



# Governance Rules

**June 2024**

Date of Adoption	Next Review Date	Directorate Responsible
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# GOVERNANCE RULES

## Introduction

### 1. Nature of Rules

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

### 2. Date of Commencement

These Governance Rules commence on 19 June 2024.

### 3. Contents

These Governance Rules are divided into the following Chapters:

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

### 4. Definitions

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

*Abstain* means a Councillor present at the meeting who does not vote and is taken to have voted against the motion.

*Act* means the *Local Government Act 2020*.

*Attend, attending* and *in attendance* include attend, attending or in attendance by electronic means.

*Chief Executive Officer* includes an Acting Chief Executive Officer.

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

*Council* means Whittlesea City Council.

*Council meeting* has the same meaning as in the Act.

*Councillor* has the same meaning as in the Act (and includes Administrator until 2024).

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

*Mayor* means the Mayor of *Council* (or Chair Administrator until October 2024).

*these Rules* means these Governance Rules.

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## Chapter 1 – Governance Framework

### 1. Context

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

- 1.1 the overarching governance principles specified in section 9(2) of the *Act*; and
- 1.2 the following documents adopted or approved by *Council*:
  - Community Engagement Policy;
  - Public Transparency Policy;
  - Councillor Code of Conduct;
  - Code of Conduct for Staff;
  - Complaints Policy;
  - Unreasonable Complaints Procedure.

### 2. Decision Making

- 2.1 In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
  - 2.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - 2.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.
- 2.2 *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- 2.3 Without limiting anything in paragraph (2.2) of this sub-Rule:
  - 2.3.1 before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
  - 2.3.2 if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered;
  - 2.3.3 if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered; and
  - 2.3.4 if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.
- 2.4 Council will ensure reasonable adjustments are made to encourage community member participation at *Council meetings* using Council's Guide to Minimum Accessibility Requirements for Community Meetings, Consultations and Events.

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### 3. Respectful Debate and Discussions

- 3.1 Councillors will listen and participate in discussion and debate respectfully in accordance with the Councillor Code of Conduct and will not:
  - 3.1.1 make any defamatory, indecent, abusive, offensive, or disorderly statement, and if requested by the *Chair* will unreservedly withdraw the statement;
  - 3.1.2 interrupt others while speaking, except to raise a Point of Order;
  - 3.1.3 address the public gallery and must direct all commentary and procedural requests through the *Chair*.
- 3.2 Where discussion is adjourned by a resolution, the Councillor moving the adjournment has the right to speak first when the discussion is resumed.
- 3.3 When exercising a right of reply, the Councillor must not introduce new or additional matters.
- 3.4 The *Chair* can adjourn, postpone or cancel a Council meeting, if order cannot be obtained and will report on the circumstances of the adjournment, postponement, or cancellation at the next scheduled Council meeting.

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## Chapter 2 – Meeting Procedure for Council Meetings

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**Part A – Introduction**

**1. Title**

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

**2. Purpose of this Chapter**

The purpose of this Chapter is to:

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

**3. Definitions and Notes**

3.1 In this Chapter:

*"absolute majority"* means the number of Councillors which is greater than half the total number of the Councillors of a Council;

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

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

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

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

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

*"resolution"* means a final decision made by the *Council*; and

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

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## Part B – Election of Mayor

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

### 4. Election of the *Mayor*

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

### 5. Method of Voting

The election of the *Mayor* must be carried out by a show of hands or such other visual or audible means as the *Chief Executive Officer* determines.

### 6. Determining the election of the *Mayor*

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

6.2 Any nominations for the office of *Mayor* must be seconded by another Councillor.

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

#### *Single Nomination*

6.4 If there is only one nomination, the candidate nominated must be declared to be duly elected.

#### *Multiple Nominations and Candidate Elected On First Vote*

6.5 If there is more than one nomination, the Councillors *in attendance* at the meeting must vote for one of the candidates.

6.6 In the event of a candidate receiving the votes of an absolute majority of Councillors, that candidate is declared to have been elected.

#### *Three or More Nominations and No Candidate Obtaining Absolute Majority On First Vote*

6.7 In the event that:

6.7.1 there are three or more candidates;

6.7.2 no candidate receives the votes of an absolute majority of Councillors; and

6.7.3 it is not resolved to conduct a new election at a later date and time;

the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors *in attendance* at the meeting will then vote for one of the remaining candidates.

6.8 If one of the remaining candidates receives the votes of an absolute majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the votes of an absolute majority of Councillors. That candidate must then be declared to have been duly elected.

6.9 For the purposes of sub-Rules 6.7 and 6.8 if no candidate can be determined to have the fewest number of votes due to two or more candidates having an equality of votes then the candidate who is to be declared a defeated candidate will be determined by lot.

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

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

*Two Nominations or Two Remaining Candidates and No Candidate Obtaining an Absolute Majority on First Vote*

- 6.11 In the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors *in attendance* at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- 6.12 If:
  - 6.12.1 it is resolved to conduct a new election at a later date and time a new election will take place at on the date and at the time resolved upon. In that event the provisions of this Rule 6 will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be declared duly elected; and
  - 6.12.2 it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be declared duly elected. If, after two or more further votes are taken neither candidate receives the votes of an absolute majority of Councillors, the provisions of sub-Rule 6.11 and this sub-Rule 6.12 must again be followed.

