

GOVERNANCE RULES

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General

1. Title

Glen Eira City Council Governance Rules

2. Objective

The objectives of the Governance Rules are to –

- (1) provide for the peace, order and good government of the Glen Eira municipal district;
- (2) provide for the administration of Council's powers and functions;
- (3) regulate proceedings at meetings of Council, a Delegated Committee and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of these Governance Rules are to apply;
- (4) regulate the procedure for the election of the Mayor and Deputy Mayor;
- (5) promote and encourage local community participation in the system of local government by providing mechanisms within the meeting arrangements for council to ascertain the local community's views and expectations; and
- (6) provide an Election Period Policy to regulate compliance in the lead up to local government elections.

3. Authorising Provision

The Governance Rules are made under section 60 of the Act.

4. Operation Date

The Governance Rules comes into operation on 11 August 2020.

5. Definitions of words used in these Governance Rules

Unless the contrary intention appears in these Governance Rules–

- (1) words defined in section 3 of the Act have that meaning in these Governance Rules; and
- (2) words defined below have that meaning in these Governance Rules.

1989 Act means the Local Government Act 1989 (Vic);

Act means the Local Government Act 2020 (Vic);

Advisory Committee means a committee established by Council, that provides advice to Council;

Agenda means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting;

Audit and Risk Committee means the Audit and Risk Committee established by Council under section 53;

Chairperson means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson;

Chamber means any room where the Council holds a Council Meeting;

Chief Executive Officer means the person occupying the office of Chief Executive Officer of Council, and includes his or her delegate;

Code of Conduct has the same meaning as in the Act;

Committee Meeting means a meeting of a Delegated Committee;

Council means Glen Eira City Council;

Councillor means a Councillor of Council;

Council Meeting means a meeting of the Council convened in accordance with these Governance Rules and includes an Ordinary Council Meeting and Special Council Meeting;

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

Delegated Committee has the same meaning as in the Act;

Delegated Committee Meeting means a Meeting of a Delegated Committee;

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

Director means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer;

Disorderly Behaviour means any disorderly conduct of a member of the Gallery or a Councillor and includes:

- (i) interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;
- (ii) making comments that are defamatory, malicious, abusive or offensive;
- (iii) refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and
- (iv) engaging in any other conduct which prevents the orderly conduct of the Meeting;

Majority of the Votes means a majority of Councillors present at the time of a vote, voting in favour of a matter;

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

Meeting means a Council Meeting or a Delegated Committee Meeting;

Member refers to –

- (i) in the case of Council, Councillors; and
- (ii) in the case of a Delegated Committee, all members appointed to the Delegated Committee by Council under section 63 of the Act;

Minutes means the official record of the proceedings and decisions of a Meeting;

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

Notice of Motion means a notice setting out the text of a Motion to declare the office of Mayor or Deputy Mayor vacant under section 23 of the Act, which a Councillor proposes to move at a Council Meeting;

On Notice means held or deferred to enable preparation of a response;

Ordinary Council Meeting means a meeting of the Council at which general business of the Council may be transacted, as set out in the schedule of meetings set by Council;

Point of Order means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting;

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

Rule or Sub-rule means a rule or sub-rule included in these Governance Rules;

Special Council Meeting means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of meetings set by Council;

Urgent Business means a matter that relates to or arises out of a matter which has arisen since the most recent Ordinary Council

Meeting, and which Council has resolved to consider as urgent business in accordance with Rule 27.

6. Interpretation

- (1) Headings above each Rule do not form part of these Governance Rules. They are provided for ease of reference only.
- (2) Boxed notes and overviews within these Rules are intended to be explanatory and included for guidance and do not form part of these Governance Rules. They may be updated to reflect changes to legislation or to assist interpretation and understanding.

7. Incorporation of documents

The following documents, as adopted or endorsed by Council and published on Council's website, are incorporated into, and form part of, these Governance Rules:

Public Participation at Council Meetings

Councillor Questions

Written Public Questions to Council

Election Period Policy

State and Federal Elections (Councillor Candidature) Policy

8. Reference documents

Reference is made to the following documents, as amended from time to time:

Associations Incorporation Reform Act 2012 (Vic)

Local Government Act 1989 (Vic)

Local Government Act 2020 (Vic)

Meeting Roles

Election of Mayor and Deputy Mayor

9. Election of the Mayor

- (1) The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor, provided the election of the Mayor is held in accordance with any provisions contained in the Act.
- (2) The Chief Executive Officer will preside during the election of the Mayor.
- (3) The Chief Executive Officer must call for nominations for the office of Mayor from those Councillors present.
- (4) Nominations for the office of Mayor do not require a seconder.
- (5) A Councillor may decline their nomination as a candidate.
- (6) Where in an election for the Mayor:
 - (a) only one candidate has been nominated, the Chief Executive Officer must declare that Councillor to be duly elected as Mayor;
 - (b) more than one candidate has been nominated, the Chief Executive Officer must conduct a poll with voting to take place for each candidate in turn in the order in which their nomination was received.
- (7) The election of the Mayor must be carried out by a show of hands or such other method approved by the person presiding during the election.
- (8) The Chief Executive Officer must declare elected as Mayor the candidate who receives an absolute majority of votes.
- (9) If no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated and a further poll conducted in accordance with Sub-Rule (6)(b). If there are several candidates, this procedure must be continued until a candidate receives an absolute majority of votes.
- (10) If, for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated must be determined by lot by the Chief Executive Officer.
- (11) If, where there are two candidates, the vote is tied such that neither candidate receives an absolute majority of votes, the Chief Executive Officer must conduct a further poll to attempt to break the deadlock. If the second vote is also tied, the candidate to be declared as Mayor shall be determined by lot by the Chief Executive Officer.

10. Role and Election of the Deputy Mayor

- (1) After the election of a Mayor, Councillors may elect a Deputy Mayor at a meeting of Council that is open to the public.
- (2) The Deputy Mayor must perform the role of the Mayor and exercise any of the powers of the Mayor in the circumstances described in section 21 of the Act.
- (3) Any election for the office of Deputy Mayor will be regulated in the same way as the election for the office of Mayor as set out in these Governance Rules and in accordance with the Act, subject to the Mayor being ineligible for election to the office of Deputy Mayor.

