

Governance Rules

2020

These Governance Rules 2020 are made in accordance with Section 60 of the *Local Government Act 2020*, and were adopted by resolution of Maroondah City Council on

31 August 2020

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PART 1 – GOVERNANCE FRAMEWORK

1. Purpose

These are the Governance Rules of Maroondah City Council, made in accordance with section 60 of the Local Government Act 2020; the purpose of which is to provide for:

- (1) the good governance and order of Council;
- (2) the conduct of Council meetings;
- (3) the conduct of meetings of Delegated Committees;
- (4) the form and availability of meeting records;
- (5) the election of the Mayor and the Deputy Mayor;
- (6) the appointment of an Acting Mayor;
- (7) an Election Period Policy;
- (8) the procedures for the disclosure of a Conflicts of Interest by:
 - (a) a Councillor or a member of a Delegated Committee at a meeting of the Council or a Delegated Committee;
 - (b) a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a Delegated Committee;
 - (c) a member of Council Officer when providing information in respect of a matter.
- (9) the consideration and making of decisions on any matter being considered by the Council fairly and on the merits;
- (10) the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered; and
- (11) any other matters prescribed by Regulations made under the Act.

2. Role of Council

- (1) The role of Council is to provide good governance for the benefit and wellbeing of the Maroondah community.
- (2) Council will provide good governance through:
 - (a) the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and
 - (b) the Councillors of the Council performing their roles in accordance with the requirements of the Act.
- (3) In performing its role, Council may:
 - (a) perform any duties or functions or exercise any powers conferred on Council by or under the Act or any other Act; and
 - (b) perform any other functions that Council determines are necessary to enable Council to perform its role.
- (4) If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

3. Overarching governance principles and supporting principles

- (1) Council will in the performance of its role give effect to the overarching governance principles, as prescribed in section 9 of the Act.
- (2) The following are the overarching governance principles:
 - (a) Council decisions are to be made and actions taken in accordance with the relevant law;
 - (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - (d) the municipal community is to be engaged in strategic planning and strategic decision making;
 - (e) innovation and continuous improvement is to be pursued;
 - (f) collaboration with other Councils and Governments and statutory bodies is to be sought;
 - (g) the ongoing financial viability of the Council is to be ensured;
 - (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
 - (i) the transparency of Council decisions, actions and information is to be ensured.
- (3) In giving effect to the overarching governance principles, Council will take into account the following supporting principles:
 - (a) community engagement principles;
 - (b) public transparency principles;
 - (c) strategic planning principles;
 - (d) financial management principles; and
 - (e) service performance principles.

4. Context

These Governance Rules are to be read in the context of and in conjunction with:

- Election Period Policy
- Community Engagement Policy;
- Public Transparency Policy;
- Petitions Policy
- Councillor Code of Conduct;
- Employee Code of Conduct;
- Other relevant policies.

5. Council decision making

- (1) Council must consider and make decisions on any matter being considered by Council fairly and on the merits.
- (2) Any person whose rights will be directly affected by a decision of the Council is entitled to:
 - (a) communicate their views by written submission;
 - (b) subsequently speak to their submission or to have a person speak on their behalf; and
 - (c) have their interests considered.
- (3) For the purposes of sub-clauses (1) and (2), a decision of Council means the following:
 - (a) a resolution made at a Council meeting;
 - (b) a resolution made at a meeting of a Delegated Committee; or
 - (c) the exercise of a power or the performance of a duty or function of Council by a member of Council Officer or a Community Asset Committee under delegation.

6. Definitions

In these Governance Rules, the following words are defined to mean:

Words	Meaning
Act	means the Local Government Act 2020
Agenda	means the notice of a meeting setting out the business to be transacted at the meeting
Authorised Officer	means a Director of Council who is authorised by the Chief Executive Officer or by the Council either generally or in a particular case
Business Days	means a normal working day of the Council, usually Monday to Friday, excluding declared Public Holidays
Chair	means the Chairperson
Chairperson	means the person who chairs a meeting of the Council, a Delegated Committee or a Community Asset Committee, and includes a person acting as Chairperson, a temporary Chairperson or a substitute Chairperson
Chief Executive Officer	means the member of Council appointed to be its Chief Executive Officer, and includes a person acting as Chief Executive Officer
Clause	means a clause of these Governance Rules
Councillor Code of Conduct	means the Councillor Code of Conduct approved under section 139 of the Act
Council Meeting	means a meeting of the Council convened in accordance with these Governance Rules and includes an Ordinary Meeting (scheduled Council Meeting) and a Special Meeting (unscheduled Council Meeting)
Committee Meeting	means a meeting of a Delegated Committee or a Community Asset Committee
Common Seal	means the Common Seal of the Council
Community Asset Committee	means a Community Asset Committee established by Council under section 65 of the Act