**7. Election of Deputy Mayor and Chairs of Delegated Committees**

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a *Delegated Committee*

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

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

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## Part C – Meetings Procedure

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

### Division 1 – Notices of Meetings and Delivery of Agendas

#### 8. Dates and Times of Meetings Fixed by Council

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

#### 9. Council May Alter Meeting Dates

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

#### 10. Meetings Not Fixed by Council (Unscheduled Meetings)

10.1 The *Mayor* plus one other Councillor or at least 3 Councillors may by a *written* notice, and signed, call an unscheduled *Council meeting*.

10.2 The *written* notice must specify:

10.2.1 the business to be transacted and rationale for calling the unscheduled *Council meeting*; and

10.2.2 the proposed date and time of the unscheduled *Council meeting*; and

10.2.3 reason why it cannot be safely or conveniently be considered at the next scheduled *Council meeting*.

10.3 The *Chief Executive Officer* will either approve or refuse the request for an unscheduled *Council meeting* within (3) working days from date of request.

10.4 In consideration of the request, the *Chief Executive Officer*, must also determine if the proposed date and time is suitable to meet administrative requirements.

10.5 Notwithstanding sub-Rule 10.4 the *Chief Executive Officer* can, at their discretion, amend the date and time of the requested unscheduled *Council meeting* to a more appropriate date and time.

10.6 The *Chief Executive Officer* will give notice to Council and the public as soon as practical and publish relevant details on the Council website prior to the planned meeting.

10.7 Unless all Councillors are *in attendance* and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Council meeting*.

10.8 The Council may by resolution call an unscheduled *Council meeting* by specifying the date and time and business to be transacted. The date and time must not be prior to 6pm on the day following a scheduled *Council meeting* at which the resolution was made.

#### 11. Notice Of Meeting

11.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 3 days before the meeting.

11.2 Notwithstanding sub-Rule 11.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of their absence.

11.3 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:

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- 11.3.1 for *Council meetings* which it has fixed by publishing on Council's website and in each of its Customer Service Centres as soon as practical after Council's endorsement.
- 11.3.2 notwithstanding sub-Rule 11.3.1, the *Chief Executive Officer* can change the time, date and location of a fixed scheduled *Council meeting* and must give *written* notice to Councillors.

## Division 2 – Quorums

### 12. Inability To Obtain a Quorum

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

- 12.1 the meeting will be deemed to have lapsed;
- 12.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- 12.3 the *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

### 13. Inability To Maintain a Quorum

- 13.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 12 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 13.2 Sub-Rule 13.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.
- 13.3 Subject to sub-rule 13.2, the *Chair*, can at their discretion, seek a procedural motion to:
  - 13.3.1 split the motion into separate parts to enable a quorum to be reached;
  - 13.3.2 make decision on component parts of matters, which will be resolved when a quorum can be reached at a future meeting;
  - 13.3.3 establish a Delegated Committee made up of Councillors not conflicted and any other suitable people.

Where sub-Rule 13.3(3) applies, the decisions of the Delegated Committee will be reported at the next scheduled *Council meeting*.

### 14. Adjourned Meetings

- 14.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 14.2 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 14.3 If it is impracticable for the notice given under sub-Rule 14.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

### 15. Time limits for Meetings

- 15.1 A *Council meeting* must not continue after 10.00pm unless a majority of Councillors who are *in attendance* vote in favour of it continuing.
- 15.2 A meeting must not be continued for more than one (1) additional 30 minutes by way of a Procedural Motion for a continuance and is carried (with a mover and seconder, and no debate).

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- 15.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 14.2 and 14.3 apply.
- 15.4 Notwithstanding sub-Rule 15.3, the *Chair* may seek agreement from Councillors not to adjourn the *Council meeting* to a subsequent day, if the *Chair* reasonably believes the remaining business will take less than 15 minutes to transact.

## 16. Cancellation or Postponement of a Meeting

- 16.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 16.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 16.1.

## Division 3 – Business of Meetings

### 17. Agenda and the Order of Business

- 17.1 The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.
- 17.2 The *Chief Executive Officer* will ensure the *agenda* and Council officer reports address the Strategic Planning Formula at Appendix 1.
- 17.3 The *Chief Executive Officer* will seek advice from the Mayor when setting the *Council meeting* agenda.
- 17.4 The *Chief Executive Officer* may, prior to the scheduled *Council meeting*, withdraw an agenda item. The CEO will notify Council and the community the reason for withdrawal either:
  - 17.4.1 at the scheduled *Council meeting*; or
  - 17.4.2 publishing the change on Council's website.

### 18. Change To Order of Business

Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered via a Procedural Motion (mover and seconder and no debate).

### 19. Urgent Business

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

- 19.1 relates to or arises out of a matter which has arisen since distribution of the *agenda*;
- 19.2 cannot safely or conveniently be deferred until the next *Council meeting*;
- 19.3 is circulated to all Councillors for information at the same time as lodging it with the *Chief Executive Officer*.
- 19.4 Notwithstanding sub-Rules 19.1, 19.2 and 19.3, the *Chief Executive Officer* may admit to the agenda, without a resolution of the Council, an item they have determined as Urgent Business.

## Division 4 – Motions and Debate

### 20. Councillors May Propose Notices of Motion

Councillors may request that an issue is listed on an *agenda* by lodging a *Notice of Motion*.

