



Council Minutes



Campaspe
Shire Council

Date: 17 August 2022

Time: 6:00 pm

Venue: Echuca Civic Centre

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Minutes of the open section of the eighth Campaspe Shire Council meeting held on Wednesday 17 August 2022, commencing at 6:00 pm at the Council Chambers, Echuca Civic Centre.

Present

Councillors

Cr Colleen Gates (Chair)
Cr Robert Amos
Cr Paul Jarman
Cr Daniel Mackrell
Cr Leanne Pentreath
Cr Adrian Weston
Cr John Zobec

Officers

Tim Tamlin - Interim Chief Executive Officer
Darryl Hancock - Manager Governance
Rebecca Jones - Governance Officer
Annette Waters - Governance Officer

1 Apologies and Requests for Leave of Absences

1.1 Apologies

Cr Weller

Moved by Cr Amos

Seconded by Cr Zobec

That the apologies be accepted

CARRIED

1.2 Leave of Absence

Cr Gates (Chair) notified the meeting of the existing leave of absence granted to Cr Marwood.

2 Confirmation of Minutes

Moved by Cr Pentreath

Seconded by Cr Mackrell

That the following minutes be confirmed:

- **Campaspe Shire Council Meeting held on 20 July 2022.**

CARRIED

3 Changes to the Order of Business

Nil.

4 Declarations of Conflict of Interest

In accordance with Section 130(1)(a) of the *Local Government Act 2020* Councillors are required to disclose any conflict of interest in respect of a matter to be considered at a Council meeting.

Nil.

5 Responsible Authority Decisions

Nil received.

6 Planning Authority Decisions

Nil received.

7 Question Time

Nil received.

8 Acknowledgements / Councillor Reports

Cr Jarman acknowledged the passing of Peter Baker Williams.

Tonight we would like to acknowledge the passing of Peter Baker Williams and to pass our sympathies to his family.

Peter was a long standing Councillor for both the Campaspe Shire Council and City of Echuca.

Peter served many terms across both councils. Three Councillor terms with the former City of Echuca. And then following local government amalgamation - a further four Councillor terms with Campaspe Shire.

Peter was elected Mayor four times. He received a Mayor Emeritus Award from the Municipal Association in 2010 – awarded to a councillor who has completed three full terms as Mayor in Victoria.

Peter was a very skilled public speaker. His command of the Local Government Act was exemplary and his skills in meeting procedure were also outstanding.

Peter's passion for tourism, heritage and the community, saw him actively involved as a member of many boards and voluntary organisations, right across the Echuca/Moama and Campaspe communities – of note...

- Campaspe Cohuna Learning Education Network
- Echuca Adult Education
- Echuca Hospital
- Port of Echuca Authority
- Echuca Heritage Society
- Echuca Water Board

Also of particular note, he was the driving force behind the highly successful Echuca Winter Blues Festival, an event that he co-founded and Chaired for some 23 years.

Social justice and equity in society were core values that Peter demonstrated and committed his time to throughout his life as a:

- Justice of the Peace
- Bail Justice
- Parole Officer.

Once again, our deepest sympathy is extended.

Thank You.

9 Council Decisions

9.1 Cohen Road (between Zegelin and Sullivan) Renaming and Cohen Road (between Pascoe and Aitken) Renaming and Renumbering

Division: Infrastructure

Cohen Road, Rochester (between Zegelin and Sullivan) and (between Pascoe and Aitken) requires renaming and renumbering in the interest of public safety due to the duplication of the road name and some numbering with Cohen Street, Rochester.

Moved by Cr Jarman

Seconded by Cr Pentreath

That Council:

1. Approve the renaming of Cohen Road, Rochester between Zegelin Road and Sullivan Road and the renaming and rural renumbering of Cohen Road, Rochester between Pascoe St and Aitken Rd as per the Geographic Place Names Act 1998 and Section 5, Naming Rules for Places in Victoria Statutory requirements for naming roads, features and locations – 2022.
2. Approve Section 1 of Cohen Road between Zegelin Road to Sullivan Road be renamed to Kingfisher Road and maintain the current rural road numbering for the residents in this section, as a matter of public safety.
3. Approve Section 3 of Cohen Road from Pascoe Street to Aitken Road be renamed to Platypus Road and the current rural road numbering for the properties within this section be changed to reflect the rural road numbering rules, as a matter of public safety.
4. Note Section 2 of Cohen Street from Sullivan Rd to Pascoe Street maintain its current street name and street numbering with no changes to these properties.
5. Commence community consultation (as per IAP2 model) with advertising of the proposed renaming of Cohen Road, Rochester (between Zegelin Rd and Sullivan Rd) to Kingfisher Road, Rochester and the renaming and renumbering of Cohen Road (between Pascoe St and Aitken Rd) to Platypus Road for a period of 30 days.
6. Following receipt of community consultation:
 - a. Should it be in the affirmative, approve the lodgement of the proposal with Geographic Names Victoria (GNV) for consideration by the Registrar. If Registrar finds the proposal to be compliant the GNV will gazette the proposal, register the names in Vicnames and provide notification to Council, emergency services and Australia Post. Noting that Council will then advise property owners of the outcome.
 - b. Should it be in the negative, approve the lodgement of the proposal with Geographic Names Victoria (GNV) for consideration by the Registrar under Principle A. Ensuring Public Safety of the Naming Rules for Places in Victoria Statutory requirements for naming roads, features, and localities 2022. If Registrar finds the proposal to be compliant the GNV will gazette the proposal and register the names in Vicnames and provide notification to Council, emergency services and Australia Post. Noting that Council will then advise property owners of the outcome.

7. Approve costs that affected residents will incur in altering their address details and property numbers as per Council Policy 168 - Street Name and Numbering. A one-off payment is to be paid to each affected property in Section 1 and Section 3 Cohen Road. That affected residents in Section 3 Cohen Road also be provided with new set of standard rural numbers by the Campaspe Shire Council as per the rural road numbering policy.

CARRIED

9.2 Kyabram Fauna Park Management

Division: Community

This report provides the basis for the transfer of Council owned land within the Kyabram Fauna Park to Zoos Victoria.

It recognises that the wetlands of the Kyabram Fauna Park form an integral part of the drainage system for the township of Kyabram. While the economic and environmental opportunities provided through the inclusion of the Kyabram Fauna Park within the Zoos Victoria family are immense, the importance of this area to the flood protection of the town cannot be underestimated. The inclusion of a section 173 agreement within the land transfer seeks to enshrine the ongoing use of the wetlands as a vital flood mitigation facility.

Moved by Cr Zobec

That Council:

- 1. Enter into a Section 173 agreement with Zoological Parks and Gardens Board (Zoos Victoria) which has the guiding principles of;**
 - a. The site remains as the major flood retardation infrastructure for the town of Kyabram.**
 - b. The holding capacity of drainage water on the site cannot be decreased in any way.**
 - c. The natural over land flow of storm water onto the site is not to be inhibited.**
 - d. Access to the site to maintain key drainage infrastructure is available at all times for Council staff and/or contractors.**
 - e. Work Instructions/operational rules form a schedule attached to the Section 173 agreement and cannot be over-ridden. This includes maximum water levels of the wetlands.**
 - f. Zoos Victoria will maintain the outflow areas of the site to ensure these remain functional at all times (this may involve weed control)**
 - g. Both parties will participate in joint six-monthly inspections of the site to ensure its preparedness to meet any demands from storm activity.**
- 2. Agree to the transfer of land to Zoological Parks and Gardens Board In consideration of the payment of \$1 (GST inclusive) upon demand for the following five individual lots:**

Lot 1 LP70737	Volume 8613	Folio 480
Lot 2 LP70737	Volume 8613	Folio 481
Reserve 1 PS303314	Volume 10015	Folio 565
Lot 1 LP70738	Volume 8592	Folio 038
Lot 2 LP70738	Volume 8592	Folio 039

- 3. Note the transfer of land to a public body is in accordance with Section 116 of the Local Government Act 2020.**
- 4. Authorise the CEO to sign the Contract of Sale and associated documents.**
- 5. Authorise Zoos Victoria management control over the site until the land transfer is complete.**

Cr Weston seconded the motion with an amendment to include:

6. Provide a copy of the Section 173 agreement to Councillors for review at a Briefing Session prior to execution.

Cr Zobec approved the amendment.