Council	Maroondah City Council
Council Officer	means an employee of Council
Councillor	means a person who is an elected member of the Council
Delegated Committee	means a Delegated Committee established by Council under section 63 of the Act
Deputy Mayor	means a Councillor who has been elected to that position by a vote of Councillors
Delegated Committee	means a Delegated Committee established by Council pursuant to, and in accordance with, section 63 of the Act
Division	means a formal count and recording of those FOR and those AGAINST a motion
In-Camera	a term used when a meeting is closed to the public under section 66 of the Act
Formal Motion	means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure
Mayor	means the Mayor of Council and any person appointed by Council to be acting as Mayor, including a Deputy Mayor, if the Mayor is not available.
Meeting	means a Meeting of the Council (including an Ordinary and Special Meeting) or a Delegated Committee Meeting; or Community Asset Committee
Minutes	means the official record of proceedings and decisions of a meeting of the Council, a Delegated Committee or Community Assets Committee
Motion	means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted
Motion to Review	means a notice setting out the text of a motion which is proposed to be reviewed at the next relevant meeting
Procedural Motion	means a Motion specified as such in clause 9 of the Governance Rules that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure
Quorum	means presence by a majority of Councillors at a Council Meeting or a majority of Members at a meeting of a Delegated Committee or any other Meeting
Recommendation	means the recommendation made in a report to Council as part of the meeting agenda
Regulations	means any Regulations made under the Act
Resident	means a person who resides within the Maroondah community
Special Council Meeting	means an unscheduled meeting of the Council convened for a particular purpose or matter that cannot be effectively dealt with in the schedule of Ordinary Council meetings set by Council
Suspension of Standing Orders	means the suspension of the meetings provisions of the Governance Rules to facilitate full discussion on an issue without formal constraints
Written	Includes duplicated, lithographed, photocopied, photographed, printed, typed and emailed

PART 2 – THE MAYOR, DEPUTY MAYOR & ACTING MAYOR

7. When is a Mayor to be elected?

In accord with section 26 of the Act:

- (1) A Mayor is to be elected:
 - (a) no later than one month after the date of a general election; or
 - (b) within one month after any vacancy in the office of Mayor occurs.
- (2) Before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.
- (3) If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 1 year term as is reasonably practicable.
- (4) If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 2 year term as is reasonably practicable.
- (5) The election of a Mayor after the period specified in this clause does not invalidate the election.
- (6) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a 1 year or a 2 year term serves the remaining period of the previous Mayor's term.

8. Procedures for Election of the Mayor

- (1) The election of the Mayor will be conducted by the Chief Executive Officer in accordance with the provisions of the Act.
- (2) The Chief Executive Officer must invite nominations for the office of Mayor.
- (3) The process of calling for nominations is a procedural matter, therefore:
 - (a) There is no requirement to have a seconder,
 - (b) It is not a motion and therefore not put to the vote, and
 - (c) It is up to the nominee to accept or reject the nomination.
- (4) If a person nominated does not consent to the nomination, it must not be accepted by the Chief Executive Officer.
- (5) No Councillor is permitted to speak to the nominations (including candidates) prior to the election result being declared by the Chief Executive Officer.
- (6) If there is only one nomination, the candidate nominated is deemed to be elected.
- (7) If there is more than one nomination, a vote must be taken to elect one of the candidates.
- (8) Voting must be carried out by a show of hands.
- (9) If one candidate receives a Majority of the Votes, that candidate is declared to have been elected.
- (10) If no candidate receives a Majority of the Votes, the candidate with the fewest number of votes is declared to be a defeated candidate. A further vote will then be held for the remaining candidates. This process shall continue until one of the candidates has received a Majority of the Votes. That candidate is then declared to have been elected.
- (11) In the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the Chief Executive Officer must determine the result by lot.

- (12) The following provisions apply to the conduct of the lot by the Chief Executive Officer:
- (a) each candidate will draw one lot;
 - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes, except that, if two or more candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names;
 - (c) as many identical pieces of paper as there are candidates who receive an equal number of votes must be placed in a receptacle;
 - (d) the word 'Defeated' shall be written on one of the pieces of paper;
 - (e) the candidate who draws the paper with the word 'Defeated' written on it must be declared the defeated candidate (in which event a further vote will be held for the remaining candidates and the above process repeated if necessary, unless there is only one candidate remaining, in which case that candidate will be declared duly elected); and
 - (f) the Chief Executive Officer will declare the result of the election and the successful candidate.

(13) Mayor to Take Chair

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

9. Procedures for Election of Deputy Mayor

- (1) At the Meeting at which the Mayor is to be elected, Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- (2) The term of a Deputy Mayor is to be identical to the term of the Mayor as resolved by Council.
- (3) If Council has not resolved to establish the position of Deputy Mayor, any provisions in the Meeting Rules relating to the Deputy Mayor have no effect.
- (4) The procedure used for the election of Mayor will be used to elect the Deputy Mayor, except that:
 - (a) the Mayor will conduct the election of Deputy Mayor; and
 - (b) any references to the office of the Mayor shall be taken as a reference to the Deputy Mayor.

10. Procedures for Election of Acting Mayor

- (1) Council must appoint a Councillor to be the Acting Mayor when:
 - (a) Neither the Mayor or any elected Deputy Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
 - (b) the Mayor and any elected Deputy Mayor are both incapable of performing the duties of the office of Mayor and Deputy Mayor respectively for any reason, including illness; or
 - (c) the office of Mayor and Deputy Mayor are vacant.
- (2) An appointment under sub-clause (1) must be for a period specified by Council.
- (3) If:
 - (a) an appointment has not been made under sub-clause (1) or has expired; and
 - (b) any of the circumstances specified in sub-clause (1)(a), (b) or (c) apply

Council must appoint a Councillor to be the Acting Mayor for a period specified by Council.

- (4) An Acting Mayor:
- (a) must perform the role of the Mayor; and
 - (b) may exercise any of the powers of the Mayor

until the circumstances specified in sub-clause (1) no longer apply or the period of the appointment expires, whichever first occurs.

