



**CORANGAMITE
SHIRE**

Draft

Governance Rules

Corangamite Shire

2020

Draft Governance Rules

Corangamite Shire Council

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A: Introduction

1. Title

This document will be known as the “Governance Rules” of Corangamite Shire Council.

2. Authorising Provision

The Governance Rules are made in accordance with section 60 of the *Local Government Act 2020* (the Act).

The Governance Rules are intended to be consistent with the Act. In the event of any inconsistency, the provisions of the Act and any subordinate legislation will prevail.

3. Context

The Governance Rules should be read in the context and in conjunction with:

- 3.1. the overarching governance principles specified in section 9(2) of the Act; and
- 3.2. the following documents adopted or approved by Council:
 - 3.2.1. Corangamite Shire Local Law No. 3;
 - 3.2.2. Councillor Code of Conduct;
 - 3.2.3. Staff Code of Conduct; and
 - 3.2.4. any other relevant policy as adopted by Council.

4. Objectives

The Governance Rules aim to:

- 4.1. specify the process for the election of Mayor and Deputy Mayor;
- 4.2. detail the process for the appointment of an Acting Mayor, if required;
- 4.3. provide for the appointment of Councillors to committees of Council or external committees or board positions;
- 4.4. provide for the conduct of Council meetings and meetings of Delegated Committees, including those present at meetings as observers;
- 4.5. ensure the decision making of Council is transparent and conducted fairly and on the merits;
- 4.6. ensure decision making processes provide for the entitlement of any person, whose rights will be directly affected by a decision of Council, to communicate their views and have their interests considered;
- 4.7. specify the form of meeting records;
- 4.8. provide the procedures for disclosures of conflict of interest by a councillor, member of a delegated committee or member of Council staff;
- 4.9. provide the Election Period (Caretaker) Policy of Council.

5. Commencement

The Governance Rules commence once adopted by Council, and continue to be in force until varied or revoked by a decision of Council.

6. Definitions

In the Governance Rules:

“Act” means the *Local Government Act 2020*;

“Agenda” means the document setting out the business to be transacted at a Meeting and includes the date, time and place of a Meeting, and the reports and business papers for that business;

“Agreement of Council” means indicative agreement of all of the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote;

“Authorised Officer” means a member of Council staff who is authorised by Council to carry out specific functions on behalf of Council, and has the same meaning as in the *Local Government 1989* or any other Act;

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

“Chamber” means any room where Council holds a Council Meeting;

“Chief Executive Officer” means the Chief Executive Officer of the Council or any person acting in that position;

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

“Council” means the Corangamite Shire Council;

“Council Meeting” means a scheduled or unscheduled meeting of Council, or a joint meeting of Council with another municipality, held in accordance with these Rules and section 61 of the Act, and does not include a Councillor briefing session;

“Councillor” means a Councillor of the Council;

“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;

“Disorder” means any disorderly conduct of a member of the gallery or a Councillor and includes:

- (a) interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;
- (b) making comments that are defamatory, malicious, abusive or offensive;
- (c) 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
- (d) engaging in any other conduct which prevents the orderly conduct of the Meeting;

“Division” means a formal count of those for and those against a Motion generally to remove any doubt as to whether the Motion is supported or opposed;

“Majority” in relation to votes undertaken by Councillors means the number of votes by Councillors constituting more than half of the total number of Councillors present at the Meeting, unless otherwise specified;

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

“Meeting” means a Council Meeting or a Delegated Committee Meeting;

“Member” means a Councillor or member of a Delegated Committee to which these Governance Rules apply;

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

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

“Municipal District” means the municipal district of Council;

“Notice of Motion” means a notice setting out the text of a motion which is proposed to be moved by a Councillor at the next relevant Council Meeting;

“Notice of Rescission” means a Notice of Motion to rescind a resolution made by Council;

“Officer” means an employee of the 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 which relates to the conduct of the Meeting itself;

“Suspension of Standing Orders” means the suspension of the provisions of these Rules to facilitate full discussion on an issue without formal constraints; and

“Unscheduled Meeting” means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council Meetings set by Council.

B: Election of Mayor and Deputy Mayor

7. Election of Mayor

- 7.1. A Mayor must be elected in accordance with section 25 of the Act.
- 7.2. The Chief Executive Officer must chair the meeting at which the Mayor is to be elected, and preside until the Mayor is elected and assumes the chair.
- 7.3. A Councillor may nominate themselves for the office of Mayor which must be seconded.
- 7.4. Where a Councillor is nominated by another Councillor for the office of Mayor, the nominee must be provided with the opportunity to either accept or decline the nomination.
- 7.5. Voting is by show of hands and must be visible to those in attendance or watching a livestream broadcast.
- 7.6. Nominees will be offered an opportunity to address fellow Councillors prior to a vote, for up to five (5) minutes each.
- 7.7. If there is only one (1) nomination, the meeting must declare that the Councillor is duly elected as Mayor.
- 7.8. If there are two (2) nominations, the Councillors present at the Council Meeting must vote for one (1) of the nominees.
 - 7.8.1. In the event of a nominee receiving a majority of the votes, that is greater than half of all Councillors of the Council (four votes), that nominee is elected as Mayor.
 - 7.8.2. In the event that there is a tied vote, or a nominee does not receive a majority of votes that is greater than half all Councillors of the Council (four votes), a second vote must be conducted.
- 7.9. If there are three (3) or more nominations, the Councillors present at the Council Meeting must vote for one (1) of the nominees.
 - 7.9.1. The nominee with the lowest number of votes is a defeated nominee and voting is repeated until there are two (2) remaining nominees.
 - 7.9.2. If there is a tied vote between two or more nominees who receive the lowest number of votes, Councillors must vote for the tied nominees to determine the defeated nominee.
 - 7.9.3. A final vote is taken with the remaining two (2) nominees, and in the event of a nominee receiving a majority of the votes that is greater than half of all Councillors of the Council (four votes), that nominee is elected as Mayor.
 - 7.9.4. In the event of a tied vote between the final two (2) nominees, or a nominee does not receive a majority of votes that is greater than half all Councillors of the Council (four votes), a second vote must be conducted.
- 7.10. If the second vote is tied, or a majority greater than half all Councillors of the Council (four votes) is not achieved, the Council may resolve to conduct a new election for the position of Mayor at a later specified date and time.

- 7.11. Following Council's resolution to conduct a new election for the position of Mayor at a later date, the Chief Executive Officer will continue to chair the meeting for the election of a Deputy Mayor, if Council has resolved that the position be established. Once elected, the Deputy Mayor would assume the chair.
- 7.12. In the event Council has not resolved to elect a Deputy Mayor, the Chief Executive Officer will call for nominations for an Acting Mayor.
- 7.13. Upon being elected, the Mayor may make a brief speech, outlining priorities for the year ahead based on the adopted Council Plan.

8. Election of Deputy Mayor

- 8.1. Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position.
- 8.2. A Deputy Mayor is to be elected by way of the same procedure as specified in clause 7.
- 8.3. The term of the Deputy Mayor is identical to the term of Mayor, as resolved by Council prior to the election of Mayor.

9. Appointment of Acting Mayor

- 9.1. Council may appoint an Acting Mayor in accordance with section 20B of the Act for a specified period of time.
- 9.2. Appointment of an Acting Mayor is by resolution of Council.
 - 9.2.1. A Councillor nominated for the appointment of Acting Mayor must have the opportunity to accept or decline the nomination prior to the motion and resolution of Council.

C: Council Representatives to Boards and Committees

10. Appointment of Councillors to Boards and Committees

- 10.1. Once every calendar year, the Council must resolve to:
 - 10.1.1. allocate Councillors to nominated Committees of Council, External Committees or Board positions; and
 - 10.1.2. remove Councillors from Committees of Council, External Committees or Board positions.
- 10.2. Should a Councillor resign from a position appointed by Council in accordance with clause 10.1, and no substitute representative has previously been appointed, Council may by resolution appoint another Councillor to the position at any Meeting of Council.