Moved by Cr Zobec

Seconded by Cr Weston

That Council:

1. Enter into a Section 173 agreement with Zoological Parks and Gardens Board (Zoos Victoria) which has the guiding principles of;
 - a. The site remains as the major flood retardation infrastructure for the town of Kyabram.
 - b. The holding capacity of drainage water on the site cannot be decreased in any way.
 - c. The natural over land flow of storm water onto the site is not to be inhibited.
 - d. Access to the site to maintain key drainage infrastructure is available at all times for Council staff and/or contractors.
 - e. Work Instructions/operational rules form a schedule attached to the Section 173 agreement and cannot be over-ridden. This includes maximum water levels of the wetlands.
 - f. Zoos Victoria will maintain the outflow areas of the site to ensure these remain functional at all times (this may involve weed control)
 - g. Both parties will participate in joint six-monthly inspections of the site to ensure its preparedness to meet any demands from storm activity.
2. Agree to the transfer of land to Zoological Parks and Gardens Board In consideration of the payment of \$1 (GST inclusive) upon demand for the following five individual lots:

Lot 1 LP70737	Volume 8613	Folio 480
Lot 2 LP70737	Volume 8613	Folio 481
Reserve 1 PS303314	Volume 10015	Folio 565
Lot 1 LP70738	Volume 8592	Folio 038
Lot 2 LP70738	Volume 8592	Folio 039

3. Note the transfer of land to a public body is in accordance with Section 116 of the Local Government Act 2020.
4. Authorise the CEO to sign the Contract of Sale and associated documents.
5. Authorise Zoos Victoria management control over the site until the land transfer is complete.
6. Provide a copy of the Section 173 agreement to Councillors for review at a Briefing Session prior to execution.

CARRIED

9.3 Policy 168 Street Naming and Numbering

Division: Corporate

The Street Naming and Numbering Policy (Policy 168) provides a clear and consistent approach to the allocation and administration of the naming and numbering of streets and properties throughout the municipality.

The policy ensures that Council acts in accordance with the Geographic Place Names Act 1998 and Section 29 of the Subdivision (Procedures) Regulations 2011 as well as the guidelines provided in Australian/New Zealand Standard Rural and Urban Addressing AS/NZS 4819:2011, Guidelines for Geographic Names 2010 as set out by the Registrar of Geographic Names (Victoria) and Naming rules for places in Victoria – statutory requirements for naming roads, features and locations 2022.

Moved by Cr Amos

Seconded by Cr Pentreath

That Council adopt Version 2 (as attached 9.3.1) of Policy 168 – Street Naming and Numbering.

CARRIED

Street Naming and Numbering

Council Policy Number	168
Date adopted	17 August 2022
Version No.	2



Council Policy

Council Policy

Council Policy

Council Policy

1. Preamble

This policy provides a clear and consistent approach to the allocating and administration of the naming and numbering of streets and properties throughout the municipality

2. Purpose

The purpose of this policy is to ensure that Campaspe Shire Council ('Council') acts in accordance with the *Local Government Act 1989*, *Geographic Place Names Act 1998* and Section 29 of the Subdivision (Procedures) Regulations 2021 as well as the guidelines provided in Australian / New Zealand Standard Rural and Urban Addressing AS/NZS 4819:2011, Guidelines for Geographic Names 2010 as set out by the Registrar of Geographic Names (Victoria) and Naming rules for places in Victoria – statutory requirements for naming roads, features and localities 2022.

3. Definitions

Street	an officially named thoroughfare.
Street Number	the number allocated to an individual property or occupancy, creating an address within an urban area.
Rural Road Number	the number allocated to an individual property or occupancy, creating an address within a rural area.

4. Policy Statement

Council is responsible for the naming of roads, features and localities. Council is also responsible for the issue of all urban and rural addresses in the municipality. This is an important service as it allows for the easy identification of a property by a range of service providers within the community, including emergency services (e.g. police, ambulance, and fire), postal services and utility providers.

All properties in the municipality will be allocated a unique street number.

4.1. Policy Objectives

- To specify how Council facilitates identification of properties in the municipality by the use of a logical established pattern of street numbering and in accordance with AS/NZ 4819:2011 Geographic Information - rural and urban addressing.
- In allocating street numbers Council will consider the need to promptly establish the location of properties by drivers of emergency vehicles.
- To review specific administrative procedures to ensure that owners and occupiers of properties and all relevant authorities are notified of newly allocated numbers.
- To ensure that developers/applicants are made aware of Council's policy requirements and proposed name and street numbers at the early stages of proposed developments.
- To implement and ensure that all premises display the correctly assigned street number and when needed allow Council to change the street numbers as required.
- To facilitate the naming of road/streets, features and localities following processes outlined in the "Naming rules for places in Victoria, Statutory requirements for naming roads, features and localities -2016" (the Naming Rules).

4.2. Policy Scope

This policy applies to the naming and numbering of all properties in the municipality and will be applied:

- a) when new allotments or properties are created;
- b) when there are physical changes to existing allotments;
- c) when there is a change in the number or configuration of tenements;
- d) if a submission is received alleging that numbering is unsatisfactory;
- e) if a submission is received to name a public feature.

