defamatory;
  - (c) may be prejudicial to any person or Council;
  - (d) is objectionable in language or nature;
  - (e) is outside the powers of Council;
  - (f) is submitted during election period.
- (7) The Chief Executive Officer may reject a proposed Notice of Motion that:
  - (a) relates to a matter that can be addressed through the operational service request process; or
  - (b) relates to a matter that has been previously resolved by Council or is acted upon.

- (8) If rejecting a notice of motion, the Chief Executive Officer must inform the Councillor who lodged it of that rejection and the reasons for the rejection no later than 3 business days before the Meeting at which it is intended to be considered. The Councillor may submit a revised Motion within 24 hours.
- (9) The Chief Executive Officer to advise the Chairperson to consider a notice of motion in a closed meeting of Council if the content/matter of the notice of motion is confidential as defined in section 3(1) of the Act.
- (10) 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.
- (11) The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the notice of motion being published in the agenda for the relevant Council meeting.
- (12) The Chief Executive Officer must cause all notices of motion to be sequentially numbered, dated and entered in a register.
- (13) Unless Council resolves otherwise, each notice of motion must be considered in the order in which they were received.
- (14) The motion moved must not be substantially different to the motion published in the agenda, however, may be amended by resolution of the Council.
- (15) If a Councillor who has lodged a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chairperson to do so, any other Councillor may move the motion.
- (16) If a notice of motion is not moved at the Council meeting at which it is listed, it lapses.

#### **11.15 Notice of Rescission**

- (1) A notice of rescission is a form of notice of motion. Accordingly, all provisions in the Governance Rules regulating notices of motion equally apply to notices of rescission.
- (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 (4); or
  - (b) A recommendation contained in an officer's report included in the agenda.
- (3) Any three Councillors may propose a Motion to rescind or alter a previous resolution of Council provided:
  - (a) the previous resolution has not been acted on;
  - (b) the effect of rescinding the resolution will not place the Council at

- significant operation, legal, financial or other risk, including non-compliance with statutory obligations; and
- (c) 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.
- (4) A notice of rescission must be:
- (a) in writing;
  - (b) signed (including by electronic means) by three Councillors; and
  - (c) be delivered to the Chief Executive Officer or a delegate by 5:00pm of the day, 2 business days after the Council meeting outlining the decision to be rescinded.
- (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.
- (6) A resolution of Council will be deemed to have been acted on if:
- (a) its contents or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the unconfirmed 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; or
  - (c) is practically incapable of being rescinded.
- (7) Notwithstanding sub-rule (6), 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 (4), unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the Council at legal, financial or other risk.
- (8) If a motion for rescission is lost, a similar motion may not be put before Council for at least 3 months from the date it was last lost, unless Council resolves that the notice of rescission be re-listed at a future meeting.

- (9) If a motion for rescission is not moved at the meeting for which it is listed, it lapses.
- (10) A notice of rescission listed on an agenda may be moved by any Councillor present but be moved in the form it was listed and must not be amended.

#### **11.16 Change of Council Policy**

- (1) Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held by a particular Council.
- (2) It is good practice for Council to review significant policies at least once in each Council term (every 4 years) and such reviews may lead to change in policy position.
- (3) Subject to sub-rule (4), if Council wishes to change a Council policy, a formal notice of rescission is not required.
- (4) If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comment sought, prior to the policy being changed.

#### **11.17 Foreshadowed items**

- (1) At the time designated in the meeting agenda, a Councillor may foreshadow a notice of motion to be submitted for consideration at the next meeting by indicating, when called on to do so by the Chair, the subject matter of the foreshadowed notice of motion.
- (2) The subject matter, as indicated by the Councillor, of a foreshadowed item will be recorded in the minutes.
- (3) No discussion or debate is allowed on a foreshadowed item.
- (4) A foreshadowed item will have no further formal status at that Council meeting.
- (5) Foreshadowed items are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council meeting.
- (6) If a Councillor does not submit a notice of motion for the next Council meeting, no further action on a foreshadowed item will occur.

## **12. 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 Chair's ruling are described in this section.

- (1) A Councillor raising a point of order must state:
  - (a) the point of order; and
  - (b) any section, rule, paragraph or provision relevant to the point of order.
- (2) The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point of order raised, without entering into any discussion or comment.
- (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.
- (4) All other matters before Council are suspended until the point of order is decided.