- (5) If an Acting Mayor has been appointed, unless inconsistent with the context or subject matter, a reference in the Act (except in sections 20 and 23, Division 4 of Part 2 and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor

PART 3 – COUNCIL MEETINGS

Division 1 – Notices and Agendas

11. Notice of dates and times of meetings

- (1) At the Council Meeting to elect the Mayor and Deputy Mayor, Council must fix the date, time and place of all meetings of Council and Delegated Committees for the following year, which may be amended where the circumstances require.
- (2) In addition to sub-clause (1), the Mayor may by a written notice delivered to the Chief Executive Officer call a meeting of the Council.
- (3) A notice delivered under sub-clause (2) must specify the date and time of the meeting and the business to be transacted.
- (4) Unless all Councillors are present and unanimously resolve to deal with another matter at a meeting called by the Mayor, only the business specified in the notice or resolution is to be transacted.
- (5) Council must provide at least 7 days' notice on Council's website, as a minimum, of meetings of the Council and Delegated Committees unless urgent or extraordinary circumstances prevent Council from doing so in which case, Council must give notice that is practicable for the circumstances which includes advice of the reasons why the 7 days' notice of the meeting could not be given.

12. Council may alter meeting dates

- (1) Council may change the date, time and place of any meeting of Council or Delegated Committee which has been fixed and must provide reasonable notice of the changes to the public.
- (2) Where meeting dates are changed, as a minimum, details are to be published on Council's website.

13. Notice of meeting

- (1) Unless urgent or extraordinary circumstances have necessitated the meeting, a notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every Councillor at least 4 business days before the meeting.
- (2) The notice of meeting for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by post, messenger, email or online portal to each Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillor.

- (3) A notice may be handed personally to a Councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant Councillor is held by the Chief Executive Officer.
- (4) To enable the processes of governance to be efficiently managed, Councillors should keep the Chief Executive Officer informed of their point(s) of contact from time to time.

14. Leave of absence

It will not be necessary for a notice of meeting or agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has in writing requested the Chief Executive Officer to continue to give notice of any meeting to be held during the period of their absence.

Division 2 – Open meetings

15. Meetings open to the public

- (1) A meeting of Council or a Delegated Committee must be kept open to the public unless Council or the Delegated Committee considers it necessary to close the meeting to the public because a circumstance specified in sub-clause (2) applies.
- (2) The circumstances are:
 - (a) the meeting is to consider confidential information; or
 - (b) security reasons; or
 - (c) it is necessary to do so to enable the meeting to proceed in an orderly manner.
- (3) If the circumstance specified in sub-clause (2)(b) or (2)(c) applies, the meeting can only be closed to the public if the Council or Delegated Committee has made arrangements to enable the proceedings of the meeting to be viewed in an electronic form by members of the public as the meeting is being held.
- (4) For the purposes of sub-clause (3), the arrangements may include provision to view the proceedings on the Internet.

16. Meetings closed to the public (In-Camera)

- (1) If Council or a Delegated Committee determines to meet In-Camera to consider confidential information, Council or Delegated Committee must record in the minutes of the meeting that are available for public inspection:
 - (a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of **confidential information** in clause 3(1); and
 - (b) an explanation of why the specified ground or grounds applied.

17. Councillor Code of Conduct

During the course of any Council meeting, Councillors must comply with the Councillor Code of Conduct.

Division 3 - Quorums

18. Council meetings

The quorum required for any Council meeting shall be a simple majority, i.e. $\frac{1}{2}$ the total number of Councillors, plus 1. This for Maroonah currently is 5 Councillors.

19. Meetings of Delegated Committees and Community Asset Committees

The quorum for a meeting of a Delegated Committee or a Community Asset Committee will be determined by Council for each Committee, but in the absence of Council's determination, the quorum required will be not less than a simple majority of members, i.e. $\frac{1}{2}$ the total number of members, plus 1.

20. Inability to gain a quorum

- (1) If after thirty (30) minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, an Authorised Officer, may adjourn the meeting for a period not exceeding 7 days from the date of the adjournment.
- (2) If a Council meeting is adjourned, the Chief Executive Officer must ensure that the agenda for such a meeting is identical to the agenda for the meeting which is deemed to have lapsed.
- (3) The Chief Executive Officer must give all Councillors notice of the meeting and every reasonable attempt shall be made to advise the public of the revised meeting date.

21. Inability to maintain a quorum

- (1) If during any meeting or any adjournment of the meeting, a quorum cannot be maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, an Authorised Officer, may adjourn the meeting for a period not exceeding 7 days from the date of the adjournment.
- (2) If a Council meeting lapses, the unconcluded business must be included in the agenda for the next Ordinary Council meeting.

22. Inability to maintain a quorum due to disclosed conflicts of interest

- (1) This clause applies if Council cannot maintain a quorum because of the number of Councillors who have a Conflict of Interest in a decision in regard to a matter.
- (2) Council must consider whether the decision can be made by dealing with the matter in an alternative manner.
- (3) For the purposes of sub-clause (2), an **alternative manner** may include—
 - (a) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
 - (b) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.

23. Notice of adjourned meeting

- (1) The Chief Executive Officer may provide written notice, including by electronic means, of an adjournment; however, where that is not practicable because time does not permit that to occur, then provided a reasonable attempt is made to contact each Councillor, notice by telephone, in person or by some other means will be sufficient.

- (2) Notice of an adjournment must also be published on Council's website, as a minimum, as soon as practical.