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D: Meetings Procedure

Part 1: Scheduling Council Meetings, Notices of Meetings and Delivery of Agendas

11. Calling Council Meetings

Council holds scheduled Council Meetings and, when required, unscheduled Council Meetings to conduct the business of Council.

- 11.1. Council must by resolution schedule the date, time and place of all Council Meetings for the term of the Council in November following a general election.
- 11.2. Unscheduled Meetings of Council may be called by:
 - 11.2.1. resolution of Council; or
 - 11.2.2. in writing by the Mayor; or
 - 11.2.3. in writing by three Councillors;
- 11.3. When calling an Unscheduled Council Meeting, the date, time, place and the business to be transacted must be specified.
- 11.4. Only the business specified in the Council resolution or written notice for an Unscheduled Council Meeting may be considered by Council, unless Council unanimously agrees by resolution to admit another item.
- 11.5. Council by resolution, or the Chief Executive Officer in consultation with the Mayor, may change the date, time and place of, or cancel any Council Meeting which has been fixed and must provide notice of the change to the public at least seven (7) days before the Meeting.
- 11.6. In the event of an emergency, the Chief Executive Officer may postpone a Council Meeting, provided every reasonable attempt is made to notify every Councillor of the postponement.
- 11.7. When a Council Meeting is postponed in accordance with clause 11.6, the Chief Executive Officer must provide Council with a report specifying the circumstances of the emergency and reasoning for the postpone at the next scheduled Council Meeting.
- 11.8. An Agenda for a Council Meeting must be delivered to every Councillor at least 48 hours before the Meeting.
- 11.9. An Agenda for a Council Meeting must be available to the public at least 48 hours before the Meeting on Council's website.
- 11.10. If as a result of an emergency, an Agenda is not provided at least 48 hours before a Council Meeting, the Chief Executive officer must record in the Minutes of the Council Meeting the nature of the emergency and the reason for an Agenda not being provided 48 hours before the meeting.

12. Joint Council Meetings

- 12.1. Joint Council Meetings with one or more other councils may be called by resolution of Council and held in accordance with the Act.
- 12.2. In calling a Joint Council Meeting the matters to be considered must be specified in the resolution and should only relate to:
 - 12.2.1. matters of relevance to each municipality;

- 12.2.2. collaborative projects;
 - 12.2.3. collaborative procurement; or
 - 12.2.4. emergency response.
- 12.3. A majority of Councillors (four) must represent Corangamite Shire Council at a Joint Council Meeting.
- 12.4. Where a Joint Council Meeting is to be held, the Chief Executive Officer (or delegate) will agree on the Governance Rules for the meeting with the participating council(s), as well as the date, time and place of the joint meeting.
- 12.5. Where Council is the lead council for the Joint Council Meeting:
- 12.5.1. the Chief Executive Officer (or delegate) will coordinate an Agenda for the joint meeting and ensure it is delivered electronically to each participating council and each Corangamite Shire Councillor at least 48 hours before the joint meeting. A period less than 48 hours may, however, be justified if exceptional circumstances exist; and
 - 12.5.2. The Mayor will be nominated to chair the joint meeting.
- 12.6. The Chief Executive Officer (or delegate) will take Minutes of the Joint Council Meeting and provide each participating council with a copy of the Minutes within seven (7) days of the joint meeting.
- 12.7. Public notice of Joint Council Meetings must be provided at least seven (7) days before the joint meeting on Council's website.
- 12.8. An Agenda for a Joint Council Meeting must be available to the public at least 48 hours before the joint meeting on Council's website.
- 12.9. The Minutes of a Joint Council Meeting must be confirmed at next Council Meeting in accordance with clause 63.
- 12.10. The confirmed Minutes of a Joint Council Meeting must be published on Council's website and stored in accordance with clause 63.5.

13. Publication of Council Meeting Dates

- 13.1. The Chief Executive Officer (or delegate) must ensure the schedule of Council Meetings for the calendar year is published on Council's website.
- 13.2. Public notice of scheduled and unscheduled Council Meetings must be provided on Council's website at least seven (7) days before the meeting, and specify the date, time and place of the meeting.
- 13.3. Public notice of unscheduled Council Meetings given in accordance with clause 13.2 must also specify the business to be transacted at the meeting.

14. Delegated Committee Meetings

Delegated Committee Meetings will be called and held in accordance with the Act and these Governance Rules.

15. Meetings to be Open to the Public

Any meeting of the Council or a Delegated Committee must be open to members of the public unless Council or the Delegated Committee resolves that the meeting be closed to members of the public in accordance with section 66 of the Act.

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Part 2: Quorums

16. Council Meetings

- 16.1. The quorum for Council Meetings is the presence of a Majority of the Councillors elected to the Council (four Councillors).
- 16.2. If after 30 minutes from the scheduled starting time of any Council Meeting, a quorum cannot be obtained:
 - 16.2.1. those Councillors present; or
 - 16.2.2. if there are no Councillors present, the Chief Executive Officer; or
 - 16.2.3. in the absence of the Chief Executive Officer, a Senior Officer;must adjourn the Council Meeting for a period not exceeding seven (7) days from the date of adjournment.
- 16.3. If during any Council Meeting or any adjournment of the Council Meeting, a quorum cannot be maintained:
 - 16.3.1. those Councillors present; or
 - 16.3.2. if there are no Councillors present, the Chief Executive Officer; or
 - 16.3.3. in the absence of the Chief Executive Officer, a Senior Officer;must adjourn the Council Meeting for a period not exceeding seven (7) days from the date of adjournment.
- 16.4. If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest of Councillors, the matter must be considered in accordance with section 67 of the Act.
 - 16.4.1. If the matter cannot be dealt with at the Council Meeting in an alternative manner, as defined by the Act, the Chairperson will move onto to the next item of business, and defer the item for which a quorum cannot be achieved to the next scheduled Council Meeting, or for consideration by a Delegated Committee established by Council to consider the matter and report back to Council at the next scheduled Council Meeting.
- 16.5. The Chief Executive Officer (or delegate) must give notice to each Councillor of the date, time, place and the business remaining to be considered for any Council Meeting adjourned to another date or time due to an inability to achieve or maintain a quorum.
- 16.6. Public notice of the next date, time and place of an adjourned Council Meeting must be placed on Council's website as soon as practicable.

17. Delegated Committee Meetings

The quorum for Delegated Committee Meetings is the presence of a majority of voting committee members appointed by Council.

Part 3: Business of Meetings, Chairperson and Absences

18. Business of Meetings

- 18.1. The Chief Executive Officer may include any matter on the Agenda for a Council Meeting which he or she thinks should be considered at the Meeting to which the Agenda relates.
- 18.2. No business can be dealt with at a Council Meeting, Joint Council Meeting or Delegated Committee Meeting unless:
 - 18.2.1. it is contained in the Agenda, or
 - 18.2.2. the majority of Members at the meeting vote in favour of a matter being dealt with as Urgent Business by resolution and only then if it:
 - 18.2.2.1. relates to or arises out of a matter which has arisen since distribution of the Agenda; and
 - 18.2.2.2. cannot safely or reasonably be deferred until the next Meeting.
- 18.3. The Agenda for a Council Meeting may provide for Councillors to raise items of Other Business, in which case the Other Business to be transacted will be:
 - 18.3.1. at the discretion of the Chairperson;
 - 18.3.2. provided to the Chairperson before the commencement of the meeting;
 - 18.3.3. must be of broad interest to the community or be of strategic significance; and
 - 18.3.4. must be approved by Agreement of Council.

