



CAMPASPE SHIRE COUNCIL GOVERNANCE RULES



Campaspe
Shire Council

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Authorisation

The Campaspe Shire Council Governance Rules was adopted by Council on 18 August 2020.

The Common Seal of the)*A. Weston*.....Councillor
Campaspe Shire Council)*Michael Palmer*.....Councillor
was hereunto affixed)*James*.....CEO



on the 20 August 2020

Introduction

Nature of Rules

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

Content

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Overview & Decision Making
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Meeting Records
Chapter 6	Mayor and Deputy Mayor Appointment Processes
Chapter 7	Election Period Policy
Chapter 8	Disclosure of Conflict of Interests
Chapter 9	Miscellaneous

Abbreviations

In these Governance Rules, the following abbreviations mean:

Abbreviation	Meaning
CEO	CEO
CSC	Campaspe Shire Council

Definitions

In these Governance Rules, the following words and phrases mean:

Words and Phrases	Meaning
Agenda	means the notice of a meeting setting out the business to be transacted at the meeting
Authorised Officer	means a person appointed by Council under section 224 of the Local Government Act 1989
Business Papers	means the presentation of information on an item of business to be considered and actioned by the Council and includes reports and communications
Chair	means the Chairperson of a meeting and includes an acting, a temporary or a substitute Chairperson
CEO	means the CEO appointed by Council
Community Asset Committee	means a Community Asset Committee established under section 65 of the Act
Council	means Campaspe Shire Council
Councillor	means an elected member of Council who has taken the oath or affirmation of office in accordance with section 63 of the Local Government Act 1989 or section 30 of the <i>Local Government Act 2020</i>
Council Meeting	means a meeting of the Council under section 61 of the <i>Local Government Act 2020</i>
Delegated Committee	means a Delegated Committee established under section 63 of the <i>Local Government Act 2020</i>
Directly affected	Means an individual who will be directly impacted in either a positive or negative way by a decision of Council and in turn will receive or lose a current benefit
Election Period	Means the period that starts at the time that nominations close on nomination day and ends at 6pm on election day.
Leave of the Council	Is achieved by a majority vote of the Councillors in the Council Meeting
Mayor	means the Mayor of Council elected in accordance with section 25 of the <i>Local Government Act 2020</i>
Member	means a member of a Committee who is entitled to vote on motions (other than on matters in which he or she has an interest that are dealt with at meetings)
Minute book	means the collective record of proceedings of Council
Minutes	means the record of proceedings of a Meeting

Representations	<p>An individual, deputation or delegation seeking to address the Council</p> <p>Individual – a person who evidences that they are, or would be, directly affected by the outcome of a business item on the agenda that Requires a Decision by the Council.</p> <p>Deputation – a person who evidences that they represent the interests of a group of people who are, or would be, directly affected by the outcome of a business item on the agenda that Requires a Decision by the Council</p> <p>Delegation – a person or group that evidences they represent a recognised body or group (e.g. an incorporated body, government agency or authority) and wish to make a presentation to a Council Briefing Session.</p>
Requires a Decision	<p>Those business items listed under the agenda headings of</p> <ul style="list-style-type: none"> ▪ Responsible Authority Decisions, ▪ Planning Authority Decisions ▪ Council Decisions.
These Rules	means these Governance Rules
Visitor	means any person other than a Councillor or member of Council staff present at a Meeting
Written or in Writing	includes duplicates, lithographs, photocopies, photographs, facsimiles, printed, typed, or emailed

1. Governance Overview and Decision Making

1.1 Context

- (1) These Rules should be read in the context of and in conjunction with:
 - (a) The overarching governance principles specified in section 9(2) of the *Local Government Act 2020*; and
 - (b) The following documents adopted or approved by Council:
 - i) Councillor Code of Conduct
 - ii) Risk Management Framework
 - iii) Council policies

1.2 Decision making

- (1) In any matter in which a decision must be made by a Council (including person acting with the Delegated authority of Council), Council must consider the matter and make a decision:
 - (a) Fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - (b) On the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.
- (2) Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their view and have their interests considered).
- (3) Without limiting anything in sub-rule (2):
 - (a) Before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
 - (b) If a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - (c) If a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
 - (d) If a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their view and their interests considered.

2. Meeting Procedure for Council Meetings

2.1 Purpose

- (1) The purpose of this Chapter is to:
 - (a) Provide for the procedures governing the conduct of Council Meetings; and
 - (b) Set the rules of behaviour for those participating in or present at Council Meetings.

2.2 Notices and Agendas

2.2.1 Date, Time and Place of Meetings

- (1) Council will fix the dates, times and places of Council Meetings for a twelve (12) month period at a meeting of Council which is to be held no earlier than the fourth Saturday in October and no later than 30 November in each year.
- (2) Council will hold a minimum of twelve Council Meetings per calendar year to conduct the business of Council.
- (3) The date, time and place of all Council Meetings are to be made available to the public.
- (4) Council by resolution, or the CEO, may change the date, time and place of, or cancel, any Council Meeting which has been fixed and must provide notice of the change to the public.

2.2.2 Unscheduled Meetings

- (1) Council may by resolution call an unscheduled meeting of the Council.
- (2) The Mayor, or three Councillors may by written notice request the CEO to call an unscheduled meeting of the Council.
- (3) The CEO, following consultation with the Mayor, may call an unscheduled meeting.
- (4) If the number of Representatives accepted to address a single Council meeting exceeds 6, then the CEO may call an unscheduled meeting.
- (5) A written notice to call an unscheduled meeting must:
 - (a) Specify the business to be transacted; and
 - (b) Be delivered to the CEO in sufficient time to enable notice to be given in accordance with 2.2.3 Notice of Meetings of these Governance Rules.
- (6) The CEO must determine the time and date for the meeting, giving consideration to:
 - (a) The urgency of the business to be transacted;
 - (b) The availability of Councillors; and
 - (c) A reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.

- (7) The CEO must arrange for notice of the meeting to be placed on Council's website.
- (8) Any resolution of Council to call an unscheduled Council Meeting must specify the date and time of the unscheduled meeting and the business to be transacted. The date and time of the unscheduled meeting must not be prior to 5pm on the day following the Council Meeting at which the resolution was made.
- (9) The CEO must call an unscheduled Council Meeting to elect a Mayor following a Council election declaration, in accordance with the *Local Government Act 2020*.
- (10) The unscheduled Council Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the CEO.
- (11) Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled meeting, unless all Councillors are in attendance and by unanimous resolution of Council determine to admit another matter.

2.2.3 Notice of Meetings

Council Meetings

- (1) A notice of a Council Meeting, that is not an unscheduled meeting, incorporating or accompanied by an agenda of the business to be dealt with and business papers, must be sent electronically to every Councillor for all Council Meetings, at least 3 business days before the meeting.
- (2) The notice for any meeting, including unscheduled meetings, must be sent to each Councillor's CSC email address.
- (3) It will not be necessary for a notice of a meeting to be sent to a Councillor who has been granted leave of absence unless the Councillor has requested in writing to the CEO to continue to receive notice of any meeting to be held during their absence.
- (4) A Councillor who has declared a conflict of interest in a particular matter may request in writing to the CEO not to receive any business papers concerning that particular matter.
- (5) 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.
- (6) A schedule of Council Meetings must be prepared and published that ensures it is available to a broad section of the community, including on Council's website and available from Council's Customer Service Centres.

Unscheduled Meetings

- (7) Notice of an unscheduled meeting of Council must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.
- (8) A notice of an unscheduled Council Meeting, incorporating or accompanied by an agenda and business papers must be made available to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- (9) An agenda for an unscheduled Council Meeting will be made available on Council's website no less than 24 hours before the unscheduled Council Meeting.

2.2.4 Meetings Open to the Public

- (1) In accordance with Section 66 of the *Local Government Act 2020*, all meetings of Council must be open to the public unless a resolution is made to close the meeting to members of the public pursuant to Section 66 of the Act.

2.2.5 Meetings Closed to the Public

- (1) Council may resolve that a Council Meeting be closed to the public if the meeting:
 - (a) is to consider confidential information as defined in section 3(1) of the *Local Government Act 2020*;
 - (b) there are security reasons; or
 - (c) it is necessary to do so to enable the meeting to proceed in an orderly manner.
- (2) If the Council Meeting is closed to the public, the reasons for the closure will be documented in the minutes of the meeting.