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## 21. Notice Of Motion

- 21.1 A *notice of motion* must:
- 21.1.1 be in *writing* using the *notice of motion* template (Appendix 2);
  - 21.1.2 signed by at least one (1) other Councillor;
  - 21.1.3 be lodged with or sent to the *Chief Executive Officer* no later than 12 noon 14 days prior to the scheduled *Council meeting* to allow sufficient time for the *Chief Executive Officer* to include the *notice of motion* in agenda papers for a *Council meeting*; and
  - 21.1.4 to give each Councillor at least 48 hours' notice of such *notice of motion*.
- 21.2 The *Chief Executive Officer* may reject any *notice of motion* which, in their opinion:
- 21.2.1 is vague or unclear in intention;
  - 21.2.2 is not signed by at least one (1) other Councillor;
  - 21.2.3 affects the levels of Council service;
  - 21.2.4 is inconsistent with the strategic objectives of the Council as outlined in the Community Plan;
  - 21.2.5 is the same as, or similar in intent to, a Notice of Motion or other motion (including lost and lapsed motions) that has been considered by Council in the preceding six (6) months;
  - 21.2.6 commits Council to expenditure greater than \$5,000 that is not included in the Budget;
  - 21.2.7 proposes to establish, amend or extend an adopted Council policy or position;
  - 21.2.8 commits Council to any contractual arrangement;
  - 21.2.9 it is beyond *Council's* power to pass; or
  - 21.2.10 if passed would result in *Council* otherwise acting invalidly.
- 21.3 The *Chief Executive Officer* must give the Councillor who lodged the *Notice of Motion* which has been rejected the reasons for the rejection and 24 hours to amend it prior to making a final decision.
- 21.4 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.
- 21.5 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 21.6 Except by resolution of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.
- 21.7 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- 21.8 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses for want of a seconder.

## 22. Chair's Duty

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

- 22.1 defamatory;
- 22.2 objectionable in language or nature;
- 22.3 vague or unclear in intention;
- 22.4 outside the powers of Council; or

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22.5 irrelevant to the item of business on the agenda and has not been admitted as urgent, or purports to be an amendment but is not,  
must not be accepted by the *Chair*.

### **23. Introducing a Report**

23.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 3 minutes:

23.1.1 its background; or

23.1.2 the reasons for any recommendation which appears.

23.2 Unless *Council* resolves otherwise, a member of Council staff need not read any written report to *Council* in full.

### **24. Introducing A Motion or an Amendment**

The procedure for moving any motion or amendment is:

24.1 the mover of an officer recommendation must state the motion they are moving without speaking to it;

24.2 the motion must be seconded and the seconder must be a Councillor other than the mover or the *Chair*. If a motion is not seconded, the motion lapses for want of a seconder;

24.3 if a motion is moved and seconded the *Chair* must ask:

24.4 "Is the motion opposed? Does any Councillor wish to speak to the motion?"

24.5 if no Councillor indicates opposition or a desire to speak to it, the *Chair* may declare the motion carried without discussion;

24.6 if a Councillor indicates opposition or a desire to speak to it, then the *Chair* must call on the mover to address the meeting;

24.7 after the mover has addressed the meeting, the seconder may address the meeting;

24.8 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion;

24.9 if, after the mover has addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.

### **25. Right Of Reply**

25.1 The mover of a motion has a right of reply to matters raised during debate.

25.2 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

25.3 The mover of an amended motion does not have any right of reply.

### **26. Moving An Amendment**

26.1 Subject to sub-Rule 26.11 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.

26.2 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion or the *Chair*.

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

26.4 Any one Councillor cannot move more than two amendments in succession.

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- 26.5 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.
- 26.6 An amended motion may be proposed or seconded by any Councillor, except the mover and seconder of the original motion or the *Chair*.
- 26.7 If a Councillor proposes an amended motion and the original mover and seconder of the motion both indicate their agreement with the amended motion, the amendment becomes the substantive motion without debate or vote.
- 26.8 If there is no seconder for the amended motion, the amendment will lapse for want of a seconder.
- 26.9 If there is a seconder for the amended motion, the amended motion will be debated in accordance with Rule 24.
- 26.10 A Councillor may speak on any amendment once, whether or not they have spoken to the original motion, but debate must be contained to the terms of the amended motion.
- 26.11 A motion to confirm a previous resolution of *Council* cannot be amended.
- 26.12 An amendment must not be directly opposite to the motion.

## **27. An Amendment Once Carried**

- 27.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put to vote.
- 27.2 The mover and seconder of the original motion remain the mover and seconder of the amended motion even if they voted in opposition of the carried amendment.
- 27.3 The mover of the original motion retains the right of reply to the substantive motion before the *Council meeting*.

## **28. Foreshadowing Motions**

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

## **29. Withdrawal Of Motions**

- 29.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.
- 29.2 If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

## **30. Motion Moved in a Block**

The *Chair* must not allow any agenda items to be moved in a block (en bloc).

## **31. Priority of address**

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

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**32. Motions In Writing**

- 32.1 The *Chair* must require all motions (including amended motions) be detailed in writing.
- 32.2 The *Chair*, at their discretion, may adjourn the *Council meeting* for 10 minutes without a Council resolution while the motion is being *written*.

**33. Repeating Motion and/or Amendment**

The *Chair* may request *the Chief Executive Officer or Executive Manager Office of Council & CEO* to read the motion or amendment to the meeting before the vote is taken.

**34. Debate Must Be Relevant to The Motion**

- 34.1 Debate must always be relevant to the motion before the Chair, and, if not, the *Chair* must request the speaker to confine debate to the motion.
- 34.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.
- 34.3 A speaker to whom a direction has been given under sub-Rule 34.2 must comply with that direction.