11. Appointment of Acting Mayor

- (1) If Council is required to appoint an Acting Mayor for a specific period of time, the Acting Mayor will be elected, and the election will be regulated in the same way as the election for the office of Mayor as set out in these Governance Rules and in accordance with the Act.

Roles and responsibilities

12. Chairperson and Members

- (1) The Chairperson and Members will facilitate good council decision-making by endeavouring to ensure:
 - (a) decision-making is transparent to Members and observers;
 - (b) Members have sufficient information to make good decisions;
 - (c) every Member is supported to contribute to decisions;
 - (d) any person whose rights are directly affected has the opportunity for their interests to be considered in line with the requirements of the Act;
 - (e) debate and discussion is focussed on the issues at hand;
 - (f) Meetings are conducted in an orderly manner; and
 - (g) decisions are made on the merits of the matter.

13. Chairperson at Council Meeting

- (1) All Council Meetings must be presided over by the Chairperson.
- (2) Until the Mayor is elected, the Chief Executive Officer will be the temporary Chairperson of a Council Meeting but will have no voting rights.
- (3) After the election of the Mayor, and subject to Sub-Rules (4), (5) and (6), the Mayor must be the Chairperson.
- (4) If the Mayor is absent from a Council Meeting, the Deputy Mayor must take the Chair.

- (5) If both the Mayor and the Deputy Mayor are absent, the Councillor who is the most recent past Mayor present at the meeting of Council will take the chair as temporary Chairperson.
- (6) If both the Mayor, the Deputy Mayor, and all past Mayors are absent from a Council Meeting, then the Chief Executive Officer must take the chair and invite nominations from the Councillors present for a temporary Chairperson. Nominations do not require a seconder.
- (7) The procedure for electing a temporary Chairperson is to be the same as the procedure under Rule 9 for the election of the Mayor.
- (8) A temporary Chairperson has the same rights and duties as the Mayor when they sit as Chairperson.

14. Chairperson at Delegated Committee Meeting

- (1) At a Council Meeting at which Council establishes a Delegated Committee it must also appoint a Chairperson.
- (2) The Chair of a Delegated Committee must be a Councillor.
- (3) For the avoidance of doubt, Sub-Rule (1) is not intended to limit the powers of the Mayor provided in the Act.

15. The Chairperson's Duties and Discretions

- (1) In addition to the specific duties and discretions provided in the Act and these Governance Rules, the Chairperson's duties include but are not limited to:
 - (a) presiding over and controlling the Meeting to ensure, to the best of their ability, that it is conducted in accordance with these Governance Rules and the Act;
 - (b) ascertaining that a quorum is present, and if a quorum is present, formally declaring the meeting open;
 - (c) welcoming Councillors, Members and visitors;
 - (d) signing Minutes as correct when they have been confirmed;
 - (e) calling for disclosure by Councillors of any conflicts of interest in accordance with these Governance Rules and the Act;
 - (f) presenting any reports for which they are responsible;
 - (g) ensuring debates are conducted in the correct manner;

- (h) in the case of competition for the right to speak, deciding the order in which the Members concerned will be heard;
 - (i) preserving order; and
 - (j) adjourning (when so resolved) or formally declaring a meeting closed when all business has been concluded.
- (2) The Chairperson:
- (a) must not accept any Motion, question or statement which is:
 - (b) vague or ambiguous;
 - (c) defamatory, malicious, abusive or objectionable in language or substance;
or
 - (d) outside the powers of Council;
 - (e) must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
 - (f) must call a person to order if their behaviour is disruptive and interferes with the conduct of the meeting;
 - (g) may direct that a vote be recounted to be satisfied of the result and declare the results of all votes; and
 - (h) must decide on all points of order and other questions of procedure.

16. Chief Executive Officer

- (1) The Chief Executive Officer, or their delegate, may participate in the meeting to provide support to the Chairperson.
- (2) The Chief Executive Officer should:
 - (a) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
 - (b) advise, to the best of their knowledge, if there are operational, financial or risk implications arising from a proposed resolution;
 - (c) help clarify the intent of any unclear resolution to facilitate implementation;
 - (d) on request, assist with procedural issues that may arise.

17. Councillors and members of Delegated Committees

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

18. Community

Council meetings are decision-making forums and it is important that they are open to the community to attend and/or view proceedings.

- (1) Members of the community may address a Council Meeting in line with these Governance Rules. They may also seek to inform individual Councillors of their views by contacting them directly in advance of a Council Meeting

Meeting Procedure

19. Purpose of Council meetings

- (1) Council holds Ordinary Council Meetings and, when required, Special Council Meetings to conduct the business of Council.
- (2) Council is committed to transparency in decision-making and, in accordance with the Act, Meetings are open to the public, including by:
 - (a) allowing members of the community to attend the Meetings;
 - (b) where practicable, livestreaming the Meetings;
 - (c) making a recording of the Meeting proceedings available on Council's website; and/or
 - (d) making available the Agenda and Minutes of the Meetings, except to the extent that these documents contain confidential information or information which is contrary to the public interest to release.

- (3) Meetings will only be closed to members of the public if:
- (a) the meeting is to consider confidential information as defined in the Act; or
 - (b) a meeting is required to be closed for security reasons; or
 - (c) the meeting is required to be closed for the protection of Councillors or the public consistent with state or federal government guidelines or public health considerations; or
 - (d) it is necessary to enable the meeting to proceed in an orderly manner; or
 - (e) if any law permits the Meeting to be closed.
- (4) If a meeting is closed to the public for the reasons outlined in Sub-Rule 3(b), 3(c), 3(d) or 3(e), the meeting will continue to be livestreamed where practicable. In the event a livestream is not available the meeting may be adjourned, or a recording of the proceedings may be available on Council website.

20. Apologies and absences

- (1) Members who are unable to attend a Meeting may submit an apology:
- (a) in writing to the Chairperson, who will advise the meeting: or
 - (b) by seeking another Councillor or member of the Delegated Committee to submit it at the meeting on their behalf; or
 - (c) by informing the Chief Executive Officer who will advise the meeting.
- (2) An apology submitted to a Meeting will be recorded in the minutes.
- (3) A Member who has not submitted an apology or had a leave of absence approved who is not in attendance at a Meeting will be recorded as absent.
- (4) A Councillor intending to take a leave of absence should submit it in writing to the Mayor.
- (5) The Mayor will seek to have any leave of absence request received included in the Agenda of the next Council Meeting.
- (6) A leave of absence not included in a Council Meeting Agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.
- (7) Council will not unreasonably withhold its approval of a leave of absence request.