2.3 Quorum

2.3.1 Quorum – Council Meeting

- (1) A quorum for any Council Meeting will an absolute majority of the total number of Councillors holding office.
- (2) In the event of Councillors abstaining from voting on an item it is still a requirement for a majority of those present at the meeting, including those abstaining from voting, to vote in favour of the motion for it to be adopted.

2.3.2 Failure to Raise a Quorum

- (1) If a quorum is not present within 30 minutes of the time appointed for the commencement of any meeting or adjournment the CEO, (or Acting CEO), may adjourn the meeting for a period not exceeding seven (7) days from the date of the planned meeting.

2.3.3 Inability to Maintain a Quorum

- (1) If during any meeting a quorum cannot be maintained the CEO, (or Acting CEO), may adjourn the meeting for a period not exceeding seven (7) days from the time of the adjournment.

2.3.4 Inability to Maintain a Quorum due to Declarations of Conflict of Interests

- (1) If during any meeting it becomes apparent to the Chair that it will not be possible to maintain a quorum due to the number of Councillors who have disclosed a declaration of a conflict of interest in an item of business and will be unable to vote, Council must consider whether the decision can be made in an alternative manner as outlined in section 67(3) of the *Local Government Act 2020*.
- (2) If a decision on the business item is still unable to be made due to an inability to maintain a quorum for the reasons of conflict of interest, then a delegated committee must be established by the Council in accordance with section 67(4) of the *Local Government Act 2020*.

2.3.5 Inability to Maintain a Quorum due to abstaining from voting

- (1) If during any meeting it becomes apparent to the Chair that it will not be possible to maintain a quorum due to the number of Councillors electing to abstain from voting and leave the chamber in accordance with sub-rule 2.6.5, Council must establish a delegated committee in accordance with section 63 of the *Local Government Act 2020*

2.4 Business of a Meeting

2.4.1 Order of Business Listed on an Agenda

- (1) The order in which business is listed on the agenda is determined by the CEO and should be kept consistent from meeting to meeting.
- (2) Notwithstanding sub rule (1), generally, the order of business will be as follows:
 - (a) Apologies and Requests for Leave of Absence
 - (b) Confirmation of Minutes and Attachments
 - (c) Changes to the Order of Business
 - (d) Declaration of Interest
 - (e) Responsible Authority Decisions
 - (f) Planning Authority Decisions
 - (g) Question Time
 - (h) Acknowledgements
 - (i) Council Decisions
 - (j) Council Information
 - (k) Councillor Reports
 - (l) CEO's Report
 - (m) Petitions/Letters
 - (n) Notices of Motion (including Rescission Motions)
 - (o) Urgent Business
 - (p) Confidential Business
 - (q) Close Meeting
- (3) Sub rule (2) does not preclude the CEO from altering the order of business from time to time to enhance the fluent and open process of the government of the Council.
- (4) The CEO may include any matter on the agenda that they believe should be considered by Council after consulting the Mayor.

2.4.2 Apologies (including leave of absence)

- (1) A Councillor is required to seek a leave of absence from the Council if they will knowingly be absent from a Council Meeting, other than an unscheduled meeting.
- (2) The request for a leave of absence must be tendered at an earlier meeting and if granted will be recorded in the minutes. The agenda for the subsequent meeting will show the Councillor as an apology due to a leave of absence being previously granted.
- (3) If the Councillor cannot seek prior approval, formal, written apologies should be submitted to the CEO at the earliest possible time before non-attendance at any Council Meeting.
- (4) An appropriate notice would include the following:

I am unable to attend the Council Meeting to be held on (date / month / year) and request that my apology be tendered and a leave of absence be granted.
- (5) Once the apology is tendered the Council will vote on granting a leave of absence.
- (6) The Council must grant any reasonable request for a leave of absence.
- (7) A Councillor will cease to hold the office of Councillor if the Councillor is absent from Council Meetings for a period of four consecutive months without leave being obtained from the Council in accordance with section 35(1)(e) of the *Local Government Act 2020*.
- (8) There is no requirement to grant leave of absences or accept apologies from Council staff.

2.4.3 Councillor Acknowledgments

- (1) At each Council Meeting, other than an unscheduled meeting, Councillors will have the opportunity to acknowledge significant community members and events. These may relate to notable achievements by community members and groups as well as offering of condolences for a recently deceased person who had provided distinguished service in the local area.
- (2) The duration of any acknowledgement from a Councillor will be limited to two (2) minutes.
- (3) Any acknowledgment intended to be raised by a Councillor at a Council Meeting must be notified to the CEO at least three (3) hours before the commencement of the meeting.

2.4.4 Changes to the Order of Business

- (1) Once an agenda has been prepared and sent to Councillors, the order of business for that meeting may only be altered by resolution of the Council. This includes the request for an item to be brought forward.
- (2) A resolution to change the order of business will be recorded in the minutes of the meeting.

2.4.5 Representations

- (1) An individual or deputation wishing to be heard at a meeting of Council must make a written request to the CEO who, after consulting the Mayor, will determine whether the representation will be granted an opportunity to address the Council.
- (2) In order for requests to be considered, they must be submitted no later than 24 hours prior to the Council Meeting.
- (3) Representations will only be allowed for items that are listed for consideration on that meeting's agenda under the agenda headings of Responsible Authority Decisions, Planning Authority Decisions and Council Decisions.
- (4) A delegation wishing to make a Presentation to a Council Briefing Session, must make a written request to the CEO who, after consulting the Mayor, will determine whether the representation will be granted the opportunity, and the date, duration and form of the presentation (in person or on line).
- (5) A maximum of six representations will be heard at any Scheduled Council meeting.
- (6) If the Mayor and CEO agree to hear representations, a five (5) minute time limit will be set as to the length of the address for each representation.
- (7) The Chair has the discretion to determine the order of representations to be heard, however for items under the agenda headings of Responsible Authority Decisions and Planning Authority Decision representations will be heard in the following order:
 - i. First - Submissions of objection
 - ii. Second - Submissions of support
 - iii. Third - Applicant
- (8) Councillors may question the person making the representation for the purpose of clarification, but not to seek their opinion on statements made by Councillors (and others) or enter into a discussion.
- (9) Any further information that the representation may want the Council to have must be given to the CEO, by 12:00pm (noon) on the day of the meeting. No further written or audio- visual information is allowed to be presented during the meeting, unless such prior approval has been obtained.
- (10) The CEO must advise the applicant of the date, time, venue and protocols that apply for Council to hear the representation.

2.4.6 Presentation of Officer Reports

- (1) Officer reports must not be read out loud in full at any Council Meeting unless Council resolves to the contrary.

2.4.7 Supplementary Reports

- (1) Occasionally there may be reports that have missed the meeting agenda deadline. In these cases, the CEO may approve the reports to be presented as supplementary reports. A notification will be sent to Councillors advising that a supplementary report has been approved for distribution and is available on the Councillor portal. Supplementary reports do not meet the criteria for urgent business as the matter has not arisen since the distribution of the agenda.

2.4.8 Petitions / Joint Letters

- (1) For the sake of clarity, a petition and a joint letter have the same meaning and will be treated as being the same by Council.
- (2) Petitions and joint letters received by Councillors and/or Council officers must be lodged with the CEO within the appropriate time for inclusion in the Agenda of a Council Meeting, unless;
 - (a) the matter which is the subject of the petition or joint letter has been acted upon within the last three (3) months; or
 - (b) the matter which is the subject of the petition or joint letter has a resolution of the Council within the last 12 months.
- (3) Any petition or joint letter not included in an agenda of a Council Meeting, in accordance with sub rule (2), will receive a response to the chief petitioner, acknowledging receipt of the petition or joint letter and advising of the action taken or Council resolution that has been made in relation to the subject matter of the petition or joint letter.
- (4) Any petition or joint letter received will be tabled at the next available Council Meeting.
- (5) Council may resolve to receive the petition or joint letter and to refer the matter for a report or appropriate action as required to the next appropriate meeting of the Council, unless the Council agrees to deal with it earlier.
- (6) A petition or joint letter must:
 - (a) be in legible and permanent type/writing;
 - (b) identify the CSC as the recipient;
 - (c) not be defamatory, indecent, abusive or objectionable in language or content;
 - (d) not relate to matters beyond the powers of Council;
 - (e) provide a clear and concise statement identifying the subject matter of the petition;
 - (f) bear the whole of the petition or request, referred to in sub rule (6)(e), upon each page;
 - (g) consist of single pages of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper;
 - (h) identify the full name, address and phone number of the person submitting the petition (chief petitioner), together with the name of the organisation/group they represent if the petition is submitted on behalf of an organisation or group;
 - (i) include the name, physical address and signature of each of the petitioners supporting the petition.
- (7) Any petitions or joint letters that the CEO has determined do not comply with these Governance Rules will not be tabled at a Council Meeting.