19. Councillors may Propose Notices of Motion

- 19.1. Prior to a Council Meeting, Councillors wanting to include a matter on the Agenda, must complete a Councillor's Notice of Motion form.
- 19.2. A Notice of Motion form must be signed by the Councillor and be lodged with the Chief Executive Officer seven (7) days prior to the Council Meeting, to allow sufficient time for it to be put on the Agenda for the next Council Meeting.
- 19.3. A Notice of Motion must relate to the objectives, role, and functions of Council as outlined in the Act.
- 19.4. The Chief Executive Officer may reject any Notice of Motion which:
 - 19.4.1. is too vague or unclear in intention;
 - 19.4.2. is defamatory;
 - 19.4.3. may be prejudicial to any person or Council;
 - 19.4.4. is objectionable in language or nature;
 - 19.4.5. is outside the powers of Council;
 - 19.4.6. is submitted during an election period;
 - 19.4.7. relates to a matter that can be addressed through the operational service request process; or

- 19.4.8. relates to a matter that has been previously resolved by Council and has been acted upon.
- 19.5. If rejecting a Notice of Motion, the Chief Executive Officer must, in writing, notify the Councillor of the rejection and the reasons for the rejection, and give the Councillor who lodged it an opportunity to submit a revised Notice of Motion within 24 hours.
- 19.6. The Chief Executive Officer (or delegate) must ensure each accepted Notice of Motion is entered into a register.
- 19.7. The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the material accompanying the Agenda. The Chief Executive Officer may provide additional information or clarification on the matter, including policy, legal, financial and resourcing implications should the Notice of Motion be passed.
- 19.8. A Notice of Motion may be considered as a confidential item at a Council meeting closed to the public, if the Chief Executive Officer believes it meets the relevant definition of confidential information in the Act.
- 19.9. Except by leave of Council, each Notice of Motion before any Council Meeting must be considered in the order in which they were received by the Chief Executive Officer.
- 19.10. The Motion moved must not be substantially different to the Motion published in the Agenda, however, may be amended by resolution of Council.
- 19.11. If a Councillor who has given a Notice of Motion is absent from the Council Meeting or fails to move the Motion when called upon by the Chairperson, any other Councillor may move the Motion.
- 19.12. If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

20. Order of Business for Council Meetings

The order of business at any Council Meeting is to be determined by the Chief Executive Officer, with advice from the Mayor, so as to facilitate and maintain open, efficient and effective processes of government

21. Change to Order of Business for Council Meetings

Once an Agenda has been sent to Councillors, the order of business for that Council Meeting may be altered with the Agreement of Council.

22. Chairperson for Council Meetings

The Mayor must preside as Chairperson at all Council Meetings at which he or she is present.

23. Absence of Chairperson for Council Meetings

- 23.1. If the Mayor is unable to attend a Council Meeting for any reason, the Deputy Mayor is to chair the meeting.
- 23.2. If the Deputy Mayor is also unable to attend the Council Meeting, the Acting Mayor (if appointed), or the immediate Past Mayor is to chair the meeting.
- 23.3. In the event the Acting Mayor, or immediate Past Mayor is absent, the Chief Executive Officer will call for nominations for a temporary Chairperson who will be appointed by a resolution of Council.

- 23.4. If the Mayor is required to vacate the chair during a Council Meeting (whether on account of a conflict of interest or otherwise), the role of chair will be filled in accordance with clauses 23.1 to 23.3 for the period of the Mayor's absence.

24. The Chairperson's Duties and Discretions

In addition to the duties and discretions provided in these Governance Rules, the Chairperson:

- 24.1. must not accept any Motion, question or statement which is derogatory, defamatory, malicious, abusive or objectionable in language or substance, or consistent with clause 27 of these Rules;
- 24.2. must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the Meeting;
- 24.3. must call to order any person who is disruptive or unruly or interferes with the conduct of the business of Council;
- 24.4. may direct that a vote be recounted to be satisfied of the result; and
- 24.5. must decide on all Points of Order.

25. Leave of Absence and Apologies

- 25.1. If a Councillor plans to be absent from Council Meetings for a period of four (4) consecutive months or more, the Councillor should request a leave of absence by giving notice to the Chief Executive Officer.
- 25.2. Council may by resolution grant a leave of absence for a Councillor.
- 25.3. Conditions for a Councillor's leave of absence is in accordance with the Act.
- 25.4. Councillors and members of a Delegated Committee unable to attend a Meeting must give the Chairperson notice of an apology prior to the Meeting.
- 25.5. Apologies submitted in accordance with clause 25.4 must be recorded in the Minutes. A resolution to accept the apologies is not required.
- 25.6. If a Councillor or member of a Delegated Committee arrives following the commencement of the Meeting, leaves a Meeting and/or returns to the Meeting, the minutes shall record the Member's name and time of the arrival or departure.

Part 4: Motions and Debate

26. Introducing a Motion at a Meeting

Before a Motion at a Meeting is moved, a Member may introduce it by indicating, in not more than two (2) minutes:

- 26.1. its intent; or
- 26.2. the desired outcome, if it is passed.

27. Unacceptable Motions at a Meeting

Any motion which is determined by the Chairperson at a Meeting to be:

- 27.1. defamatory, malicious or abusive;
- 27.2. objectionable in language or nature;
- 27.3. vague, ambiguous or unclear in intention;
- 27.4. outside the powers of Council;
- 27.5. irrelevant to the item of business on the Agenda and has not been admitted as Urgent Business; or
- 27.6. purports to be an amendment but is not;
must not be accepted by the Chairperson.

28. Moving a Motion at a Meeting

The procedure for moving any Motion is:

- 28.1. the mover must state the Motion and be given an opportunity to introduce the motion in accordance with clause 26;
- 28.2. the motion must be seconded by a Member other than the mover;
- 28.3. if a motion is not seconded, the motion lapses for want of a seconder;
- 28.4. if a motion is moved and seconded the Chairperson may enquire if Members have any questions to be asked in accordance with clause 42, or if the motion is opposed;
- 28.5. if no Member indicates opposition, the Chairperson may give each Member an opportunity to speak to the Motion before putting the Motion to the vote. Each Member may only speak once and for not more than three (3) minutes, unless the Chairperson offers a further opportunity to do so. Alternatively, if no Member indicates opposition the Chairperson may call on the mover to address the meeting;
- 28.6. if a Member indicates opposition, then the Chairperson must call on the mover to address the Meeting;
- 28.7. after the mover has addressed the Meeting, the seconder may address the Meeting, or the seconder may reserve his or her right to speak later in the debate;

- 28.8. after the seconder has addressed the Meeting (or after the mover has addressed the Meeting if the seconder does not address the Meeting at this time), the Chairperson must invite debate by calling on any Member who wishes to speak to the Motion before putting the motion to the vote;
- 28.9. if after the mover has addressed the Meeting, the Chairperson has invited debate and no Member speaks to the motion, then the Chairperson must put the Motion to the vote.

29. Right of Reply

- 29.1. The mover of a Motion has a right of reply to matters raised during debate.
- 29.2. After the right of reply has been taken, the Motion must immediately be put to the vote without any further discussion or debate.

30. Moving an Amendment to a Motion

- 30.1. Subject to clause 30.2, 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.
- 30.2. A Motion to confirm a previous resolution of Council cannot be amended.
- 30.3. If a Member proposes an amendment, and both the original mover and seconder of the Motion indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without a seconder, debate or vote.

31. Who may Propose an Amendment to a Motion

An amendment to a Motion may be moved or seconded by any Member, except the mover or seconder of the original Motion.

32. How Many Amendments May be Proposed

- 32.1. Any number of amendments may be proposed to a Motion but only one (1) amendment may be accepted by the Chairperson at any one time.
- 32.2. 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.