Division 4 – Conduct of Business

24. Order of Business

- (1) The Order of Business of Council meetings will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- (2) The Chief Executive Officer should endeavour to be consistent in preparing any agenda from meeting to meeting. However, this should not preclude the Chief Executive Officer from altering the order of business to enhance the fluent and open process of government of the Council or to take advantage of opportunities which may arise from time to time.
- (3) In determining the agenda, the Chief Executive Officer should confer with the Mayor and consider:
 - (a) the general attitude of the Council;
 - (b) convenience to the community and interested community groups;
 - (c) the sensitivity of issues;
 - (d) the interest/s of the community and community groups; and
 - (e) any other relevant factor which may impact on the fluent and open processes of the government of the Council.
- (4) As a guide, the Chief Executive Officer should list items, giving priority as follows:
 - (a) **Ordinary Council Meetings** (*Scheduled Council Meetings*)
 - Statement of Livestreaming
 - Prayer
 - Acknowledgment of Country
 - Apologies
 - Declaration of Interests
 - Confirmation of Minutes
 - Public Question Time
 - Officers' Reports
 - Documents for Sealing
 - Motions to Review
 - Late Items / Urgent Business
 - Requests/Leave of Absence

 - ...In-Camera

- (b) **Special Council Meetings** (*Unscheduled Council Meetings*)

The Order of business of a Special Council Meeting will be determined by the Chief Executive Officer and will include:

- Statement of Livestreaming
- Prayer
- Acknowledgment of Country
- Apologies
- Declaration of Interests

25. Change to Order of Business

Once an agenda has been sent to Councillors, the Order of Business for that meeting may only be altered by resolution of Council.

26. Chief Executive Officer may include items on an agenda

After conferring with the Mayor, the Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered by the meeting.

27. Late Items/Urgent Business

Business which has not been listed on the agenda may only be transacted by resolution agreed to by a majority of the Councillors present and voting. Should there be dissent by the majority of Councillors, Council may resolve to place the matter on the agenda for the following Council Meeting.

Division 5 – Motions & Debate

28. Form of motion or amendment

- (1) Any motion or an amendment to a motion must:
 - (a) be moved and seconded;
 - (b) relate to the powers or functions of Council;
 - (c) be in writing, if requested by the Chairperson; and
 - (d) except in the case of urgent business, be relevant to an item of business on the agenda.
- (2) A motion or amendment must not be defamatory or objectionable in language or nature.
- (3) The Chairperson may refuse to accept any motion or amendment which contravenes this clause.
- (4) A motion or amendment cannot be withdrawn without the consent of the meeting.
- (5) A recommendation made in a report that forms part of an agenda item before a meeting has no standing until moved as a motion and seconded.

29. Moving a motion (*except Procedural Motion*)

- (1) The procedure for any motion is:
 - (a) upon the call given by the Chairperson, the mover must state the motion without speaking to it;
 - (b) unless the motion is a Procedural Motion, it must be seconded by a Councillor other than the mover;
 - (c) a motion or amendment which is not seconded, lapses;
 - (d) if the motion is seconded, the Chairperson must request:
 - (i) the mover to address Council on the motion;
 - (ii) the seconder to address Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate); and
 - (iii) any Councillor opposed, to debate the motion; and
 - (iv) any other Councillors for and against the motion to debate in turn in alternative sequence. When the sequence of alternative speakers is exhausted, any other Councillor that wishes to debate the motion.
- (2) Prior to a motion being moved, the Chairperson may request a member of Council Officer to introduce the report relevant to the item on the agenda being considered by the Meeting.

30. Procedure for proposing a motion

Any Councillor desirous of proposing a motion or amendment or taking part in discussion thereon shall stand, address the Chairperson, and shall not be interrupted except by the Chairperson or upon a point of order. If a Councillor is interrupted by the Chairperson or upon a point of order, he or she shall resume his or her seat until the Chairperson has ceased speaking, or the point of order has been determined.

31. Agreed alteration to a motion

- (1) With the leave of the Chairperson, both the mover and the seconder of a motion may agree to an alteration proposed by another Councillor.
- (2) Any such alteration shall not be regarded as an amendment to the motion.

32. Adequate debate

Adequate debate must occur where an issue is contentious in nature. In such cases, every Councillor shall be given an opportunity to speak and requested to do so by the Chairperson.

33. Sufficient debate

If several Councillors have addressed the meeting with the same or very similar viewpoints, then the Chairperson will draw the meeting's attention to the fact that sufficient debate has occurred on that viewpoint and seek different opinions

34. Right of reply

- (1) The mover of a motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate but cannot introduce any new material.
- (2) After the right of reply has been exercised, the mover of a motion shall not introduce new material and, immediately after the right of reply has been taken, the motion must be put to the vote by the Chairperson without any further discussion or debate.

35. No right of reply for amendments

No right of reply is available where an amendment is before the Council.

36. Moving an amendment

A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the motion and framed so as to complement it as an intelligible and consistent whole.

36. Who may propose an amendment?

- (1) An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the original motion.
- (2) No Councillor may move or second more than one amendment to the same motion.

38. Who may debate an amendment?

A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion, provided that debate is confined to the terms of the amendment.

39. How many amendments may be proposed?

Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment can be taken into consideration until the previous amendment has been dealt with.

40. An amendment once carried

If the amendment is adopted it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson, but only after Councillors who did not speak to the motion have exercised their right to do so.

41. Foreshadowing motions

- (1) At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the meeting is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- (4) The Chief Executive Officer is not required to record foreshadowed motions in the Minutes until the foreshadowed motion is formally moved.

42. Withdrawal of motions

Before any motion is put to the vote, it may be withdrawn by resolution.

43. Separation of motions

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

44. Chairperson may separate motions

- (1) The Chairperson may decide to put any motion to the vote in separate parts.
- (2) Where a motion contains several parts or is complicated, it may be separated to avoid difficulties, particularly if different Councillors have differing views about the several parts of the motion.

