

GOVERNANCE RULES

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on the day following the day on which they are adopted by Council. They replace the Governance Rules adopted by Council at its meeting on **2 February 2021**.

3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts Of Interest
Chapter 6	Miscellaneous
Chapter 7	Election Period Policy

4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

Act means the *Local Government Act 2020*.

Chief Executive Officer includes an Acting Chief Executive Officer.

Community Asset Committee means a Community Asset Committee established under section 65 of the Act.

Council means Wyndham City Council.

Council meeting has the same meaning as in the Act.

Delegated Committee means a Delegated Committee established under section 63 of the Act.

Mayor means the Mayor of *Council*.

these Rules means these Governance Rules.

Chapter 1 – Governance Framework

1. Context

These Rules should be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:
 - Election Period Policy
 - Conflict of Interest Policy
 - Audio-Visual Recording of Council Meetings Policy 2017
 - Wyndham 2040 Vision
 - Wyndham City Plan 2013-2017
 - Community Engagement Framework and Model 2013-17
 - Corporate Recording of Council Meetings Policy 2014

2. Decision Making

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

person or persons were provided with an opportunity to communicate their views and their interests considered.

Chapter 2 – Meeting Procedure for Council Meetings

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Part A – Introduction

1. Title

This Chapter will be known as the "Meeting Procedure Chapter".

2. Purpose of this Chapter

The purpose of this Chapter is to provide for the:

- 2.1 election of the Mayor and any Deputy Mayor;
- 2.2 appointment of any Acting Mayor; and
- 2.3 procedures governing the conduct of *Council meetings*.

3. Definitions and Notes

3.1 In this Chapter:

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

"*Chair*" means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the *Act*;

"*minute book*" means the collective record of proceedings of *Council*;

"*municipal district*" means the municipal district of *Council*;

"*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*; and

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

3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

Part B – Election of Mayor

Introduction: This Part is concerned with the annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

4. Election of the *Mayor*

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act*.

5. Method of Voting

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

6. Determining the election of the *Mayor*

6.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected and invite nominations for the office of *Mayor*.

6.2 Any nominations for the office of *Mayor* must be:

6.2.1 in a form prescribed by the *Chief Executive Officer*; and

6.2.2 seconded by another Councillor.

6.2.3 accepted by the nominated Councillor.

6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:

6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;

6.3.2 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;

6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

6.3.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;

6.3.5 if one of the remaining candidates receives an absolute majority of the votes, they are duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

6.3.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:

(a) a defeated candidate; and

- (b) duly elected

the declaration will be determined by lot.

6.3.7 if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:

- (a) each candidate will draw one lot;
- (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

7. Mayoral Ceremonial Speech

7.1 Upon being elected, the *Mayor* may make a ceremonial speech.

7.2 The purpose of the ceremonial speech is to outline priorities for the year ahead based on the adopted *Council Plan*.

7.3 The ceremonial speech must not exceed five (5) minutes.

8. Mayor to Take the Chair

8.1 After the election of the *Mayor*, the *Mayor* must take the chair in accordance with section 18 of the *Act*.

9. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

- 9.1 any office of Deputy Mayor; or
- 9.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

- 9.3 *Chief Executive Officer* is a reference to the *Mayor*; and
- 9.4 *Mayor* is a reference to the Deputy Mayor or the Chair of the *Delegated Committee* (as the case may be).

10. Appointment of Acting Mayor

If *Council* has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- 10.1 resolving that a specified Councillor be so appointed; or
- 10.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter,
at its discretion.

Part C – Meetings Procedure

Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

Division 1 – Notices of Meetings and Delivery of Agendas

11. Dates and Times of Meetings Fixed by *Council*

Subject to Rule 11, *Council* must from time to time fix the date, time and place of all *Council meetings*.

12. *Council* May Alter Meeting Dates

Council may change the date, time and place of any *Council meeting* which has been fixed by it and must provide notice of the change to the public as soon as possible.

13. Meetings Not Fixed by *Council*

- 13.1 The *Mayor* or at least 3 Councillors may by a *written* notice to the CEO call a *Council meeting*.
- 13.2 The notice must specify the date and time of the *Council meeting* and the business to be transacted.
- 13.3 The *Chief Executive Officer* must convene the *Council meeting* as specified in the notice.
- 13.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Council meeting*.

