



# **CAMPASPE SHIRE COUNCIL GOVERNANCE RULES**

**DRAFT – 2025 REVIEW**

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Appendix 1 – Election Period Policy  
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## Authorisation

The Campaspe Shire Council Governance Rules were adopted by Council on 18 April 2023.

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## 1. Governance Overview and Decision Making

### 1.1 Introduction

- (1) These are the Governance Rules of the Campaspe Shire Council ("Council"), made in accordance with section 60 of the Local Government Act 2020 (Vic) ("the Act") and should be read in the context of and in conjunction with the overarching governance principles and the supporting principles specified in sections 9(2) and (3) of the Act.
- (2) These Rules should also be considered in conjunction with: -
  - a) the Councillor Code of Conduct;
  - b) Council's Risk Management Framework; and
  - c) Council's policies.
- (3) These Rules will commence on the date they are adopted by Council as evidenced by a formal Council Resolution and have no cessation date.
- (4) These Rules will be reviewed once every four years or earlier if required.

### 1.2 Definitions

- (1) In these Governance Rules:

Words and Phrases	Meaning
Abstain	means where a Councillor declines to vote either for or against a Motion. Abstaining can be indicated by either verbally stating that they are abstaining or not raising their hand to vote.
the Act	means the <i>Local Government Act 2020 (Vic)</i> .
Agenda	means a document containing notice of a meeting, a list of business to be transacted at the meeting and can include Business Papers.
Authorised Officer	means a person appointed by Council under section 224 of the <i>Local Government Act 1989</i> .
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 person who chairs a meeting and includes an acting, a temporary or a substitute Chairperson.
CEO	means the Chief Executive Officer appointed by Council (includes an Acting or Interim Chief Executive Officer).
Community Asset Committee	means a Community Asset Committee established under section 65 of the Act.
Council	means Campaspe Shire Council.

# Governance Rules

Words and Phrases	Meaning
Council Chamber	means the place where a Council Meeting is held.
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 attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance).
Councillor	means a Councillor of Council.
Chair	means the Chairperson of a meeting and includes an acting, temporary or substitute Chairperson.
Customer Service Centre	means Council's physical offices as provided on Council's website.
Delegate	means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation.
Delegated Committee	means a Delegated Committee established under section 63 of the Act.
Delegated Committee Meeting	means a meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled meeting 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).
Delegate Report	means a Report completed by a Delegate.
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.
Hybrid Meeting	means a method of attendance at a meeting whereby attendance is a combination of both in person attendees and attendees attending via electronic means of communication (also includes parallel).
Mayor	means the Mayor of Council elected in accordance with section 25 of the Act.
Minutes	means the record of proceedings of a meeting.
Motion	means a proposal made for the purpose of obtaining a decision or Resolution of Council.
Notice of Motion	means a notice in setting out the text of a Motion.
Notice of Rescission	means a Notice of Motion to rescind a Resolution made by Council.
Order of Business	means the order in which business is listed on the Agenda.

# Governance Rules

Words and Phrases	Meaning
Quorum	means, in accordance with section 61(4) of the Act, an absolute majority. In accordance with section 61(7) of the Act, an absolute majority means the number of Councillors which is greater than half the total number of Councillors of a Council.
Report	means a report to Council prepared by an Officer or Delegate with Business Papers.
Requires a Decision	means those business items listed under the Agenda headings of: - <ul style="list-style-type: none"> <li>• Responsible Authority Decisions,</li> <li>• Planning Authority Decisions,</li> <li>• Council Decisions,</li> <li>• Urgent Business,</li> <li>• Notices of Motion.</li> </ul>
Resolution	means, in accordance with section 59(1) of the Act: <i>Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council.</i>
Submitter	means a person or person who represents 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.
Submission	means information, opinion or submissions being presented by a Submitter for the purposes of being heard by Council.
these Rules	means these Governance Rules.
Unscheduled Meeting	means a meeting of the Council convened for a particular purpose that cannot be dealt with in the annual schedule of Council Meetings set by Council.
Visitor	means any person other than a Councillor or member of Council staff present at a Meeting.
Virtual Meeting	means a meeting whereby the method of attendance by all attendees is via electronic means of communication.
Written or in Writing	means recorded information (includes duplicates, lithographs, photocopies, photographs, facsimiles, printed, handwritten, typed, or emailed).

## 1.3 Purpose

- (1) These Rules determine the way in which Council will make decisions in the best interests of the community.
- (2) Council is committed to transparency in decision making.
- (3) In accordance with section 60 of the Act, Council must develop, adopt and keep Governance Rules for or with respect to following:
  - (a) the conduct of Council Meetings and Committee Meetings, including holding such meetings by electronic means of communication;
  - (b) requesting and approval of attendance at Council Meetings and Committee Meetings by electronic means of communication;
  - (c) the form and availability of meeting records;
  - (d) the election of the Mayor and Deputy Mayor;
  - (e) the appointment of an Acting Mayor;
  - (f) procedures for the disclosure of a conflict of interest by a Councillor or member of a Delegated Committee in accordance with section 130 of the Act;
  - (g) the procedures for the disclosure of a conflict of interest by a Councillor under section 131 of the Act;
  - (h) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1) of the Act; and
  - (i) the Election Period Policy in accordance with section 69 of the Act.

## 1.4 Decision making

- (1) In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and make a decision:
  - (a) fairly and on the merits;
  - (b) by giving consideration and making a decision which is balanced, ethical and impartial;
  - (c) free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations; and
  - (d) applying due process and adhering to the principals of natural justice in decision making for any person whose rights are affected.
- (2) Without limiting anything in sub-rule (1):
  - (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: -
    - i. identify the person or persons whose rights will be Directly Affected;
    - ii. give notice of the decision which Council must make to such person or persons; and

- iii. 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 member of Council staff proposes to make a decision under delegation that will directly affect the rights of a person or persons, the member of Council staff must complete a Report. The Report must record that notice of the decision to be made was given to such person or persons and such person or persons were provided with an opportunity to communicate their view and their interests considered.

## 2. Meeting Procedure for Council Meetings

### 2.1 Council Meetings and Agendas

#### 2.1.1 Date, Time and Place of Council Meetings

- (1) At or before the last Council Meeting each calendar year, Council will fix the dates, times and places of Council Meetings for the following calendar year.
- (2) At or before the last Council Meeting each calendar year, Council must fix the date and time for all scheduled Council Meetings for the following calendar year.
- (3) The date, time and place of all Council Meetings are to be made available to the public.
- (4) The CEO, following consultation with the Mayor or Council by Resolution, 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.
- (5) For the purpose of sub-rules (3) and (4), notice provided on Council's website is sufficient for providing notice to the public.

#### 2.1.2 Unscheduled Meetings

- (1) An Unscheduled Meeting can only be called in the following ways: -
  - (a) at a Council Meeting, by Council Resolution;
  - (b) by the CEO, following consultation with the Mayor; or
  - (c) by the CEO upon receipt of a written notice requesting an Unscheduled Meeting from the Mayor or three Councillors.
- (2) A written notice or Resolution to call an Unscheduled Meeting must:
  - (a) specify the business to be transacted;
  - (b) specify a time and date for holding the Unscheduled Meeting that is no earlier than three business days after the date of the Resolution or the date the written notice is provided; and

- (c) specify the format of the Council Meeting which may be in-person, a Virtual Meeting or a Hybrid Meeting.
- (3) The CEO must determine the time and date for the Unscheduled Meeting, giving consideration to:
  - (a) the urgency of the business to be transacted;
  - (b) the availability of Councillors; and
  - (c) a reasonable notice period for a person or persons whose rights or interests may be Directly Affected by the business to be transacted.
- (4) The CEO must arrange for notice of the Unscheduled Meeting in accordance with Rule 2.1.3(10), (11) and (12) of these Rules.
- (5) Only the business specified in the Resolution, written notice, or CEO's Agenda may be considered at an Unscheduled Meeting.