4.3. Policy

- a) The Planning Department will apply street naming convention when a proposed plan of subdivision is submitted.
- b) The Rates Department will allocate street numbering upon receipt of a proposed plan of subdivision from the Planning Department or upon notification of a change in built form or occupancy which warrant the allocation of new street numbers. An appropriate number will then be allocated to the property, and the owner, and service authorities will be notified of the new numbering.
- c) The owner and occupier shall prominently display street numbers allocated by Council to the street abuttal to which the property is addressed.
- d) In addition, if the number is displayed to any other street abuttal, such number shall be accompanied by a prominent display of the name of the street to which the property is addressed.
- e) Council reserves the right to request owners to change the address of their property if the existing numbering/naming either actual or displayed is inappropriate or confusing.
- f) Re-numbering of all or part of a street will be considered when there are multiple numbering problems and then only after consultation with the owners and occupiers affected.
- g) Property owners can request changes to their numbering in writing with supporting evidence. This will be examined having regard to this policy and the guidelines attached.
- h) Council will not approve requests for street number changes that conflict with policy objectives. Examples of requests that will be refused are:
 - i. A number is considered 'unlucky'
 - ii. Cultural or religious reasons
 - iii. To improve the Feng shui of a property
 - iv. Vendor or agent preferences or incorrect advice provided to purchasers
 - v. Personal preferences
 - vi. The number is not good for business
 - vii. The property is difficult to sell
 - viii. The address 'devalues' the property
- i) The principles in this policy will be followed when implementing the Street Numbering Procedure that is attached to this policy.
- j) As boundaries move due to the expansion and development of towns, allocation of numbers need to be logical between existing Rural Road Numbers ('RRN') and new street numbering. In allocating street numbers allowance is to be made for potential future developments.
- k) Street numbers and RRN should be displayed at all times, to allow easy identification by emergency services.
- l) If a property is advised to have a direct mail service, then the property address as registered by Council will be the official mailing address of the property. No other address details will be adopted.

- m) If evidence provided by an applicant, clearly indicates that Council has not taken due care to prevent wrong address details being used during the relevant planning and development phase of an application, Council will work with the applicant to amend Council documentation and relevant contact details registered within Council's corporate databases and that of relevant utilities.
- n) If Council requires the compulsory renumbering of a property, a one-off payment of \$150.00 will be paid to the property owner. This payment does not apply when a property owner has requested the renumbering of their property.

5. Exclusions

Nil

6. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

7. Related Legislation

Fire Services Property Levy Act 2012

Local Government Act 1989 Schedule 10

Local Government Act 1989 Section 158A

Planning & Environment Act 1987

Subdivision Act 1988

Valuation of Land Act 1960

8. Related Policies, Procedures and Strategies

Council Procedure PR140 - Street Numbering

9. Attachments

AS/NZ 4819:2011 Geographic Information - Rural and urban addressing.

Naming rules for place in Victoria - <https://www.land.vic.gov.au/place-naming/understand-the-naming-process/the-naming-rules>

Review Period

Four Years

Responsible Officer

Finance Manager

10. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

11. Approval History

Version 1 Adopted	20 August 2019	Minute Book Reference No 3052 (item 7.3)
Administrative update	1 March 2021	Campaspe Shire Council ('Council')
Version 2 Adopted	17 August 2022	Council Meeting Agenda Item 9.3

9.4 Policy 186 - Moorings Licences

Division: Community

This report seeks Council endorsement to adopt the Mooring Licences Policy which provides direction on the management and administration of moorings in the Echuca bridge-to-bridge precinct.

Moved by Cr Jarman

Seconded by Cr Weston

That Council:

- 1. Adopt Version 1 (as attached 9.4.1) of Policy 186 - Mooring Licences.**
- 2. Note that Council holds a perpetual head licence of the NSW Crown Land between the bridge-to-bridge precinct and Council cannot transfer management of the Head Licence terms, conditions and functions of the licence agreement to the Campaspe Port Enterprise or another third party, for management of moorings or control of the licensed area.**

CARRIED

Mooring Licences

Council Policy Number	186
Date adopted	17 August 2022
Version No.	1



Council Policy

1. Preamble

Campaspe Shire Council (Council) manages a large number of Commercial and Private Moorings within the Bridge-to-Bridge Precinct. This policy provides direction for Council officers in the administration and management of the mooring licences in accordance with an approved set of principles for new and existing moorings.