45. Motions in writing

- (1) Where a motion is lengthy, complicated or the exact intention of the motion is not clear the Chairperson may require a Councillor to submit their motion in writing.
- (2) The Chairperson may wish to suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

46. Debate must be relevant to the motion

- (1) Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the Councillor to confine debate to the subject matter.
- (2) If after being requested to confine debate to the motion before the Chair, the Councillor continues to debate irrelevant matters, the Chairperson may require the Councillor to not speak further in respect of the matter before the Chair.

47. When a resolution is acted upon

- (1) The Chief Executive Officer or other Council Officer may initiate action or cause action to be initiated on any Council resolution at any time after the close of the meeting at which it was carried.
- (2) A resolution will be considered as having been acted upon once its details have been formally communicated to a person affected by or reliant on the resolution or where a statutory procedure has been actioned.

48. Suspension and Resumption of Standing Orders

- (1) The provisions of these Governance Rules may be suspended for a particular purpose by resolution of the Council.
- (2) The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

An appropriate motion would be:

“That Standing Orders be suspended to enable discussion on”

- (3) Once the discussion has taken place, and before any motion can be put, the Resumption of Standing Orders will be necessary.

An appropriate motion would be: ***“That Standing Orders be resumed.”***

49. No motions may be accepted during the Suspension of Standing Orders

No motion may be accepted by the Chair or be lawfully dealt with during any Suspension of Standing Orders.

Division 6 – Points of Order

50. Points of Order

A Point of Order is an objection that the motion, amendment or statement made is:

- (1) contrary to these Governance Rules or the provisions of Act;
- (2) defamatory or disloyal;
- (3) irrelevant;
- (4) improper;
- (5) obscene; or
- (6) outside Council’s legal powers.

51. Procedure for a Point of Order

A Councillor may make a point of order by stating, **“Point of Order”**, at which time the Chairperson must suspend the debate and request the Councillor to state the Point of Order as follows:

- (1) identify the Point of Order; and
- (2) the reason for bringing it to the attention of the Chairperson.

52. Interruption for a Point of Order

A Councillor who is addressing the meeting must not be interrupted unless called to order when they must remain silent until the Councillor raising the point of order has been heard and the Point of Order determined by the Chairperson.

53. Valid points of order

A point of order may be raised in relation to:

- (1) a procedural matter;
- (2) a Councillor who is, or appears to be, out of order; or
- (3) any act of disorder.

54. Chairperson may adjourn to consider

- (1) The Chairperson may adjourn the meeting to consider a point of order otherwise she or he must rule on it as soon as it is raised.
- (2) All other matters before Council are to be suspended until the point of order is decided.

55. Consideration of Point of Order

- (1) If called to order, a Councillor must remain silent until the Point of Order is decided unless they are requested by the Chairperson to provide an explanation.
- (2) The Chairperson may adjourn the meeting to consider a Point of Order otherwise the Chairperson must rule on it as soon as it is raised.
- (3) The Chairperson will 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.

56. Final ruling on a Point of Order / Disagreeing with the Chairperson's ruling

- (1) The decision of the Chairperson in respect to a Point of Order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present move a motion of dissent.
- (2) A motion of dissent on a Point of Order must contain the relevant provision, rule, practice or precedent to be relied upon in substitution for the Chairperson's ruling.
- (3) A motion of dissent in relation to a Point of Order is not a motion of dissent in the Chairperson and the Chairperson must continue to chair the Council Meeting.
- (4) A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling given by the Chairperson.

Division 7 – Procedural Motions

57. Procedural Motions

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Procedural motions are not required to be seconded.
- (3) The mover of a procedural motion must not have moved, seconded or spoken to any motion before the Chair or any amendment of it.
- (4) A procedural motion cannot be moved by the Chairperson.
- (5) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- (6) Unless otherwise provided, a procedural motion cannot be amended.

58. The closure

- (1) A motion ***“That the motion be now put.”***:
 - (a) is a procedural motion which if carried to an original motion, requires that the original motion must be put to the vote immediately, without any further debate, discussion or amendment; and
 - (b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
 - (c) if lost, allows debate to continue unaffected.
- (2) The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not been sufficiently debated.

59. Adjourning the debate

A motion ***“That the motion and amendments now before the meeting be adjourned until.....”***:

- (a) is a procedural motion which cannot be moved while another Councillor is speaking or during the election of a Chairperson; and
- (b) may be debated but may only be amended in relation to the time, date and place of the proposed adjournment.

60. Adjournment of meeting

A motion ***“That the meeting be adjourned until.....”***

- (a) is a procedural motion which cannot be moved while another Councillor is speaking or during the election of a Chairperson; and
- (b) may be debated but may only be amended in relation to the time, date and place of the proposed adjournment.

Division 8 – Speaking times

61. Speaking times

Unless a motion for an extension of time has been carried, the maximum speaking times will be:

- (1) the mover of a motion - 3 minutes;
- (2) the mover of a motion when exercising his or her right of reply - 3 minutes;
- (3) any other Councillor - 3 minutes;

62. Chairperson’s right to speak

The Chairperson may address any meeting on any matter under discussion.

63. Personal explanations

- (1) A Councillor or Council Officer may, at any Council Meeting and at a time decided by the Chairperson, make a personal explanation for a period not exceeding 2 minutes, on any statement made affecting that Councillor or Council Officer.
- (2) A personal explanation shall be heard in silence and shall not be debated

64. Extension of speaking times by resolution of Council

An extension of the speaking time may be granted by resolution of Council but only one extension is permitted for each speaker on any question.

65. When an extension can be proposed

A motion for extension of speaking time must be proposed either:

- (1) immediately before the speaker commences debate;
- (2) during the speaker's debate; or
- (3) immediately after the speaker has concluded debate.