## **2.1.3 Notice of Meetings**

- (1) A notice of a Council Meeting, that is not an Unscheduled Meeting, incorporating or accompanied by an Agenda to be dealt with and any relevant Reports, must be sent electronically to every Councillor for all Council Meetings, at least three business days before the Council Meeting.
- (2) The notice for any Council Meeting, including Unscheduled Meetings, must be sent to each Councillor's Council email address.
- (3) A notice of a Council Meeting will not 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 such notices during their absence.
- (4) A Councillor who has declared a conflict of interest in a particular matter will not receive any Reports that are not publicly available concerning that particular matter unless approved by the Mayor and CEO.
- (5) An Agenda for each Council Meeting, that is not an Unscheduled Meeting, will be made available on Council's website no less than 48 hours before the Council Meeting.
- (6) A schedule of Council Meetings must be prepared and published that ensures it is available to a broad section of the community, including on Council's website and available from Customer Service Centres.
- (7) Notice of an Unscheduled Meeting must be published on Council's website as soon as practicable after the time and date of the Unscheduled Meeting has been determined and not less than 24 hours before the Unscheduled Meeting.
- (8) A notice of an Unscheduled Meeting, incorporating or accompanied by an Agenda and Reports must be made available to every Councillor at least 48 hours before the Unscheduled Meeting. A period less than 48 hours may be allowed if exceptional circumstances exist.
- (9) An Agenda for an Unscheduled Meeting will be made available on Council's website no less than 24 hours before the Unscheduled Meeting.

## **2.1.4 Council Meetings Open to the Public and Live Streaming of Meetings**

- (1) In accordance with section 66(1) of the Act, all Council Meetings must be open to the public unless a Resolution is made to close the Council Meeting for one of the circumstances in section 66(2) of the Act.
- (2) All Council Meetings that are open to the public are livestreamed by Council and can be viewed via Council's website.
- (3) Community members may only participate in Council Meetings in accordance with rule 2.3.7 and 3 of these Rules.
- (4) If a Council Meeting is interrupted due to technical difficulties such as loss of audio, visual or livestreaming capabilities, the procedure in rule 2.1.8 of these Rules applies.
- (5) Recordings of Council Meetings will be retained and available to the public for viewing or listening for at least a period of 12 months from the date of the Council Meeting.
- (6) 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 Council Meeting so as not to cause embarrassment or increase liability exposure to members of the public or Council.
- (7) In circumstances where comments are made that may be considered defamatory, breach copyright, breach privacy or may be considered discriminatory, such comments may be edited from the available recorded version of the Council Meeting.
- (8) Ownership, including ownership of copyright in all material produced by Council, belongs to Council. Anything contained in a livestream, recording or any material produced by Council (including on Council's website) must not be edited, altered, reproduced or published without the permission of Council.
- (9) The livestreaming or recordings of Council Meetings are not the official record of the Council Meeting. The Minutes are the official record of Council Meetings.

## **2.1.5 Council Meetings Closed to the Public**

- (1) Council may resolve that a Council Meeting be closed to the public in accordance with section 66 of the Act if the Council Meeting:
  - (a) is to consider confidential information as defined in the Act;
  - (b) there are security reasons; or
  - (c) it is necessary to do so to enable the Council Meeting to proceed in an orderly manner.
- (2) A Council Meeting closed to the public for reasons in sub-rules (1)(b) and (c) above, will be livestreamed on Council's website.
- (3) If a Council Meeting is closed to the public, the reasons for the closure will be documented in the Minutes of the Council Meeting.

## **2.1.6 Format of Council Meeting**

- (1) All Council Meetings will be held in-person unless Council, by Resolution, or, the Mayor and CEO agree that a Council Meeting will be held as a Virtual Meeting or Hybrid Meeting.
- (2) Where the Council Meeting is held in person, attendance may be either in person or by electronic means, the Council Meeting then being a Hybrid Meeting.
- (3) Where the Council Meeting is a Virtual Meeting, only attendance via electronic means is allowed.

## **2.1.7 Attendance via electronic means**

- (1) In accordance with section 61(6A) of the Act, a Councillor may attend and be present at a Council Meeting by electronic means.
- (2) Councillors who wish to attend a Council Meeting via electronic means, must advise the Mayor and CEO in writing by 12:00pm (noon) the day of the Council Meeting to allow time for arrangements to be made.
- (3) If a Councillor attending a Council Meeting via electronic means is required to vote on an item, they may do so by either raising a virtual hand or physically raising their hand in view of the camera.
- (4) A member of Council staff required to attend a Council Meeting may also request to attend via electronic means by permission of the CEO.
- (5) It is the responsibility of any person attending a Council Meeting via electronic means to ensure: -
  - (a) that they can be seen and heard;
  - (b) that their electronic capabilities and connection is sufficient; and
  - (c) that their environment is suitable, including privacy when addressing confidential items.
- (4) For clarity, where a Councillor cannot be seen and heard, they will be treated as though they have left the Council Meeting and it will be recorded in the Minutes accordingly pursuant to rule 5.1(3)(o) of these Rules.
- (5) Where a confidential item is being addressed at a Council Meeting, a Councillor attending via electronic means must verbally declare that they are in a secure and confidential setting at the beginning of the confidential items portion of the Council Meeting.

## **2.1.8 Technical difficulties**

- (1) If a Council Meeting's livestreaming or recording capabilities are interrupted due to technical difficulties, the following shall apply: -
  - (a) a Councillor, the CEO or member of Council staff may bring this to the attention of the Chair.
  - (b) the Council Meeting will be adjourned until such a time as the technical difficulties are resolved.
  - (c) if technical difficulties continue for more than 30 minutes, the Council Meeting will be adjourned until a date that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment.

- (d) any decisions or discussions that take place during a time of a loss of audio, visual or livestreaming or recording capabilities are not rendered invalid. On the resumption of the livestreaming and/or recording, the Chair will provide a recap of the decisions made during that time for the purposes of transparency and accuracy of public record.
- (2) If the Chair experiences technical difficulties that result in a loss of connection, the following shall apply: -
  - (a) a Councillor, the CEO or member of Council staff may bring this to the attention of the Deputy Mayor or the CEO.
  - (b) the Deputy Mayor, or if the Deputy Mayor is not present, the CEO will take the Chair and adjourn the Council Meeting until such a time as the disconnected Chair re-establishes connection, who will then rejoin the Council Meeting and resume as Chair.
  - (c) if technical difficulties continue for more than 10 minutes: -
    - i. where the Deputy Mayor is present, the Deputy Mayor will remain Chair and resume the Council Meeting provided a Quorum can still be achieved; or
    - ii. where the Deputy Mayor is not present, the CEO will remain Chair to facilitate the election of another Chair in accordance with rule 2.5.2(3) and (4) of these Rules provided a Quorum can still be achieved.
  - (d) if a Quorum cannot be achieved, the Council Meeting will be adjourned until a date and time that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment.
- (3) If a Councillor experiences technical difficulties that result in a loss of connection, the following shall apply: -
  - (a) a Councillor, the CEO or member of Council staff may bring this to the attention of the Chair.
  - (b) the Council Meeting will be adjourned until such a time as the connection is re-established for no longer than 10 minutes.
  - (c) if the connection is unable to be re-established, the Council Meeting shall resume in the absence of that Councillor provided that a Quorum is achieved.
  - (d) if a Quorum cannot be achieved, the Council Meeting will be adjourned until a date that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment.
  - (e) if a Councillor voted on a matter but the vote was not captured due to loss of connection, the vote is not counted and that Councillor will be recorded in the Minutes as not present for the vote.
  - (f) if a Councillor re-establishes connection after the Council Meeting has resumed pursuant to sub-rule (c), it is to be treated as though they have returned to the Council Meeting.
- (4) If the CEO, or member of Council staff authorised by the CEO to take Minutes in accordance with rule 5.1(1) of these Rules, experiences technical difficulties that result in a loss of connection the following shall apply: -
  - (a) a Councillor, the CEO or member of Council staff may bring this to the attention of the Chair.
  - (b) the Council Meeting will be adjourned and resumed until such a time as the technical difficulties are resolved or another member of Council staff is authorised to take the Minutes in accordance with rule 5.1(1) of these Rules.
  - (c) if technical difficulties continue for more than 30 minutes, the Council Meeting will be adjourned until a date that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment.
- (5) If a member of Council staff or anyone else required to attend a Council Meeting who