- (8) A petition or joint letter may nominate a person to whom a reply must be sent, but if no person is nominated or is the obvious intended nominated person, Council may reply to the first signatory which appears on the petition.
- (9) An electronic or online petition must be in accordance with sub rule (6) of these Governance Rules, except sub rule (6)(f) and (6)(g).
- (10) For the purpose of compliance with sub rule (6)(i) an electronic or online petition, each petitioner supporting the petition must include their name, physical address and email address.

2.4.9 Public Question Time

- (1) Question time will be available at a Council Meeting, except for an unscheduled meeting, to enable members of the public to address questions to Council.
- (2) All such questions must be received in writing on the prescribed form as outlined on Council's website.
- (3) All such questions must be received by the CEO or person authorised for this purpose by the CEO no later than 12:00pm (noon) on the day of the Council Meeting.
- (4) A question will only be read to the meeting if the CEO has determined that the question:
 - (a) does not relate to a matter containing confidential information as defined in the *Local Government Act 2020*;
 - (b) does not relate to a matter in respect of which Council has no power to act;
 - (c) is not defamatory, indecent, abusive or objectionable in language or substance;
 - (d) is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and
 - (e) is not asked to embarrass a Councillor or member of Council staff.
- (5) If the CEO determines that a question will not be read to the meeting, then the CEO must:
 - (a) advise the meeting accordingly; and
 - (b) make the question available to Councillors upon request.
- (6) The CEO must read to the meeting the name of the person who has submitted a question.
- (7) The CEO must read the text of the question and the CEO may then direct that question to be answered by a nominated Councillor or member of Council staff.
- (8) No debate on or discussion of a question or an answer will be permitted other than for the purposes of clarification.
- (9) A Councillor or member of Council staff nominated to answer a question may:
 - (a) seek clarification of the question from the person who submitted it;
 - (b) seek the assistance of another person in answering the question; or

- (c) defer answering the question, so that the answer may be researched, and a written response be provided within ten (10) working days following the meeting (the question thereby being taken on notice).
- (10) A copy of the written response to a question, referred to in sub rule (9)(c) will be attached to the minutes of the meeting.
- (11) No responses will be provided or recorded to questions that were not accepted under sub rule (4).
- (12) An individual is limited to a maximum of two questions at any one Council Meeting.
- (13) A maximum of two questions may be asked about any single topic at the Council Meeting.
- (14) Question time at a Council Meeting will be limited in duration and will not exceed 30 minutes.
- (15) Council may resolve to bring forward the commencement of Question Time, so that questions are considered before Responsible Authority Decisions and Planning Authority Decisions.

2.4.10 Notices of Motion

- (1) A Notice of Motion must be in writing, dated and signed by the intending mover and lodged with the CEO no later than 12:00 pm (noon) at least ten (10) business days before the Council Meeting. For the purpose of clarity, the day that the motion is lodged is not included but the day of the meeting is included when calculating the ten (10) business days. Public holidays are not included as business days.
- (2) A Notice of Motion will not be accepted for consideration at an unscheduled meeting.
- (3) A Notice of Motion will only be accepted if it:
 - (a) does not relate to a matter in respect of which Council has no power to act;
 - (b) does not substantially change the levels of Council services;
 - (c) does not commit Council to significant expenditure not included in the adopted budget;
 - (d) does not declare a rate or charge;
 - (e) does not establish or amend Council policy;
 - (f) does not commit Council to any contractual arrangement;
 - (g) is not defamatory, indecent, abusive or objectionable in language or substance;
 - (h) provides sufficient detail to ensure the motion is implementable; and
 - (i) is not against public order or safety.
- (4) A Notice of Motion must include a rationale. The CEO has the discretion to include an officer comment on any proposed notice of motion including rescission motions.
- (5) If a Notice of Motion is considered by the CEO to not meet any or all of sub rule (3) the CEO must notify the Councillor who delivered the Notice of Motion the reasons

for that opinion and provide adequate support to the Councillor to structure the notice of motion (if possible) to meet the requirements of sub rule (3).

- (6) A Notice of Motion cannot be accepted by the Chair unless the full text of any such motion has been listed on the agenda for the Council Meeting at which it is proposed to be moved.
- (7) Except by leave of the Council, Notices of Motion before a Council Meeting will be considered in the order in which they were received.
- (8) If a Councillor who has given a Notice of Motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.
- (9) If a Councillor proposing the motion wishes to amend the Notice of Motion, they may do so by first seeking leave of the Council to amend the Notice of Motion, prior to it being seconded.
- (10) Another Councillor can put forward an amendment for consideration, which must be dealt with in accordance with rules 2.6.18, 2.6.19 and 2.6.20 of these Governance Rules.
- (11) If a Notice of Motion, whether amended or not, is lost, a similar motion cannot again be put before Council for a period of three (3) calendar months from the date it was lost.
- (12) A Notice of Motion cannot be submitted in relation to a matter that was the subject of a Rescission Motion within three (3) calendar months of the Rescission Motion having been considered by Council.

2.4.11 Notice of Rescission Motion

- (1) A Councillor may propose a motion to rescind a decision of Council provided the subject motion has not been acted on.
- (2) An actual notice of motion to rescind or alter a previous resolution of Council:
 - (a) Must be provided to the CEO by 5.00pm the next business day following the Council Meeting at which the motion was resolved.
 - (b) Is deemed to have been withdrawn if not moved at the Council Meeting at which the notice of rescission motion is included in the agenda.
 - (c) If it is a second or subsequent notice to rescind or alter an earlier resolution, must not be accepted by the CEO until a period of three (3) months has elapsed since the date of the meeting at which the motion of rescission or alteration was dealt with.
- (3) Once a Notice of Rescission Motion has been received by the CEO, no further action is to be taken on the resolution that is the subject of the rescission motion.
- (4) Any Councillor providing a Notice of Rescission Motion is required to provide written justification that must include one of the following:
 - (a) The vote may not have accurately reflected the opinion held by the meeting due to the misunderstanding of the motion or for some other reason; or
 - (b) New information to hand; or

- (c) Some vital information has been overlooked.
- (5) A Notice of Rescission Motion must include the written endorsement of at least two other Councillors.
- (6) The CEO will inform the Councillor whether the motion has been accepted or not, and if not, advise the Councillor why not, and then advise the Mayor and the Councillors at the earliest opportunity. If the motion has been accepted, it must be listed on the agenda of the next available Council Meeting.

2.4.12 When a Resolution has been Acted on

- (1) A resolution, or part thereof, will be considered as having been acted on;
 - (a) once its details have been formally communicated in writing (which includes electronic communications) to either internal or external parties affected by or reliant on the resolution; or
 - (b) when a statutory procedure has been carried out.
- (2) The CEO may initiate action or cause action to be initiated on any Council resolution, or part thereof, at any time after the meeting at which it was carried.
- (3) If a resolution can be broken down into parts and some parts of the resolution have not been acted on, then any proposed change to the remaining parts is to be treated as an amendment of the resolution unless the substance of the proposed change is to reverse the resolution when considered as a whole.

2.4.13 Reports from Councillors / Delegates

- (1) At each Council Meeting, Councillors will have the opportunity to speak on any meetings, conferences or events that they have recently attended.
- (2) The duration of any report from a Councillor will be limited to two (2) minutes. If a Councillor requires information on the conference/event to be included in the minutes, the Councillor must seek the leave of the Council.
- (3) If leave is granted by the Council to include information on a conference/event, the Councillor must submit the additional information in writing to the CEO or member of Council staff responsible for the minutes by 9.00am on the next business day following the meeting.