66. No extension after next speaker has commenced

A motion for an extension of speaking time cannot be accepted by the Chairperson if another speaker has commenced their debate.

67. Length of extension

- (1) Any extension of speaking time must not exceed 3 minutes.
- (2) Multiple extensions of time may be granted by resolution of Council.

Division 9 – Voting at meetings

68. How determined

To determine a matter before a meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.

69. By showing of hands

In meetings that are required by the Act to be open voting on any matter will be by show of hands.

70. When a Division is permitted

- (1) A Division may be requested by any Councillor on any matter.
- (2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

71. Procedure for a Division

- (1) Once a Division has been requested the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.
- (2) The Chairperson shall name those Councillors voting for the motion, those Councillors voting against the motion, and any Councillor abstaining from voting, and the names shall be recorded in the Minutes of the meeting.
- (3) Any Councillor abstaining from voting must state their reason for doing so to enable the reason to be recorded in the Minutes of the meeting.

72. Between the original vote and a Division

No Councillor is prevented from changing their original vote at the voting on the division, and the voting by Division will determine the Council's resolution on the issue.

73. No discussion once Motion declared

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is:

- (a) for a Councillor to request that his or her opposition to the motion be recorded in the minutes; or
- (b) where a subsequent notice of motion follows a rescission motion.

74. Addressing the meeting

- (1) Except for the Chairperson, any Councillor or person who addresses the meeting must stand and direct all remarks through the Chair.
- (2) Despite sub-clause (1), the Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson, for reasons of sickness, infirmity, disability or otherwise at his or her discretion.
- (3) Any person addressing the Chair should refer to the Chairperson as:
 - Madam Mayor; or
 - Mr. Mayor; or
 - Madam Chairperson; or
 - Mr. Chairperson – as the case may be.
- (4) Councillors, other than the Mayor, should be addressed as Cr.(surname).
- (5) Council Officers should be addressed as Mrs., Ms., Miss or Mr.(surname), or by position title.

Division 10 – Minutes

75. Keeping Minutes

- (1) The Chief Executive Officer must ensure that minutes are kept of all meetings of Council, Delegated Committees and Community Asset Committee.
- (2) The minutes of any Council meeting must record:
 - (a) the date, place, time, duration and nature of the meeting;
 - (b) the names of Councillors present, including the ward they represent;
 - (c) apologies and leaves of absence;
 - (d) the names of Council Officers present with their organisational title;
 - (e) the arrival and departure time of Councillors during the course of the meeting;
 - (f) every motion and amendment moved, including the mover and seconder of any motion or amendment;
 - (g) the outcome of every motion that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED;
 - (h) procedural motions which should be highlighted;
 - (i) where a valid Division is called, a table of the names of every Councillor and the way their vote was cast; either FOR, AGAINST or ABSTAINED and the Councillor's stated reason for any abstained vote;
 - (j) when requested by a Councillor, a record of their support or opposition for any motion;
 - (k) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
 - (l) details of any question directed or taken upon notice;
 - (m) details of any deputations made to the Council;
 - (n) the time and reason for any adjournment of the meeting or suspension of standing orders;

- (o) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
 - (p) disclosure by a Councillor of a Conflict of Interest and the details associated with that disclosure required by section 130 and 131 of the Act and any disclosure of Conflict of Interest by the Chief Executive Officer required by section 126 of the Act; and
 - (q) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading the Minutes;
 - (r) closure of the meeting to members of the public and the reasons for such closure.
- (3) In addition, every page of the Minutes should:
- (a) be consecutively page numbered; and
 - (b) contain consecutive item numbers which are clearly headed with a subject, titles and where appropriated sub-title and file references.

76. Confirmation of Minutes

- (1) An appropriate motion to confirm the Minutes would be:
“That the minutes of the (type of meeting) held on (date of meeting) be confirmed.”
- (2) If some slight alteration is required to the minutes, then the following words could be added:
“subject to the following alteration(s)”
- (3) If the Confirmation of the Minutes is to be postponed, an appropriate motion would be:
“That the Confirmation of Minutes be held over until” or
“That the Confirmation of Minutes be held over and relisted on the next Agenda.”
- (4) The Chairperson of the meeting at which the minutes were confirmed is required to verify the minutes by initialling each page of the minutes and by signature on the final page.
- (5) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

77. Objection to Confirmation of Minutes

If a Councillor is dissatisfied with the accuracy of the minutes, then they must:

- (a) state the item or items with which he or she is dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

78. Deferral of Confirmation of Minutes

Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

79. Availability of Minutes

The Chief Executive Officer will make available confirmed minutes of open meetings of Council and Delegated Committees together with relevant reports on Council’s website.

80. Recording of meetings

- (1) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record with appropriate recording equipment the proceedings of a Council meeting.
- (2) Subject to sub-clause (1) a person must not operate any visual or sound recording equipment at any Council meeting without first obtaining the consent of Council or the Chairperson. Such consent may be at any time during the course of such meeting be revoked by Council or the Chairperson.

Division 11 – Notice to Review

81. Procedure

- (1) A Councillor may propose a motion to review a decision of Council provided:
 - (a) the decision has not been acted upon; and
 - (b) a notice ('Notice to Review') signed by three Councillors is delivered to the Chief Executive Officer by 10 a.m. on the morning following the Council Meeting, at which the decision was taken. The Notice to Review must outline the:
 - (i) decision proposed to be reviewed; and
 - (ii) Council Meeting and date when the decision was made.
- (2) A decision will be acted upon once its details have been formally communicated to persons affected by, or reliant on, the resolution or where a statutory procedure has been carried out as a result of that decision.
- (3) The failure of a Councillor to receive notice of the Notice to Review shall not in any way invalidate Council considering and resolving upon such Notice to Review.