is attending by electronic means, loses connection the following shall apply: -

- (a) a Councillor, the CEO or a member of Council staff may bring this to the attention of the Chair.
  - (b) the Council Meeting will be adjourned until such a time as the connection is re-established for no longer than 10 minutes.
  - (c) if the connection is unable to be re-established, the Council Meeting shall resume and the Chair may use their discretion as to whether or not the loss of connection should result in a further adjournment.
- (6) If technical difficulties for any of the sub-rules above do not result in loss of connection but do result in loss of audio, visual or an interrupted ability to understand the proceedings of the Council Meeting or an interrupted ability to communicate to the Council Meeting effectively, then it shall be treated as a loss of connection.

## 2.2 Quorum

### 2.2.1 Requirements

- (1) A Council Meeting cannot commence, resume or continue without an absolute majority of the total number of Councillors holding office being present, forming a Quorum.
- (2) It is noted that pursuant to section 61(5)(e) of the Act, a Councillor present at the Council Meeting who does not vote is taken to have voted against the question.
- (3) It is noted that under section 61(6A) of the Act, for the purposes of a Council Meeting, a Councillor present by electronic means of communication is deemed present for the purposes of a Quorum.
- (4) If a Quorum is not achieved within 30 minutes of the time appointed for the commencement of any Council Meeting, then the Council Meeting is lapsed pursuant to rule 2.5.34 of these Rules.
- (5) If during any Council Meeting a Quorum cannot be maintained, the CEO may adjourn the Council Meeting to a date that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment with the exception to the circumstances set out in Rules 2.2.2 and 2.2.3 of these Rules.

### 2.2.2 Inability to maintain a Quorum due to declared conflicts of interests

- (1) If during any Council 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 a conflict of interest in a decision in regards to a matter, Council must consider whether the decision can be made in an alternative manner as outlined in section 67(3) of the Act.
- (2) If Council is unable to use an alternative manner, then Council must establish a Delegated Committee to make the decision in accordance with section 67(4) of the Act. [\[See Appendix 4\]](#)

### 2.2.3 Inability to Maintain a Quorum due to abstaining from voting

- (1) If during any Council Meeting it becomes apparent to the Chair a Quorum cannot be maintained in relation to a Council Decision, due to the number of Councillors that have elected to Abstain from voting and leave the Council Meeting, Council must

establish a Delegated Committee in accordance with section 63 of the Act to make that decision.

## 2.3 Business of a Meeting

### 2.3.1 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 where possible.
- (2) Notwithstanding sub-rule (1), generally, the Order of Business will be as follows, with items grouped within their respective directorates where possible: -
  - (a) Open and Welcome
  - (b) Acknowledgement of Country and opening prayer
  - (c) Apologies and Requests for Leave of Absence
  - (d) Confirmation of Minutes and Attachments
  - (e) Disclosure of Conflicts of Interest
  - (f) Changes to the Order of Business
  - (g) Public Question Time
  - (h) Petitions/Joint Letters
  - ~~(i)~~ (i) Acknowledgements/Councillor Reports
  - ~~(j)~~ (j) Notes of Appreciation
  - ~~(j)~~ (k) Council Decisions (including Responsible Authority Decisions, Planning Authority Decisions and Council Information)
  - ~~(k)~~ (l) Notices of Motion (including Notices of Rescission)
  - ~~(l)~~ (m) Urgent Business
  - ~~(m)~~ (n) Confidential Business
  - ~~(n)~~ (o) 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 other item heading on the Agenda that they believe should be considered by Council after consulting the Mayor.

### 2.3.2 Changes to the Order of Business

- (1) Once an Agenda has been published on the Council website, the Order of Business for that Council Meeting may only be altered as follows: -
  - a) by the CEO prior to the commencement of the Council Meeting following consultation with the Mayor. Where the alteration occurs after the Agenda has been distributed to the public the alteration must be communicated to the Chair

to explain the alteration at the Council Meeting under “changes to Order of Business”; or

- b) by the Chair during the Council Meeting; or
- c) by Resolution of the Council during the Council Meeting.

- (2) A change to the Order of Business after distribution of the Agenda to the public will be recorded in the Minutes of that Council Meeting.

### **2.3.3 Additional Items**

- (1) The CEO may approve an additional item for consideration to be included in an Agenda that has already been distributed where:-
  - (a) rule 2.3.13 of these Rules does not apply;
  - (b) the CEO has consulted with the Mayor; and
  - (c) the CEO reasonably believes that there are exceptional circumstances that require inclusion of the item at that Council Meeting.
- (2) Notice must be provided to Councillors of the additional Agenda item including the item content and relevant Report (if applicable) to the Councillor’s Council email address as soon as practicable.

### **2.3.4 Leave of Absences and Apologies**

- (1) Where a Councillor has a planned period of leave or absence, that Councillor should apply for a leave of absence by written notification to the Mayor.
- (2) The Mayor will provide any leave of absence request received to the CEO for inclusion in the Agenda of the next Council Meeting.
- (3) A leave of absence not included in an Agenda may still be considered by Council if a written request has been received by the Mayor prior to the Council Meeting.
- (4) Council will not unreasonably withhold its approval of a leave of absence.
- (5) Once the application for leave is tendered, the Council will consider a Motion to grant a leave of absence.
- (6) Where a Councillor has submitted a leave of absence which is approved, then that Councillor will be noted in the Minutes as not present due to leave of absence granted.
- (7) Where a leave of absence has not been approved and a Councillor is unable to attend a Council Meeting, they must notify the CEO of their apology, reason for doing so and request their apology be noted at the Meeting no later than 12:00pm (noon) on the day of the Council Meeting.
- (8) If any apologies for that Council Meeting are tendered by CEO, Council will consider a Motion to accept the apologies. The relevant Councillors will be noted in the Minutes for that Council Meeting as an apology.
- (9) Where a Councillor is not in attendance at a Council Meeting and a leave of absence has not been approved or apology submitted in accordance with these Rules, then that Councillor will be noted in the Minutes for that Council Meeting as absent.

- (10) In accordance with section 35(1)(e) of the Act, a Councillor will cease to hold the office of Councillor if absent from Council Meetings for a period of four consecutive months without leave being obtained from the Council.

## **2.3.5 Councillor acknowledgments and Councillor reports**

- (1) At each Council Meeting, other than an Unscheduled Meeting, Councillors will have the opportunity to: -
- a) 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;
  - b) report on any meetings, conferences or events that they have recently attended; or
  - c) report on any matters or progress in relation to a Delegated Committee they are part of
- (2) The duration of any acknowledgement or report from a Councillor will be limited to two minutes.
- (3) The CEO must be notified of any acknowledgment or report to be raised by a Councillor at a Council Meeting at least three hours before the commencement of the Council Meeting.