14. Notice Of Meeting

- 14.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be sent electronically to every Councillor for all *Council meetings* at least 48 hours before the meeting.
- 14.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of their absence.
- 14.3 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:
 - 14.3.1 for *meetings* which it has fixed by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule in a newspaper generally circulating in the *municipal district* either at various times throughout the year, or prior to each such *Council meeting*; and
 - 14.3.2 for any meeting by giving notice on its website **and social media accounts** and:
 - (a)** in each of its Customer Service Centres; **and/or**

~~(b) — in at least one newspaper generally circulating in the municipal district.~~

Division 2 – Quorums

Definition: specified in s 61(4) of the *Local Government Act 2020* as ‘an absolute majority’, which is in turn defined in s 61(7) as ‘the number of Councillors which is greater than half the total number of Councillors’.

15. Inability To Obtain A Quorum

If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:

- 15.1 the meeting will be deemed to have lapsed;
- 15.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- 15.3 the *Chief Executive Officer* must give all Councillors *written* notice of the meeting convened by the *Mayor*.

16. Inability To Maintain A Quorum

- 16.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 13 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 16.2 Sub-Rule 14.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.
- 16.3 If, during a *Council meeting*, it appears as though a quorum will not be maintained *Council* must consider whether the decision can be made by dealing with the matter in an alternative manner. An alternative manner may include resolving to split a matter into two or more separate parts, so that a quorum can be maintained for at least one part.

17. Adjourned Meetings

- 17.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 17.2 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 17.3 If it is impracticable for the notice given under sub-Rule 15.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.
- 17.4 Details of the adjourned meeting will be published on Council's website as soon as practicable.

18. Time limits for Meetings

- 18.1 A *Council meeting* must not continue after 10.30pm unless a majority of Councillors present vote in favour of it continuing.
- 18.2 A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of Councillors has already voted to continue it for 30 minutes).
- 18.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

19. Cancellation or Postponement of a Meeting

- 19.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 19.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a written report on any exercise of the power conferred by sub-Rule 17.1.

Division 3 – Business of Meetings

20. Agenda and the Order Of Business

The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.

21. Change To Order Of Business

Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered by the Chair with the consent of *Council*.

22. Urgent Business

If the *agenda* for a *Council meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

- 22.1 relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 22.2 cannot safely or conveniently be deferred until the next *Council meeting*.

Division 4 – Motions and Debate

23. Councillors May Propose Notices Of Motion

Councillors may ensure that an issue is listed on an *agenda* by lodging a *notice of motion*.

24. Notice Of Motion

- 24.1 A *notice of motion* must be in writing signed by a Councillor, and be lodged with or sent to the *Chief Executive Officer* prior to 9pm on the fifth business day before the *Council meeting* at which the Councillor wants the *notice of motion* to be considered. This will allow sufficient time for them to include the *notice of motion* in agenda papers for a *Council meeting* and to give each Councillor at least 24 hours' notice of such *notice of motion*.

- 24.2 A *notice of motion* must call for a report if it proposes any action that:
- 24.2.1 impacts the levels of *Council* service;
 - 24.2.2 commits *Council* to expenditure greater than \$100,000 that is not included in the adopted Budget;
 - 24.2.3 proposes to impact the rights of any person who has not had an opportunity to contribute their views;
 - 24.2.4 commits *Council* to any contract; or
 - 24.2.5 concerns any litigation to which *Council* is a party.
- 24.3 The *Chief Executive Officer* may reject any *notice of motion* which:
- 24.3.1 is vague or unclear in intention;
 - 24.3.2 is beyond *Council's* power to pass;
 - 24.3.3 if passed would result in *Council* otherwise acting invalidly;
 - 24.3.4 is contrary to a previous decision of *Council* (unless it takes the form of a *notice of rescission*) or *Council* policy; or
 - 24.3.5 is contrary to sub-Rule 22.2
- but must:
- 24.3.6 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 24.3.7 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.
- 24.4 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.
- 24.5 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 24.6 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.
- 24.7 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- 24.8 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses.