33. An Amendment to a Motion Once Carried

- 33.1. If the amendment to a Motion is carried, the Motion as amended then becomes the Motion before the Meeting for consideration.
- 33.2. Subject to clause 33.3, once the amended Motion is before the Meeting, the debate can resume from where it left off.
- 33.3. A Member who has already spoken on the original Motion must not speak again on the amended Motion unless the amended Motion is so substantially different to the original Motion so as change the debate.

34. Withdrawal of Motions

Before any Motion is put to the vote, it may be withdrawn by the mover and seconder at their joint request.

35. Separation of Motions

- 35.1. The Chairperson may decide to put any Motion to the vote in several parts.
- 35.2. Where a motion contains more than one (1) part, a Member may request the Chairperson to put the Motion to the vote in separate parts.

36. Priority of Address

In the case of competition for the right to speak, the Chairperson must decide the order in which the Members concerned will be heard.

37. Motions in Writing

- 37.1. The Chairperson may require that a complex or detailed Motion be in writing.
- 37.2. Standing Orders may be suspended while the Motion is being written or the matter may be deferred until the Motion has been written, allowing the Meeting to proceed uninterrupted.

38. Repeating Motion and/or Amendment of Motion

The Chairperson may request the person taking the Minutes of the Meeting to read the Motion or amendment to the Meeting before the vote is taken.

39. Debate Must be Relevant to the Motion

- 39.1. Debate must always be relevant to the Motion before the Chair, and if not, the Chairperson must request the speaker to confine debate to the Motion.
- 39.2. If, after being requested to confine debate to the Motion before the Chair, 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 then before the Chairperson.
- 39.3. A speaker to whom a direction has been given under clause 39.2 must comply with that direction.

40. Speaking Times

A Member must not speak longer than the time set below, unless granted an extension by the Chairperson:

- 40.1. the mover of a Motion or an amendment which has been opposed: five (5) minutes;
- 40.2. the amender of a Motion that has been opposed: five (5) minutes;
- 40.3. the seconder of the Motion: three (3) minutes;
- 40.4. any other Member: three (3) minutes; and
- 40.5. the mover of a Motion exercising a right of reply: two (2) minutes.

41. Foreshadowing Motions

- 41.1. At any time during debate a Member may foreshadow a Motion so as to inform the Meeting of his or her intention to move a Motion at a later stage in the Meeting, but this does not extend any special right to the foreshadowed Motion.
- 41.2. A Motion foreshadowed may be prefaced with a statement that in the event of a particular Motion before the Chairperson being resolved in a certain way, a Member intends to move an alternative or additional Motion.

- 41.3. The Chief Executive Officer or person taking the Minutes of the Meeting is expected to record foreshadowed motions in the Minutes, if sufficient detail of the foreshadowed Motion is provided at the Meeting.
- 41.4. A foreshadowed Motion may be considered directly after the debate and resolution of the original Motion being considered. Additional motions not foreshadowed are to be considered in another section of the Agenda (e.g. Other Business or Urgent Business).

42. Right to Ask Questions

- 42.1. Subject to clause 42.6, a Member may, at any time when no other Member is speaking, ask any question concerning or arising out of the Motion or amendment before the Chairperson.
- 42.2. Questions are not to be asked between moving and seconding a Motion, except to seek clarification on the Motion moved.
- 42.3. Members must be seated after asking the questions and during any reply.
- 42.4. All questions must be directed to the Chairperson or to another Member through the Chairperson. The Chairperson, as he or she deems necessary, may direct any questions to the Chief Executive Officer, to answer or refer to the appropriate officer for response.
- 42.5. Questions are not to be asked after the right of reply and before the Motion being voted upon.
- 42.6. The Chairperson has the right to disallow any question that does not specifically relate to the Motion or amendment directly before it and to disallow any questions should they, in the reasonable opinion of the Chairperson, be considered irrelevant.

43. Lost Motions

If a Motion is lost without a subsequent Motion then being carried, it will not be automatically determined that the outcome is contrary to the lost Motion. Members should therefore move a Motion detailing further requirements or actions after any Motion is lost.

44. Addressing the Council Meeting

If the Chairperson so determines:

- 44.1. any person addressing the Chair may refer to the Chairperson as:
 - Mayor; or
 - Madam Mayor; or
 - Mr Mayor; or
 - Chair; or
 - Madam Chair; or
 - Mr Chair;
 - as the case may be;
- 44.2. all Councillors other than the Mayor, must be addressed as:
 - Councillor [surname];

44.3. all members of Council staff must be addressed as:

Mr, Ms, or Mrs [surname] as determined by the officer or by their official title.

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Part 5: Procedural Motions

45. Procedural Motions

- 45.1. Unless otherwise prohibited, a procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 45.2. Procedural motions require a seconder.
- 45.3. Procedural motions must not be moved or seconded by the Chairperson.
- 45.4. Notwithstanding any other provision in these Rules, procedural motions must be dealt with in accordance with the table in Schedule 1.

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Part 6: Points of Order

46. When Does a Point of Order Occur

A point of order is taken when a Member officially draws the attention of the Chairperson of a Meeting to an alleged irregularity in the proceedings in accordance with clause 50.

47. Chairperson to Decide

The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point of order raised, without entering into any discussion or comment.

48. Chairperson may Suspend Standing Orders to Consider

- 48.1. The Chairperson may suspend Standing Orders of the Meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 48.2. All other questions before the Meeting are suspended until the point of order is decided.
- 48.3. A Member may take a point of order in accordance with clauses 50 and 51.

49. Dissent from Chairperson's Ruling

- 49.1. A Member may move that the Meeting disagree with the Chairperson's ruling on a point of order, by moving:
"That the Chairperson's ruling [setting out that ruling or part of that ruling] be dissented from"
- 49.2. When a motion in accordance with this clause is moved and seconded, the Chairperson must leave the Chair and a temporary Chairperson is appointed to take his or her place in accordance with clause 23.
- 49.3. The temporary Chairperson must put questions relative to the ruling to the Chairperson first, and then to the mover of the motion.
- 49.4. The temporary Chairperson must conduct a debate on the Chairperson's ruling and put the motion to a vote in the following form:
"That the Chairperson's ruling be dissented from"
- 49.5. If the vote is in the negative, the Chairperson resumes the Chair and the Meeting proceeds.
- 49.6. If the vote is in the affirmative, the Chairperson must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- 49.7. The defeat of the Chairperson's ruling is in no way a motion of censure or no confidence in the Chairperson, and should not be so regarded by the Meeting.

50. Procedure for Point of Order

A Member raising a Point of Order must:

- 50.1. state the Point of Order; and
 - 50.2. state any section, clause, paragraph or provision relevant to the Point of Order;
- before resuming his or her seat.

51. Valid Points of Order

- 51.1. A Point of Order may be raised in relation to:
 - 51.1.1. a Motion which, under clause 27, should not be accepted by the Chairperson;
 - 51.1.2. a question or procedure;
 - 51.1.3. debate that is irrelevant to the matter under consideration;
 - 51.1.4. a matter that is outside the powers of Council; or
 - 51.1.5. any act of disorder.
- 51.2. Rising to express a difference of opinion or to contradict a speaker is not a Point of Order.

Part 7: Voting

52. How a Motion is Determined

- 52.1. To determine a Motion before 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, with the Motion determined by a majority of the Members present at the Meeting, with the exception of the following as specified in the Act:
- 52.1.1. the election of the Mayor and Deputy Mayor requires a majority of all Councillors elected to the Council (four votes);
 - 52.1.2. to oust a Mayor or Deputy Mayor elected for a two year term, a majority of at least three quarters (3/4) of all Councillors elected to Council is required (six votes); and
 - 52.1.3. to adopt or amend the Councillor Code of Conduct a majority of at least two thirds (2/3) of all Councillors elected to Council is required (five votes).
- 52.2. In accordance with section 61(5)(e) of the Act, a Councillor present at the meeting who does not vote is taken to have voted against the Motion.
- 52.3. Each Member present at a Meeting is entitled to one vote.