### **12.1 Dissent in Chairperson's ruling**

- (1) A motion of dissent in the Chairperson's ruling must, if seconded, be given priority to all other items of business and a substitute Chairperson must be elected to preside while the motion is being considered.
- (2) The substitute Chairperson must put questions relative to the ruling to the Chairperson first, and then to the mover of the motion.
- (3) The substitute Chairperson must conduct a debate on the Chairperson's ruling, and the matter must be decided by a majority vote.
- (4) The Chairperson must then resume the Chair for the remainder of the Meeting.

### **12.2 Valid points of order**

- (1) A point of order may be raised in relation to:
  - (a) a motion which has not been accepted by the Chairperson;
  - (b) a question of procedure;
  - (c) a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
  - (d) debate that is irrelevant to the matter under consideration;
  - (e) a matter that is outside the powers of Council; or
  - (f) any act of disorder.

### **12.3 Contradiction or opinion**

- (1) Rising to express a mere difference of opinion or to contradict a speaker is not a point of order.

### **12.4 Disorderly Conduct**

- (1) The conduct of Councillors and members at meetings is governed by the Act, these Governance Rules and the Councillor Code of Conduct.

### **12.5 Chairperson may adjourn disorderly Meeting**

- (1) The Chairperson may call a break in a meeting for either a short time, or to resume another day if:
  - (a) the behaviour at the Council table or in the gallery is significantly disrupting the meeting; or
  - (b) when a meeting has been in progress for longer than 2 hours as outlined in Rule 7.6.
- (2) The break referred to in sub-rule (1) is an adjournment.
- (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.
- (4) Where Council suspends a Councillor under sub- rule (3)(a), or the Mayor directs a Councillor to leave the meeting under sub-rule (3)(b) the Councillor will take no active part in the portion of the meeting from which they have been suspended.
- (5) If a Councillor has been suspended from a meeting or directed to leave in accordance with sub-rule (3) the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.

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

## 13. 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.

### 13.1 Keeping of Minutes

- (1) The Chief Executive Officer or delegate is responsible for the keeping of minutes on behalf of Council. Those minutes must record:
  - (a) the date, place, time and nature of the Council meeting;
  - (b) the names of Councillors and whether they are present, an apology, on leave of absence, etc;
  - (c) the titles of the members of Council staff present who are not part of the gallery;
  - (d) the disclosure of a conflict of interest made by a Councillor in accordance with the Act and rule 19 of these Governance Rules;
  - (e) the arrivals and departures of Councillors, during the course of the meeting (including any temporary departures or arrivals);
  - (f) every motion and amendment moved (including procedural motions),
  - (g) the outcome of every motion moved;
  - (h) where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
  - (i) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any motion, noting that under section 61(5) that a Councillor present at the meeting who does not vote is taken to have voted against the question;
  - (j) details of any failure to achieve or maintain a quorum;
  - (k) a summary of any question asked and the response provided as part of public question time;
  - (l) details of any petitions made to Council;
  - (m) the time and reason for any adjournment of the meeting or suspension of standing orders;
  - (n) 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
  - (o) the time the Council meeting was opened and closed, including any part of the Council meeting that was closed to members of the public.

### 13.2 Confirmation of Minutes

- (1) The minutes as recorded by the Chief Executive Officer, or delegate, will be made available as the unconfirmed minutes to:
  - (a) Councillors, within 7 business days;
  - (b) members of the public, by publishing them on Council's website, within 9 business days;of the Council meeting they relate to.
- (2) At every Council Meeting the minutes of the preceding Council meeting(s) must be dealt with as follows:
  - (a) a Motion will be moved to confirm the minutes in the following terms:  
'That the minutes of the East Gippsland Shire Council meeting held on .....20.....be confirmed.';
  - (b) if a Councillor indicates opposition to the minutes, the Councillor must specify the particular item or items in the minutes and, after asking any questions to clarify the matter, can only move a motion to rectify the alleged error(s) in the minutes by adding the following words to the motion in sub-rule '...subject to the following alteration(s) '.
- (3) no debate or discussion is permitted on the confirmation of minutes except as to their accuracy as a record of the proceedings of the Council meeting to which they relate;
- (4) the minutes must be entered in the minute book and each item in the minute book must be entered consecutively.

### 13.3 Recording of Proceedings

- (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.
- (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.