25. Chair's Duty

Any motion which is determined by the *Chair* to be:

- 25.1 defamatory;

- 25.2 objectionable in language or nature;
- 25.3 vague or unclear in intention;
- 25.4 outside the powers of *Council*; or
- 25.5 irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

26. Introducing a Report

- 26.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes:
 - 26.1.1 its background; or
 - 26.1.2 the reasons for any recommendation which appears.
- 26.2 Unless *Council* resolves otherwise, a member of Council staff need not read any written report to *Council* in full.

27. Introducing A Motion or an Amendment

The procedure for moving any motion or amendment is:

- 27.1 the mover must state the motion **or amendment** without speaking to it;
- 27.2 the motion **or amendment** must be seconded and the seconder must be a Councillor other than the mover. If a motion **or amendment** is not seconded, the motion **or amendment** lapses for want of a seconder;
- 27.3 if a motion or an amendment is moved and seconded the *Chair* must ask:

"Is the motion or amendment opposed? Does any Councillor wish to speak to the motion or amendment?"
- 27.4 if no Councillor indicates opposition or a desire to speak to it, the *Chair* may declare the motion or amendment carried without discussion;
- 27.5 if a Councillor indicates opposition or a desire to speak to it, then the *Chair* must call on the mover to address the meeting;
- 27.6 after the mover has addressed the meeting, the seconder may address the meeting;
- 27.7 the seconder may reserve the right to speak;**
- 27.8 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
- 27.9 if, after the mover has addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.

28. Right Of Reply

- 28.1 The mover of a motion has a right of reply to matters raised during debate.
- 28.2 If no Councillor has spoken against a motion, there will be no right of reply.
- 28.3 The mover of an amendment does not have right of reply.
- 28.4 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

29. Moving An Amendment

- 29.1 Subject to sub-Rule 27.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 29.2 A motion to confirm a previous resolution of *Council* cannot be amended.
- 29.3 An amendment must not be directly opposite to the motion.

30. Who May Propose An Amendment

- 30.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 30.2 Any one Councillor cannot move more than two amendments in succession.

31. How Many Amendments May Be Proposed

- 31.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.
- 31.2 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.

32. An Amendment Once Carried

- 32.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- 32.2 The mover of the original motion retains the right of reply to that motion.

33. Foreshadowing Motions

- 33.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 33.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 33.3 The *Chief Executive Officer* or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

33.4 The *Chair* is not obliged to accept foreshadowed motions.

34. Withdrawal Of Motions

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

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

35. Separation Of Motions

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

36. Chair May Separate Motions

The *Chair* may decide to put any motion to the vote in several parts.

37. Priority of address

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

38. Motions In Writing

38.1 The *Chair* may require that a complex or detailed motion be in *writing*.

38.2 *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

39. Repeating Motion and/or Amendment

The *Chair* may request the person taking the minutes of the *Council meeting* to read the motion or amendment to the meeting before the vote is taken.

40. Debate Must Be Relevant To The Motion

40.1 Debate must always be relevant to the motion before the Chair, and, if not, the *Chair* must request the speaker to confine debate to the motion.

40.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to not speak further in respect of the motion then before the Chair.

40.3 A speaker to whom a direction has been given under sub-Rule 38.2 must comply with that direction.

41. Speaking Times

A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chair*:

41.1 the mover of a motion or an amendment which has been opposed: 5 minutes;

41.2 any other Councillor: 3 minutes; and

41.3 the mover of a motion exercising a right of reply: 3 minutes.

42. Addressing the Meeting

If the *Chair* so determines:

42.1 any person addressing the *Chair* must refer to the *Chair* as:

42.1.1 Madam Mayor; or

42.1.2 Mr Mayor; or

42.1.3 Madam Chair; or

42.1.4 Mr Chair

as the case may be;

42.2 all Councillors, other than the *Mayor*, must be addressed as

Cr**(name)**.

42.3 all members of Council staff, must be addressed as

.....(name) as appropriate or by their official title.

43. Right to Ask Questions

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

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

Division 5 – Procedural Motions

44. Procedural Motions

44.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.