## **2.3.6 Notes of appreciation**

The Chief Executive Officer may present a report acknowledging notes of appreciation from the community.

## **~~2.3.6~~ 2.3.7 Reports**

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

## **~~2.3.7~~ 2.3.8 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 are a way for the community to formally bring a matter of concern to Council's attention.
- (3) A petition or joint letter must:
- (a) be in legible and permanent type/writing;
  - (b) identify Council 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 (3)(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) or joint letter, together with the name of the organisation/group they represent if the petition or joint letter is submitted on behalf of an organisation or group; and
  - (i) contain the full name, physical address and signature of at least ten (10) people.
- (4) An electronic or online petition must be in accordance with sub-rule (3) of these Governance Rules, except sub-rule (3)(f) and (3)(g).
- (5) For the purpose of compliance with sub-rule (3)(i) an electronic or online petition, only requires the name and physical address of each person supporting the petition.
- (6) If no person is nominated or is the obvious intended nominated person pursuant to sub-rule (3)(h), Council may reply to the first signatory which appears on the petition.
- (7) Petitions and joint letters received by Councillors or member of Council staff must be lodged with the CEO ~~as soon as possible after received~~ no later than 12pm six business days prior to the date of the Council Meeting for inclusion in the Agenda of ~~a Council Meeting~~ the meeting, unless;
- (a) the matter which is the subject of the petition or joint letter has been acted upon within the last 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.
- (8) Any petition or joint letter where sub-rule (7) applies, will receive a response to the nominated contact 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.
- (9) Any petitions or joint letters that the CEO has determined do not comply with these Rules will not be tabled at a Council Meeting.
- (10) Where a petition or joint letter is compliant with these Rules: -
- (a) it will be ~~tabled~~ included in the Agenda-at the next available Council Meeting where the Order of Business allows ~~in accordance with (7) and that is not less than three business days from receipt of the petition or joint letter.~~
  - (b) A motion to receive a petition is a procedural motion in accordance with 2.5.20.
    - In a motion to receive a petition or joint letter, Council may only resolve to
      - receive the petition or joint letter and
      - refer the matter for a Report or appropriate action as required to the next appropriate Council Meeting, unless the Council agrees to deal with it earlier.
  - ~~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 Council Meeting, unless the Council agrees to deal with it earlier.~~
  - (c) Every petition and joint letter that has nine or less signatures will be forwarded directly to the appropriate member of staff for action as an operational item.
  - (d) The Agenda of the relevant Council Meeting will include a copy of the petition with personal information redacted and the number of petitioners clearly noted on the front page.
  - (a) The Minutes of the relevant Council Meeting will include a copy of the petition with

personal information redacted.

## 2.3.82.3.9 Public Question Time

- (1) Question time will be available at a Council Meeting, except for an Unscheduled Meeting, to enable members of the public to address questions to Council.
- (2) All questions must: -
  - (a) be received in writing on either of the prescribed forms as outlined on Council's website.
  - (b) must be received no later than 12:00pm (noon) on the day before the Council Meeting.

The Chief Executive Officer has discretion to accept public questions in other written formats.
- (3) (e) No question may be dealt with unless the questioner (or a nominated representative) is present at the Scheduled Council Meeting at which the question is to be asked.
- (4) A person submitting a question may request to attend the relevant Council Meeting by electronic means while their question is being read, answered and for any questions. This request must: -
  - (a) be made in writing and include the reason for the request;
  - (b) be submitted by email ~~to~~ or by providing it to one of Council's Customer Service Centres; and
  - (c) include the full name and contact details of the person submitting the request and refer to the question being asked.
- (5) The CEO must advise the person submitting the question if they can attend the Council Meeting electronically and if so, advise of any relevant details.
- (6) A question will only be read to the Council Meeting if the CEO has determined that the question:
  - (a) does not relate to a matter containing confidential information as defined in the Act;
  - (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 Council Meeting); and
  - (e) is not asked to embarrass a Councillor or member of Council staff.
- (7) Only genuine questions are to be considered at a Council Meeting. The CEO has the discretion to exclude preambles and statements submitted with a question where this does not change the meaning of the question.
- (8) If the CEO determines that a question will be read at a Council Meeting then the CEO will: -
  - (a) Read the name of the person who has submitted the question;

- (b) read the text of the question;
  - (c) either seek a response from the relevant department or member of Council staff prior to the Council Meeting and read the answer provided or, direct that question to be answered by a nominated Councillor or member of Council staff at the Council Meeting.
- (9) If the CEO determines that a question will not be read to the Council Meeting, then the CEO must:
  - (a) advise the person who submitted the question that the question will not be read at the Council Meeting and the reason why; and
  - (b) advise the Councillors of a question received and make the question available to Councillors upon request.
- (10) No debate on or discussion of a question or an answer will be permitted other than for the purposes of clarification.
- (11) 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 (if they are in attendance at the Council Meeting);
  - (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 10 working days following the Council Meeting (the question thereby being taken on notice).
- (12) An individual is limited to a maximum of two questions at any one Council Meeting.
- (13) A maximum of two questions may be asked about any single topic at the Council Meeting.
- (14) Question time at a Council Meeting will be limited in duration and will not exceed 30 minutes.
- (15) The question read and answer provided will be included in the Minutes of that Council Meeting.

## **2.3.92.3.10 Notices of Motion**

- (1) A Councillor may submit a Notice of Motion to the CEO for inclusion in the Agenda for a Council Meeting.
- (2) A maximum of three Notices of Motion can be submitted per Councillor per Council Meeting.
- (3) 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 10 business days before the Council Meeting at which it is intended to be considered.
- (4) A Notice of Motion will not be accepted for consideration at an Unscheduled Meeting.
- (5) 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 expenditure not identified in the adopted budget and that cannot be accommodated 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.
- (6) 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 Notices of Rescission.
- (7) If a Notice of Motion is considered by the CEO to not meet the requirements of sub-rule (5) the CEO must notify the Councillor who delivered the Notice of Motion of 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 (5).
- (8) 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.
- (9) Except by leave of the Council, Notices of Motion before a Council Meeting will be considered in the order in which they were received.
- (10) If a Councillor who has given a Notice of Motion is absent from the Council Meeting or fails to move the Motion when called upon by the Chair, any other Councillor may move the Motion.
- (11) 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.
- (12) Another Councillor can put forward an amendment for consideration, which must be dealt with in accordance with Rules 2.5.12, 2.5.13 and 2.5.14 of these Rules.
- (13) Where a Notice of Motion is approved by the CEO a copy of that Notice of Motion will be distributed by the CEO to all Councillors at the earliest opportunity.
- (14) A Notice of Motion cannot be submitted in relation to a matter that was the subject of a Notice of Rescission within three calendar months of the Notice of Rescission having been considered by Council.

## **2.3.10 2.3.11 Lost Motion**

- (1) 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 calendar months from the date it was lost.

## **2.3.11 2.3.12 Lapsed Motion**

- (1) A Notice of Motion lapses where: -
  - (a) the motion is not moved; or
  - (b) the motion is moved but not seconded.
- (2) A lapsed Notice of Motion may be resubmitted with the CEO for consideration pursuant to rule 2.3.9 of these Rules.