21. Ordinary Council Meetings and Delegated Committee Meetings

- (1) At or before the last Meeting each calendar year, Council must fix the date, time and place of all Meetings for the following calendar year.
- (2) Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Meeting which has been fixed and must provide notice of the change to the public.
- (3) A schedule of Meetings must be prepared and published in a manner which ensures it is available to a broad section of the community, including on Council's website at least once each year and with such greater frequency as the Chief Executive Officer determines. The schedule of Meetings must also be available from Council's Customer Service Centre when it is open to the public.

22. Special Council Meetings

- (1) Council may, by resolution, call a Special Council Meeting. Any resolution of Council to call a Special Council Meeting must specify the date and time of the Special Council Meeting and the business to be transacted. The date and time of the Special Council Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution was made.
- (2) The Mayor, or at least three Councillors, may by written notice call a Special Council Meeting. A written notice to call a Special Council Meeting must:
 - (a) specify the business to be transacted;
 - (b) specify the date and time of the proposed Special Council Meeting; and
 - (c) be delivered to the Chief Executive Officer or their delegate at least ten (10) days prior to the date of the proposed Special Council Meeting, unless there are urgent or extraordinary circumstances justifying a Special Council Meeting in less than ten (10) days from the date of the notice.
- (3) Following consultation with the Mayor, the Chief Executive Officer may call a Special Council Meeting. Without limiting the Chief Executive Officer's power under this Sub-Rule, the Chief Executive Officer must call a Special Council Meeting to elect a Mayor following a Council election declaration, in accordance with the Act. The Special Council Meeting for the election of a Mayor following an election:
 - (a) must take place after the fourth Saturday in October but not later than 30 November;
 - (b) must also consider the role of Deputy Mayor; and
 - (c) may also consider any other matters as determined by the Chief Executive Officer.

(4) If a Special Council Meeting is called in accordance with Sub-Rules (1) or (2), the Chief Executive Officer must make arrangements for the Special Council Meeting to be held as specified in the relevant Council resolution or notice. If a Special Council Meeting is called in accordance with Sub-Rule (3), the Chief Executive Officer must determine the time and date for the meeting, giving consideration to:

- (a) the urgency of the business to be transacted;
- (b) the availability of Councillors; and
- (c) a reasonable notice period for persons whose rights or interests may be directly impacted by the business to be transacted.

For the purposes of this Sub-Rule (4), the Chief Executive Officer should be aware that the ordinary notice period is seven (7) days before the Special Council Meeting. The Chief Executive Officer may determine that a Special Council Meeting is held earlier in urgent or extraordinary circumstances, but must specify the relevant circumstances in the minutes of the relevant Special Council Meeting.

23. Notice of Meeting and Agenda

(1) Except as provided in Sub-Rule (3), the Chief Executive Officer must, at least seven (7) days prior to the date of a Meeting:

- (a) provide notice of the Meeting to all Councillors; and
- (b) arrange for notice of the Meeting to be placed on Council's website.

(2) In respect of Ordinary Council Meetings the dates, times and place of which have not been changed, the requirement to give notice under Sub-Rule (1) is satisfied by providing the schedule of Meetings to Councillors or placing the schedule of Meetings on Council's website.

(3) The Chief Executive Officer is not required to comply with Sub-Rule (1) if:

- (a) the Meeting is a Special Council Meeting called under Sub-Rule 22(1), less than seven (7) days before the time fixed for the holding of the Meeting. In these circumstances, the notice must be provided as soon as practicable after the Special Council Meeting is called;
- (b) the Meeting is a Special Council Meeting called under Sub-Rule 22(2) or 22(3) less than seven (7) days before the time fixed for the holding of the Meeting. In these circumstances, the notice must be provided as soon as practicable, and urgent or extraordinary circumstances justifying the earlier meeting must be recorded in the minutes.

(4) The Agendas for all Council Meetings must be set by the Chief Executive Officer in consultation with the Mayor, except in the case of a Special Council

Meeting called under Sub-Rule (2), in which case the Agenda may be set by the person or persons calling the Meeting, or by the Chief Executive Officer in consultation with the person or persons calling the Meeting. The Agendas for all Delegated Committee Meetings must be set by the Chief Executive Officer in consultation with the Chairperson.

(5) Except as provided in Sub-Rule (6), the Chief Executive Officer must ensure that a copy of the Agenda for all Meetings, together with a copy of all available reports to be considered at that Meeting, is:

- (a) delivered, posted, conveyed by email, placed on a shared document management system or handed personally to every Member; and
- (b) made available to members of the community, including by publication on Council's website;

no less than 48 hours before the Council meeting.

(6) The Chief Executive Officer is not required to comply with Sub-Rule (5) with respect to the Agenda for a Special Council Meeting which has been called less than 48 hours before the time fixed for the holding of the Meeting, provided that the Agenda is delivered as soon as possible after the Special Council Meeting is called.

24. Quorum

(1) Meetings must commence within 30 minutes of the scheduled starting time.

(2) A quorum at a Meeting is a majority of its members.

(3) If, after 30 minutes from the scheduled starting time of any Meeting or adjournment, a quorum cannot be obtained, the Chairperson may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment. If the Chairperson is not present, the following persons may adjourn the Meeting:

- (a) those Councillors present; or
- (b) if there are no Councillors present, the Chief Executive Officer; or
- (c) if there are no Councillors present, and the Chief Executive Officer is also not present, a Director.

(4) If during the course of a Meeting, it becomes apparent to the Chairperson that it will not be possible to maintain a quorum because one or more of the Members present is prohibited from voting on account of having a conflict of interest or otherwise, then:

- (a) the Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest that will cause a

quorum to be lost, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Meeting;

- (b) the Chairperson may determine that the matter be considered in separate parts, if a quorum can be maintained for each separate part;
 - (c) the Chairperson may determine to make decisions on separate parts of the matter, where quorum can be maintained, before making a decision on the whole matter at a Meeting where quorum can be maintained;
 - (d) Council may delegate the decision to be made by the Chief Executive Officer subject to conditions, unless the decision cannot be delegated under the Act; or
 - (e) that item of business will lie on the table.
- (5) A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council Meeting.
- (6) The Chief Executive Officer must provide written notice, including by electronic means, to each Councillor of any Council Meeting adjourned to another date or time due to an inability to achieve or maintain a quorum. Notice of an adjournment to another date or time must also be published on Council's website as soon as practical.
- (7) Where it is not practicable because time does not permit notice in accordance with Sub-Rule (6) to occur, then it will be sufficient for the Chief Executive Officer to make reasonable attempts to contact each Councillor, either verbally or by other means.