2. Purpose

To provide transparent, consistent, and impartial processes when sub-licensing moorings on Council managed land. Ensure compliance with legislative requirements. Maximise community return on investment in mooring infrastructure that is used for a mix of commercial or private purposes in the Bridge-to-Bridge Precinct.

3. Definitions

Bridge to Bridge Precinct	Defined as the area of NSW Crown Land Council manage, bounded by the old (Meninya Street) bridge downstream to the new (Cobb Highway) bridge located at Victoria Park boat ramp and as depicted in the attached Head Licence plan. The precinct also includes the Crown Land located in Victoria, where Council is the appointed Crown Land Administrator, which portion of land provides access to mooring sites.
Commercial Mooring	The operation of a business from a mooring site, regardless of the type of vessel moored. Annual rental charged at a minimum market rate, in accordance with commercial market valuation.
DELWP	Department of Environment, Land, Water and Planning
DPE	Department of Planning and Environment (NSW)
Head Licence	Council hold a head licence with DPE for the Bridge-to-Bridge Precinct, allowing the management and granting of the land under sub-licence by Council.
Historic Craft	A vessel that provides heritage aesthetics that does not detract from the historic atmosphere of the precinct.
Licensed Valuer	A person who holds qualifications and experience specified under section 13DA (2) of the Valuation of Land Act 1960.
Market Valuation	A market rent determined by a Licensed Valuer for annual rental of mooring site. The valuation is to be no more than 6 months old as at the commencement date of the sub-licence. The valuation will be assessed on the area in use, inclusive of any infrastructure and the area occupied by the vessel/s.
Mooring	A place where a vessel can be fixed securely in a particular place by cables, anchors or lines.
Private Mooring	A private vessel for recreation or personal use, not used in the operation or advancement of any business. Annual rental charged at a nominal rate in accordance with Council annual Schedule of Fees and Charges.

Council Policy

Council Policy

Council Policy

Site Specific	A specific mooring location/s, managed by Council in the Bridge-to-Bridge Precinct.
Sub-Licence	A legal agreement issued for the mooring of vessels in the Bridge-to-Bridge Precinct by Council with boat owners for allocated mooring sites.
Temporary Mooring	A period defined from 1 day up to 3 months, where a vessel can be fixed securely in a particular place by cables, anchors or lines.
TfNSW	Transport for New South Wales

4. Policy Statement

This policy is applicable to Council managed moorings where Council act as Head Licensee of the Crown Land from New South Wales Department of Planning and Environment (DPE).

4.1. Vacant Moorings

Where Council deems a mooring site vacant and available for commercial or private use, Council will undertake an Expression of Interest (EOI) for Mooring Licences, in accordance with Procurement Principles of Council Policy 126, Council Procurement Manual, Mooring Licences Policy, Council's head licence agreement and take into consideration DPE Licensing of Crown Lands Guidelines. The mix of vessel types for permanent moorings will be considered in accordance with Councils Mooring Precinct Plan.

Commercial Moorings

A set standard of criteria applies in setting and evaluating new Commercial mooring expression of interest. The criteria will include as a minimum:

- Precinct benefit incorporating the vision and strategic objectives of the precinct
- Registered vessel
- Protection of natural environment
- financial offer (market valuation set by a Licensed Valuer to apply as a minimum rate)

An evaluation panel will be formed to assess expressions of interest to licence moorings to registered vessels within the Bridge-to-Bridge Precinct. The panel will comprise of a minimum of three individuals with one externally appointed panel member. Expressions of Interest will be presented to Council to award a preferred applicant.

Private Moorings

A two-stage process will be required to assess and allocate successful applicants for private moorings.

Stage 1

A set standard of criteria applies in setting and evaluating new Private mooring expressions of interest. The criteria will include as a minimum:

- Registered vessel
- Protection of natural environment

An evaluation panel will be formed to assess expressions of interest to licence private moorings to registered vessels within the Bridge-to-Bridge Precinct. The panel will comprise of a minimum of three individuals to assess applicants for shortlisting to stage two if all assessable criteria are met.

All applicants meeting the criteria of Stage One will progress to Stage Two.

Stage 2

Stage two is a ballot for final selection and allocation of the vacant mooring location.

A ballot will be undertaken with all the applicants qualified at stage one of the process. The ballot will be held at Council offices and undertaken by Council's Manager Governance with a minimum of two witnesses to the drawing of winning applicant.

All applicants will be notified in writing of the outcome.

The same EOI and ballot process will be undertaken each and every time a vacant mooring arises. Applicants will be required to submit a new application on each occasion.