## ~~2.3.12~~**2.3.13 Notice of Rescission**

- ~~(1)~~ A Councillor may propose a Motion to rescind a decision of Council provided the previous Resolution, the subject of the Notice of Rescission, has not been acted on.
- ~~(2)~~ A motion for rescission is not required where Council wishes to change policy.
- ~~(1)(3)~~ An actual Notice of Rescission 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 Motion to rescind is included in the Agenda; and
  - (c) if it is a second or subsequent Notice of Motion to rescind an earlier Resolution, must not be accepted by the CEO until a period of three months has elapsed since the date of the Council Meeting at which the Notice of Motion of rescission was dealt with.
- ~~(2)(4)~~ Once a Notice of Motion to rescind has been received by the CEO, no further action is to be taken on the Resolution that is the subject of the Notice of Motion to rescind.
- ~~(3)(5)~~ Any Councillor providing a Notice of Motion to rescind is required to provide written justification that must include one of the following: -
  - (a) that the vote may not have accurately reflected the opinion held by the Council 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.
- ~~(4)(6)~~ A Notice of Motion of rescission must include the written endorsement of at least two other Councillors.
- ~~(5)(7)~~ The CEO will inform the Councillor in writing whether the Notice of Motion of rescission has been accepted or not, and if not, advise the Councillor why not, and then advise the Mayor and the Councillors at the earliest opportunity.
- ~~(6)(8)~~ If the Notice of Motion of rescission has been accepted, it must be listed on the Agenda of the next available Council Meeting.

## ~~2.3.13~~**2.3.14 Urgent Business**

- (1) If the Agenda for a Council Meeting makes provision for urgent business, business can be admitted as urgent business by Resolution of Council provided that: -

- (a) it relates to or arises out of a matter which has arisen since distribution of the Agenda;
  - (b) cannot reasonably be deferred to the next Council Meeting as the delay would be detrimental to effect of the decision;
  - (c) it involves a matter of urgency as determined by the CEO; and
  - (d) it is a matter that cannot be addressed through an operational service request process.
- (2) An item of urgent business must not:
  - (a) substantially affect the levels of Council service;
  - (b) commit Council to significant expenditure not included in the adopted budget;
  - (c) establish or amend Council policy;
  - (d) commit Council to any contractual arrangement;
  - (e) require, the giving of prior notice in a policy; 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 3:00pm 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.

## **2.3.14 2.3.15 Time Limit for Meetings**

- (1) A Council Meeting must not continue after three 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 Council 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 (2) and (3), or in the event there is further business to be transacted at the completion of two extensions, the Council Meeting must be adjourned to a time and date resolved by Council that is as soon as reasonably practicable and within the next 14 days.
- (6) Notwithstanding sub-rule (5), the Chair may seek leave of the Council not to adjourn the Council 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 under sub-rule (5), the CEO must give such notice to each Councillor, including the remaining business to be considered, within three business days of the adjournment.

## 2.4 Addressing the Council Meeting

- (1) Any Councillor or person who addresses a Council Meeting must direct all remarks through the Chair.
- (2) The Chair may address a Council Meeting, however, if the Chair wishes to move any Motion or amendment, they 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:-
  - (a) Mayor (where the Mayor is the Chair);
  - (b) Chair; or
  - (c) Chairperson.
- (4) The Chair of the Council Meeting may advise the Councillors and staff of their naming preference.
- (5) Councillors must be addressed as "Councillor [surname]".
- ~~(6)~~ The CEO must be addressed as CEO unless otherwise stipulated by the CEO.
- ~~(6)(7)~~ Any other Council staff must be addressed by their title unless otherwise stipulated by the CEO.

## 2.5 Council Meeting Procedures

### 2.5.1 Role of the Chair

- (1) The Chair must facilitate an orderly, respectful, transparent and constructive Council Meeting by ensuring that all Councillors have the opportunity to be heard, matters are adequately discussed, Council Meeting procedures are followed, 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 in these Rules.

### 2.5.2 Mayor to take the Chair

- (1) The Mayor must take the Chair at all Council Meetings at which they are present.
- (2) If the Mayor is not in attendance or vacates the Chair at a Council Meeting (including due to technical difficulties), the Deputy Mayor must take the Chair.
- (3) If the Mayor and Deputy Mayor are not in attendance at a Council Meeting or both have the vacated Chair (including due to technical difficulties), then Council must elect one of the Councillors present as Chair for the Council Meeting.

- (4) To elect one of the Councillors in accordance with sub-rule (3), the CEO will take the Chair for the purposes of facilitating the election. The election process will be as follows: -
- (a) the CEO will invite nominations for the Chair;
  - (b) any Councillor can be nominated or make a nomination;
  - (c) any Councillor nominated to take the Chair may refuse nomination;
  - (d) if only one Councillor is nominated then that Councillor is elected Chair;
  - (e) if more than one nomination is received then the Councillors shall vote by show of hands and the Councillor with the absolute majority of the votes is elected Chair;
  - (f) if an absolute majority cannot be obtained then the CEO will elect the Chair from the nominated Councillors who received the equal amount of highest votes; and
  - (g) once a Councillor is elected Chair, the CEO will vacate the Chair and the elected Councillor will take the Chair.

## **2.5.3 The Chair's Duties and Discretions**

- (1) In addition to the specific duties and discretions provided in these Rules: -
- (a) The Chair must not accept any Motion, question or statement which is:
    - i) defamatory;
    - ii) objectionable in language or nature;
    - iii) is vague or unclear in its intention;
    - iv) is outside the powers of Council;
    - 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 that person is disruptive and interferes with the conduct of the business of Council.

## **2.5.4 Voting**

- (1) To determine a Motion that is put before a Council 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 Council Meeting.
- (2) Voting on any Motion will be by show of hands.
- (3) Except that a Councillor may call a division, Councillors must remain seated in silence while a vote is being taken.
- (4) 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.
- (5) The Chair must declare the result of the vote, including a vote by division if called, as

soon as it is taken.

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

## **2.5.5 Abstaining from a Vote**

- (1) A Councillor who chooses to Abstain from a vote will be considered as having voted in the negative pursuant to section 61(5)(e) of the Act.
- (2) Where a Councillor abstained from a vote, it will be noted in Minutes.
- (3) Rule 2.5.5 does not apply where a Councillor doesn't vote due to having a conflict of interest, this is dealt with by rule 8.2 of these Rules.

## **2.5.6 Casting Vote**

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

## **2.5.7 Recording of Opposition of Motion**

- (1) Any Councillor may ask that their opposition to a Motion resolved by Council be recorded in the Minutes of that Council Meeting.

## **2.5.8 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 Council Meeting and take the Minutes) to read the question, Motion or amendment to the Council Meeting before the vote is taken.

## **2.5.9 Division**

- (1) Any Councillor may request a division on any vote.
- (2) The request must be made to the Chair either immediately prior to or immediately after the vote has been taken but cannot be called after the next item of business has commenced.
- (3) For the purpose of sub-rule (2) the next item of business has not commenced until the Chair has named the mover of the next item of business.
- (4) When a division is called in accordance with sub-rule (2), any vote already taken on the item must be set aside and voting in the division will decide the Motion or amendment.
- (5) Where a Councillor has abstained from the vote, they will be recorded as voting against the Motion.

- (6) When a division is called, the Chair will:
  - (a) advise Councillors that if they abstained from the vote then they will be recorded as voting against the Motion.
  - (b) 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; then
  - (c) 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; then
  - (d) ask each Councillor abstaining from voting to indicate that they are abstaining by raising a hand and the Chair must then state the names of those Councillors to be recorded in the Minutes; and
  - (e) announce the result of the division.
- (7) 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.