**35. Speaking Times**

- 35.1 The Chief Executive Officer can ask a Council Officer to give a verbal report on an agenda item which must not exceed 3 minutes.
- 35.2 A Councillor can seek clarification from a Council Officer after their verbal report. The Councillor must not provide any preamble leading into their clarification question.
- 35.3 The Chair must allow the Chief Executive Officer to clarify a misrepresentation or misunderstanding or to respond to a request for more information.
- 35.4 A Councillor must remain seated during debate and discussion, and when speaking.
- 35.5 The Chair will allow the following speaking times unless the Chair at their discretion allows an extension of a further 2 minutes. No more than one extension, per Councillor speaking on an agenda item will be permitted by the Chair:
- 35.6 the mover of a motion 3 minutes;
- 35.7 any other Councillor 2 minutes; and
- 35.8 the mover of an original motion exercising a right of reply: 2 minutes.

**36. Addressing the Meeting**

If the *Chair* so determines:

- 36.1 any person addressing the *Chair* must refer to the *Chair* as:
  - 36.1.1 Mayor; or
  - 36.1.2 Chair; or
  - 36.1.3 Chairperson; or
  - 36.1.4 Deputy Mayor;
 as the case may be;
- 36.2 all Councillors, other than the *Mayor*, must be addressed as **Cr .....(surname).**
- 36.3 all members of Council staff, must be addressed by their position title or as Officer.

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**37. Right to Ask Questions**

- 37.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
- 37.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

**Division 5 – Procedural Motions**

**38. Procedural Motions**

- 38.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- 38.2 Procedural motions require a seconder.
- 38.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

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## PROCEDURAL MOTIONS TABLE

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

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Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
4. To lay a motion on the table	That the motion is unclear in its intent or subject to misinterpretation and be laid on the table until the next Council meeting	Any Councillor who has not moved or seconded the original motion	During the election of the Mayor and Deputy Mayor	Motion carried to the next scheduled Council meeting	Meeting continues	No
5. Continuance of Meeting	That the meeting continue for a further 30 minutes	Any Councillor	When the meeting has already been extended to the maximum time allowed	The meeting will continue for an additional 30 minutes	Where all business is not disposed of, the meeting will stand adjourned at the time of the scheduled closure	No
6. Extend speaking time	That the time available for the speaker be extended by a further ___ minutes	Any Councillor (if the Chair hasn't used their discretion to extend the speaking time)	Not applicable	Extend the time available for the speaker	No change to the time available for speaker	No
7. Urgent Business	That the matter of ___ be admitted as urgent business	Any Councillor	During the election of the Mayor and Deputy Mayor	The item is admitted to agenda for discussion and debate	No change to the agenda	Limited to the provision of Rule 19. No right of reply
8. Alter the order of business	The item listed at xx on the agenda be considered before/after the item listed as xx	Any Councillor	During the election of the Mayor and Deputy Mayor During any debate on an item	Alters the order of business	Item/s remain as listed in the agenda	Limited to 1 minute as to why the order should not be altered

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## Division 6 – Rescission Motions

### 39. Notice of Rescission

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

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

- 39.2 A resolution will be deemed to have been acted on if:
- 39.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
  - 39.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 39.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- 39.3.1 has not been acted on; and
  - 39.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 39.1.3;
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

### 40. If Not Moved

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

### 41. May Be Moved by Any Councillor

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

### 42. When Not Required

- 42.1 Unless sub-Rule 42.2 applies, a motion for rescission is not required where *Council* wishes to change policy.
- 42.2 The following standards apply if *Council* wishes to change policy:
- 42.2.1 if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and
  - 42.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

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## Division 7 – Points of Order

### 43. Chair to Decide

- 43.1 The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.
- 43.2 The *Chair* has discretion to refuse a point of order (without discussion) where two (2) point of orders against the same Councillor has already been raised while they remain within their current allocated speaking time.
- 43.3 Notwithstanding sub-Rule 43.2, where the *Chair* reasonably believes a Councillor is breaching any sub-Rules, the *Chair* must ask the Councillor to either refrain from such behaviour or retrack their comments. The Councillor must not unreasonably refuse to do so.

### 44. Chair May Adjourn to Consider

- 44.1 The *Chair* may adjourn the meeting without a resolution to consider a point of order but otherwise must rule on it as soon as it is raised.
- 44.2 All other questions before the meeting are suspended until the point of order is decided.

### 45. Dissent From Chair's Ruling

- 45.1 A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:  
"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- 45.2 When a motion in accordance with this Rule is moved and seconded, the *Chair* must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not *in attendance*, temporary *Chair* elected by the meeting) must take their place.
- 45.3 The Deputy Mayor or temporary *Chair* must invite the mover to state the reasons for their dissent and the *Chair* may then reply.
- 45.4 The Deputy Mayor or temporary *Chair* must put the motion in the following form:  
"That the *Chair's* ruling be dissented from."
- 45.5 The *Chair* who's ruling has been dissented from is entitled to vote on the Deputy Mayor or temporary *Chair* motion.
- 45.6 If the vote is in the negative, the *Chair* resumes the Chair and the meeting proceeds.
- 45.7 If the vote is in the affirmative, the *Chair* must then resume the Chair, reverse or vary (as the case may be) their previous ruling and proceed.
- 45.8 The defeat of the *Chair's* ruling is in no way a motion of censure or non- confidence in the *Chair* and should not be so regarded by the meeting.