2.4.14 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 Council Meeting will mean a decision on the item will not have any effect on the matter; or
 - (c) it involves a matter of urgency as determined by the CEO; and
 - (d) it is a matter that cannot be addressed through an operational service request process.

- (2) An item of urgent business must not:
 - (a) substantially affect the levels of Council service;
 - (b) commit Council to significant expenditure not included in the adopted budget;
 - (c) establish or amend Council Policy;
 - (d) commit Council to any contractual arrangement;
 - (e) require pursuant to other policy determined by Council from time to time, the giving of prior notice; and
 - (f) has the potential to directly affect a person's rights, for which they should be afforded an opportunity to communicate their views and have their interests considered.
- (3) A Councillor proposing an item of business be admitted as urgent business must lodge it in writing to the CEO no later than 3 pm on the day of the Council Meeting.
- (4) The CEO will advise the Mayor of any matter they determine appropriate for Council to consider admitting as urgent business.

2.4.15 Time Limit for Meetings

- (1) A Council Meeting must not continue after three (3) hours from the time it commences unless a majority of Councillors present vote in favour of its extension in accordance with this rule.
- (2) Extensions of a Council Meeting will be in block periods of 30 minutes.
- (3) After the initial 30 minute extension the Council Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.
- (4) A meeting may only be continued for a maximum of two 30 minute extensions.
- (5) In the absence of such extensions as provided for in sub rules (1) and (3), or in the event there is further business to be transacted at the completion of two extensions, the Council Meeting must stand adjourned to a time and date resolved by Council or within 14 days from the date of the Council Meeting which is adjourned.
- (6) Notwithstanding sub rule (5), the Chair may seek leave of the Council not to adjourn the meeting, if the Chair reasonably believes the remaining business will take less than 10 minutes to transact.
- (7) If Council did not resolve the date and time for the resumption of the adjourned meeting under sub rule (5), the CEO must give notice to each Councillor, of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered, within three (3) business days of the meeting which is adjourned.

2.5 Addressing the Meeting

- (1) Any Councillor or person who addresses the meeting must direct all remarks through the Chair.
- (2) The Chair may address a meeting, however if the Chair wishes to move any motion or amendment the Chair must advise the Council of that intention and vacate the Chair for the duration of the item under discussion.
- (3) Any person addressing the Chair should refer to the Chair as:
 - Mr Mayor; or
 - Madam Mayor; or
 - Mayor; or
 - Chair; or
 - Mr Chair; or
 - Madam Chair; as the case may be.
- (4) The Mayor of the day may advise the Councillors and staff of their naming preference.
- (5) When speaking during a meeting, Councillors and officers must address each other by their titles of Councillor or officer position as the case may be.

2.6 Meeting Procedures

THE CHAIR

2.6.1 Role of the Chair

- (1) The Chair must facilitate an orderly, respectful, transparent and constructive meeting by ensuring that all Councillors have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.
- (2) The Chair is an independent leader of Council Meetings and generally does not move or second motions.
- (3) The Chair will adhere to the specific duties and discretions of the Chair outlined throughout these Governance Rules.

2.6.2 Mayor to take the Chair

- (1) The Mayor must take the Chair at all Council Meetings at which the Mayor is present.
- (2) If the Mayor is not in attendance or vacates the Chair at a Council Meeting, the Deputy Mayor must take the Chair.
- (3) If the Mayor and Deputy Mayor are not in attendance at a Council Meeting, Council must elect one (1) of the Councillors present as Chair for the Council Meeting.

2.6.3 The Chair's Duties and Discretions

- (1) In addition to the specific duties and discretions provided in these Governance Rules:
 - (a) The Chair must not accept any motion, question or statement which is
 - i) defamatory; or
 - ii) objectionable in language or nature; or
 - iii) is vague or unclear in its intention;
 - iv) is outside the powers of Council; or
 - v) is not relevant to an item of business on the agenda and has not been admitted as urgent business; or
 - vi) purports to be an amendment but is not.
 - (b) The Chair must call a person to order, if the behaviour of a person is disruptive and interferes with the conduct of the business of Council.

VOTING

2.6.4 Voting – How Determined

- (1) To determine a motion that is put before a meeting, the Chair will first call for those voting in favour of the motion and then those voting against the motion and will then declare the results to the meeting.

2.6.5 Voting – By Show of Hands

- (1) Voting on any motion will be by show of hands.
- (2) All Councillors present are required to vote on any matter before Council unless that Councillor has declared a conflict of interest in the item or signified their intention to abstain from voting on the matter.
- (3) If a Councillor intends to abstain from voting they must provide an explanation for abstaining once the Chair calls the item for consideration and prior to the next item of business being considered by the meeting.
- (4) The Councillor intending to abstain from the vote may decide to leave or stay in the Chamber while the matter is being considered. If the Councillor who abstains from the vote stays in the Chamber, the Councillor will be considered as having voted in the negative in accordance with section 61(5)(e) of the *Local Government Act 2020*.

2.6.6 Call for a Division

- (1) Immediately after any motion is put to a meeting and before the next item of business has commenced, any Councillor may call for a division.
- (2) The call must be made to the Chair either immediately prior to or immediately after the vote has been taken but cannot be called after the next item of business has commenced.
- (3) For the purpose of sub rule (2) the next item of business has not commenced until the Chair has named the mover of the next item of business.

- (4) When a division is called in accordance with sub rule (2), any vote already taken on the item must be set aside and voting in the division will decide the motion or amendment.

2.6.7 Procedure for a Division

- (1) When a division is called, the Chair will:
- (a) advise Councillors that if they intend to abstain from the vote and remain in the meeting that they will be recorded as voting against the motion;
 - (b) Councillors who may have previously left the meeting to abstain from the original vote, will be offered the opportunity to return to the meeting and vote in the division, before the Chair puts the motion to the vote.
 - (c) The Chair will then ask each Councillor wishing to vote in favour of the motion to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the minutes;
 - (d) then ask each Councillor wishing to vote against the motion to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the minutes;
 - (e) then next, ask each Councillor abstaining from voting to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the minutes; and
 - (f) finally, declare the result of the division.

2.6.8 Between the Original Vote and the Division

- (1) No Councillor is prevented from changing their vote when voting on the division. The voting by division, will determine the Council's resolution on the motion.

2.6.9 Vote to be Taken in Silence

- (1) Except that a Councillor may call a division, Councillors must remain seated in silence while a vote is being taken.

2.6.10 Recount of Vote

- (1) The Chair may direct that the vote be re-counted as often as may be necessary to be satisfied of the result.

2.6.11 Declaration of Vote

- (1) The Chair must declare the result of the vote or division as soon as it is taken.

2.6.12 Casting Vote

- (1) In the event of an equality of votes, the Chair has a casting vote, except in cases where the *Local Government Act 2020* or these Governance Rules determine otherwise.
- (2) If the Chair exercises their casting vote, they must provide an explanation to the meeting as to why they voted in a particular way.

2.6.13 Recording of Opposition of Motion

- (1) Any Councillor may ask that their opposition to a motion resolved by the meeting be recorded in the minutes of the meeting.

2.6.14 Motion to be Read Again

- (1) Before any motion or amendment is put to the vote, a Councillor may request that the motion or amendment be read again.
- (2) The Chair, whether requested or not, may also ask the CEO (or other person authorised by the CEO to attend the meeting and take the minutes of such meeting) to read the question, motion or amendment to the meeting before the vote is taken.

MOTIONS AND AMENDMENTS

A resolution, and therefore a motion, must be capable of standing alone, that is, a person reading the decision of Council in the minutes must be able to understand what Council is seeking to achieve without reference to other sources. This usually means it should include specifics about the action to be taken, the timing of the action to be taken and the details of any other conditions, limitations or other parties to be included when undertaking the action.

To assist in understanding the process of moving motions and amendments, a flow chart is at Appendix 1.

2.6.15 Motions in Writing

- (1) All motions, except procedural motions, must be submitted in writing;
- (2) The Chair may adjourn a meeting while a motion is being written or may request Council to “lay the motion on the table” (pausing debate), in accordance with rule 2.6.25, until the motion has been written, allowing the meeting to proceed uninterrupted.
- (3) If debate is paused in accordance with rule 2.6.25, a procedural motion is required to take a motion from the table (resume debate) in accordance with rule 2.6.25.