82. Must be listed on Agenda

The Chief Executive Officer must list the Notice to Review, and if more than one, in the order each Notice to Review was received, on the next appropriate agenda.

83. If not moved

If a Notice to Review is not moved at the Council meeting for which it is listed, it will lapse.

84. May be moved by any Councillor

A Notice to Review listed on a meeting agenda may be moved by any Councillor present but cannot be amended

85. If lost

If a Notice to Review is lost, a similar motion cannot be put before the Council for at least 3 months from the date it was last lost, unless the Council resolves that the notice be relisted at a future meeting.

Division 12 – Confidential Information

86. Confidential Information

- (1) If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- (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*.

Division 13 – Additional duties of Chairperson

87. Chairperson's duties and discretions

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

- (1) The Chairperson must not accept any motion question or statement which is determined by the Chairperson to be:
 - (a) derogatory, defamatory, malicious, abusive or objectionable in language or substance; or embarrassing to any Councillor or Council Officer.
 - (b) vague or unclear in intention;
 - (c) outside the powers of Council;
 - (d) irrelevant to the item being considered;
 - (e) purporting to be an amendment but is not; or
- (2) The Chairperson must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the Meeting.
- (3) The Chairperson must ensure that silence is preserved in the public galley during a Meeting.
- (4) The Chairperson must call to order any person if their behaviour is disruptive or unruly during any Meeting.

88. Chairperson's Ruling

Where the Meeting Rules do not provide for a procedure for a Meeting, the Chairperson will determine the procedure to be followed.

Division 14 – Councillor Briefings / Informal Meetings of Councillors

89. Process

If there is a meeting of Councillors that:

- (1) is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- (2) is attended by a majority of Councillors, and at least one Council Officer; and
- (3) is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting, the Chief Executive Officer must:
 - (a) ensure that a Public Record of the matters discussed at the briefing are reported to the next convenient Council meeting; and
 - (b) recorded in the minutes of that Council meeting.

Division 15 – Public participation

90. Deputations

- (1) A Deputation wishing to be heard by Council must make a written request to the Chief Executive Officer not less than 72 hours prior to the latest time for delivery of a notice of a Council Meeting (*refer Division 1 - Notices and Agendas*).
- (2) A request for a Deputation shall specify the name and address of a person authorised to receive notice on behalf of the Deputation.
- (3) The Chief Executive Officer will arrange for the Deputation to meet with Council, or a group of Councillors, depending on the subject of the matter and the relative importance of the issue.
- (4) If the Deputation is listed for hearing, the Chief Executive Officer shall give to the person specified in the request written notice of the time, date and place of the meeting at which the Deputation will be heard.
- (5) Nothing shall prevent Council from hearing a Deputation at shorter notice, as a matter of urgency.

91. Question Time

- (1) There shall be question time at every Ordinary Meeting to enable the public to submit questions to Councillors.
- (2) Up to fifteen (15) minutes will be allowed for the answering of all questions.
- (3) Upon expiration of fifteen (15) minutes, any unanswered questions will be answered the day after the Council Meeting by means of letter OR an extension of time may be granted by resolution of Council for another ten (10) minutes.
- (4) A person must not submit more than two questions to a Council Meeting.
- (5) Where questions are divided into parts, each part will be considered a separate question.

- (6) Questions will only be accepted in the format of the prescribed form as detailed in Appendix 1 to [clause 91](#).

[Public Question Time Forms](#) can be accessed via Council's website and Customer Service Centres.

- (7) Questions are to be submitted to the Chief Executive Officer at the City Offices no later than 12 noon on the day of the Council Meeting.
- (8) The Chairperson may disallow any question on the ground that it is repetitive of a question already asked, either at the current Council Meeting or previous Council Meeting, objectionable, irrelevant, raises an issue of a confidential nature or is asked to embarrass either a Councillor or Council Officer.
- (9) Council will not deal with a question if the person who submitted the question is not present during question time, in which case he or she will be provided an answer by letter.
- (10) The Chairperson will nominate the appropriate Councillor or Council Officer to answer the question.
- (11) (a) A Councillor or Council Officer may take a question on notice, in which case he or she will provide an answer by letter; and
(b) Copies of any letter provided under sub-clause (a) must be provided to all other Councillors.
- (12) A Councillor may, at his or her discretion, seek additional information from the Chief Executive Officer to assist in the answering of a question at the meeting.
- (13) No debate or discussion of questions or answers is permitted.
- (14) Sub-clauses 1 to 13 do not apply during any period when Council has resolved to close the meeting (*meet In-Camera*) in respect of a matter under section 66 of the Act.

Division 16 – Behaviour at Council Meetings

92. Public

- (1) All visitors at a meeting are required to behave in accordance with these Governance Rules, to allow the meeting to proceed without disruption.

In keeping with State & Federal Parliament guidelines, appropriate behaviour includes:

- Being quiet during proceedings
- Not creating a nuisance within the meeting
- Being respectful of the protocols of the meeting
- Not harassing those attending the meeting, including Councillors, Council employees and other visitors
- Not bringing in any placards, posters or materials other than personal effects
- Not displaying any physical violence or verbal abuse to anyone or anything within the meeting
- Not wilfully or recklessly endanger the physical and/or psychological safety of Council employees, workers, contractors or other persons in the workplace
- Not recording meeting proceedings without the consent of the Chair/Chairperson via photography filming or audio, unless consent has been given
- Having mobile devices switched off or on silent
- Not engaging in unlawful conduct

- (2) The Chairperson has the discretion to cause the removal of any visitor who disrupts any meeting or fails to comply with any direction from the Chair or conducts themselves in a manner that may constitute an immediate risk to the physical and/or psychological safety of other persons attending the meeting.
- (3) A person must not refuse or neglect to leave a Meeting, or to remove an object or material, when ordered by the Chairperson.
- (4) In causing a person's removal under sub-clause (2) or the removal of an object or material under sub-clause (1), the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person or the object or material, for acting in breach of these Governance Rules.