## **2.5.10 Motions in Writing**

- (1) All Motions, except procedural Motions, must be submitted in writing.
- (2) A Motion (and therefore a resolution) 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 and the details of any other conditions, limitations or other parties to be included when undertaking the action.
- (3) The Chair may adjourn a Council Meeting while a Motion is being written or may request Council to "lay the Motion on the table" (pausing debate), in accordance with rule 2.5.21 of these Rules, until the Motion has been written, allowing the Council Meeting to proceed uninterrupted.
- (4) If debate is paused, a procedural Motion is required to take a Motion from the table (resume debate) in accordance with rule 2.5.21 of these Rules.

## **2.5.11 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 to 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, declined or reserved their right to speak, the Chair must: -
  - i. call on any Councillor who wishes to speak against the Motion; then
  - ii. call on any Councillor who wishes to speak for the Motion; then
  - iii. alternate between for and against until all Councillors wishing to speak for or against the Motion have spoken; then
  - iv. call on any other Councillor who wishes to speak to the Motion; then
  - v. where the seconder has reserved their right to speak, ask the seconder if they wish to speak.
- until all Councillors have had the opportunity to speak to the Motion;
- (h) If no Councillor wishes to speak to the Motion, then the Chair must ask the mover if they wish to close in accordance with rule 2.5.12 of these Rules and then put the Motion to a vote.

- (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.

## **2.5.12 Closing the debate (right of reply or summary)**

- (1) Where a Motion has not been amended, once all Councillors have had the opportunity to speak to or debate the Motion, in accordance with rule 2.5.18 of these Rules, the Chair will ask the mover of a Motion if they would like to close debate.
- (2) The closing of debate is: -
  - (a) where at least one Councillor has spoken against the Motion – for the mover to exercise a right of reply to reply to matters raised during the debate; or
  - (b) where no Councillor has spoken against the Motion – for the mover to summarise matters raised relevant to that Motion
- (3) No new material or comments may be raised during the close of debate.
- (4) The mover of the Motion can choose not to close the debate and ask that the Chair take the matter to the vote.

## **2.5.13 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 rule 2.5.18 of these 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 they have spoken to the Motion, but debate must be confined to the terms of the amendment;
  - (c) any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the Motion or an amendment of it may be taken into consideration until the previous amendment has been dealt with and voted on;
  - (d) if the amendment is carried, the Motion as amended then becomes the Motion before the Council 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 amended 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.

## **2.5.14 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, they 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 amendments in succession, unless granted leave of Council, see rule 2.5.21 of these Rules.

## **2.5.15 An Amendment Once Carried**

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

## **2.5.16 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 Council 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 Council Meeting.
- (4) The Minutes of the Council Meeting will not include foreshadowed Motions unless the foreshadowed Motion is subsequently formally moved as a Motion.
- (5) Foreshadowed Motions must relate to the reports in the Council Meeting Agenda. Foreshadowed Motions cannot be made in relation to Notices of Motion dealt with in rule 2.3.1(1)(k) of these Rules.

## **2.5.17 Separation and Withdrawal of a Motion**

- (1) When a Motion or amendment contains more than one part, a Councillor may request the Chair, at any time before a vote is taken, separate the Motion so that: -
  - (a) the Motion is separated into parts where each part is spoken to/debated then voted on separately; or
  - (b) the Motion be spoken to/debated all together and then voted on in parts.
- (1) The Chair may refuse or allow such any request pursuant to sub-rule (1) at their discretion.
- (2) The Chair, at their discretion, may also decide to deal with any Motion in accordance with sub-rules (1)(a) or (b).
- (3) Before any Motion is put to the vote, it may be withdrawn by the leave of the Council, except for a Councillor Notice of Motion, which can only be withdrawn by the submitting Councillor.

## **2.5.18 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 that Motion.
- (2) 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.
- (3) 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.
- (4) Every Councillor must be afforded the opportunity to debate a Motion subject to rule 2.5.21 of these Rules.
- (5) A Motion has been sufficiently debated when the views of all Councillors have been represented.
- (6) 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.
- (7) Once the views put are representative of the views of all Councillors the debate would be regarded as sufficient.

- (8) At any time during the debate a Councillor may request through the Chair, that they ask a Councillor, the CEO or an officer directed by the CEO, a question for the purposes of clarification on the item only prior to debate of that item.

## 2.5.19 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 2.5.21 of these Rules.
- (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 Council Meeting, otherwise the item of business will lapse.
- (3) If an item of business is deferred, the item of business must be placed on the Agenda and included in the Reports of the Council 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 Council Meeting, the item of business will automatically lapse from the business of the Council.

## 2.5.20 Procedural Motion

- (1) A procedural Motion must be moved and seconded.
- (2) Unless otherwise prohibited, and subject to rule 2.5.25, a procedural Motion (other than a Notice of Motion or Notice of Rescission) may be moved at any time and must be dealt with immediately by the Chair.
- (3) A procedural Motion cannot be moved or seconded by the Chair.
- (4) 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 2.5.18(5) and 2.5.18(6) of these Rules.
- (5) Unless otherwise provided, debate on a procedural Motion is not permitted and the mover does not have a right of reply.
- (6) Unless otherwise provided a procedural Motion cannot be amended.

## 2.5.21 Procedural Motion Table

- (1) Regardless of any other provision in these Rules, a procedural Motion must be dealt with in accordance with the Procedural Motion Table appended as Appendix 2 to Rules.

## 2.5.22 When a Resolution has been Acted on

- (1) A Resolution, or part thereof, will be considered as having been acted on;
- (i) it has been formally communicated to a person whose interests are materially affected by it; or
- (ii) a statutory process has commenced so as to vest enforceable rights in, or obligations on, Council or any other person.
- ~~(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) where a statutory procedure has been commenced.~~

- (2) The CEO may initiate action or cause action to be initiated on any Council Resolution, or part thereof, at any time after the Council Meeting at which it was carried unless it is the subject of a notice of rescission, providing that deferring implementation of the resolution would not have the effect of depriving the resolution of efficacy..
- (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.

## 2.5.23 Speaking Order and Times

- (1) If a Motion is moved and seconded, then any Councillor who so desires may speak to the Motion in the order below for the following timeframes, unless granted an extension by Resolution of Council: -
  - (a) a mover of a Motion – five minutes;
  - (b) the seconder of a Motion – three minutes; or reserve their right to speak later;
  - (c) any other Councillor – two minutes;
  - (d) Secunder must exercise or forfeit reserved right (if they had reserved their right to speak later in the debate) – three minutes; and
  - (e) Closure of debate – two minutes
- (2) Once the mover has either closed the debate or forfeited their right to do so, the Motion must be immediately put to a vote without any further discussion or debate.
- (3) An extension of speaking time may be granted to a Councillor at the Chair's discretion.
- (4) Only one extension per Councillor is permitted for each item of business.
- (5) Any extension of speaking time must not exceed two minutes.

## 2.5.24 Interruptions and Interjections

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

## 2.5.25 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.

## 2.5.26 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 closing (exercising a right of reply or summary); or
  - (b) When a Councillor is raising a Point of Order.

## **2.5.27 Points of Order**

- (1) A point of order is taken when a Councillor draws the attention of the Chair to an alleged act, disorder or to a Councillor being out of order.
- (2) A Councillor may raise a point of order by stating “point of order” and briefly the matter which is the subject of the point of order and if related to these Rules by stating the relevant rule or Rules.
- (3) A point of order may be raised in relation to a matter that is:-
  - (a) Contrary to these Rules;
  - (b) Defamatory;
  - (c) Irrelevant;
  - (d) Outside Council’s power;
  - (e) Under judicial consideration;
  - (f) Not clearly understood and requires the Chairperson’s clarification;
  - (g) Improper, offensive, obscene, ambiguous or obscure; or
  - (h) Personally offensive to a Councillor or other person.
- (4) 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.
- (5) 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.
- (6) The expression of difference of opinion or to contradict a speaker is not considered a point of order.