2.6.16 Moving a Motion

- (1) The procedure for any motion is:
 - (a) The Chair calls for a motion to be put to the Council.
 - (b) The mover must outline the motion without speaking in support of it;
 - (c) The motion must be seconded by a Councillor other than the mover.
 - (d) If the motion is not seconded, the motion lapses for want of a seconder.
 - (e) If there is a seconder, then the Chair must call on the mover to speak to the motion.
 - (f) After the mover has spoken to the motion, the seconder may also speak to the motion (or reserve/defer their right to speak to later in the debate).
 - (g) After the seconder has spoken to the motion (or after the mover has spoken to the motion if the seconder does not speak or has reserved/deferred their right to speak to the motion) the Chair must call on any Councillor who wishes to speak against the motion, then on any Councillor who wishes to speak for

the motion and continue this sequence until all Councillors wishing to speak to the motion have spoken; and

- (h) If no Councillor wishes to speak against the motion, then the Chair may put the motion.
- (2) A Councillor calling the attention of the Chair to raise a point of order is not regarded as speaking to the motion.
- (3) A Councillor who moves an amendment to the motion is not regarded as having spoken to the motion.
- (4) When a motion contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate parts.
- (5) The Chair may decide to put any motion to the vote in separate parts.

2.6.17 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 the debate.
- (2) No new material or comments may be raised during the right of reply.
- (3) If a Councillor has not spoken against a motion, there will be no right of reply.
- (4) After the right of reply has been exercised, the motion must be immediately put to the vote without any further discussion or debate.

2.6.18 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 to a motion cannot be negative, or substantially contrary, to the motion.
- (3) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion.
- (4) 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, and debate of the motion continues in accordance with these Governance Rules.
- (5) If a Councillor proposes an amendment to which either the original 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 he or she has 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 Chair 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);
 - (e) The mover and seconder of the amendment become the mover and seconder of the substantive motion.
 - (f) Debate commences as if a new motion; and
 - (g) The mover of an amendment does not have a right of reply.
- (6) An amendment motion having been moved and seconded may be adjusted by the minute taker by leaving out, inserting or adding words which must be relevant to the original motion and framed as to complement it as an intelligible and consistent whole.
- (7) No notice need be given of any amendment.

2.6.19 Second or Subsequent Amendments

- (1) A second or subsequent amendment cannot be moved until the immediately preceding amendment is determined.
- (2) If any Councillor intends to move a second or subsequent amendment, he or she must give notice of their intention to do so prior to the amendment currently being debated being put to the vote.
- (3) A Councillor cannot move more than two (2) amendments in succession.

2.6.20 An Amendment Once Carried

- (1) If an amendment is carried, it becomes the substantive motion.

2.6.21 Foreshadowing a Motion

- (1) At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special rights to the foreshadowed motion.
- (2) A foreshadowed motion may be prefaced with a statement that in the event a particular motion before the Council is resolved in a certain way a Councillor intends to move a 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.

2.6.22 Withdrawal of a Motion

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

2.6.23 Debating a Motion

- (1) Debate must always be relevant to the motion before the Council, and if not, the Chair must direct the speaker to confine debate to the motion before Council.
 - (a) In the case of a Notice of Motion for Rescission, debate must be confined to the grounds of the rescission and not the merits of the original motion.
- (2) If after being directed to confine debate to the motion before the Council, the speaker continues to debate irrelevant points, the Chair may disallow the speaker any further comment in respect of the motion before the Council.
- (3) If an item of business before the Council is significant in nature, every Councillor must be afforded the opportunity to debate the motion.
- (4) 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.
- (5) Once the views put are representative of the views of all Councillors the debate would be regarded as sufficient.
- (6) At any time during the debate a Councillor may request through the Chair that the CEO, or an officer directed by the CEO, provide clarification on the item, but they must not debate the item.

2.6.24 Deferring or Pausing Debate

- (1) The deferring or pausing of debate of a motion is a procedural motion and must be done in accordance with rule 2.6.25.
- (2) If an item of business is paused for debate, in effect laying a motion on the table, that item of business must be taken from the table at the same meeting, otherwise the item of business will lapse from being the business of Council.
- (3) If an item of business is deferred, the item of business must be placed on the agenda and included in the business papers of the meeting to which it was deferred. Deferred items of business have priority over any other business except formal business.
- (4) If the procedural motion to defer the item of business does not include a specific date or meeting, the item of business will automatically lapse from the business of the Council.

PROCEDURAL MOTIONS

2.6.25 Procedural Motion Table

Motion	Form	Mover/ Seconded	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Notice of Motion	Submitted within the required timeframe and in accordance with rule 2.4.10	Any Councillor	If not in accordance with rule 2.4.10	The CEO ensures the actions required are carried out.	No further action taken.	Yes
Notice of Rescission	Submitted within the required timeframe and in accordance with rule 2.4.11	Any Councillor, plus the written endorsement of at least two other Councillors	If not in accordance with rule 2.4.11	To set aside the previous decision of the Council, except for any aspects that had already been acted upon by the time the Notice was lodged.	The resolution Previous resolution	Yes, but confined to the grounds of the rescission; not the merits of the original motion
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...	Any Councillor (other than the Chair) who has not moved or seconded the original motion or otherwise spoken to the original motion.	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a <i>Chair</i> ; or (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, when a fresh motion may be put and debated.	Debate continues unaffected.	Yes
Closure (of debate)	'That the motion now be put'	Any Councillor (other than the Chair) who has not moved or seconded the original motion or spoken for/against the original motion.	During nominations for a Chair.	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
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor (other than the Chair) 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 motion from the table at the same Council Meeting.	Debate continues unaffected.	No

Governance Rules

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor (other than the Chair) who has not spoken for/against the motion or an amendment.	When no motion is on the table.	Debate of the item resumes.	Debate of the item remains paused.	No
Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor (other than the Chair).	(a) At a Meeting to elect the Mayor; or (b) During any debate.	Alters the order of business for the Council Meeting.	Items are considered in the order as listed in the agenda.	No
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor (other than the Chair).		The rules of the meeting are temporarily suspended for the specific reason given in the motion. No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted.	The meeting continues unaffected.	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor (other than the Chair).	When Standing Orders have not been suspended.	The temporary suspension of the rules of the meeting is removed.	The meeting cannot continue.	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>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 (other than the Chair).	During the election of the Mayor/Deputy Mayor. When the item of business does not meet the definition of confidential as defined in the <i>Local Government Act 2020</i> .	The meeting is closed to members of the public.	The meeting continues to be open to the public.	Yes

Motion	Form	Mover/ Seconded	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Close the meeting to members of the public for security reasons or to enable meeting to proceed in an orderly manner.	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 [<i>for security reasons or to enable the meeting to proceed in an orderly manner</i> <i>[insert reason]</i>]	Any Councillor (other than the Chair).	During the election of the Mayor/Deputy Mayor.	The Council Meeting is closed to members of the public.	The Council Meeting continues to be open to the public.	Yes
Reopen the meeting	'That the meeting be reopened to members of the public'	Any Councillor (other than the Chair).		The Council Meeting is reopened to the public.	The Council Meeting remains closed to the public.	No
Dissent in the Chair's ruling of a Point of Order	'That a motion of dissent in the ruling of Chair now be put'	Any Councillor (other than the Chair).	On any motion other than a ruling on a Point of Order by the Chair.	The ruling of the Chair on the Point of Order is lost.	The ruling of the Chair on the Point of Order is upheld.	The Chair is given the opportunity to explain why s/he 'ruled' the way s/he did.

2.6.26 Moving a Procedural Motion

- (1) Unless otherwise prohibited, and subject to rule 2.6.25, a procedural motion (other than a notice of Motion or Rescission) may be moved at any time and must be dealt with immediately by the Chair.
- (2) A procedural motion must be seconded.

2.6.27 Who Can Move a Procedural Motion

- (1) The mover/seconded of a procedural motion (other than a notice of Motion or Rescission) must not have moved, seconded or spoken to the motion or any amendment of it before the Chair.
- (2) A procedural motion cannot be moved or seconded by the Chair.

2.6.28 Procedural Motion may be Rejected

- (1) The Chair may reject a procedural motion if they believe the motion on which it is proposed has not been sufficiently debated, as outlined in rule 2.6.23(4) and 2.6.23(5).