Notification List

Council will keep a notification list of parties who express interest in obtaining a mooring sub-licence. If a mooring becomes available and open to a public EOI, Council will notify the parties registered on the notification list seven days prior to the EOI close date.

4.2. Temporary Moorings

From time to time a temporary mooring of a vessel may be necessary for emergency or short term (up to three months) stays in the precinct. The application for a temporary mooring site can be made through application to Council's Executive Director. Applicable fees and charges will apply for the duration of the mooring on a pro-rata basis.

4.3. Transfer of Moorings

Existing Licence holders of a sub-licence may make application to revoke and transfer their sub-licence agreement held with Council. The applicant is required to complete the application form to revoke and request new sub-licence. Council will not unreasonably withhold consent, although have discretion to justifiably approve and decline new applications. Council may request additional information on the proposed new applicant, when considering the new applicant. Relevant fees and charges applicable to the request must be paid on submission.

5. Amendment of Mooring Agreement

Existing Licence holders of a sub-licence may make an application for an amendment of a sub-licence in some circumstances. Amendments will only be allowed where the proposed amendment relates to:

- A reduction in the area of the licence
- The addition or removal of a term or condition of the licence, provided that the action has no great impact or usage of the land.
- Change in type of mooring (Commercial or Private)
- Change in registered vessel

An application to change the type of existing mooring held can be considered by Council on an individual basis. A private operator may apply to upgrade an existing mooring to a Commercial Mooring, and a commercial operator may apply to change their existing mooring to a Private Mooring. Operators may apply to change the registered vessel moored and associated with the sub-licence agreement.

Approval is not automatically granted by Council and each application will be considered individually on its merits, taking into consideration the mooring location, mix and type of vessels, businesses, precinct benefit incorporating the vision and strategic objectives of the precinct, and Infrastructure. If an application to change the status is approved by Council a new licence application form and fee will be payable to generate the change in the type of sub-licence and issuing of the new agreement. If a change of registered vessel is approved keeping the same mooring type, an application form and fee will be payable to generate the change in the registered vessel associated with the mooring.

6. Termination of Mooring

Sub-licences may be terminated by Council or will be considered by Council upon request of the licensee. Reasons that Council may terminate a licence include:

- The licensee has failed to comply with the conditions of the licence
- A native title consent determination, Aboriginal land claim Aboriginal land agreement or Indigenous land use agreement or Indigenous land use agreement

Written statutory declaration requesting termination and vacation of a mooring site must be made to Council by the sub-licence holder to process and close the licence out and cease any applicable charges relating to the sub-licence.

7. Fees and Charges

Mooring fees and charges will apply in accordance with Council's adopted annual Schedule of Fees and Charges, and in accordance with the terms and conditions of individual sub-licence agreements.

8. Exclusions

Vehicular access to mooring locations is not provided by Council in accordance with the individual sub-licence agreements.

This policy does not cover a site-specific resolution of Council.

9. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

10. Related Legislation

Local Government Act 2020 (VIC)

Crown Land Management Act 2016 (NSW)

Crown Land (Reserves) Act 1978 (VIC)

Valuation of Land Act 1960 (VIC)

Environmental Planning & Assessment Act 1979 (NSW)

Ports and Maritime Administration Act 1995 (NSW)

Ports and Maritime Regulation 2021 (NSW)

11. Related Policies, Procedures and Strategies

Policy 148 Revenue Debt Collection

Policy 59 Community Engagement

12. Attachments

Plan of Head Licence Area (NSW Land) managed by Council

Mooring Precinct Plan

Review Period

Annually

Responsible officer

Property Manager



13. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

14. Approval History

Version 1 Adopted	17/8/2022	Council meeting minutes reference Item 9.4
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Council Policy

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Council Policy



9.5 Governance Rules

Division: Office of the CEO

The Victorian Government's COVID-19 Omnibus (Emergency Measures) Act 2020 introduced mechanisms into the Local Government Act 2020 (the Act) to allow for virtual Council meetings so that Councils could continue to make decisions during the Coronavirus pandemic.

These measures came into force on 1 May 2020. They were extended by the Regulatory Legislation Amendment (Reform) Act 2022 until 1 September 2022. As of 1 September 2022, Councils must have updated their Governance Rules to allow for Ordinary business of Council to continue by electronic means of Communication.

The only proposed amendments within this update of the Governance Rules are those suggested in the Minister's Good Practice Guideline MGPG-1: Virtual Meetings issued on 21 April 2022.