### 46. Procedure For Point of Order

A Councillor raising a point of order must:

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

### 47. Valid Points of Order

A point of order may be raised in relation to:

- 47.1 a motion, which, under Rule 22, or a question which, under Rule 48, should not be accepted by the Chair;

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- 47.2 a question of procedure; or
- 47.3 any act of disorder.

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

## Division 8 – Public Question Time

### 48. Question Time

- 48.1 There must be a public question time at every public *Council meeting* fixed under Rule 48 to enable members of the public to submit questions to *Council*.
- 48.2 Sub-Rule 48.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*, at a meeting scheduled for the election of the Mayor and Deputy Mayor, an unscheduled meeting or during an Election caretaker period.
- 48.3 Public question time will not exceed 30 minutes in duration.
- 48.4 Questions submitted to *Council* must be:
  - 48.4.1 in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and
  - 48.4.2 submitted and received no later than 12 noon on the day prior to the scheduled Council meeting.
  - 48.4.3 no question will be taken from members of the public in attendance on the night of a *Council meeting*.
- 48.5 Any question submitted that is received after the closing time stipulated in sub-Rule 48.4 will be held over to the next scheduled *Council meeting*.
- 48.6 No person may submit more than one question at a meeting, and the question must not be a multi-part question.
- 48.7 No introductory or background statements in relation to a question will be read out at the *Council meeting*.
- 48.8 The Council will ensure member of the public can submit a question and will make reasonable adjustments to enable participation by helping them lodge their question. Assistance may include physical assistance and/or translation services.
- 48.9 A member of Council staff nominated by the *Chief Executive Officer* will read at the meeting questions which has been submitted in accordance with Rule 48.
- 48.10 A question, petition or joint letter will be disallowed by the *Chief Executive Officer* if they determine that it:
  - 48.10.1 relates to a matter outside the duties, functions and powers of Council;
  - 48.10.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - 48.10.3 deals with a subject matter already answered;
  - 48.10.4 is aimed at embarrassing a Councillor or a member of Council staff;
  - 48.10.5 is directed at an individual Councillor or a member of Council staff;
  - 48.10.6 relates to personnel matters;
  - 48.10.7 relates to the personal hardship of any resident or ratepayer;
  - 48.10.8 relates to industrial matters;
  - 48.10.9 relates to contractual matters;
  - 48.10.10 relates to proposed developments;

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- 48.10.11 relates to legal advice;
- 48.10.12 relates to a Notice of Motion, Petition or item of Urgent Business;
- 48.10.13 deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the meeting to the public under s 66 of the Act;
- 48.10.14 relates to matters affecting the security of Council property; or
- 48.10.15 relates to any other matter which Council considers would prejudice *Council* or any person.
- 48.11 All questions and answers must be as brief as possible, and no discussion may be allowed other than by *Councillors* for the purposes of clarification.
- 48.12 Like questions may be grouped together and a single answer provided at the *Council meeting*.
- 48.13 The *Chief Executive Officer* will respond to questions submitted in accordance with Rule 48.
- 48.14 The question and answer provided to public questions will be recorded in the minutes of the meeting and not responded to each individual member of the public.

## **Division 9 – Petitions and Joint Letters**

### **49. Petitions and Joint Letters**

- 49.1 Members of the public are encouraged to provide input to Council’s decision making through a petition or joint letter.
- 49.2 Council will, through Public Question Time, accept a maximum of one (1) standalone joint letter or petition from each person or entity, to be read out if the *Chair* determines there is adequate time.
- 49.3 The petition or joint letter must not be more than 200 words in length, be submitted within the time frame specified in sub-Rule 48.4.2 and must not breach the requirements set out in sub-Rule 48.10.
- 49.4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), contain the request of the petitioners or signatories and be signed by at least 12 people.
- 49.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 49.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be accepted by the *Chief Executive Officer* or considered by *Council*.
- 49.7 Every page of a hard copy petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 49.8 Electronic or online petitions or joint letters, or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purposes of this Rule 49 qualify as the address and signature of such petitioner or signatory. Where email addresses are not provided for within the petition, sub-Rule 49.4 must apply.
- 49.9 If a petition or joint letter relates to an operational matter, the *Chief Executive Officer* will instead address it directly through Council’s service operations or complaint handling program.

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## Division 10 – Voting

### 50. How Motion Determined

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion and must then declare the result to the meeting. If a Councillor in *attendance* does not vote (abstains), their vote will be taken to have voted against the motion.

### 51. Casting Vote

51.1 In the event of a tied vote, the Chair must exercise a casting vote either in favour or against the motion.

51.2 The *Chair* may adjourn a meeting to consider how their casting vote will be cast.

### 52. How Votes Are Cast

Voting on any matter is by show of hands or such other visible or audible means as the *Chief Executive Officer* determines.

## Division 11 – Minutes

### 53. Recording of Motions

53.1 the Council meeting minutes will record the names of Councillors who spoke on each motion; and

53.2 any amendments to a motion and final motion as resolved by the Council; and

53.3 the names of Councillors who voted in favour, in opposition or abstained from a vote against each motion.