2.6.29 Consideration of Procedural Motions

- (1) Regardless of any other provision in these Governance Rules, a procedural motion must be dealt with in accordance with the table at rule 2.6.25.

2.6.30 Debate and Amendments to Procedural Motions Not Allowed

- (1) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- (2) Unless otherwise provided a procedural motion cannot be amended.

SPEAKING TO THE MEETING

2.6.31 Speaking Times

- (1) A Councillor must not speak longer than the time set out below, unless granted an extension by resolution of the Council.
 - (a) A mover of a motion – five (5) minutes;
 - (b) The seconder of a motion – three (3) minutes;
 - (c) Any other Councillor – two (2) minutes; and
 - (d) The mover of a motion when exercising their right of reply – two (2) minutes.
- (2) An extension of speaking time may be granted to a Councillor, except the mover of the motion, by resolution of the Council.
- (3) Only one extension per Councillor is permitted for each item of business.
- (4) Any extension of speaking time must not exceed two (2) minutes.

2.6.32 Interruptions and Interjections

- (1) A Councillor must not be interrupted except by the Chair or by another Councillor raising a Point of Order or personal explanation.
- (2) If a Councillor is interrupted by the Chair or by another Councillor raising a Point of Order or personal explanation, then they must remain silent until the Councillor raising the Point of Order has been heard and the point of order disposed of, or the personal explanation has been delivered.

2.6.33 Priority of Address

- (1) In the case of competition for the right to speak, the Chair must decide the order in which the Councillors will be heard.

2.6.34 Councillors Not to Speak Twice to Same Motion or Amendment

- (1) A Councillor must not speak more than once to the same motion or amendment, except;
 - (a) As the mover of a motion in exercising a right of reply; or
 - (b) When a Councillor is raising a Point of Order or providing a personal explanation.

POINTS OF ORDER

2.6.35 Points of Order

- (1) A Point of Order is taken when a Councillor draws the attention of the Chair to an alleged irregularity in the proceedings.
- (2) A Point of Order may be raised in relation to:
 - (a) a time limit has been exceeded;
 - (b) a quorum is not present;
 - (c) a question of procedure;
 - (d) debate that is irrelevant to the item of business under consideration;
 - (e) a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
 - (f) an item of business or debate is outside the powers of Council; or
 - (g) any act of Disorder.
- (3) A Councillor may at any time raise a point of order which will, until disposed of, take precedence over the consideration and decision of every other item of business.
- (4) A Councillor who is addressing the Council must not be interrupted unless called to order at which time they must remain silent until the Councillor raising the Point of Order has been heard and the point of order disposed of.
- (5) A Point of Order must be raised by stating 'Point of Order' and the alleged irregularity being raised.
- (6) The expression of difference of opinion or to contradict a speaker is not a Point of Order.

2.6.36 Consideration of Point of Order

- (1) When called to order, a Councillor must remain silent until the Point of Order is decided unless they are requested by the Chair to provide an explanation.

2.6.37 Chair to Decide Point of Order

- (1) The Chair may temporarily adjourn the meeting to consider a Point of Order but must otherwise rule upon it as soon as it is raised.
- (2) All matters before the Council are to be suspended until the Point of Order is decided.

2.6.38 Disagreeing with Chair's Ruling

- (1) The decision of the Chair in respect to a Point of Order raised will be final and conclusive unless the majority of Councillors present at the meeting move a motion of dissent.

2.6.39 Motion of Dissent

- (1) A motion of dissent in the Chair's ruling of a Point of Order must, if seconded, be given priority over all other items of business and a substitute Chair must be elected to preside while the motion is being considered.
- (2) The substitute Chair will call on the first Chair to provide an explanation for their ruling and must preside over the vote on the first Chair's ruling.
- (3) The ruling must be decided by a majority vote.
- (4) Once the vote has been conducted the first Chair will preside for the remainder of the meeting.

2.6.40 Personal Explanation

- (1) A Councillor may, at a time convenient to Council, make a brief personal explanation in respect of any statement (whether made at a Council Meeting or not) affecting him or her as a Councillor.
- (2) However, a personal explanation arising out of a statement at a Council Meeting must be made as soon as possible after that statement was made.
- (3) A personal explanation must not be debated except upon a motion to censure the Councillor who has made it.

2.6.41 Disorderly Conduct

- (1) The conduct of Councillors and members of Delegated Committees is governed by the *Local Government Act 1989*, the *Local Government Act 2020*, these Governance Rules and the Councillor Code of Conduct.
- (2) The Chair may call a break in a Meeting for either a short time, or to resume another day if the behaviour at the Council Meeting by Councillors or people in attendance at the meeting are significantly disrupting the meeting
- (3) The break referred to in sub rule (2) is an adjournment and must be conducted in accordance with rule 2.6.25 and 2.6.43.
- (4) If a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Council Meeting and prevents the conduct of Council business:
 - (a) Council may, by resolution, suspend that Councillor from a portion of the Council Meeting or from the balance of the Council Meeting if the Chair has already warned the Councillor to cease that behaviour; or
 - (b) The Mayor, under section 19 of the *Local Government Act 2020*, 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 Council Meeting.
- (5) When Council suspends a Councillor under sub rule (4)(a), or the Mayor directs a Councillor to leave the meeting under sub rule (4)(b), the Councillor will take no active part in the portion of the Council Meeting from which they have been suspended.

- (6) If a Councillor has been directed to leave in accordance with sub rule (4)(b), the minutes of the Council Meeting will record the time the Councillor left the meeting and if so allowed, the time the Councillor returned to the meeting.
- (7) If a Councillor has been suspended from a meeting or directed to leave in accordance with sub rule (4) the Chair may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

SUSPENSION OF STANDING ORDERS

Standing Orders are the rules made to govern the procedure at Council Meetings contained in these 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.

2.6.42 Suspension of Standing Orders for the Purpose of Discussion

- (1) To temporarily remove the constraints of formal meeting procedure and allow full discussion or clarification of any issues, Council may, by resolution, suspend standing orders in accordance with the procedural motion table at rule 2.6.25.
- (2) Suspension of standing orders must not be used purely to dispense with the processes and protocol of the government of Council.
- (3) No motion can be accepted by the Chair 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 Chair during a second extension of time for a meeting.

ADJOURNMENTS

2.6.43 Adjourning the Meeting

- (1) Once a meeting is declared open, Council may, from time to time, resolve to adjourn the Meeting:
 - (a) if a quorum is not present within half an hour after the time appointed for the meeting;
 - (b) if at any time throughout a meeting a quorum is lost;
 - (c) if the meeting becomes excessively disorderly and order cannot be restored;
 - (d) to allow for additional information to be presented to a meeting;
 - (e) to give Councillors a comfort break
 - (f) if the meeting has been in progress for longer than 2 hours
 - (g) Any other situation if the adjournment could aid the process of the meeting.
- (2) A meeting cannot be adjourned for a period exceeding fourteen (14) days from the date of the adjournment.
- (3) An appropriate motion would be:

“That the meeting be adjourned until __ (time the date specified, which does not exceed fourteen (14) days)”.

- (4) No discussion is allowed on any motion for adjournment of the meeting, but if on being put the motion is lost, the subject then under consideration of the next on the Agenda or any other matter that may be allowed precedence must be resolved before any subsequent motion for adjournment is made.

2.6.44 Notice for Adjournment of Meeting

- (1) If a meeting is adjourned, the CEO will ensure that the Agenda for such a meeting is identical to the agenda for the meeting which was resolved to be adjourned.
- (2) Except when a meeting is adjourned until later on the same day, the CEO must give all Councillors written notice of a new date for the continuation of the adjourned meeting and every reasonable attempt must be made to advise the public of the new meeting date.
- (3) If it is not practical to provide written notice to Councillors because time does not permit that to occur then provided a reasonable attempt is made to contact each Councillor, contact by telephone, electronic medium, or in person will be sufficient.

2.6.45 Lapsed meeting

- (1) A meeting is deemed to have lapsed if a meeting does not commence and therefore no resolution can be carried to adjourn the meeting.

2.6.46 Undisposed Business of a Lapsed Meeting

- (1) If a Council Meeting lapses, the undisposed-of Business will, unless it has already been disposed of at an unscheduled Council Meeting, be included in the agenda for the next scheduled Council Meeting.
- (2) The business of the lapsed meeting must be dealt with prior to any other business, and in the same order as the original meeting papers.