## **2.5.28 Chair to Decide 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) The Chair may temporarily adjourn the Council Meeting to consider a point of order but must otherwise rule upon it as soon as it is raised.
- (3) All matters before the Council are to be suspended until the point of order is decided.
- (4) 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 Council Meeting move a Motion of dissent.

## **2.5.29 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) A substitute Chair for the purposes of sub-rule (1) will be decided in accordance with rules 2.5.2 (2), (3) and (4) of these Rules.
- (3) 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.
- (4) The ruling must be decided by a majority vote.
- (5) Once the vote has been conducted the initial Chair will preside for the remainder of the Council Meeting.

## 2.5.30 Disorderly Conduct

- (1) The conduct of Councillors and members of Delegated Committees is governed by the Act and the Councillor Code of Conduct.
- (2) The Chair may call a break in a Council Meeting for either a short time, or to resume another day if the behaviour by Councillors or people in attendance at the Council Meeting are significantly disruptive.
- (3) The break referred to in sub-rule (2) is an adjournment and must be conducted in accordance with rules 2.5.21 and 2.5.33 of these Rules.
- (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 remainder 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 Act, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the Council Meeting for a period of time or the remainder of the Council Meeting.
- (5) When Council suspends a Councillor under sub-rule (4)(a), or the Mayor directs a Councillor to leave the Council Meeting under sub-rule (4)(b), the Councillor will take no active part in the portion of the Council Meeting from which they have been suspended.
- (6) If a Councillor has been directed to leave in accordance with sub-rule (4)(b), the Minutes of the Council Meeting will record the time the Councillor left and if so allowed, the time the Councillor returned to the Council Meeting.
- (7) If a Councillor has been suspended from a Council Meeting or directed to leave in accordance with sub-rule (4) and refuses to leave the meeting the Chair may direct the CEO to ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

## 2.5.31 Suspension of Standing Orders

- (1) Standing orders are the Rules made to govern the procedure at Council Meetings contained in these Rules. The standing orders cover a range of matters including the

Order of Business, Rules of debate, procedural Motions and election procedures.

- (2) Standing orders can be suspended to facilitate the business of a Council Meeting.
- (3) To temporarily remove the constraints of formal Council Meeting procedure and allow full discussion or clarification of any issues, Council may, by Resolution, suspend standing orders in accordance with the table at rule 2.5.21 of these Rules.
- (4) Suspension of standing orders must not be used purely to dispense with the processes and protocol of the government of Council.
- (5) 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.
- (6) No Motion to suspend standing orders can be accepted by the Chair during a second extension of time for a Council Meeting.

## 2.5.32 Adjourning the Meeting

- (1) Once a Council Meeting is declared open, the Chair or Council by Resolution may adjourn the Council Meeting:
  - (a) if at any time throughout a Council Meeting a Quorum is lost;
  - (b) if the Council Meeting becomes excessively disorderly and order cannot be restored;
  - (c) to allow for additional information to be presented to a Council Meeting;
  - (d) to give Councillors a comfort break;
  - (e) if the Council Meeting has been in progress for longer than 2 hours;
  - (f) any other situation if the adjournment could aid the process of the Council Meeting.
- (2) A Council Meeting cannot be adjourned for a period exceeding 14 days from the date of the adjournment.
- (3) An appropriate Motion would be:

***“That the Council Meeting be adjourned until \_\_ (time the date specified, which does not exceed 14 days)”.***

## 2.5.33 Notice for Adjournment of Meeting

- (1) If a Council Meeting is adjourned, the CEO will ensure that the Agenda for such a Council Meeting is identical to the Agenda for the Council Meeting which was adjourned.
- (2) Except when a Council 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 Council Meeting and every reasonable attempt must be made to advise the public of the new Council Meeting date and time.
- (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.

## **2.5.34 Lapsed Council Meeting**

- (1) A Council Meeting is deemed to have lapsed if it does not commence and therefore no Resolution can be carried to adjourn the Council Meeting.
- (2) If a Council Meeting lapses, the undisposed business will, unless it has already been disposed of at an Unscheduled Meeting, be included in the Agenda for the next scheduled Council Meeting.
- (3) The business of the lapsed Council Meeting must be dealt with prior to any other business, except formal business, and in the same order as the original Council Meeting Order of Business.

## **2.5.35 Compliance with Governance Rules**

- (1) If during a Council Meeting the CEO becomes aware of any non-compliance with the Council 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 Council Meeting of any such breach or likely breach of these Governance Rules or other applicable legislation and the Chair must take account of the advice given.

## **2.6 Conduct During Council Meetings**

### **2.6.1 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) Media representatives must seek prior permission from the CEO to use recording devices during the Council Meeting and/or within the Council Chamber for the purposes of taking photos or providing social media updates.
- (3) Subject to sub-rule (2) the use of recording devices during the Council Meeting and/or within the Council Chamber for the purposes of audio or visual recording is prohibited. Media representatives and members of the public may access the live broadcasting or recording after the Council Meeting via Council's website.

### **2.6.2 Behaviour during Council Meetings**

- (1) Having regard to the role of Councillors under the Act and in the interests of good governance, it is the responsibility of individual Councillors to exhibit good conduct in Council Meetings. Councillors should listen while others are speaking, avoid interrupting, be aware of their body language and use reasonable and temperate language in debates (no matter how contentious the topic may be).

### **2.6.3 Criticism of Council Staff**

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

media.

## 2.6.4 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.

## 2.6.5 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 Council 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 Council 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.

## 2.6.6 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 advising the person that if they fail to do so they will be removed from the Meeting; and/or
  - (b) the removal of the person if they continue to interject or gesticulate offensively.
  - (b)—In giving effect to a person's removal under sub-rule (1)(b) the Chair may direct the CEO to ask a member of Victoria Police to remove the person.
- (2) The Chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.
  - (a) 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 Officer or a member of Victoria Police to remove the person, object or material.

## 2.6.7 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 Council Meeting, they may adjourn the Council 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 rules 2.5.21 and 2.5.32~~3~~ of these

Rules.

## 2.7 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 Councils.
- (3) If Council is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.
- (4) 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 may be held electronically.

## 2.8 Procedure Not Provided for in These Rules

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

## 3. Public Submissions

- (1) Submissions may be provided to Council from a Submitter where: -
  - (a) Council has called for Submissions in relation to a proposed decision; or
  - (b) a Submitter has made a written request to be heard by Council about an item on the Agenda.
- (2) The CEO will decide if Submissions will be: -
  - (a) heard at a Council Meeting, following consultation with the Mayor;
  - (b) heard at a Council briefing session, following consultation with the Mayor;
  - (c) heard at a meeting or hearing called by the CEO, in which case Councillors will be notified and invited to attend;
  - (d) provided in writing, in which case Councillors will be provided a copy of any such Submission.
- (3) Submissions can only be provided by a person who is or by persons who are affected by the relevant decision of Council.
  - (a) Submitters will speak for no longer than 5 minutes.

~~(b)~~ Submitters will provide any printed material which forms part of their submission at the time of their request to submit.

~~(a)(c)~~ No debate or discussion will be permitted other than for the purposes of clarification.

~~(3)(4)~~ Where Submissions are being heard in accordance with sub-rule (2)(a), (b) or (c) the CEO, must advise the Submitters of the date, time, venue and protocols that apply.

~~(4)(5)~~ Council must consider all Submissions received prior to consideration of the proposed decision, the subject of the Submission.