### 54. Confirmation of Minutes, Footage and Record Keeping

54.1 The Chief Executive Officer will determine the form of Council meeting minutes, which will include:

54.1.1 opening items of the *Council meeting* as per agenda preparation and publishing;

54.1.2 date, time and place of the *Council meeting*, the time it commenced, ended and any times which it was adjourned and resumed;

54.1.3 names of Councillors and whether they were present, an apology or on approved leave of absence;

54.1.4 councillor arrival and departure times during the *Council meeting*;

54.1.5 any Conflict of Interest disclosed and actions taken in relation to such conflicts;

54.1.6 title of Council Officer's presenting;

54.1.7 formal reports by Councillors appointed as a Council representative of another body/committee;

54.1.8 first name, last name and suburb of a member of the public who submitted a public question, petition or joint letter and discussion of topic;

54.1.9 details of failure to achieve or maintain a quorum;

54.1.10 the reason for any adjournment and the time the *Council meeting* was adjourned, and if applicable resumed; and

54.1.11 any other matter the *Chief Executive Officer* deems necessary to record or redact to protect Council against any civil legal action.

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- 54.2 Once the minutes are resolved by the Council, the minutes of a *Council meeting* will be saved electronically and stored in accordance with the Public Records Office Victoria standards.
- 54.3 The *Chief Executive Officer* will ensure the electronic *Council meeting* minutes are:
- 54.3.1 provided to each Councillor at least three (3) days prior to the next scheduled *Council meeting*;
  - 54.3.2 published on Council's website within two (2) weeks of the *Council meeting*;
  - 54.3.3 available on Council's website for at least twelve (12) months;
  - 54.3.4 recorded electronically by Council; and
  - 54.3.5 recorded electronically and stored in accordance with the Public Records Victoria standards.
- 54.4 The Chief Executive Officer can decide to publish footage of the Council meeting on Council's website and any other electronic application determined by the Chief Executive Officer. If the footage is published it:
- 54.4.1 can be redacted to protect Council against any civil legal action; and
  - 54.4.2 will be copyright protected.
- 54.5 Unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

## 55. Form and Availability of Minutes

- 55.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:
- 55.1.1 the date, place, time and nature of the meeting;
  - 55.1.2 the names of the Councillors in attendance and the names of any Councillors who apologised in advance for their non-attendance;
  - 55.1.3 the names of all members of Executive Leadership Team in attendance;
  - 55.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 4 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;
  - 55.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
  - 55.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
  - 55.1.7 the vote cast by each Councillor and any abstention from voting;
  - 55.1.8 questions upon notice;
  - 55.1.9 the failure of a quorum;
  - 55.1.10 any adjournment of the meeting and the reasons for that adjournment; and
  - 55.1.11 the time at which standing orders were suspended and resumed.
- 55.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 55.2.1 published on *Council's* website; and
  - 55.2.2 available for inspection at *Council's* office during normal business hours.
- 55.3 Nothing in sub-Rule 55.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

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## Division 12 – Behaviour

### 56. Public Attending and Addressing the Meeting

- 56.1 To ensure a safe and efficient *Council meeting* for all attendees, the *Chief Executive Officer* or their delegate may at their discretion, request members of the public immediately prior to being granted access to the public *Council meeting*, to provide and or show:
- 56.1.1 first and last name;
  - 56.1.2 current home address;
  - 56.1.3 current driving licence; or
  - 56.1.4 passport; or
  - 56.1.5 government issued identification card, for example veterans' card, seniors' card; or
  - 56.1.6 other form of identification deemed suitable by officers.
- 56.2 If in the opinion of the *Chief Executive Officer* or their delegate, a member of the public has not provided sufficient identification, entry to the *Council meeting* will be denied.
- 56.3 If a member of the public's first and last name and current address is recorded, Council will dispose of the information in accordance with Council's Privacy and Data Protection Policy.
- 56.4 Any member of the public currently subject to a Restriction of Access Notice, issued by the *Chief Executive Officer* in accordance with Council's Unreasonable Complaints Procedure, will be denied entry.
- 56.5 A member of the public *in attendance* at a *Council meeting* must not disrupt the meeting or obstruct the entrance to the Council Chamber or a building where a meeting is being, or about to be, held, and must not use a megaphone or similar, display any placards or posters in the Council Chamber or in any building where a meeting is being, or is about to be, held, and must take direction from the *Chair* whenever called on to do so.

### 57. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 56.5.

### 58. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, the *Chair* may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules 14.2 and 14.3 apply.

### 59. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 57.

## Division 13 – Additional Duties of Chair

### 60. The Chair's Duties and Discretions

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

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

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- 60.3 must allow the *Chief Executive Officer*, in their opinion, the opportunity to correct factual errors or incorrect assertions that arise during the meeting; and
- 60.4 may adjourn the *Council meeting* at any time for a period of up to 10 minutes without a Council resolution.

## **Division 14 – Suspension of Standing Orders**

### **61. Suspension of Standing Orders**

- 61.1 To expedite the business of a meeting, *Council* may resolve to suspend standing orders.
- 61.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:
  - "That standing order be suspended to enable discussion on....."
- 61.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.
- 61.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:
  - "That standing orders be resumed."