Moved by Cr Pentreath

Seconded by Cr Amos

That Council:

- 1. Adopt the revised Governance Rules (as attached 9.5.1) to allow for Ordinary business of Council to continue by electronic means of communication.**
- 2. Note that a more comprehensive review of the Governance Rules is currently being undertaken that will include community engagement.**

CARRIED



CAMPASPE SHIRE COUNCIL GOVERNANCE RULES



AUGUST 2022

OFFICIAL

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Authorisation

The Campaspe Shire Council Governance Rules was adopted by Council on 17 August 2022.

The Common Seal of the) *A. Wray*Councillor

Campaspe Shire Council)Councillor

was hereunto affixed) *JDH*CEO



on the 17 August 2022

Governance Rules

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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

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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
Committee Meeting	means a meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance.
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 convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting (whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance.
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>

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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

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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.

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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.

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- (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) Council by resolution can determine the proposed or preferred format style of meetings (in-person, electronic- including hybrid or parallel) noting the criteria and process available for a member who wishes to request approval to attend by electronic means.
- (2) A Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings. There are no meetings determined by Council as being solely in person meetings.
- (3) 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.
- (4) The notice for any meeting, including unscheduled meetings, must be sent to each Councillor's CSC email address.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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

- (9) 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.

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- (10) 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.
- (11) 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) Community members may only participate in Council meetings in accordance with these Rule 2.4.9(2) of these Governance Rules that include addressing how the community can participate if the meeting is electronic, or a 'hybrid' or 'parallel' style meeting.
- (3) Council will adopt policies, protocols or guidelines to ensure opportunities exist for community input, beyond formal consultation processes.

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.

2.2.6 Attendance by Councillors

- (1) Councillors and members of Delegated Committees who wish to attend a meeting via electronic means may submit a request to the Mayor/Chair seeking permission to attend by electronic means.
- (2) The submission must be made in writing stating the reason for the request to attend by electronic means.
- (3) The request must be made by 12noon on the day of the meeting, stating the meeting(s) that will be attended via electronic means.
- (4) The request must consider any criteria that the Council has set for consideration of approval for a method of attendance.
- (5) The Mayor/Chair will provide a response to the request by 3pm and notify the rest of the members of the meeting of this decision.
- (6) It will remain the responsibility of the member attending electronically to ensure that they have the required access and environment suitable for electronic communications.

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2.2.7 Technical difficulties – loss of connection of Chair or Councillors

- (1) To ensure meetings are managed in an orderly manner, processes and procedures should be in place for a situation where a key attendee (such as Mayor, Chair, Councillor or CEO) loses connection if they are attending a meeting electronically. Including who will take the role of chair, assessing validity of a quorum and virtual recognition of a vote.

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.
- (3) It should be noted that under section 61(6A) of the LG Act, for the purposes of these meetings, a Councillor present by electronic means of communication is deemed present for the purposes of a quorum. Council should consider the situation of technical difficulties.

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*

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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.

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- (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.

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- (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.

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- (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.

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- (2) At each meeting, where there is an opportunity for members of the public to ask questions of the Council. If the meeting is to be held in a single electronic or hybrid/parallel format, then the general public will follow the set procedures to submit a question or petition.
 - (a) by phone through a speaker broadcast to Council; or
 - (b) by an electronic audio-visual link connected to the meeting.
- (3) All such questions must be received in writing on the prescribed form as outlined on Council's website.
- (4) 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.
- (5) 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.
- (6) If the CEO determines that a question will not be read to the meeting, then the CEO must:
 - (c) advise the meeting accordingly; and
 - (d) make the question available to Councillors upon request.
- (7) The CEO must read to the meeting the name of the person who has submitted a question.
- (8) 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.
- (9) No debate on or discussion of a question or an answer will be permitted other than for the purposes of clarification.
- (10) 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).
- (11) 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.

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- (12) No responses will be provided or recorded to questions that were not accepted under sub rule (4).
- (13) An individual is limited to a maximum of two questions at any one Council Meeting.
- (14) A maximum of two questions may be asked about any single topic at the Council Meeting.
- (15) Question time at a Council Meeting will be limited in duration and will not exceed 30 minutes.
- (16) 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.

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- (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

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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.

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- (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.

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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.

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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.

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- (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.

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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

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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;

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- (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.

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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.

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PROCEDURAL MOTIONS

2.6.25 Procedural Motion Table

Motion	Form	Mover/ Seconder	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

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Motion	Form	Mover/ Seconder	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

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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 [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).

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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.

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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.

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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.

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- (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)”.

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- (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).

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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.

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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.