## 4. Meeting Procedure for committees

### 4.1 Delegated Committees

- (1) Council may establish Delegated Committees in accordance with section 63(1) of the Act.
- (2) If Council establishes a Delegated Committee, these Rules will apply to a Delegated Committee Meeting, with any necessary modifications.
- (3) 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.
- (4) If Council establishes a Delegated Committee, Council may decide which of these Rules will apply to any Delegated Committee by Council Resolution.

### 4.2 Community Asset Committees

- (1) 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 Act.
- (2) A Community Asset Committee must adhere to rules 5.1 and 5.2 of these Rules.
- (3) a Community Asset Committee must act in accordance with its adopted Charter, instrument of delegation from the CEO and any Terms of Reference adopted by Council.

## 5. Meeting Records

## 5.1 Minutes

- (1) The CEO, or a person authorised by the CEO, is responsible for the keeping of Minutes on behalf of Council of each Council Meeting.
- (2) Each item in the Minutes must be clearly headed with a subject title and be consecutively numbered and consecutively page numbered.
- (3) 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;
  - (b) When the Council Meeting was commenced, adjourned, resumed and concluded;
  - (c) the names of Councillors and whether they are present, an apology, or leave of absence or other details as provided;
  - (d) the names of members of Council staff in attendance with their organisational titles;
  - (e) the disclosure of a conflict of interest made by a Councillor in accordance with the Act;
  - (f) arrivals and departure times (including temporary departures) of Councillors during the course of the Council Meeting;
  - (g) each Motion and amendment moved, including the mover and seconder of the Motion;
  - (h) 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);
  - (i) if a division is called, the names of every Councillor and the way their vote was cast (either for or against);
  - (j) the name of the Councillor who abstained from voting on an item and the Councillor's reason for abstaining;
  - (k) details of a failure to achieve a Quorum and any adjournment whether as a result or otherwise;
  - (l) a summary of any question asked and the response provided as part of public question time;
  - (m) a summary of all committee reports and or deputations made to Council;
  - (n) the time and reason for any adjournment of the Council Meeting or suspension of standing orders;
  - (o) the name of, time and reason for, a Councillor leaving a Council Meeting (including technical difficulties where they are attending by electronic means) and time they returned (if applicable);
  - (p) closure of the Council Meeting to members of the public and the reason for such closure; and

- (q) any other matter which the CEO deems should be recorded to clarify the intention of the Council Meeting or the reading of the Minutes.

## 5.2 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 business days of the Council Meeting as they relate; and
  - (b) Members of the public, within nine 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 or substantively similar terms, 'That the Minutes of the .....Meeting held on ..... 20..... be confirmed.'
  - (b) If a Councillor indicates opposition to the Minutes, the Councillor must specify the particular item or items in the Minutes and after asking any questions to clarify the matter, can only move a Motion to rectify the alleged error(s) in the Minutes by adding the following words to the Motion in sub-rule (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.
- (5) Once Minutes have been signed they are to be uploaded to Council's website and saved to Council's electronic database.

## 6. Mayor and Deputy Mayor Election Processes

### 6.1 Eligibility

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

### 6.2 Election of the Mayor and Deputy Mayor (if determined by Council)

- (1) A Council Meeting to elect the Mayor and Deputy Mayor (if applicable) must be held:
  - 
  - (a) as soon practical after the declaration of the results of a general election of Councillors, being no later than 30 November;
  - (b) as close to the end of the relevant term as is reasonably practicable; or

- (c) within one month after the office of the Mayor or Deputy Mayor (if applicable) otherwise becomes vacant.
- (2) Council may resolve to establish a position of Deputy Mayor.
- (3) If Council has resolved to establish an office of Deputy Mayor, the Councillors must also elect a Councillor to be the Deputy Mayor during Council Meeting at which the Mayor is to be elected.
- (4) Council must resolve whether the Mayor and Deputy Mayor (if applicable) is to be elected for a 1 or 2 year term prior to the relevant election.
- (5) The CEO will facilitate the election of the Mayor in accordance with the Act and will act as the temporary Chair of that Council Meeting.
- (6) The Mayor becomes the Chair of the Council Meeting once elected by Council and will facilitate the election of the Deputy Mayor in accordance with the Act.

## 6.3 Agenda Content

- (1) The Agenda for the Council Meeting to elect the Mayor and Deputy Mayor (if applicable): -
  - (a) must include the election of the Mayor;
  - (b) must include the election of the Deputy Mayor (if Council resolves that a Deputy Mayor is to be elected);
  - (c) may include appointments of Council representatives to committees, peak industry bodies, regional and community based organisations; and
  - (d) may include the fixing of the dates, times and locations of all Council Meetings for a 12 month period.

## 6.4 Nominations for the Office of Mayor

- (1) During the Council Meeting where the election of the Mayor is to occur, 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 or withdraw at any stage before the voting is finalised.
- (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 6.6 of these Rules.

## 6.5 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 6.6 of these Rules.

## 6.6 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 Council 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 Council Meeting must then vote for one of the remaining candidates by a show of hands.
  - (c) If one of the remaining candidates receives an absolute majority of the votes, they are duly elected. If none of the remaining candidates receive an absolute majority of the votes, the process set out in sub-rule (b) must be repeated until one of the candidates receives an absolute majority of the votes. That candidate will then be declared to have been duly elected.
  - (d) If after two further votes are taken neither candidate receives an absolute majority, the Council may resolve to conduct a new election at a later date and time.

## 6.7 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 Act.
- (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 Act.

## 6.8 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 for not more than five minutes.

## 7. Election Period Policy

### 7.1 Election Period Policy

- (1) Council's Election Period Policy which is included at Appendix 1, forms part of and is to be read in conjunction with these Rules.
- (2) 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; and
  - (e) Defines role and responsibilities in relation to who is the principle spokesperson for Council is during the Election Period.
- (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 and will resume following the 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 and decision at a Council Meeting conducted during the Election Period save for consideration and decisions allowed by the Election Period Policy.

## 8. Disclosure of Conflict of Interests

### 8.1 Obligations

- (1) Councillors, members of Delegated Committees and Community Asset Committees and members of 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 must not participate in discussion or decision making

on a matter in which they have a conflict of interest.

- (2) Councillors and Members must disclose the conflict of interest to the CEO by providing the disclosure in the form determined by the CEO.
- (3) When disclosing a conflict of interest, the Councillor or Member 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 Committee Meeting.
- (5) Council will maintain a Conflict of Interest Register that will be made available on for inspection at a Council Customer Service Centre upon request.

## **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;
  - (b) whether their conflict of interest is of a general or material nature; 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 Council Meeting the existence of the conflict of interest and leave the Council 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 Council 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 Council Meeting while the decision is being made.
- (5) Where the Council Meeting is a Virtual Meeting or Hybrid Meeting, a Councillor or member of a Delegated Committee required to leave the Council Meeting due to a conflict of interest must:
  - (a) deactivate their microphone and camera; or
  - (b) disconnect completely or be removed from the online meeting platform.
- (6) The Chair or CEO will contact the Councillor or Member of the Delegated Committee by other means to notify them to rejoin the Council Meeting.

## **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) 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.
- (4) The existence of a conflict of interest will be recorded in the Minutes of the meeting.
- (5) 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.
- (6) 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 Rules.

### 8.3.1 Procedure for disclosures of conflicts of interest

- (1) Members of 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 a member of Council staff will be provided to the Director Corporate for recording in the register of conflicts of interest.
- (3) A member of Council staff 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.

Appendix 1 – Election Period Policy

Appendix 2 – Procedural Motion Table

Appendix 3 – Flow Chart of Motions

[Appendix 4 – Local Government Act 2020 Section 67](#)