## **Division 15 – Physical and Remote Attendance**

### **62. Mode of Attendance**

- 62.1 Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:
  - 62.1.1 wholly in person;
  - 62.1.2 wholly by electronic means; or
  - 62.1.3 partially in person and partially by electronic means.
- 62.2 The indication in the notice of meeting must be consistent with any Resolution of *Council* that has expressed a preference for, or otherwise specified, when *Council meetings* are to be conducted:
  - 62.2.1 wholly in person;
  - 62.2.2 wholly by electronic means; or
  - 62.2.3 partially in person and partially by electronic means.
- 62.3 If a *Council meeting* is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 62.4 Any request made under sub-Rule 62.3 must:
  - 62.4.1 be in writing to the *Chief Executive Officer* no later than 24 hours prior to the commencement of the relevant *Council meeting*; and
  - 62.4.2 specify the reasons why the Councillor is unable or does not wish to attend the *Council meeting* in person.
- 62.5 The *Chief Executive Officer* must ensure that any request received in accordance with sub-Rule 62.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant *Council meeting*.
- 62.6 *Council* may approve and must not unreasonably refuse any request.
- 62.7 A Councillor who is *attending a Council meeting* by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the *Council meeting*.

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- 62.8 Without detracting from anything said in sub-Rule 62.7, a Councillor who is *attending* a meeting by electronic means must be able to:
- 62.8.1 hear the proceedings;
  - 62.8.2 see all Councillors and members of Council staff who are also *attending* the *Council meeting*, at least while a Councillor or member of Council staff is speaking;
  - 62.8.3 be seen by all Councillors, members of Council staff and members of the public who are physically present at the *Council meeting*; and
  - 62.8.4 be heard when they speak.
- 62.9 If the conditions of sub-Rule 62.8 cannot be met by one or more Councillors *attending* a *Council meeting*, whether because of technical difficulties or otherwise:
- 62.9.1 the *Council meeting* will nonetheless proceed as long as a quorum is present; and
  - 62.9.2 the relevant Councillor (or Councillors) will be treated as being absent from the *Council meeting* or that part of the *Council meeting*
- unless the *Council meeting* has been adjourned in accordance with *these Rules*.
- 62.10 Nothing in this Rule 62 prevents a Councillor from joining (or re-joining) a *Council meeting* at the time that they achieve compliance with sub-Rule 62.8 even if the *Council meeting* has already commenced or has continued in their absence.

### 63. Meetings Conducted Remotely

If a *Council meeting* is conducted wholly or partially by electronic means, the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

## Division 16 – Miscellaneous

### 64. Procedure not provided in this Chapter

Where the Meeting rules do not provide for a procedure for a *Council meeting*, the *Chair* will determine the procedure to be followed.

### 65. Councillor / CEO Reports

- 65.1 Councillors may provide a verbal report prior to the closure of the *Council meeting* on activities including representation on committees and participation in community events for up to two (2) minutes.
- 65.2 The *Chief Executive Officer* may provide a verbal report prior to the closure of the *Council meeting* about Council business for up to three (3) minutes.
- 65.3 Should the *Council meeting* stand adjourned in accordance with Rule 15, Councillors and the *Chief Executive Officer* reports will be held over to the following scheduled *Council meeting*.

### 66. Compliance with these Rules

- 66.1 The *Chief Executive Officer* or delegate can inform and advise the *Chair* during the *Council Meeting* of any operational, financial or risk arising from a proposed resolution, or non-compliance with *these Rules*, law, and the implications of such.

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## Chapter 3 – Meeting Procedure for Delegated Committees and Sub Committees

### 1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

- 1.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and
- 1.2 any reference in Chapter 2 to:
  - 1.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee meeting*;
  - 1.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and
  - 1.2.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

### 2. Meeting Procedure Can Be Varied

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

- 2.1 *Council* may; or
- 2.2 the *Delegated Committee* may, with the approval of *Council*

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

### 3. Sub-Committees

- 3.1 Council may from time to time establish a sub-committee to hear submissions from community members, for example submissions relating to the budget.
- 3.2 A sub-committee has no delegated powers to make a decision on behalf of the Council and is only established to hear submission prior to Council making a decision.
- 3.3 Where a sub-committee is established, members of the public wishing to make a submission must be *in attendance* or have a representative *in attendance* on their behalf.
- 3.4 Members of the public will be provided 3 minutes speaking time to present their verbal submission.
- 3.5 Notwithstanding sub-Rule 3.1.4 the *Chair* may, at their discretion extend speaking time to 5 minutes.
- 3.6 All other provisions contained within *these Rules* will apply to sub-committees.

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## Chapter 4 – Disclosure of Conflicts of Interest

### 1. Definition

In this Chapter:

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

### 2. Disclosure of a Conflict of Interest at a Council Meeting

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

- 2.1 are *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the *Council meeting* immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 2.2 intend to *attend* must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
  - 2.2.1 advising of the conflict of interest;
  - 2.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
  - 2.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
    - (a) name of the other person;
    - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - (c) nature of that other person’s interest in the matter,and then immediately before the matter is considered at the meeting announcing to those *in attendance* that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

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

### 3. Disclosure of Conflict of Interest at a Delegated Committee Meeting

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

- 3.1 are *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the *Delegated Committee meeting* immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 3.2 intend to *attend* must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Delegated Committee meeting* commences a written notice:
  - 3.2.1 advising of the conflict of interest;
  - 3.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
  - 3.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee*’s relationship with or a gift from another person the:

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

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

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

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

#### 4. Disclosure by Members of Council Staff Preparing Reports for Meetings

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

4.1.1 *Council meeting*;

4.1.2 *Delegated Committee* meeting; or

4.1.3 Executive Leadership Team meeting

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

4.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 4.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

4.3 If the member of Council staff referred to in sub-Rule 4.1 is the *Chief Executive Officer*:

4.3.1 the written notice referred to in sub-Rule 4.1 must be given to the *Mayor*; and

4.3.2 the obligation imposed by sub-Rule 4.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

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

5.2 If the member of Council staff referred to in sub-Rule 5.1 is the *Chief Executive Officer*, the written notice must be given to the *Mayor*.