53. Casting Vote

In the event of a tied vote, the Chairperson must exercise the casting (second) vote, unless the Act provides otherwise.

54. By Show of Hands

Voting must not be in secret and unless Council resolves otherwise, voting on any matter is by show of hands and must be visible to those in attendance or watching a livestream broadcast.

55. *En Bloc* Voting at Council Meetings

Use of *en bloc* voting (where multiple recommended resolutions are passed using a single resolution) should be avoided to ensure procedural fairness. If matters are considered *en bloc*, they must:

- 54.1 be similar and administrative in nature;
- 54.2 not require individual discussion or public debate;
- 54.3 not affect the rights and interests of third parties; and
- 54.4 be recorded in the Minutes of the Council Meeting as resolved *en bloc*.

56. Procedure for a Division at Council Meetings

- 56.1. Immediately after any question is put to a Council Meeting and before the next item of business has commenced, a Councillor may call for a Division.
- 56.2. 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.
- 56.3. When a Division is called for, the Chairperson must:
 - 56.3.1. ask each Councillor wishing to vote in the affirmative to raise their hands, and then announce the names of these Councillors; and

- 56.3.2. then ask each Councillor wishing to vote in the negative to raise their hands, and then announce the names of these Councillors.
- 56.4. The Chief Executive Officer or any Authorised Officer must record the names of those Councillors voting in the affirmative and in the negative, in the Minutes of the meeting.
- 56.5. No Councillor is prevented from changing his or her original vote on the Division, and the voting by Division will determine whether the Motion or amendment is carried or lost.
- 56.6. The Chairperson must announce the result of the vote immediately after the Division is taken.

57. No Discussion Once Declared

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

- 57.1. a Member requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the Minutes;
- 57.2. foreshadowing a Notice of Rescission where a resolution has just been made, or a positive Motion where a resolution has just been rescinded; or
- 57.3. foreshadowing a Notice of Rescission in which case what is foreshadowed must be noted in the Minutes of the Meeting.

Part 8: Rescinding Council Resolutions at Council Meetings

58. Rescission of Council Resolutions

Resolutions of Council may be rescinded by following the procedures below.

- 58.1. A Councillor may propose a Notice of Rescission provided:
 - 58.1.1. the resolution proposed to be rescinded has not been acted on; and
 - 58.1.2. the Notice of Rescission must be received in writing to the Chief Executive Officer setting out:
 - 58.1.2.1. the resolution to be rescinded; and
 - 58.1.2.2. the meeting and date when the resolution was carried.
- 58.2. A Council officer may recommend rescission in their report to Council.
- 58.3. A resolution will be deemed to have been acted on if:
 - 58.3.1. its contents have, or substance has been formally communicated to, a person whose interests are materially affected by it; or
 - 58.3.2. a statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.
- 58.4. The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
 - 58.4.1. has not been acted on; and
 - 58.4.2. is the subject of a Notice of Rescission which has been delivered to the Chief Executive Officer in accordance with clause 58.1.2;unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

59. If Lost

If a Motion for Rescission is lost, a similar Motion may not be put before Council for at least two (2) months from the date it was last lost, unless Council resolves that the Notice of Rescission be re-listed at a future Council Meeting.

60. If Not Moved

If a Motion for Rescission is not moved at the Council Meeting at which it is listed, it lapses.

61. 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.

62. When Not Required (Change of Policy)

- 62.1. A Motion for Rescission is not required where Council wishes to change policy.
- 62.2. Any intention to change a Council policy must be included as a recommendation by officers in their report to Council.
- 62.3. If there is a recommendation for Council to adopt a new policy, the previous version of that policy must be revoked by resolution of Council.

Part 9: Minutes

63. Confirmation of Minutes

At every Meeting, the Minutes of the preceding Meeting must be dealt with as follows:

- 63.1. a copy of the Minutes must be given to each Member no later than 48 hours before the next Meeting;
- 63.2. if no Member indicates opposition, the Minutes must be declared to be confirmed;
- 63.3. if a Member indicates opposition to the Minutes:
 - 63.3.1. he or she must specify the item(s) to which he or she objects;
 - 63.3.2. the objected item(s) must be considered separately in the order in which they appear in the Minutes and in accordance with clause 27;
 - 63.3.3. after all objections have been dealt with, the Chairperson ultimately asks:
"That the Minutes be confirmed"

or

"That the Minutes as amended, be confirmed"

and he or she must put the question to the vote accordingly;
- 63.4. a resolution of Council or a Delegated Committee must confirm the Minutes and the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed;
- 63.5. the confirmed Minutes of Council Meetings must be published on Council's website and:
 - 63.5.1. placed in a bound book in chronological order and placed in a secure area until sent to the Public Record Office of Victoria;
 - or
 - 63.5.2. stored electronically and backup copies retained securely in accordance with Council procedures;
- 63.6. the confirmed Minutes of Delegated Committee Meetings must be available to the public at Council's offices and stored electronically and backup copies retained securely in accordance with Council procedures;
- 63.7. 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 Meeting and those Minutes must record:
 - 63.7.1. the date, time and place of the Meeting;
 - 63.7.2. the names of the Members present and the names of any Members who apologised in advance for their non-attendance;
 - 63.7.3. the names and titles of members of Council staff present, who are not part of the public gallery;
 - 63.7.4. any disclosure of an interest or a conflict of interest made by a Councillor or Member of a Delegated Committee, including the time the Member left and returned to the Meeting;

- 63.7.5. arrivals and departures (including temporary departures) of Members and Council staff during the course of the Meeting;
- 63.7.6. each Motion, amendment moved and foreshadowed motions (including motions and amendments that lapse for the want of a seconder);
- 63.7.7. the outcome of every Motion moved;
- 63.7.8. where a Division is called at a Council Meeting, the vote cast by each Councillor;
- 63.7.9. the vote cast by any Councillor who has requested that his or her vote be recorded in the Minutes;
- 63.7.10. any item resolved *en bloc*;
- 63.7.11. the names of any members of the public making a deputation or presentation and the relevant Agenda item;
- 63.7.12. a summary of any questions or statements and the response provided as part of the Open Forum;
- 63.7.13. the failure of a quorum;
- 63.7.14. the time and reason for any adjournment of the Meeting;
- 63.7.15. the time and reason for which Standing Orders were suspended and the time they resumed;
- 63.7.16. any other matter which the Chief Executive Officer (or delegate) thinks should be recorded to clarify the intention of the Meeting or to assist in the reading of the Minutes;
- 63.7.17. the time the Meeting was open and closed; and
- 63.7.18. the time and grounds for which a Meeting is closed to the public to consider confidential matters, including reference to the relevant definition of confidential information in the Act and an explanation of why it applies.

64. 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 proceedings of the Meeting to which they relate is questioned.

65. Deferral of Confirmation of Minutes

Council or the Delegated Committee may defer the confirmation of Minutes until later in the Meeting or until the next Meeting if considered appropriate.

66. Records of Meetings

Records should be kept of Meetings in accordance with the Act and clauses 63.5 and 63.6.

67. Recording and Broadcasting of Meetings

- 67.1. If Council resolves that the proceedings of a Council Meeting be recorded or livestreamed on the Internet, the Chief Executive Officer (or other person authorised by the Chief Executive Officer) must record or livestream on suitable recording equipment all of the proceedings of the Council Meeting.
- 67.2. A Council or Delegated Committee resolution is not required in order to record or livestream on the Internet a Meeting that is closed to the public in accordance with section 66(2)(b) or (c) of the Act, that is for security reasons or to enable the Meeting to continue in an orderly manner, or when virtual Council Meetings are held in accordance with legislated circumstances.
- 67.3. A person, other than a Council officer or contractor in accordance with clauses 67.1 and 67.2, must not operate any recording equipment at any Meeting without first obtaining the consent of Council, the Delegated Committee or the Chairperson (as the case may be). Such consent may at any time during the course of such Meeting be revoked by Council, the Delegated Committee or the Chairperson (as the case may be).
- 67.4. Penalties apply for a breach of clause 67.3 in accordance with Local Law No. 3.