44.2 Procedural motions require a seconder.

44.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

Division 6 – Rescission Motions

45. Notice of Rescission

- 45.1 A Councillor may propose a *notice of rescission* provided:
- 45.1.1 it has been signed and dated by at least three Councillors;
 - 45.1.2 the resolution proposed to be rescinded has not been acted on; and
 - 45.1.3 the *notice of rescission* is delivered to the *Chief Executive Officer* within 24 hours of the resolution having been made setting out -
 - (a) the resolution to be rescinded; and
 - (b) the meeting and date when the resolution was carried.

It should be remembered that a notice of rescission is a form of notice of motion.

Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.

- 45.2 A resolution will be deemed to have been acted on if:
- 45.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
 - 45.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 45.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- 45.3.1 has not been acted on; and
 - 45.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 43.1.3,
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

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

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

Sub-Rule 43.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

46. If Lost

If a motion for rescission is lost, a similar motion may not be put before *Council* for at least three months from the date it was last lost, unless *Council* resolves that the *notice of motion* be re-listed at a future meeting.

47. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

48. May Be Moved By Any Councillor

A motion for rescission listed on an *agenda* may be moved by any Councillor present but may not be amended.

49. When Not Required

49.1 Unless sub-Rule 47.2 applies, a motion for rescission is not required where *Council* wishes to change policy.

49.2 The following standards apply if *Council* wishes to change policy:

49.2.1 if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and

49.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 – Points of Order

50. Chair To Decide

The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

51. Chair May Adjourn To Consider

51.1 The *Chair* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

51.2 All other questions before the meeting are suspended until the point of order is decided.

52. Final Ruling on a Point of Order

- 52.1 The decision of the Chair in respect of a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present carry a motion of dissent.
- 52.2 A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the Chair's ruling.
- 52.3 A motion of dissent in relation to a point of order is not a motion of dissent in the Chair, and the Chair must at all times remain in the Chair and he or she will retain his or her right to a second vote.
- 52.4 A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling given by the Chair.

53. Procedure For Point Of Order

A Councillor raising a point of order must:

- 53.1 state the point of order; and
- 53.2 state any section, Rule, paragraph or provision relevant to the point of order.

54. Valid Points Of Order

A point of order may be raised in relation to:

- 54.1 a motion, which, under Rule 23, or a question which, under Rule 53, should not be accepted by the *Chair*;
- 54.2 a question of procedure; or
- 54.3 any act of disorder.

Rising to express a difference of opinion or to contradict a speaker is not a point of order.

Division 8 – Public Question Time

55. Question Time

- 55.1 There must be a public question time at every *Council meeting* fixed under Rule 9 to enable members of the public to submit questions to *Council*.
- 55.2 Sub-Rule 53.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.
- 55.3 Public question time will not exceed 15 minutes in duration.
- 55.4 Questions submitted to *Council* must be:
 - 55.4.1 in *writing*, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and

- 55.4.2 placed in the receptacle designated for the purpose at the place of the meeting **by 12pm** on the day before the *Council meeting* or be lodged electronically at the prescribed email address prior to 5pm on the day of the *Council meeting*.
- 55.5 No person may submit more than two questions at any one meeting.
- 55.6 If a person has submitted two questions to a meeting, the second question:
- 55.6.1 may, at the discretion of the *Chair*, be deferred until all other persons who have asked a question have had their questions asked and answered; or
- 55.6.2 may not be asked if the time allotted for public question time has expired and will be responded to in *writing* after the *Council meeting*.
- 55.7 The *Chair* or a member of Council staff nominated by the *Chair* may read to those present at the meeting a question which has been submitted in accordance with this Rule.
- 55.8 Notwithstanding sub-Rule 53.6, the *Chair* may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- 55.9 A question may be disallowed by the *Chair* if the *Chair* determines that it:
- 55.9.1 relates to a matter outside the duties, functions and powers of *Council*;
- 55.9.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- 55.9.3 deals with a subject matter already answered;
- 55.9.4 is aimed at embarrassing a Councillor or a member of Council staff;
- 55.9.5 relates to personnel matters;
- 55.9.6 relates to the personal hardship of any resident or ratepayer;
- 55.9.7 relates to industrial matters;
- 55.9.8 relates to contractual matters;
- 55.9.9 relates to proposed developments;
- 55.9.10 relates to legal advice;
- 55.9.11 relates to matters affecting the security of *Council* property; or
- 55.9.12 relates to any other matter which *Council* considers would prejudice *Council* or any person.
- 55.10 Any question which has been disallowed by the *Chair* must be made available to any other Councillor upon request.
- 55.11 All questions and answers must be as brief as possible, and no discussion may be allowed other than by *Councillors* for the purposes of clarification.
- 55.12 Like questions may be grouped together and a single answer provided.