2.6.47 Compliance with Governance Rules

- (1) If during a meeting the CEO becomes aware of any non-compliance with the meeting procedures contained in these Governance Rules or other applicable legislation relating to meeting procedures, the CEO must immediately inform the Chair about the requirement of these Governance Rules or other applicable legislation relating to meeting procedures.
- (2) The Chair must allow the CEO to advise the meeting of any such breach or likely breach of these Governance Rules or other applicable legislation and the meeting must take account of the advice given.

2.7 Behavioural Conduct During Council Meetings

2.7.1 Electronic Devices

- (1) Any person in attendance at a Council Meeting must ensure that their electronic device is turned off or switched to silent.

2.7.2 Behaviour during Council Meetings

- (1) It is the responsibility of individual Councillors to exhibit good conduct in meetings. Councillors should listen while others are speaking, avoid interrupting, be aware of their body language and use reasonable and temperate language in debates (no matter how contentious the topic may be).

2.7.3 Criticism of Council Staff

- (1) The CEO may address a Council Meeting in respect of any statement made affecting a Council officer if that comment is made at a Council Meeting or in the media.

2.7.4 Gallery to be Silent

- (1) Visitors must not interject or take part in the debate of any item of business before the Council.
- (2) Silence must be maintained by members of the public in the gallery at all times.

2.7.5 Display of Posters, Banners and Placards

- (1) A person must not display any placards or posters in the Council Chamber or in any building where a Meeting is being, or is about to be held, except outside the entrance to the building.
- (2) A poster, banner or placards 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 Chair or CEO may order and cause the removal of any poster, banner or placard that is deemed by the Chair or CEO to be objectionable, disrespectful or otherwise inappropriate.

2.7.6 Ejection of Disorderly Visitors

- (1) If a person, other than a Councillor, interjects or is gesticulating offensively during the Council Meeting, the Chair must direct;
 - (a) the person to stop interjecting or gesticulating offensively; and
 - (b) the removal of the person if they continue to interject or gesticulate offensively.
- (2) The Chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.
- (3) In giving effect to a person's removal under sub rule (1)(b) or material under sub rule (2), the Chair may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the person, object or material.

2.7.7 Chair May Adjourn Disorderly Meeting

- (1) If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, they may adjourn the meeting to a later time on the same day, or to some later day prior to the next Council Meeting, at a time and date and venue to be fixed as they think proper.
- (2) Any adjournment is to be done in accordance with rule 2.6.43 of these Governance Rules.

2.8 Provisions to Record Council Meetings

- (1) The CEO (or other person authorised by the CEO) may conduct electronic broadcasting of the proceedings of Council Meetings.
- (2) Recordings will be retained and available to the public for viewing or listening for a period of twelve (12) months from the date of the meeting.
- (3) Public Council Meetings are an open forum of statements, questions and answers. Occasionally some things that are said may be regarded as offensive defamatory or contrary to law. In circumstances when statements are made that may fall into these categories the CEO, at their sole discretion, may edit the recorded version of the meeting so as not to cause embarrassment or increase liability exposure to members of the public or Council.
- (4) In circumstances where comments are made that may be considered defamatory, breach copyright, breach privacy or may be considered discriminatory, such comments will be edited from the available recorded version of the meeting before being posted to Council's website.
- (5) The use of recording devices during the Council Meeting within the Council Chamber are prohibited. Media representatives and members of the public may access the live broadcasting or recording after the meeting via Council's website.

2.9 Joint Council Meetings

- (1) Council may resolve to participate in a Joint Council Meeting, with other councils, to consider;
 - (a) Collaborative projects;
 - (b) Collaborative procurement; or
 - (c) Emergency Response and Recovery.
- (2) If Council resolves to participate in a Joint Council Meeting, the CEO will agree on the governance rules with the participating Council's CEOs.
- (3) If CSC 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) Consistent information will be provided to Councillors prior to any Joint Council Meeting and every endeavour will be made by the CEO to facilitate a joint briefing.
- (5) A joint briefing arranged in accordance with sub rule (2) may be held electronically.

2.10 Submissions and Submissions Hearing

- (1) Council may call for submissions in relation to a proposed decision from any person affected by the proposed decision.
- (2) For a submission to be valid, a person making a submission must provide in writing how they could be affected by the proposed decision, outline their views and/or how they want their interests considered when Council considers it decision.
- (3) Council must, when calling for submissions, provide a public notice in local circulating media publications and on Council's website providing a minimum of 28 days for submissions to be received by Council and fix the date, time and place for a Submissions Hearing if submissions are received.

- (4) People making a submission may request to speak in support of their submission to Council at a Submissions Hearing.
- (5) A Submissions Hearing must be held at least 14 days prior to the proposed decision being considered at a Council meeting.
- (6) Any person speaking in support of their submission will have a maximum of 5 minutes to address Council at the Submissions Hearing and must only speak to the content of their written submission.
- (7) Council must consider all submissions received prior to consideration of the proposed decision for which the submissions were called.
- (8) Council must advise in writing, each person who has made a separate submission of the decision made in relation to their submission and the reasons for this.

2.11 Procedure Not Provided for in These Rules

- (1) In all cases not specifically provided by these Governance Rules, the Council will decide the procedure to apply.

3. Meeting Procedure for Delegated Committees

3.1 Overview

Council may establish Delegated Committees in accordance with section 63(1) of the *Local Government Act 2020*.

3.1.1 Governance Rules Apply

- (1) If Council establishes a Delegated Committee, these Governance Rules will apply to a Delegated Committee Meeting, with any necessary modifications.
- (2) For the purpose of sub rule (1):
 - (a) A Council Meeting is to 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 Chair of the Delegated Committee.
- (3) The following Governance Rules do not apply to the conduct of Delegated Committee Meetings:
 - (a) 2.4.1 – Order of Business
 - (b) 2.4.3 – Councillor Acknowledgements
 - (c) 2.4.10 – Public Question Time
 - (d) 2.4.11 – Notices of Motion
 - (e) 2.4.15 – Urgent Business
 - (f) 2.6.36 – Speaking Times
- (4) If Council establishes a Delegated Committee, Council may resolve that any further provision of these Governance Rules do not apply to that Committee.

4. Meeting Procedure for Community Asset Committees

4.1 Overview

Council may establish a Community Asset Committee, for the management of a community asset such as a hall or reserve, in accordance with section 65 of the *Local Government Act 2020*. Council may appoint members of the community to a Community Asset Committee.

4.2 Operation of Community Asset Committee

- (1) Council, if it establishes a Community Asset Committee, may resolve which rules within these Governance Rules apply to that Committee.
- (2) Notwithstanding sub rule (1), a Community Asset Committee must adhere to Chapter 5 Meeting Records.
- (3) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation from the CEO and any Terms of Reference adopted by Council.

5. Meeting Records

5.1 Minutes

5.1.1 Keeping of Minutes

- (1) The CEO, or a person authorised by the CEO, is responsible for the keeping of minutes on behalf of Council.
- (2) Each item in the minutes must be clearly headed with a subject title and be consecutively numbered and consecutively page numbered. The minutes must be signed by the Chair of the meeting at which they have been confirmed.

5.1.2 Content of Minutes

- (1) The CEO (or other person authorised by the CEO to take the minutes) must keep minutes of each Council Meeting and those minutes must record:
 - (a) the date, place, time and nature of the Council Meeting was commenced, adjourned, resumed and concluded;
 - (b) the names of Councillors and whether they are present, an apology, or leave of absence or other details as provided;
 - (c) the names of members of Council staff in attendance with their organisational titles;
 - (d) the disclosure of a conflict of interest made by a Councillor in accordance with the Local Government Act 1989 or *Local Government Act 2020*, whichever provision is in force.
 - (e) arrivals and departure times (including temporary departures) of Councillors during the course of the meeting;
 - (f) each motion and amendment moved, including the mover and seconder of the motion;
 - (g) the outcome of every motion (including procedural motions) and amendment, that is whether it was put to the vote and the result (namely, carried, lost, withdrawn, lapsed for the want of a seconder, or amended);
 - (h) if a division is called, the names of every Councillor and the way their vote was cast (either for or against);
 - (i) the name of the Councillor who abstained from voting on an item and the Councillor's reason for abstaining;
 - (j) details of a failure to achieve a quorum and any adjournment whether as a result or otherwise;
 - (k) a summary of any question asked and the response provided as part of public question time;
 - (l) a summary of all committee reports and or deputations made to Council;
 - (m) the time and reason for any adjournment of the meeting or suspension of standing orders;

- (n) closure of the meeting to members of the public and the reason for such closure;
- (o) any other matter which the CEO deems should be recorded to clarify the intention of the meeting or the reading of the minutes.