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Part 10: Conduct at Meetings

68. Behaviour of Councillors

- 68.1. Councillors must at all times observe the Councillor Code of Conduct.
- 68.2. A Councillor must not in any debate make any defamatory, indecent, abusive, offensive or disorderly statement or comment.
- 68.3. If such a statement is made, the Chairperson may require the Councillor to withdraw the statement, and if that is required the Councillor concerned must immediately and unreservedly do so.
- 68.4. A Councillor must not be interrupted, except by the Chairperson or upon a Point of Order being taken.
- 68.5. Except in cases of sickness or physical disability a Councillor must stand when speaking at a Meeting, unless otherwise directed by the Chairperson.
- 68.6. The Chairperson may remain seated when speaking at any Meeting and he or she may speak on any matter under discussion.

69. Behaviour of Delegated Committee Members

- 69.1. Delegated Committee members must at all times observe the Councillor Code of Conduct, as if they were Councillors.
- 69.2. A Delegated Committee member must not in any debate make any defamatory, indecent, abusive, offensive or disorderly statement or comment.
- 69.3. If such a statement is made, the Chairperson may require the Delegated Committee member to withdraw the statement, and if that is required the Delegated Committee member concerned must immediately and unreservedly do so.
- 69.4. A Delegated Committee member must not be interrupted, except by the Chairperson or upon a Point of Order being taken.

70. Conduct of Visitors at Meetings

- 70.1. Visitors at a Meeting must not interject or take part in the debate.
- 70.2. Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the Meeting) at all times during a Meeting.
- 70.3. 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.

71. Chairperson may Adjourn Disorderly Meeting

If the Chairperson is of the opinion that disorder at the Meeting table or in the gallery makes it desirable to adjourn the Meeting, he or she may adjourn the Meeting to a later time on the same day or to some later day as he or she thinks proper.

72. Council or Delegated Committees may Close Meeting to the Public

- 72.1. The Council or a Delegated Committee may by resolution close a Meeting to the public in accordance with section 66(2)(b) or (c) of the Act; that is for security reasons or to enable the Meeting to continue in an orderly manner.

- 72.2. A Meeting can only be closed to the public under this clause if it can continue to be viewed by members of the public in accordance with section 66(3) and 66(4) of the Act.
- 72.3. A resolution to livestream the meeting on the Internet under this clause is not required pursuant to clause 67.2 of these Governance Rules.

73. Suspensions and Removals

- 73.1. Council may by resolution suspend from a portion of the Council Meeting, or for the balance of the Council Meeting, any Councillor whose actions have disrupted the business of Council at that Council Meeting, and have impeded its orderly conduct.
- 73.2. The Mayor, under section 19 of the Act, having previously warned the Councillor to cease disorderly behaviour at a Council Meeting, may direct a Councillor to leave the meeting for a period of time or the balance of the meeting.
- 73.3. The Chairperson may order and cause the removal of any person who disrupts any Meeting or fails to comply with a direction.
- 73.4. In causing a person's removal under this clause, the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person.

74. Offences, Penalties and Enforcement

- 74.1. Offences and penalties relating to breaches of conduct at Meetings are in accordance with Local Law No.3.
- 74.2. Enforcement of a suspension under clause 73 of the Governance Rules or Local Law No.3 is in accordance with that Local Law.

Part 11: Suspension of Standing Orders at Council Meetings

75. Suspension of Standing Orders

- 75.1. The suspension of Standing Orders should be used to enable full discussion of any issue without the constraints of formal meeting procedures. Its purpose is to enable the formalities of meeting procedures to be temporarily disposed of while an issue is discussed.
- 75.2. Council may by resolution decide to suspend the Council Meeting to discuss the issues surrounding an item on the Agenda, or to facilitate a break in proceedings between ordinary and confidential items. Council may discuss in the Council Chamber or move to another room to discuss in private.
- 75.3. 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 orders be suspended to enable discussion on...”
- 75.4. 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”.

Part 12: Public Participation

Council and Delegated Committee meetings are decision making forums, and it is important that they are open to the community to attend and/or view proceedings. Community members may only participate in Council and Delegated Committee meetings in accordance with Part 12 of these Rules.

76. Deputations and Presentations at Council Meetings

The *Local Government Act* provides for the entitlement of any person, whose rights will be directly affected by a decision of Council, to communicate their views and have their interests considered. To provide for this entitlement, deputations and presentations are scheduled at the beginning of Council Meetings to allow members of the public to express their views on a matter listed on the Agenda prior to Council making its decision later in the meeting.

- 76.1. Members of the public may make a presentation or deputation to Council if:
 - 76.1.1. the person is addressing the Council in respect to a submission on a matter under the *Local Government Act*, or
 - 76.1.2. the person is addressing the Council on any item listed in the Agenda; or
 - 76.1.3. the person has requested that they address Council on a specified issue and the Mayor has agreed that they be heard.
- 76.2. Requests to address Council must be received by 5.00 pm on the day prior to the Council Meeting.
- 76.3. A person may make a deputation or presentation for multiple Agenda items at a single Council Meeting.
- 76.4. The Mayor may arrange the order of the speakers at his or her discretion.
- 76.5. Presentations made to Council may not exceed five (5) minutes in length, although the time may be extended at the Mayor's discretion. Councillors may ask relevant questions following each presentation through the Mayor. No general discussion will be permitted.
- 76.6. If a presentation exceeds five (5) minutes in length, the Mayor may request that the presenter ceases to address Council immediately or agree to extend the time allowed.
- 76.7. A person wishing to make a written deputation must provide a copy of the submission to the Chief Executive Officer prior to the Council Meeting. Copies of the written deputation may be made available to the public attending the meeting.
- 76.8. Should a person arrive late to a Council Meeting at which they are scheduled to make a Deputation or Presentation regarding an Agenda item, Council may, by resolution, resolve to hear the person out of turn so long as the Agenda item has not already been considered by Council. Should the person be addressing Council in relation to a submission under the *Local Government Act*, the person must be heard.
- 76.9. A person who has made a deputation may also speak during the Open Forum.

77. Open Forum at Council Meetings

The Open Forum may be scheduled at the end of a Council Meeting, prior to any confidential items being considered.

- 77.1. After being invited to do so by the Mayor, members of the public are welcome to ask questions or make a statement at the Open Forum.
- 77.2. A maximum of two (2) items may be raised by any person at any one Council Meeting. Prior notice is not required.
- 77.3. Questions or statements must be relevant to the Corangamite Shire.
- 77.4. Members of the public are requested to stand if they are able and advise Council of their name before they ask a question or make a statement.
- 77.5. A person addressing the Council must not speak for more than five (5) minutes unless agreed otherwise by the Mayor.
- 77.6. The Mayor may at any time request a person making a statement or asking a question, to cease speaking.
- 77.7. The Mayor may disallow any question which is considered:
 - 77.7.1. to relate to a matter beyond the power or duties of Council;
 - 77.7.2. to be malicious, defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or substance;
 - 77.7.3. to be confidential in nature or of legal significance;
 - 77.7.4. to be repetitive of a question already answered;
 - 77.7.5. to be aimed to embarrass any person;
 - 77.7.6. to relate to the personal hardship of any resident or ratepayer;
 - 77.7.7. to relate to matters affecting the security of Council property; or
 - 77.7.8. to relate to any other matter which Council considers would prejudice the Council or any person.
- 77.8. There will be no discussion or debate with members of the public speaking at the Open Forum, however Councillors may ask questions of clarification through the Mayor. No general discussion will be permitted.
- 77.9. Where the Chief Executive Officer believes a question cannot be fully answered at a Council Meeting, Council will provide a written response to a question no later than five (5) working days after the Council Meeting.