## **14. 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.

### **14.1 Suspension of standing orders**

- (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 at Rule 11.13 (8).
- (2) Suspension of standing orders should not be used purely to dispense with the processes and protocol of the governance of Council.
- (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.
- (4) No motion to suspend standing orders can be accepted by the Chairperson during a second extension of time for a meeting.

## **15. 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.

- (1) The Governance Rules will apply to delegated committee meetings with any necessary modifications.
- (2) For the purpose of sub- rule (1):
  - (a) a Council meeting is to be read as a reference to a delegated committee meeting;
  - (b) a Councillor is to be read as a reference to a member of the delegated committee; and
  - (c) a reference to the Mayor is to be read as a reference to the Chairperson of the delegated committee.
- (3) If Council establishes a delegated committee, Council may resolve that a provision of this Governance Rules do not apply to that Committee.
- (4) A delegated committee must report to the minutes of all meetings to the next practicable Council meeting.

## **16. 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.

- (1) The Governance Rules may apply to any community asset committee established by Council.
- (2) Council may resolve, in establishing a community asset committee which chapters of the Governance Rules apply but as a minimum must include Rule 13 - Minutes.
- (3) A community asset committee must report the minutes of all meetings to the next practicable Council meeting.
- (4) A community asset committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

## **17. Audit and Risk Committee**

- (1) The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.
- (2) Council may resolve, in establishing an Audit and Risk Committee that the meeting procedure chapter of these Governance Rules does not apply.
- (3) An Audit and Risk Committee must provide a report to Council on all Committee meetings to the next practicable Council meeting.
- (4) An Audit and Risk Committee must act in accordance with the Charter adopted by Council.

## **18. Election Period Policy**

- (1) Council will have in place an election period policy that:
  - (a) Governs decision making during a local government election period, including what may be considered at a Council meeting;
  - (b) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
  - (c) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of advisory committees established by Council;
  - (d) Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
  - (e) Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period;
- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (3) The Election Period Policy forms part of these Governance Rules in Schedule 1.
- (4) The operation of Council advisory committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- (5) Any outstanding Council reports may still be reported to a meeting of Council during this period.
- (6) Council committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

## **19. Conflict of interest**

### **Overview**

The Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.

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.

### **19.1 Obligations with regard to conflict of interest:**

- (1) 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;

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

- (1) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (2) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (3) All disclosures of conflicts of interest will be recorded in the minutes of a Council or delegated committee meeting.
- (4) Council will maintain a Conflict of Interest Register which will be made available on Council's website.

### **19.3 Procedure at a Council or Delegated Committee Meeting**

- (1) At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:
  - (a) the item for which they have a conflict of interest; and
  - (b) whether their conflict of interest is general or material; and
  - (c) the circumstances that give rise to the conflict of interest.
- (2) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or member of a delegated committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- (3) A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at sub-rule (1)

prior to leaving the meeting.

- (4) A Councillor or member of a delegated committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

#### **19.4 Procedure at other meetings organised, hosted or supported by Council**

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

#### **19.5 Council staff**

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 18.6 and the Employee Code of Conduct.

#### **19.6 Procedure for disclosures of conflicts of interest by Council Staff**

- (1) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- (2) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.

- (3) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
  - (a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
  - (b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
  - (c) The staff member's General Manager determines that the conflict of interest has not influenced the advice provided; and
  - (d) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

## **20. Joint council meetings**

### **Overview**

Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it's 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.

- (1) Council may resolve to participate in a Joint Council meeting to consider:
  - (a) matters subject to discussion of any existing alliance
  - (b) collaborative projects
  - (c) collaborative procurement
  - (d) emergency response
- (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.
- (3) Where East Gippsland 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.
- (4) A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- (5) Consistent information will be provided to Councillors prior to any Joint Council meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- (6) A joint briefing arranged in accordance with sub-rule (5) may be held electronically.

## Revision History and Review

| Version Control | Approved Amended Rescinded | Date Effective | Approved By | ECM Document Reference | Summary of Changes                                                                                              |
|-----------------|----------------------------|----------------|-------------|------------------------|-----------------------------------------------------------------------------------------------------------------|
| 1               | Approved                   | 25/08/2020     | Council     | 8618748                | Developed under the <i>Local Government Act 2020</i> to replace Local Law No. 1 Procedure for Council Meetings. |
| 2               | Approved                   | 30/08/2022     | Council     | 9630740                | Amended due to legislation reforms to the <i>Local Government Act 2020</i>                                      |

## Schedule 1

### Election Period Policy (as adopted)