25. Business of Meetings

- (1) No business may be considered at an Ordinary Council Meeting except if:
- (a) the business appears in the Agenda or in a report accompanying the Agenda; or
 - (b) the business is a matter of an urgent nature that has arisen since the most recent Ordinary Council Meeting and Council resolves to consider the matter as urgent business in accordance with Rule 27; or
 - (c) a Councillor requests that a report be prepared by a member of Council staff in accordance with Rule 45; or
 - (d) a Councillor asks a question to a member of Council staff, or another Councillor in accordance with Rule 32, on a matter which has not been included on the Agenda, in which case the question may be taken on notice for answer at a future Council Meeting.

- (2) No business may be considered at a Special Council Meeting unless:
- (a) it is set out on the Agenda; or
 - (b) where all Councillors are present at the Special Council Meeting, and Council determines to consider it by unanimous resolution.

- (3) No business may be considered at a Delegated Committee Meeting unless:

- (a) it appears in the Agenda or in a report accompanying the Agenda; or
- (b) the instrument of delegation to the Delegated Committee provides otherwise.

26. Order of business

- (1) The order of business of a Meeting will be as follows, unless resolved otherwise -

- (a) Council Meeting (including Ordinary Council Meetings and Special Council Meetings), except the first Meeting after a general election -

1. Acknowledgement of traditional owners;
2. Apologies;
3. Reminder to declare any general or material conflicts of interest in any items on the agenda;
4. Confirmation of Minutes of previous Meeting or Meetings;
5. Reception and reading of petitions and joint letters;
6. Reports by delegates appointed by Council to various organisations;
7. Reports from Committees and records of Assembly;
8. Officer reports (as listed);
9. Urgent Business;
10. Ordinary business
 - 10.1 Request for reports from a member of Council staff;
 - 10.2 Notice of Motion;
 - 10.3 Right of Reply
 - 10.4 Councillor questions
 - 10.5 Written public questions to Council

11. Confidential items.

- (b) First Meeting after a general Election

1. Acknowledgment of traditional owners;
2. Apologies;
3. Swearing in new Councillors;
4. Oath or affirmation of office – the making of the oath or affirmation of office by each Councillor under section 30 of the Act;

5. Code of conduct – the declaration by each Councillor to observe the Councillor Code of Conduct;
6. Decision of the length of the Mayoral term;
7. Election of Mayor and Deputy Mayor; and
8. Mayoral Address and comments from Councillors.

(c) Delegated Committee Meeting -

1. Acknowledgement of traditional owners;
2. Apologies;
3. Reminder of declaration by Councillors of any general or material conflicts of interest in any items on the agenda;
4. Confirmation of minutes of previous meeting or meetings;
5. Reports from members of Council staff (as listed).

27. Urgent Business

- (1) If a matter of an urgent nature has arisen since the most recent Ordinary Council Meeting, Council may resolve to consider the matter as Urgent Business.

28. Time Limits for Meetings

- (1) All Meetings must cease no later than 10:00pm on the day of the Meeting, except where the Meeting resolves to extend the time of the Meeting to 11:00pm.
- (2) If, upon the cessation of the Meeting under Sub-Rule (1), the business of the Meeting as provided for in the Agenda for that Meeting has not been completed, the Meeting must stand adjourned to a time, date and place announced then and there by the Chairperson. The adjourned Meeting can recommence not earlier than 7:30am the following day and not later than seven (7) calendar days after the adjournment.

29. Adjournment of meetings

- (1) A Meeting may be adjourned by the moving and passing of a motion to adjourn, except where Sub-Rule 28(2) or 29(3) applies.
- (2) If a Meeting is adjourned for any reason under Sub-Rule 29(1), the motion must, subject to Sub-Rule 28(1), be to reconvene within half an hour of the adjournment or to another day. The meeting of Council or a delegated committee cannot be adjourned for more than seven (7) calendar days.
- (3) Subject to Rule 28(1), the Chairperson may adjourn a meeting for up to one (1) hour, if that meeting is excessively disorderly and he or she is unable to restore order. Under this Sub-Rule, the meeting cannot be adjourned to another day.

30. Public Participation and Written Public Questions to Council

As outlined in the purpose of these Governance Rules, Council Meetings are held for Council to make its decisions. Members of the public do not have a right to address Council, however provisions are made for Council to respond to questions from the community and may provide an opportunity for members of the public to address Council at the discretion, and under direction, of the Chairperson.

- (1) This Rule applies subject to Rule 62.
- (2) Members of the public may address:
 - (a) a Council meeting at the discretion, and under the direction, of the Chairperson; or
 - (b) meetings of Council as provided in section 223 of the 1989 Act.
- (3) Unless otherwise directed by the Chairperson, an address under Sub-Rule (1)(a) must be in accordance with the guidelines titled 'Public Participation at Council Meetings', which are incorporated into these Governance Rules.
- (4) The time limit for an address under Sub-Rule (2)(b) is five minutes, unless the person making the address is granted an extension of time by the Chairperson.
- (5) Members of the public may not address Council during any period when the Council has resolved to close the meeting in respect of a matter under section 66(1) or 66(2) of the Act.
- (6) Members of the public wishing to submit written questions to Council must submit those questions in accordance with the guidelines titled 'Written Public Questions to Council', which are incorporated into these Governance Rules.
- (7) 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 Chairperson whenever called on to do so. Council may, by resolution, suspend standing orders to hear from a community member or representative of an organisation, on matters of significance to the Council.

31. Petitions and Joint Letters

- (1) A petition or joint letter is a document in the nature of a request or prayer that includes the whole of the wording of the request or prayer on every page.
- (2) To be valid, a petition must contain the names, addresses and signatures of five (5) or more people.
- (3) A joint letter is a letter containing a request signed by two (2) or more people. The signatures may be on one page or on multiple pages.