78. Deputations and Presentations at Delegated Committee Meetings

- 78.1. Where a Delegated Committee intends to make a decision on behalf of Council in accordance with its Instrument of Delegation, a person whose rights will be directly affected by the decision must be provided with an opportunity to address the Committee to communicate their views and have their interests considered prior to the decision being made.
- 78.2. Such presentations to a Delegated Committee may not exceed five (5) minutes in length, although the time may be extended at the Chairperson's discretion. Committee Members may ask relevant questions following the presentation through the Chairperson. No general discussion will be permitted.

- 78.3. If a presentation exceeds five (5) minutes in length, the Chairperson may request that the presenter ceases to address the Committee immediately or agree to extend the time allowed.
- 78.4. A person wishing to make a written deputation must provide a copy of the submission to the Chairperson prior to the Delegated Committee Meeting. Copies of the written deputation may be made available to the public attending the meeting.

79. Inappropriate Behaviour

Clause 70 applies to the conduct of community members at Meetings. Inappropriate behaviour by members of the public attending Meetings will be managed in accordance with these Rules and Local Law No.3.

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Part 13: Miscellaneous

80. Procedure Not Provided in Governance Rules

In all cases not specifically provided for by these Rules, 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).

81. Criticism of Members of Council Staff at Council Meetings

- 81.1. A Councillor who proposes to express criticism of an officer or other member of Council staff at a Council Meeting, must raise the matter by no later than six (6) hours before the meeting with the Chief Executive Officer and the Chief Executive Officer must respond to that Councillor before the meeting.
- 81.2. The Chief Executive Officer may make a brief statement at a Council Meeting in respect of any statement by a Councillor made at the Council Meeting criticising him or her or any member of Council staff.
- 81.3. A statement under clause 81.2 must be made by the Chief Executive Officer through the Chairperson, as soon as is practicable after the Councillor who made the statement has resumed his or her seat.

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Part 14: Conflicts of Interest

82. Conflicts of Interest Obligations for Councillors and Delegated Committee Members

- 82.1. Councillors and members of Delegated Committees are required to:
- 82.1.1. avoid all situations which may give rise to conflicts of interest;
 - 82.1.2. identify any conflicts of interest; and
 - 82.1.3. disclose or declare all conflicts of interest.
- 82.2. Councillors and members of Delegated Committees must disclose any conflict of interest in accordance with the Act and these Rules.
- 82.3. Councillors and members of Delegated Committees must not participate in discussion or decision making on a matter in which they have a conflict of interest.
- 82.4. A conflict of interest declaration form must be completed for all conflict of interest disclosures and provided to the Chief Executive Officer.

83. Procedure at Council Meetings and Delegated Committee Meetings

- 83.1. At the time indicated in the Agenda, a Member with a conflict of interest in an item on that Agenda must indicate they have a conflict of interest by clearly stating:
- 83.1.1. the item for which they have a conflict of interest;
 - 83.1.2. whether their conflict of interest is general or material; and
 - 83.1.3. the circumstances that give rise to the conflict of interest.
- 83.2. Immediately prior to the consideration of the item in which they have a conflict of interest, a Member must indicate to the Meeting the existence of the conflict of interest and leave the meeting. For virtual meetings the Member will be moved into a waiting room by the Meeting host.
- 83.3. A Member who is not present at the designated time in the Agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that is required for the declarations of conflicts of interest at clause 83.1 prior to leaving the meeting.
- 83.4. A Member who discloses a conflict of interest and leaves a Meeting must not communicate with any participants in the meeting while the matter is being discussed and the decision is being made.
- 83.5. The conflict of interest disclosed at the Meeting must be recorded in the Minutes of the meeting, including the time the Member left and returned to the Meeting.
- 83.6. A Conflict of Interest declaration form must be completed by the Member at the Meeting and provided to the Chief Executive Officer.
- 83.7. Details of the conflict of interest declaration will be added to the register maintained by the Chief Executive Officer (or delegate).

84. Procedure at Councillor Briefings and Other Meetings Organised, Hosted or Supported by Council

- 84.1. At the time indicated on the Agenda, a Councillor with a conflict of interest must indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- 84.2. If there is no Agenda, a Councillor with a conflict of interest must indicate the existence of the conflict of interest as soon the matter arises.
- 84.3. At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any participants of the briefing/meeting for the duration of the discussion. For virtual meetings the Member will be moved into a waiting room by the meeting host.
- 84.4. The existence of a conflict of interest will be recorded in the Minutes, if kept.
- 84.5. A conflict of interest declaration form must be completed, including the time the Councillor left and returned to the briefing/meeting. The completed form must be provided to the Chief Executive Officer as soon as practicable.
- 84.6. Details of the conflict of interest declaration will be added to the register maintained by the Chief Executive Officer (or delegate).

85. Conflicts of Interest Obligations for Council staff

- 85.1. Council staff must:
 - 85.1.1. avoid all situations which may give rise to conflicts of interest;
 - 85.1.2. identify any conflicts of interest;
 - 85.1.3. disclose or declare all conflicts of interest;
 - 85.1.4. act in accordance with the Employee Code of Conduct; and
 - 85.1.5. not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- 85.2. Council staff may be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at clause 86.4 and the Employee Code of Conduct.

86. Procedure for Disclosures of Conflicts of Interest by Council Staff

- 86.1. Council staff must disclose the existence of all conflicts of interest in writing using the staff conflict of interest declaration form.
- 86.2. Completed conflict of interest forms must be provided to the Chief Executive Officer as soon as practicable.
- 86.3. Details of the conflict of interest declaration will be added to the register maintained by the Chief Executive Officer (or delegate).
- 86.4. A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
 - 86.4.1. the number and qualifications of other people providing advice regarding the same matter is equal or greater; or
 - 86.4.2. the staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and

86.4.3. the staff member's Director determines that the conflict of interest has not influenced the advice provided; and

86.4.4. the existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision-maker.

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Part 15: Delegated Committees

87. Application Generally

If Council establishes a Delegated Committee, these Rules apply to the Delegated Committee Meetings with any necessary modifications. In the event of any inconsistency, for the purposes of these Rules, a reference in these Rules to:

- 87.1. a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
- 87.2. a Councillor is to be read as a reference to a member of the Delegated Committee; and
- 87.3. the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.

88. Application specifically

Notwithstanding clause 87, if Council establishes a Delegated Committee, Council may resolve that any provision(s) in Parts 1 -13 do(es) not apply to that Delegated Committee, until Council resolves otherwise.

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D: Election Period (Caretaker) Policy

Introduction

Council general elections take place every four years. Corangamite Shire has developed this Policy to bring together relevant legislative requirements related to the conduct of councillors, candidates and staff during the election (caretaker) period.

Purpose

To ensure elections of Council are conducted in an environment that is open and fair to all candidates, this policy sets out procedures and practices applicable during the election period.

Scope

This policy is intended to augment the existing legislative guidelines for the conduct of fair and equitable Council elections.

This policy applies to:

- prohibited decisions
- Council resources
- information
- Council communications and publicity
- functions and events
- travel and accommodation
- Councillor expenditure
- advice to candidates.

Definitions

The “Election (caretaker) Period” commences at the time nominations close on nomination day and continues until 6pm on election day.

“Council support staff” refers to all members of Council staff.

References

- *Local Government Act 2020*
- *Victorian Electoral Act 2002*
- *Corangamite Shire Councillor Code of Conduct*
- *Councillor Expenses Policy*
- *Privacy and Data Protection Act 2014*
- *Support for Councillor Professional Development Policy.*

Policy Detail

Prohibited Decisions

In accordance section 69(3) of the *Local Government Act 2020*, Council is prohibited from making a decision during the election period for a general election or by-election that would enable the use of Council’s resources in a way that is intended to influence, or is likely to influence, voting in an election.