- 55.13 The *Chair* may nominate a Councillor or the *Chief Executive Officer* to respond to a question.
- 55.14 A Councillor or the *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, a *written* copy of the answer will be sent to the person who asked the question.
- 55.15 A Councillor or the *Chief Executive Officer* may advise *Council* that it is their opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or *Chief Executive Officer* (as the case may be) must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.
- 55.16 If the Chairperson decides that they will respond to a question from the public, the Chairperson may vacate the Chair while the response is being provided. The CEO will determine which officer will respond to a question from the public.

Division 9 – Petitions and Joint Letters

56. Petitions and Joint Letters

- 56.1 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until a subsequent *Council meeting* after that at which it has been presented after that at which it has been presented.
- 56.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- 56.3 Every Councillor presenting a petition or joint letter to *Council* must:
 - 56.3.1 write or otherwise record their name at the beginning of the petition or joint letter; and
 - 56.3.2 confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- 56.4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 15 people.
- 56.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 56.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 56.7 Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 56.8 If a petition, joint letter, memorial or other like application relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

Division 10 – Voting

57. How Motion Determined

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion and must then declare the result to the meeting.

58. Silence

Voting must take place in silence.

59. Recount

The *Chair* may direct that a vote be recounted to satisfy themselves of the result.

60. Casting Vote

In the event of a tied vote, the *Chair* must exercise a casting vote.

61. By Show Of Hands

Voting on any matter is by show of hands.

This Rule does not prevent a Councillor from abstaining from voting. A decision to abstain from voting should not, however, be taken lightly. Not participating in decisions taken by *Council* could be seen as an abrogation of a Councillor's public duty.

62. Procedure For A Division

62.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

62.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

62.3 When a division is called for, the *Chair* must:

62.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands. The *Chair* must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative; and

62.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands. The *Chair* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the negative.

63. No Discussion Once Declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- 63.1 a Councillor requesting, before the next item of business is considered, that their opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 63.2 foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

For example, Rule 61 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 61 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 61.2, to discussion about a positive motion were a resolution has just been rescinded.

Division 11 – Minutes

64. Confirmation of Minutes

- 64.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:
- 64.1.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;
 - 64.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
 - 64.1.3 if a Councillor indicates opposition to the minutes:
 - (a) they must specify the item(s) to which they object;
 - (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
 - (c) the Councillor objecting must move accordingly without speaking to the motion;
 - (d) the motion must be seconded;
 - (e) the *Chair* must ask:

"Is the motion opposed?"
 - (f) if no Councillor indicates opposition, then the *Chair* must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 62.1.3(k);
 - (g) if a Councillor indicates opposition, then the *Chair* must call on the mover to address the meeting;

- (h) after the mover has addressed the meeting, the seconder may address the meeting;
- (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- (j) if, after the mover has addressed the meeting, the *Chair* invites debate and no Councillor speaks to the motion, the *Chair* must put the motion; and
- (k) the *Chair* must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

"The question is that the minutes, as amended, be confirmed",

and they must put the question to the vote accordingly;

64.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed; and

64.1.5 unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

65. No Debate on Confirmation Of Minutes

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

66. Deferral Of Confirmation Of Minutes

Council may defer the confirmation of minutes until later in the *Council meeting* or until the next meeting if considered appropriate.