- (4) To be valid, a joint letter must contain the name and address of at least one (1) person (in addition to the requirement that a joint letter is signed by two (2) or more people).
- (5) A petition or joint letter presented to Council must be in writing (other than in pencil), typing or printing.
- (6) To be valid a petition or joint letter must not contain any defamatory, indecent, offensive or abusive language or be objectionable in language or substance.
- (7) A valid petition or joint letter may be considered at a Council meeting in accordance with the order of business.
- (8) The text of the petition or joint letter must be included on the agenda for the next Council meeting if received at least seven (7) days prior to the meeting.
- (9) Council may pass a motion to receive the petition or joint letter and that the petition or joint letter be referred to the relevant member of Council staff for appropriate action with a copy of the petition or joint letter to be circulated to all Councillors.
- (10) A person may not inscribe upon a petition or joint letter a name or signature purporting to be the name or signature of another person.

32. Councillor Questions

- (1) A Councillor may ask a question of another Councillor provided that it is in accordance with the incorporated document titled "Councillor Questions"

33. Procedure for moving a Motion and conduct of debate

- (1) The procedure to be followed for moving a Motion is as follows:
 - (a) The mover of a Motion must state the nature of the Motion without speaking to it.
 - (b) The Chairperson must call for a seconder to the Motion.
 - (c) If there is no seconder, the Motion lapses.
 - (d) If there is a seconder, the Chairperson must call the mover to address the Meeting.
 - (e) A mover who does not speak when called upon by the Chairperson is deemed to have exercised his or her right to speak.
 - (f) After the mover has, or is deemed to have, addressed the meeting, the seconder may address the meeting.

- (g) The seconder may, without speaking on the Motion, reserve his or her address until later in the debate.
 - (h) After the seconder has addressed the meeting or reserved his or her address until later in the debate, the Chairperson must call upon any Member who wishes to speak against the Motion.
 - (i) If no Member speaks against the Motion then the Chairperson may put the Motion to a vote or call any other Member to speak.
- (2) Except as provided in Sub-Rules (4) – (6), a Member may only speak once on -
 - (a) a Motion (subject to a right of reply in accordance with these Governance Rules) and
 - (b) any amendment to a Motion.
 - (3) A Member who is not the mover or seconder of a Motion may propose a friendly revision to the Motion.
 - (4) A Member may be permitted by the Chairperson or by resolution to speak more than once to explain that the Member has been misrepresented or misunderstood.
 - (5) A Member calling the attention of the Chairperson to a point of order is not regarded as speaking to the Motion or the amendment.
 - (6) A Member may be permitted by the Chairperson to ask questions pertaining to the subject matter of the Motion under discussion.

34. Procedure during debate

- (1) Once acknowledged by the Chairperson the Member has the floor and must not be interrupted unless called to order or until their time has expired.
- (2) If two (2) or more Members rise or wish to speak at the same time, the Chairperson must decide who is entitled to speak first.
- (3) Motions must be clear and unambiguous and not defamatory or objectionable in language or nature.
- (4) The Chairperson may require motions as stated, revised or amended to be put in writing.
- (5) The Chairperson may address the Meeting upon any matter under discussion and will not be deemed to vacate the chair on such occasions, except where Sub-Rule **Error! Reference source not found.**(6) applies.
- (6) The Chairperson may vacate the chair during any item under discussion whereupon a temporary Chairperson may take the chair in accordance with Sub-Rule 13.

- (7) The Chairperson may determine how Members and Council staff are addressed during the Meeting. Unless the Chairperson determines otherwise:
 - (a) any person addressing the Chairperson must refer to the Chairperson as Mayor or Chairperson, as the case may be;
 - (b) all Councillors other than the Mayor must be addressed as Cr. (surname); and
 - (c) all Council staff must be addressed by their official title or (Salutation) (surname).
- (8) Except for the Chairperson, Chief Executive Officer and other members of Council staff, any person who addresses the Meeting must stand and direct all remarks through the Chairperson.
- (9) The Chairperson may permit any Councillor or person to remain seated while addressing the Meeting or the Chairperson.

35. Debate to the Motion

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

36. Separation of motions

- (1) Separation of motions is to be dealt with as follows.
 - (a) Where a Motion contains more than one part, a Councillor may request the Chairperson to put the Motion to the vote in separate parts.
 - (b) The Chairperson may decide to put any Motion to the vote in separate parts.

37. Friendly revision to Motion

- (1) A friendly revision to a Motion is to be dealt with as follows –
 - (a) A Member, with the exception of the mover and seconder of the Motion, may be permitted by the Chairperson to propose a friendly revision of a Motion.
 - (b) A friendly revision of a Motion may propose to alter a Motion by leaving out, inserting or adding words which complement the Motion.

- (c) A second or subsequent friendly revision to a Motion must not be considered until any previous friendly revision is either accepted by both the mover and seconder of the Motion or rejected by one or both of the mover and seconder of the Motion.
- (d) If a friendly revision to a Motion is accepted by both the mover and seconder of the Motion, the substantive Motion is revised as proposed by the friendly revision and the debate continues as set out in this Rule.
- (e) If a friendly revision is proposed but not accepted by either the mover or seconder of the Motion the debate continues as set out in this Rule.
- (f) If a friendly revision is proposed but not accepted by either the mover or seconder, no Member can subsequently propose a friendly revision in relation to that substantive Motion that is materially like the friendly revision that was previously not accepted.

38. Amendment to a Motion

- (1) A Motion to amend a substantive Motion is to be dealt with as follows –
 - (a) Any Member, with the exception of the mover and seconder of the substantive Motion, may move or second an amendment to a Motion.
 - (b) A Motion to amend a substantive Motion may propose to alter the Motion by leaving out, inserting or adding words which complement the Motion.
 - (c) If the Motion to amend a substantive Motion is carried by a vote of the meeting, the substantive Motion is amended by the amendment to the Motion.
 - (d) Provided another Motion to amend the substantive Motion is not immediately proposed, the substantive Motion (as revised or amended as the case may be) must be put immediately by the Chairperson to a vote.
 - (e) A second or subsequent proposed amendment to a Motion must not be considered until the current amendment is decided upon.
 - (f) If a proposed amendment is moved but not accepted by a vote of the meeting, no Member can move a subsequent amendment in relation to that substantive Motion that is materially like the amendment that was unsuccessfully moved.
 - (g) The mover of an amendment does not have right of reply.

Note: If a proposed amendment is determined by the Chairperson to be the negative of, or substantially contrary to, the Motion, it should be treated as an alternative Motion to be considered only in the event that the Motion before the Chairperson is lost.