In addition, in accordance with section 69(2) of the *Local Government Act 2020*, Council is prohibited from making the following decisions during the election period for a general election:

- a) decisions relating to the appointment or remuneration of a CEO, but not the appointment or remuneration of an acting CEO (such a decision made within an election period is invalid);
- b) decisions that commit Council to expenditure exceeding 1% of Council's income from general rates, municipal charges and service rates and charges in the preceding financial year (such a decision made within an election period is invalid);
- c) decisions Council considers could be reasonably deferred until the next Council is in place; or
- d) decisions Council considers should not be made during an election period.

Council decisions that apply include not only resolutions of Council, but also resolutions of a Delegated Committee and decisions of a member of Council staff or a Community Asset Committee exercising a delegated power, duty or function.

Council resources

It is important that due propriety is observed in the use of all Council resources. It is also necessary that Councillors have access to the resources necessary to fulfil their elected roles. In order to ensure Council resources are not used for campaigning by sitting Councillors to increase their advantage over other candidates, or to influence voters during the election period, the following will apply:

- Council resources including support staff, hospitality, equipment, email, website, social media accounts, mobile phones, the mayoral car, fax machines and stationery will be used exclusively for normal Council business and will not be used in connection with election campaigning.
- Reimbursements of Councillors' out-of-pocket expenses in the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- Council logos, letterheads or any other Corangamite Shire branding should not be used for, or linked in any way to, a candidate's election campaign.
- Council support staff will not undertake any tasks connected with a candidate's election campaign.

Information

Council recognises that all election candidates have certain rights to information from the Council administration, subject to the *Privacy and Data Protection Act 2014*. It is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Councillors shall not request or receive information or advice from Council staff to support election campaigns and there shall be transparency in the provision of all information and advice during the election period.

Requests for clarification relating to provision of information should be directed to the Chief Executive Officer who may then refer the request to appropriate senior management.

Council communications and publications

Council communications are a legitimate way to promote Council activities and services. It is important that all Councillors have access to the Council's communication resources to enable them to fulfil their elected roles. However, they will not be developed or used in support of a candidate's election campaign. During the election period:

- A Council employee must not make any public statement that could be construed as influencing the election. Statements of clarification may be required from time to time and these are to be made by the Chief Executive Officer or other officers as delegated by the Chief Executive Officer.

- Council publicity and communications will be restricted to promoting normal Council activities and services and for informing residents about the conduct of the election.
- In the event that a spokesperson is required for any publication or communication, the Chief Executive Officer shall fulfil that role.
- No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention specifically in support of an election campaign.
- Councillor profiles on the Council website will be limited to photograph and contact details. Other profile information will be removed from the Council website during the election period.
- Use of Council social media to publish electoral material is not permitted.
- Comments posted on the Council's Facebook page will be carefully monitored and removed if deemed to be electoral matter.

Functions and events

Any event or function held during the election period shall be limited to legitimate Council business only and shall not be used, or be able to be construed as being used, in connection with any election activity.

All speeches prepared for use at Council events or functions shall be reviewed by the Manager Growth and Engagement or the Chief Executive Officer to ensure that the content does not breach this policy or the *Local Government Act 2020*.

Councillors may make a speech during any event or function, however the speech must not have any political reference which may be construed as giving a sitting Councillor any advantage during the election period.

Councillor professional development and travel

Despite the provisions of the *Support for Councillor Professional Development Policy*, Councillors shall not participate in any interstate or overseas travel in their capacity as a Councillor during the election period. In circumstances where it is imperative that the Mayor (or nominee) represent Council on a delegation or forum, Council may by resolution approve such attendance. If consideration by Council is impractical, the Chief Executive Officer may determine the issue.

Councillor expenditure

Claims for the reimbursement of expenses shall relate only to expenditure incurred as described in the *Councillor Expenses Policy*.

Advice to candidates about the election process

All candidates for Council election will be treated equally. Towards this outcome:

- Any advice provided to candidates as part of the conduct of the Council election should be available equally to all candidates.
- All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Election Manager, or where the matter is outside the responsibilities of the Election Manager, to the Chief Executive Officer.

Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and transparency will be observed and practised in the provision of all information and advice during the election period.

Related Policies

Councillor Candidates at Federal or State Elections Policy

Policy Review

This policy shall be reviewed at least once each Council term, and not later than 12 months prior to the commencement of an election period, or as required.

It is considered that this policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

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Schedule 1

Procedural Motion	Form	Mover and Seconder	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
1. Adjournment of debate to later hours and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor or Delegated Committee Member who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter	(a) During the election of a Chairperson; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes

Procedural Motion	Form	Mover and Seconder	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor or Delegated Committee Member who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter except: (a) election of a chairperson (b) a matter in respect of which a call of the Council has been made for that Meeting	(a) During the election of a Chairperson; (b) When another Councillor or Member is speaking; (c) When the matter is one in respect of a meeting that had previously been adjourned because a quorum could not be formed or maintained; or (d) When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later Council Meeting if on the Agenda	Debate continues unaffected	Yes
3. Adjournment of Meeting to later hour or date	That the Meeting be adjourned to *am/pm and/or *date	Any member	Any Meeting	(a) During the election of a Chairperson (b) When another member is speaking	Meeting adjourns immediately until the stated time and/or date	Debate continues unaffected	No

Procedural Motion	Form	Mover and Secunder	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
4. The closure	That the motion be now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter	During nominations for Chairperson	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 his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

Procedural Motion	Form	Mover and Seconder	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
5. Laying question on the table	That the question lie on the table	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter	<p>(a) During the election of a Chairperson;</p> <p>(b) During a Council Meeting which had previously been adjourned because a quorum could not be formed or maintained; or</p> <p>(c) When the motion would have the effect of causing Council to be in breach of a legislative requirement</p>	<p>Motion and amendment is not further discussed or voted on until:</p> <p>(a) Council resolves to take the question from the table at the same Council Meeting; or</p> <p>(b) The matter is placed on a subsequent Agenda and Council resolves to take the question from the table</p>	Debate continues unaffected	No

Procedural Motion	Form	Mover and Seconder	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
6. Previous question	That the question be not now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter except: (a) election of a chairperson (b) a matter in respect of which a call of the Council has been made for that Meeting	(a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of a meeting that had previously been adjourned because a quorum could not be formed or maintained; (d) When an amendment is before Council; or (e) When a motion would have the effect of causing Council to be in breach of a legislative requirement	(a) No vote or further discussion on the motion until it is placed on a subsequent Agenda for a later meeting; and (b) Proceed to next business	Motion (as amended up to that time) put immediately without further amendment or debate	Yes

Procedural Motion	Form	Mover and Seconder	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
7. Proceeding to next business	<p>That the meeting proceed to the next business</p> <p>Note: This motion:</p> <p>(a) may not be amended;</p> <p>(b) may not be debated; and</p> <p>(c) must be put to the vote as soon as seconded</p>	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<p>Any matter except:</p> <p>(a) election of a chairperson</p> <p>(b) a matter in respect of which a call of the Council has been made for that Meeting</p>	<p>a) During the election of a Chairperson;</p> <p>(b) When another Councillor is speaking;</p> <p>(c) When the matter is one in respect of a meeting that had previously been adjourned because a quorum could not be formed or maintained; or</p> <p>(d) When a motion would have the effect of causing Council to be in breach of a legislative requirement</p>	<p>If carried in respect of:</p> <p>(a) An amendment, Council considers the motion without reference to the amendment;</p> <p>(b) A motion – no vote or further discussion on the motion until it is placed on an Agenda for a later Council Meeting</p>	<p>Debate continues</p> <p>Unaffected</p>	No