5.1.3 Confirmation of Minutes

- (1) The Minutes as recorded by the CEO, or person authorised by the CEO to take the minutes, will be made available as the proposed minutes to:
 - (a) Councillors, within seven (7) business days of the Council Meeting as they relate; and
 - (b) Members of the public, within nine (9) business days of the Council Meeting as they relate.
- (2) At every Council Meeting the Minutes of the preceding Council Meeting(s) must be dealt with as follows:
 - (a) A Motion moved to confirm the Minutes in the following terms, 'That the Minutes of theMeeting 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 (2)(a) '...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) Once the minutes are confirmed in their original or amended form, the minutes must, if practicable be signed by the Chair of the Council Meeting at which they have been confirmed; and
- (5) The minutes must be entered in the minute book and each item in the minute book must be entered consecutively.

6. Mayor and Deputy Mayor Appointment Processes

6.1 Eligibility

- (1) Any Councillor is eligible for election or re-election to the office of Mayor or Deputy Mayor.

6.2 When Required

- (1) The Councillors must elect a Councillor annually or bi-annually to be Mayor of the Council at a Council Meeting which is to be held as close to the end of the one or two year term as is reasonably practicable as set out under section 26 of the *Local Government Act 2020*.
- (2) The Mayor is to be elected as soon as practicable after any vacancy in the office of Mayor occurs.
- (3) If Council has resolved to establish an office of Deputy Mayor, the Councillors must elect a Councillor annually or bi-annually to be the Deputy Mayor of the Council at a Council Meeting which is to be held as close to the end of the one or two year term as is reasonably practicable and in accordance with section 27 of the *Local Government Act 2020*.

6.3 Agenda Content

- (1) The agenda for the Council Meeting to elect the Mayor and Deputy Mayor must include so far as is possible;
 - the election of the Mayor;
 - the election of the Deputy Mayor (if a Deputy Mayor is to be elected);
 - appointments of Council representatives to committees, peak industry bodies, regional and community based organisations; and
 - the fixing of the dates, times and place of all Council Meetings for a twelve (12) month period.

6.4 Temporary Chair

- (1) The CEO will be temporary Chair of the meeting at which the election of the Mayor and Deputy Mayor is to be conducted but will have no voting rights.

6.5 Returning Officer

- (1) The CEO will be the Returning Officer for the election of the Mayor and Deputy Mayor.

6.6 Nominations for the Office of Mayor

- (1) The CEO will call for nominations for the position of Mayor and confirm acceptance of the nomination with the nominee.
- (2) Any Councillor nominated may refuse nomination.

- (3) If there is only one nomination for the position of Mayor, that person is deemed to be elected Mayor.
- (4) If there is more than one nomination at the Council Meeting, the election of the Mayor will follow rule 6.8 of these Governance Rules.

6.7 Nominations for the Office of Deputy Mayor

- (1) The Mayor will call for nominations for the position of Deputy Mayor and confirm acceptance of the nomination with the nominee.
- (2) Any Councillor nominated may refuse nomination.
- (3) If there is only one nomination for the position of Deputy Mayor, that person is deemed to be elected Deputy Mayor.
- (4) If there is more than one nomination at the Council Meeting, the election of the Deputy Mayor will follow rule 6.8 of these Governance Rules.

6.8 Determining the Election of the Mayor and Deputy Mayor

- (1) The process to elect the Mayor and Deputy Mayor is:
 - (a) If there is more than one nomination (each of which must be seconded), the Councillors present at the meeting must vote for one of the candidates by a show of hands. In the event of a candidate receiving an absolute majority of the votes, the candidate is declared to have been elected.
 - (b) In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates by a show of hands.
 - (c) If one (1) of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidate with the fewest number of votes a defeated candidate and voting for the remaining candidate by a show of hands must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate will then be declared to have been duly elected.
- (2) In the event of two (2) or more candidates having equal votes and one (1) of them having to be declared:
 - (a) a defeated candidate; or
 - (b) duly elected;

the temporary Chair will have no second or casting vote, and the result will be determined by lot.

6.9 Determining by Lot

- (1) If a lot is required, the CEO will conduct the lot and the following provisions will apply:
 - (a) The order of drawing lots shall be determined by the alphabetical order of the surname of the Councillors who received an equal number of votes, except that if two (2) or more such Councillors surnames are identical, the order shall be determined by the alphabetical order of the Councillor's first name;
 - (b) As many identical pieces of paper as there are Councillors who receive an equal number of votes shall be placed in a receptacle provided by the CEO;
 - (c) Each candidate will draw one (1) lot;
 - (d) If the lot is being conducted to determine which candidate is to be duly excluded, the word "Excluded" shall be written on one (1) of the pieces of paper and the Councillor who draws the paper with the word "Excluded" written on it shall be declared to have been excluded.
 - (e) If more than one candidate remains, a further drawing of lots will be conducted until one candidate remains and declared the Mayor.

6.10 Acting Mayor

- (1) If Council has established an office of Deputy Mayor, the Deputy Mayor must perform the role of the Mayor in accordance with section 21 of the *Local Government Act 2020*.
- (2) If Council has not established an office of Deputy Mayor and;
 - a. the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
 - b. the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
 - c. the office of Mayor is vacant;

Council must appoint a Councillor to be the Acting Mayor in accordance with section 20B of the *Local Government Act 2020*.

6.11 Mayor to Take Chair

- (1) After the election of the Mayor is determined, the Mayor will take the Chair.

6.12 Ceremonial Mayoral Speech

- (1) Upon being elected, the Mayor may make a ceremonial speech to outline the priorities for the year ahead based on the adopted Council Plan.

7. Election Period Policy

7.1 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 and Civic events.
 - (d) Sets out the requirements for any council publications during a local government election period including the use of Council's website, social media, newsletters and advertising.
 - (e) Defines role and responsibilities in relation to who is the principle spokesperson for Council is during the election period.
- (2) The Election Period Policy forms part of these Governance Rules.
- (3) At least once in each Council term and no later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (4) The operation of Committees established by Council will be suspended upon the commencement of the election period prior to a general council election.
- (5) During the election period prior to a general council election, the CEO will not accept any Notices of Motion or Notices of Rescission Motions for consideration at a Council Meeting conducted during the election period.
- (6) During the election period prior to a general council election or by election, Council Meetings held during the election period will not consider any urgent business, conduct public question time or receive any deputations or delegations.

8. Disclosure of Conflict of Interests

8.1 Obligations

- (1) Councillors, members of Delegated Committees and Community Asset Committees and Council staff are required to:
 - (a) Avoid all situations that may give rise to conflicts of interest;
 - (b) Identify any conflicts of interest; and
 - (c) Disclose or declare conflicts of interest.

8.2 Councillors and members of Delegated Committees

- (1) Councillors and members of Delegated Committees must not participate in discussion or decision making on a matter in which they have a conflict of interest.
- (2) Councillors and members of Delegated Committees must disclose the conflict of interest in writing and in the form determined by the CEO.
- (3) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (4) All disclosures of conflicts of interest will be recorded in the minutes of a Council Meeting or Delegated Committee Meeting.
- (5) Council will maintain a Conflict of Interest Register that will be made available on Council's website.

8.2.1 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 the 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) The nature of their conflict of interest; 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 required for the declaration 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.

8.2.2 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 item of business 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 as 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 CEO 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.

8.3 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 if 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 8.3.1 of these Governance Rules.

8.3.1 Procedure for disclosures of conflicts of interest

- (1) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the CEO.
- (2) All conflicts of interest disclosed by Council staff will be provided to the Manager Governance 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 CEO determines that the staff member's 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.

9. Miscellaneous

9.1 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) Council will review significant policies at least once in each council term (every four years) and such reviews may lead to a 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 comments sought, prior to the policy being changed.

Appendix 1 - Procedure for Motions and Amendments