39. Withdrawal of Motion

- (1) Before any Motion is put to the vote, it may be withdrawn at the request of both the mover and seconder of the Motion with leave of the Chairperson.

40. Right of reply

- (1) Members have a right of reply in relation to a Motion as follows –
 - (a) The mover of a substantive Motion that has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during the debate but must not raise any new matters.
 - (b) After any right of reply has been taken, the Motion (as revised and/or amended as the case may be) must be immediately put to the vote without any further discussion or debate.

Note: A resolution must be capable of standing alone, that is, a person reading the decision of Council in the minutes will be able to understand what Council is seeking to achieve without reference to other sources. This usually means it should include specifics about the action to be taken, the timing of the action to be taken, the details of any other organisation

41. Right to make a statement

- (1) Subject to this Rule, a Member or member of Council staff may make a statement in response to comments made or reported as having been made about them by a member of the public, a Member or any other person – in any media or forum, which the Member or member of Council staff believes requires correction in order to balance the views the public might otherwise form.
- (2) The statement made under Sub-Rule (1) may be made in writing and included in the Agenda for the next Ordinary Council Meeting, or may be made at the next Ordinary Council Meeting.
- (3) Notice of the intention to make a statement and the comments to which the statement will respond must be given to all Members by noon on the day of the Meeting. If the comments are made after noon on the day of the Meeting, notice must be given as soon as possible.
- (4) No debate will be permitted on a statement made under this Rule.

42. Time Limits

- (1) No Member may speak longer than the time set out below unless granted an extension by the Meeting.

Speaking by	Minutes
The mover of a motion	Five (5)
The mover of an amendment	Three (3)
Any other Member	Three (3)
The mover of a motion making a final statement	Three (3)

- (2) A Motion for an extension of speaking time must not be accepted by the Chairperson if another Councillor has commenced speaking.

43. Procedural Motions

- (1) Unless otherwise prohibited, and subject to Sub- Rule (3), a procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Procedural Motions require a seconder.
- (3) The Chairperson may reject a procedural Motion if he or she believes the Motion on which it is proposed has not been adequately or sufficiently debated.
- (4) Regardless of any other provision in these Governance Rules, a procedural Motion must be dealt with in accordance with the table entitled 'Procedural Motions Table' in Appendix 1.
- (5) The mover of a procedural Motion does not have a right of reply.
- (6) A procedural Motion must not be amended.

44. Suspension of standing orders

Note: A suspension of standing order allows Council to temporarily remove the constraints of formal meeting procedure and allow full discussion or clarification of an issue. Suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council.

- (1) Council may, by resolution, suspend standing orders in accordance with the procedural Motion table at Rule 433.
- (2) No Motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, except a Motion to resume standing orders.

45. Request for report

- (1) A Councillor may, by motion at an Ordinary Council Meeting, request a report from members of Council staff. Any report requested under this Sub-Rule must:
 - (a) be clear and unambiguous;
 - (b) be capable of completion within Council's resources; and
 - (c) relate to the objectives, roles and functions of Council; and
- (2) The Chief Executive Officer may assist a Councillor making a request for report under Sub-Rule (1), including by providing guidance about available resources, or advice about the financial, legal or risk implications of the proposed report.
- (3) A formal resolution of Council must be passed in order for the report to be prepared by Council staff.

46. Notices of Motion

- (1) A Notice of Motion to declare the office of Mayor or Deputy Mayor vacant may only be made in accordance with section 23 of the Act.
- (2) A Notice of Motion under this Rule must be in writing and comply with all relevant provisions of the Act.
- (3) The Chief Executive Officer must provide the Notice of Motion to each Councillor without delay and inform Councillors about the implications of any proposed Notice of Motion. The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under this Rule and the Act.
- (4) If the Chief Executive Officer rejects a Notice of Motion, the Chief Executive Officer must inform the Councillor who lodged it of their rejection and the reasons for the rejection no later than nine (9) business days before the Meeting at which it is intended to be considered. The Councillor may submit a revised Motion within 24 hours.
- (5) The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
- (6) The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda and outline any policy, financial and resourcing implications if the Notice of Motion is passed.
- (7) The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.

- (8) Unless Council resolves otherwise, each Notice of Motion must be considered in the order in which they were received.
- (9) The Motion moved must not be substantially different to the motion published in the Agenda, but may be amended in line with these Governance Rules.
- (10) If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chairperson to do so, any other Councillor may move the Motion.
- (11) If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.
- (12) The office of Mayor or Deputy Mayor can only be declared vacant if the motion is passed by a majority of at least three-quarters of all of the Councillors in office.

47. Voting

- (1) To determine a Motion at a Meeting, the Chairperson must first call for those in favour of the Motion and then those opposed to the Motion, and must then declare the result to the Meeting.
- (2) In the event of a tied vote, the Chairperson must, unless the Act provides otherwise, exercise the casting vote.
- (3) The procedure for voting at a Meeting is as follows -
 - (a) Voting is by a show of hands or other such method, as approved by the Chairperson from time to time, by which a Member may express their voting intention.
 - (b) All Members may vote unless prohibited from doing so in accordance with the Act.
 - (c) Subject to the Act, the Chairperson may exercise a casting vote.
 - (d) A Chairperson may declare a vote as unanimous if it appears to them that that there is no opposition.

Note: Voting by show of hands enables those in attendance and those watching a livestream broadcast to clearly see which way a Council has voted at the time a vote is taken. Any alternative voting method should be determined with this objective in mind.

48. Recording of votes

- (1) The Chairperson must:

- (a) state the names of Councillors voting in favour, against or abstaining; and
 - (b) declare the result;
- with respect of each Motion.
- (2) The minute secretary must record, in the Minutes, the names of Councillors who voted in favour, voted against or abstained from voting, in respect of each Motion determined at the Meeting.

49. No discussion once a vote has been declared

- (1) Once a vote on a Motion has been declared carried, carried unanimously, lapsed, lost or deferred by the Chairperson, no further discussion relating to the Motion is allowed, unless the discussion involves a Member requesting that their opposition to a resolution be recorded in the Minutes or calling for a division in accordance with Rule **Error! Reference source not found.**

50. Points of Order

- (1) The Chairperson is the final arbiter of all points of order.
- (2) The Chairperson must give reasons for their decision on a point of order.
- (3) A point of order may be taken on the grounds that the matter is –
- (a) contrary to the Governance Rules;
 - (b) defamatory
 - (c) irrelevant
 - (d) outside Council or the Delegated Committee's power; or
 - (e) improper.
- (4) A Member called to order following a point of order being taken must cease speaking unless permitted to explain by the Chairperson.