67. Form and Availability of Minutes

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

67.1.1 the date, place, time and nature of the meeting;

67.1.2 the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;

67.1.3 the names of the members of Council staff present;

67.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;

- 67.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - 67.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
 - 67.1.7 the vote cast by each Councillor upon a division;
 - 67.1.8 the vote cast by any Councillor who has requested that their vote be recorded in the minutes;
 - 67.1.9 questions upon notice;
 - 67.1.10 the failure of a quorum;
 - 67.1.11 any adjournment of the meeting and the reasons for that adjournment; and
 - 67.1.12 the time at which standing orders were suspended and resumed.
- 67.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 67.2.1 published on *Council's* website; and
 - 67.2.2 available for inspection at *Council's* office during normal business hours.
- 67.3 Nothing in sub-Rule 65.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

Division 12 – Behaviour

68. Public Addressing The Meeting

- 68.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.
- 68.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 68.3 A member of the public present at a *Council meeting* must not disrupt the meeting.

69. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 66.2.

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

70. Chair may adjourn disorderly meeting

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 meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

71. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 67.

Division 13 – Additional Duties of Chair

72. The Chair's Duties And Discretions

In addition to the duties and discretions provided in this Chapter, the *Chair*:

- 72.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- 72.2 must call to order any person who is disruptive or unruly during any meeting.

Division 14 – Suspension of Standing Orders

73. Suspension of Standing Orders

- 73.1 To expedite the business of a meeting, *Council* may suspend standing orders.

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

- 73.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

- 73.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

- 73.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

Division 15 – Miscellaneous

74. Meetings Conducted Remotely

If:

74.1 by law a meeting may be conducted electronically; and

74.2 *Council* decides that a meeting is to be conducted electronically,

the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

75. Procedure not provided in this Chapter

In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to *Council* proceedings).

76. Criticism of members of Council staff

76.1 The *Chief Executive Officer* may make a brief statement at a *Council meeting* in them or any member of Council staff.

76.2 A statement under sub-Rule 74.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has finished speaking.

Chapter 3 – Meeting Procedure for Delegated Committees

1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

- 2.2 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and
- 2.3 any reference in Chapter 2 to:
 - 2.3.1 a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;
 - 2.3.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and
 - 2.3.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

3. Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

- 3.1 *Council* may; or
- 3.2 the *Delegated Committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.

Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

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

2. Meeting Procedure

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

Chapter 5 – Disclosure of Conflicts of Interest

1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.*

2. Definition

In this Chapter:

- 2.1 “meeting conducted under the auspices of *Council*” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 2.2 a member of a *Delegated Committee* includes a Councillor.

3. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which they:

- 3.1 are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 3.2 intend to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
 - 3.2.1 advising of the conflict of interest;
 - 3.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
 - 3.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (c) nature of that other person’s interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

* At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.

4. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which they:

- 4.1 are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 4.2 intend to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the Delegated Committee meeting commences a written notice:
 - 4.2.1 advising of the conflict of interest;
 - 4.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
 - 4.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - 4.2.4 nature of that other person's interest in the matter,and then immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

5. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which they:

- 5.1 are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 5.2 intend to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:
 - 5.2.1 advising of the conflict of interest;
 - 5.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and

5.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:

- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

5.2.4 nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Committee Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

6. Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which they are present must:

- 6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest;
- 6.2 absent themselves from any discussion of the matter; and
- 6.3 as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

7. Disclosure by Members of Council Staff Preparing Reports for Meetings

7.1 A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:

- 7.1.1 *Council meeting*;
- 7.1.2 *Delegated Committee* meeting;
- 7.1.3 *Community Asset Committee* meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

7.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

7.3 If the member of Council staff referred to in sub-Rule 7.1 is the *Chief Executive Officer*:

- 7.3.1 the written notice referred to in sub-Rule 7.1 must be given to the *Mayor*; and

- 7.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

8. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

- 8.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.
- 8.2 If the member of Council staff referred to in sub-Rule 8.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

9. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

- 9.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.
- 9.2 If the member of Council staff referred to in sub-Rule 9.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

10. Retention of Written Notices

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

Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by at least one member of Council staff **and two Councillors**; and
- 1.3 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

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

2. Confidential Information

- 2.1 If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

Chapter 7 – Election Period Policy

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

Council's Election Period Policy is attached.