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- (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.

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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.

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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.

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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;

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- (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.

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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.

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- (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.

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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.

Governance Rules

OFFICIAL

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.

Governance Rules

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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.

Governance Rules

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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.

Governance Rules

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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.

10 Council Information

10.1 Notes of Appreciation

The following have been received:

- Close the Loop – thank you for being part of the circular economy. Campaspe Shire Council recycled 4.72kg of toner cartridges between 01/04/2022 to 30/6/2022.
- Rotary Club of Rochester Inc. - thank you for the generous donation towards the cost of fuel to take collected donations to flood effected communities of Woodburn, Coraki and Broadwater.

The trip was very worthwhile – the residents of Woodburn were amazed and very thankful that a small community in Victoria would collect essential items and then travel to deliver them.

- Christina Olsen, Tongala - *thank you so much for such an amazing night on 6 July when completing Australia Citizenship, everything was beyond what I thought it was going to be. My sincere thanks for creating such a beautiful moment in my new chapter.*
- Wayne McInnes, Echuca – *thank you once again to the Shire team for mowing the reserve in Wisteria Street, Echuca. Your efforts are very much appreciated.*
- Echuca Urban Fire Brigade – thank you for the prompt response to a works request submitted to repair the bitumen at the entrance to the Echuca Fire Station. The request was submitted on Wednesday, 6 July and repairs completed on Monday, 11 July.

“Council staff don’t get thanked very often and I believe the crew should be thanked for a job well done. On behalf of the Echuca Brigade, thank you.”

- Mary Knight – *“thank you for the prompt and professional removal of my fruit fly infected orange tree. I am very grateful for the service provided to me as a ratepayer.”*
- Rochester Historical & Pioneer Society Inc. - thank you for the annual contribution provided, the funds will be used towards the restoration of part of the 1926 building.

“The Society members and volunteers greatly appreciate the support received from the Campaspe Shire Council.”

Moved by Cr Amos

Seconded by Cr Mackrell

That Council acknowledge the notes of appreciation as listed.

CARRIED

10.2 Responsive Grants Program

Division: Community

That Council note one successful application to the Responsive Grants Program.

Moved by Cr Weston

Seconded by Cr Mackrell

That Council note that the following application was approved in accordance with the Responsive Grants Program criteria:

- 1. Stanhope & District Development Committee Inc. the amount of \$450 towards the cost of catering and venue hire for the Stanhope Farmers Day to be held at the Stanhope Senior Citizens Clubrooms on 29 July 2022.**

CARRIED

10.3 Quarter 4 Council Plan Actions

Division: Corporate

This report provides an update on the implementation of the actions funded under the adopted 21/22 Budget and listed as Year 1 actions in the Council Plan, to support the delivery of the Vision 'Our places are vibrant and sustainable, our people are supportive'. The range of initiatives reflect the diverse services that Council provide to the community. Progress in relation to the implementation of these initiatives are reported quarterly. This report provides a status of the initiatives at the end of quarter four, June 2022.

Moved by Cr Pentreath

Seconded by Cr Amos

That Council note the progress towards the initiatives contained in the adopted 2021/22 Budget and Year 1 actions of the Council Plan, supporting implementation of Council's Vision.

Key highlights included:

- Council received \$322,500 for the Integrated Water Management funded element of the Aquatic Reserve Project.**
- Approximately 1200 trees were planted in open spaces.**
- Completed 1328 metres of missing links footpath renewal.**
- Workforce Plan and Annual Training Plan were developed.**
- Free wi-fi provided at Council facilities including the Port of Echuca Discovery Centre.**

CARRIED

10.4 Quarter 4 Capital Works Program Update

Division: Infrastructure

This report presents an overview of progress of the annual Capital Works Program (2021/22) as of 30 June 2022.

Moved by Cr Weston

Seconded by Cr Pentreath

That Council note the Quarter 4 update on the 2021/22 Capital Works Program including:

- At the close of the 21/22 financial year \$28.2m had been spent as part of the Capital Works Program.
- With the inclusion of genuine savings, the delivery overall represents 85% of target spend.
- Unspent target funds totalled \$9.2m, which consisted of \$5.6m in carry overs and \$3.6m in multiyear projects.

CARRIED

11 Petitions and Letters

Nil received.

12 Notices of Motion

Nil received.

13 Urgent Business

Nil received.

14 Confidential Business

Nil received.

15 Close Meeting

There being no further business, the Deputy Mayor closed the meeting at 6:43pm.

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CR COLLEEN GATES

DEPUTY MAYOR