51. Direction to leave a meeting

- (1) The Chairperson may direct any person (other than a Councillor or Delegated Committee member appointed by Council) who has during a Meeting, displayed Disorderly Behaviour, or interrupted the orderly and lawful process of the Meeting, to leave the Chamber for the remainder of the Meeting.
- (2) The Chairperson may direct a Member who has, during a Meeting, displayed Disorderly Behaviour, or interrupted the orderly and lawful process of the Meeting, to leave the Chamber for the remainder of the Meeting

- (3) A person or Member to whom a direction is given under Sub-Rules 51(1) or (2) must comply with that direction.
- (4) Members of the public present at a Council Meeting must not interject during the Council Meeting. If a person, other than a Councillor, interjects during the Council Meeting, the Mayor may direct:
 - (a) the person to stop interjecting; and
 - (b) if the person continues to interject, the removal of the person.
- (5) The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.
- (6) In causing a person's removal under Sub-Rule **Error! Reference source not found.**, or the removal of an object or material under Sub-Rule **Error! Reference source not found.**, the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person, object or material.

52. Confirmation of Minutes

- (1) No discussion is permitted on the minutes except as to their accuracy as a record of the proceedings of the meeting to which they relate. Once the minutes are confirmed they must be signed by the Chairperson.
- (2) The Chief Executive Officer must ensure that the minutes (excluding any confidential items) are available to any person free of charge, including by:
 - (a) making hard copies available for inspection;
 - (b) publishing soft copies on Council's website; and
 - (c) making arrangements for copies to be provided to any person who makes a request.

53. Recording of Proceedings

- (1) A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.
- (2) The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

54. Delegated Committees

- (1) If Council establishes a Delegated Committee, Council may resolve that a provision of this governance Rules do not apply to that Committee.

55. Community Asset Committees

- (1) The Governance Rules may apply to any Community Asset Committee established by Council.
- (2) Council may resolve, in establishing a Community Asset Committee which chapters of the Governance Rules apply but as a minimum must include Chapters 12 (Minutes).
- (3) A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- (4) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

56. Audit and Risk Committee

- (1) An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- (2) An Audit and Risk Committee must act in accordance with its Charter adopted by Council.

57. Election Period Policy

- (1) The Election Period Policy and State and Federal Elections (Councillor Candidature) Policy form part of these Governance Rules.
- (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. The State and Federal Elections (Councillor Candidature) Policy may be reviewed in line with ordinary review processes.
- (3) The operation of Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- (4) Any outstanding Delegate's Reports may still be reported to an ordinary meeting of Council during this period.
- (5) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

58. Joint council meetings

Note: Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in the Act.

- (1) Council may resolve to participate in a Joint Council meeting with one or more councils to consider:
 - (a) collaborative projects;
 - (b) collaborative procurement;
 - (c) emergency response; or
 - (d) any other issue in the mutual interest of the relevant councils.
- (2) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on governance Rules with the participating Councils.
- (3) Where 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) Council will appoint Councillors to represent it at a Joint Council meeting.
- (5) Consistent information will be provided to Councillors prior to any Joint Council Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- (6) A joint briefing arranged in accordance with Sub-Rule (5) may be held electronically.

Decision-making

59. Principles of decision-making

- (1) Councillors, members of Delegated Committees and Council staff are required to:
 - (a) avoid all situations which may give rise to a conflict of interest;
 - (b) identify any conflicts of interest; and
 - (c) disclose, declare and take steps to manage all conflicts of interest.
- (2) Rules 59 to 61 apply in addition to any other requirements under the Act or other Acts, regulations, policies, or standards.

60. Managing conflicts of interest – Councillors and members of Delegated Committees

- (1) This Rule only applies to conflicts of interest by Councillors and members of Delegated Committees (**Members**).
- (2) The Chief Executive Officer is responsible for developing forms and processes for written conflict of interest declarations by Members and facilitating public inspection of such written declarations. Members must complete any form developed by the Chief Executive Officer under this Sub-Rule.
- (3) Members must not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (4) The following procedure applies to disclosing a conflict of interest at a Meeting:
 - (a) At the start of a Meeting, the Chairperson must provide a Reminder of Declaration by:
 - i. reminding all Members of their obligation to declare any conflicts of interest in accordance with these Governance Rules;
 - ii. inviting Members to indicate the existence of any conflicts of interest in relation to any item on the agenda or any other matter to be discussed at the Council Meeting.
 - (b) After the Reminder of Declaration, a Member with a conflict of interest in an item or matter must state the relevant item number and item title, or provide a description of the relevant matter.
 - (c) Immediately prior to the consideration of the item or matter in which they have a conflict of interest, a Member with a conflict of interest in that item or matter must:
 - i. declare that they have a conflict of interest;
 - ii. state whether that conflict of interest is general or material;
 - iii. describe the circumstances giving rise to the conflict of interest;
 - iv. leave the Meeting for the duration of debate and consideration of the item; and

- (d) A Member who has left a Meeting in accordance with this section must not:
- i. return to the Council Meeting or Assembly; or
 - ii. communicate with any participants in the Council Meeting or Assembly;
- while the item or matter for which they have a conflict of interest is being considered, discussed, or voted on.
- (e) The following information will be recorded in the Minutes of the Meeting:
- i. all conflict of interest disclosures under this section;
 - ii. the time when a Member with a conflict of interest left the Meeting; and
 - iii. the time when a Member with a conflict of interest returned to the Meeting.
- (5) The following procedure applies to disclosing a conflict of interest at any other meeting organised, hosted or supported by Council, including an Assembly of Council.
- (a) A Councillor who has a conflict of interest in a matter must not participate in a meeting discussing the matter, if the meeting is taking place prior to a decision on the matter by Council, a delegated committee or a Council staff member acting under delegation.
 - (b) At the time indicated on the agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises. If there is no agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
 - (c) 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.
 - (d) The existence of a conflict of interest will be recorded in the minutes of the meeting. If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Chief Executive Officer. The meeting minutes or record will also record the the time the Councillor left, and then returned to, the meeting.
 - (e) A Record of Assembly will be presented to Council for noting and inclusion on the public record.