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

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

6.2 If the member of Council staff referred to in sub-Rule 6.1 is the *Chief Executive Officer*, the written notice must be given to the *Mayor*.

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**7. Retention of Written Notices**

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

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## Chapter 5– Miscellaneous

### 1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

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

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

- 1.4 tabled quarterly at a *Council meeting*; and
- 1.5 recorded in the minutes of that *Council meeting*.

### 2. Confidential Information

- 2.1 If the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.
- 2.3 Nothing in sub-Rule 2.2 will, without more, mean that information designated by the *Chief Executive Officer* under sub-Rule 2.1 satisfies the definition of “confidential information” contained in section 3(1) of the *Act*.

### 3. Opening the Council Meeting

The *Chair* will open every public *Council meeting* with:

- 3.1 A Statement to Acknowledge Traditional Owners; and
- 3.2 The Diversity and Good Governance Statement.

The adopted Statement to Acknowledge Traditional Owners is as follows:

*“On behalf of Council, I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan and Taungurung People as the Traditional owners of lands within the City of Whittlesea. I would also like to acknowledge Elders past, present and emerging”*

The adopted Diversity and Good Governance Statement is as follows:

*“At the City of Whittlesea we are proud of our diversity and the many cultures, faiths and beliefs that make up our community. We strive to be an inclusive welcoming City that fosters active participation, wellbeing and connection to each other and this land. We commit as a Council to making informed decisions to benefit the people of the City of Whittlesea now and into the future, to support our community’s vision of A Place For All.”*

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## Chapter 6 – Election Period Policy

### Election Period

1. For the purposes of section 69 of the Act this [Election Period Policy](#) is incorporated into these Governance Rules.
2. This policy must be reviewed not later than 12 months prior to the commencement of an election period.

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## Appendix 1 – Strategic Planning Formula

Must apply this column to decision-making for all decisions	Must apply these columns where relevant to decision-making				
Overarching Governance Principles	Community Engagement Principles	Strategic Planning Principles	Financial Management Principles	Service Performance Principles	Public Transparency Principles
<b>Lawful</b>	Any decision likely to affect human rights to be considered against the Charter of Human Rights & Responsibilities 2006 & the Equal Opportunity Act 2010.	In accordance with the Council / Community Plan.	Australian Standards & Legislation		Council decision making processes are transparent except when the Council is dealing with information that is confidential in accordance with <i>the Local Government Act 2020</i> or any other Act.
<b>Achieve best outcomes for the community into the future</b>	A community engagement plan clearly defines objectives and scope  The community engagement plan is implemented.	Addresses the community vision and demonstrates benefit. Monitors performance through reporting. Identifies and manages implementation risks.	Considers the financial impact to the community.	Services provided are accessible, equitable, diverse and represent community need. Fair and effective processes for considering and responding to service performance complaints.	Written record of a decision affecting the rights of a person will record the opportunity provided to the person to have their views considered.
<b>Economically, socially and environmentally sustainable</b>		Ensures sufficient finances and resources to implement the strategy.	Identifies, monitors and manages financial risks.  Financial risks must be monitored and managed prudently having regard to economic circumstances.	Quality and costs standards for services provide good value to the community.	Reported in the Annual Report and other Performance Reporting
<b>Community engagement in strategic planning &amp; decision making</b>	Managed in accordance with Council's Community Engagement Policy.				Council information must be publicly available unless it's confidential. Council information must be understandable and accessible to members of the municipal community.
<b>Innovation &amp; continual improvement</b>		Strategies are informed with data		Performance is analysed for continual improvement.	

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Must apply this column to decision-making for all decisions	Must apply these columns where relevant to decision-making				
Overarching Governance Principles	Community Engagement Principles	Strategic Planning Principles	Financial Management Principles	Service Performance Principles	Public Transparency Principles
Collaboration with other Councils/ Government /Statutory bodies	Networked to increase reach	Granting opportunities	Economy of scale		
Financially viable			Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with financial policies and strategic plans		
Consistent with regional, state & national plans					
Transparent	<p>Community has access to objective, relevant &amp; timely information to inform participation.</p> <p>Participants are given reasonable support to enable meaningful and informed engagement.</p> <p>Participants are informed how the community engagement will influence Council decision making.</p>		Accounts and records that explain the financial operations & financial position are to be kept.		<p>Managed in accordance with Council’s Public Transparency Policy.</p> <p>Council information must be publicly available unless—</p> <p>(i) the information is confidential by virtue of this Act or any other Act; or</p> <p>(ii) public availability of the information would be contrary to the public interest.</p> <p>Public awareness of the availability of Council information must be facilitated.</p>

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Appendix 2 - Notice of Motion Template

**NOTICE OF MOTION NO ##**  
<Title>

Please TAKE NOTICE that it is my intention to move the following motion at the Scheduled Meeting of Council to be held on <insert date> at <insert time>pm:

**Motion**

THAT Council resolve:

- 1.

**PREAMBLE**

<enter preamble>

Cr <Name> .....  
Date: <insert date>

Cr <Name> .....  
Date: <insert date>

Acknowledged by the CEO on .....  
(signature and date)

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