61. Managing conflicts of interest – Council staff

- (1) This Rule only applies to Council staff who are exercising a power, or performing a duty or function, or making a decision.
- (2) Council staff must act in accordance with the Staff Code of Conduct, and must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) The Chief Executive Officer may determine the form of any conflict of interest disclosures for Council staff members under this section.
- (4) This Sub-Rule (4) applies if the Chief Executive Officer becomes aware that they have a conflict of interest in respect of a matter.
 - (a) The Chief Executive Officer must disclose their conflict of interest in writing to the Mayor, and must not exercise any delegation or make any decision with respect of the matter.
 - (b) If the matter relates to the exercise of power, or the making of a decision, which has previously been delegated or Sub-delegated to another Council staff member (**Existing Delegate**), then the matter may be considered by the Existing Delegate. The Chief Executive Officer must not give advice to the Existing Delegate, and must ensure that the Existing Delegate is not directed to exercise the power, or make the decision, in a particular manner.
 - (c) If the matter relates to the exercise of power, or the making of a decision, by the Chief Executive Officer under delegation by Council, and that power is not capable of delegation or has not previously been Sub-delegated to another Council staff member, then the matter must be considered by Council. The Chief Executive Officer may not provide advice to Council in respect of the matter unless all of the following are met:
 - i. they are the only staff member with expertise in the area;
 - ii. they have completed a statutory declaration to the effect that the conflict of interest has not influenced the advice provided; and
 - iii. the existence, nature and circumstances of the conflict of interest is documented in the minutes of the Council Meeting where the matter is considered.
 - (d) If the matter relates to the exercise of statutory power which has not previously been delegated, the Chief Executive Officer may delegate the power to another Council staff member (**New Delegate**). The Chief Executive Officer must not give advice to the Existing Delegate, and must ensure that the New Delegate is not directed to exercise the power in a particular manner.

(5) This Sub-Rule (5) applies if a Council staff member other than the Chief Executive Officer becomes aware that they have a conflict of interest in respect of a matter in which they are exercising a delegation or making a decision.

- (a) The Council staff member must disclose the conflict of interest in writing to their manager.
- (b) Upon receiving a conflict of interest disclosure under this section, the manager must ensure that the relevant staff member does not exercise the delegation or make the decision for which they have a conflict of interest.
- (c) The Council staff member who has disclosed a conflict of interest may provide advice to Council, or to another staff member who is exercising the power or making the decision, if all of the following apply:
 - i. the relevant Council staff member is the only staff member with expertise in the area;
 - ii. the Chief Executive Officer, or a Director, has determined that the conflict of interest will not influence the advice provided; and
 - iii. the existence of the conflict of interest is documented in all advice provided by the relevant Council staff member, and in the case of verbal advice, is documented by the decision-maker.

Transitional provisions

62. COVID-19 pandemic and other emergencies of a similar nature

Note: These Governance Rules were prepared during the COVID-19 pandemic in 2020, which has affected Council's operations and, in some cases, prevented the ordinary conduct of Meetings and other decision-making processes. In emergency circumstances such as those presented by the COVID-19 pandemic, Council will endeavor to continue ensuring open and transparent in line with relevant laws and government guidelines.

- (1) From 7 April 2020 until such time that Council resolves otherwise:
 - (a) the operation of the incorporated document entitled 'Public Participation at Council Meetings' is suspended; and
 - (b) the operation of the incorporated document entitled "Written Public Questions to Council" is suspended, and alternative arrangements will be made to give effect to the requirements of this incorporated document, as set out in the attached document entitled 'Written Public Questions to Council – COVID-19 pandemic', save that any reference to the Council Meeting Procedure 2019 is removed and replaced with a reference to the corresponding provision in these Governance Rules.
- (2) From 1 May 2020 until such time that Council resolves otherwise or the *COVID-19 Omnibus (Emergency Measures) Act 2020* (Vic) ceases to be in force (whichever comes earlier), Council may facilitate virtual Meetings in accordance with the Minister's Good Practice Guideline MGPG-1: Virtual Meetings. For the purposes of Sub-Rule 23(2), the location of any Ordinary Council Meeting conducted virtually is deemed unchanged, and the requirement to provide notice under Sub-Rule 23(2) can be satisfied by placing the schedule on Council's website and providing a link to the livestream.
- (3) Council may, by resolution:
 - (a) suspend or limit the operation of part or whole of; and/or
 - (b) make alternative arrangements to give effect to,the incorporated documents entitled 'Written Public Questions to Council' or 'Public Participation at Council Meetings', provided that such suspension or limitation:
 - (c) is necessary to:
 - i. protect Councillors or the public consistent with state or federal government guidelines or public health considerations; or
 - ii. otherwise to comply with relevant laws, regulations or instructions from relevant authorities in the event of an emergency; and

(d) is permitted by law.

(4) If Council makes a resolution described in Sub-Rule (3):

- (a) the circumstances justifying the resolution must be clearly detailed in the Minutes of the Meeting; and
- (b) the suspension, limitation or alternative arrangement must be reviewed within six months.

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APPENDIX 1: PROCEDURAL MOTIONS TABLE

Motion	Form	Mover/ Secunder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral) ...'	Any Councillor	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a Chairperson; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the motion now be put'	Any Councillor	During nominations for a Chairperson	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	Any Councillor	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the Agenda	No
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The Rules of the meeting are temporarily suspended for the specific reason given in the motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the Rules of the meeting is removed	The meeting cannot continue	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx is confidential as it relates to [insert reason]	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes
Extension of speaking time	That Councillor xx be granted a xx minute extension of speaking time	Any Councillor	A Motion for an extension of speaking time must not be accepted by the Chairperson if another Councillor has commenced speaking.	Councillor may continue speaking for the amount of time approved via resolution	Councillor must cease speaking	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Extension of meeting	That the meeting be extended to conclude at 11pm	Any Councillor	A motion to extend the meeting to 11pm must not be accepted by the Chairperson if motion is put after 10pm	The meeting will continue to consider the remaining items on the agenda until 11pm. If the items on the agenda are unable to be considered before this time, the Chairperson will adjourn the meeting before 11pm in accordance with the Governance Rules	The Chairperson must adjourn the meeting in accordance with the Governance Rules before 10pm	No