93. Councillors

- (1) The conduct of Councillors at Meetings is governed by the Act, these Governance Rules and the Councillor Code of Conduct.
- (2) Where a Councillor engages in improper or disorderly conduct or acts in a way that otherwise disrupts a Meeting, or impedes its orderly conduct, Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has first warned the Councillor to cease that behaviour.
- (3) Where Council suspends a Councillor under sub-clause 2, the Councillor will take no active part in the portion of the Meeting from which she or he has been suspended.
- (4) The Chairperson, or Council by resolution, may order and cause the removal of a Councillor who has been suspended under sub-clause 2 from the Meeting for the duration of the suspension.
- (5) In causing the removal of a Councillor under sub-clause 4, the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.
- (6) A Councillor must not refuse or neglect to leave a meeting when ordered to do so under sub-clause (4).

94. Chairperson May Adjourn Disorderly Meeting

- (1) The Chairperson may adjourn the Meeting for either a short time, or to resume another day, if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.
- (2) If the Chairperson adjourns the Meeting to another day, clause 23(1) applies with respect to the provision of notice of the adjourned Meeting

Division 17 – Curfew

95. Conclusion time of meetings

- (1) Council Meetings must conclude by 10.00pm, however, this time may be extended by a majority vote of Councillors for up to thirty (30) minutes only, at which time the meeting must be declared closed or adjourned by the Chairperson.
- (2) If not adjourned, all items of business not dealt with shall be listed on the agenda of the next Ordinary Meeting.

Division 18 – Council *In-Camera*

96. In-Camera

Subject to section 66 of the Act, any Councillor may move that a Meeting be closed, i.e. *‘that Council meet In-Camera’*. If such motion is carried, all members of the public and Council Officers as determined by the Chief Executive Officer, shall leave the Council Chamber; however, nothing shall prevent Council from permitting Council Consultants and Advisors or any other person from remaining in the Chamber.

Division 19 – Petitions

97. Petitions Policy

- (1) Petitions are dealt with in accordance with Council’s adopted Petitions Policy, which can be accessed on Council’s website, [via this link](#), or hard copy at Council Customer Service Centres.
- (2) The Petitions Policy:
 - (a) governs the way in which petitions are received at Council and outlines the requirements of a valid petition to ensure that the rights of the community to lobby local government are met.
 - (b) seeks to ensure that the community are informed about their rights to Privacy with regard to the personal information provided on a petition
 - (c) relates to all petitions intended to be presented to Council within the context of a Council meeting. Petitions are requests made by five or more petitioners.
- (3) Requests containing less than five signatories, are considered to be joint letters, and these will be dealt with by the relevant Council Officer/s as deemed appropriate by the CEO, for action or response.
- (4) Where Council is undertaking a consultation process with the community inviting comments or submissions to a proposal on public exhibition, any petition which maybe responding to the matter will be dealt with and considered by Council along with all other submissions to the proposal.

PART 4 – COUNCIL’S COMMON SEAL

98. Common Seal

In accordance with section 14(2) of the Act, all matters relating to the security and proper use of Council’s Common Seal, are provided for in Council’s Local Law No.12 (adopted under the Local Government Act 1989), until such time as repealed and replaced with a Local Law under the provisions of the Local Government Act 2020.

PART 5 – JOINT COUNCIL MEETINGS

Overview Note:

Regional collaboration provides benefits to the Maroondah community through collective procurement, increased advocacy and alignment for major projects.

While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in section 62 of the Act.

- (1) Council may resolve to participate in a Joint Council meeting, as provided for in section 62 of the Act.
- (2) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on governance rules with the participating Councils.
- (3) Where the participating Councils agree that Maroondah City Council will chair a Joint Council Meeting, the Mayor of the City of Maroondah will Chair the Joint Council meeting.

PART 6 – DELEGATED COMMITTEES

99. Delegated Committees

- (1) Council may establish Delegated Committees in accordance with section 63(1) of the Act.
- (2) If Council establishes a Delegated Committee, these Governance Rules will apply to a Delegated Committee Meeting, with any necessary modifications.
- (3) If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.
- (4) For the purpose of sub-clause (2):
 - (a) a Council meeting is to be read as a reference to a Delegated Committee Meeting;
 - (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
 - (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee
- (5) If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules, including the meeting procedure, shall apply to that Committee

PART 7 – COMMUNITY ASSET COMMITTEES

100. Community Asset Committees

- (1) Council may establish a Community Asset Committee, for the management of a community asset such as a hall or reserve, in accordance with section 65 of the Local Government Act 2020.
- (2) Council may appoint members of the community to a Community Asset Committee.
- (3) A Community Asset Committee must act in accordance with its adopted Charter, any Terms of Reference adopted by Council, or Instrument of Delegation from the Chief Executive Officer**

*** Note:*

Under the provisions of section 47 of the Act, the Chief Executive Officer may, by Instrument of Delegation, delegate a power, duty or function to a Community Asset Committee, provided such has been conferred upon the CEO by Council.

- (4) Council, if it establishes a Community Asset Committee, may resolve to apply parts of these Governance Rules to that Committee

PART 8 – ADVISORY COMMITTEES

101. Appointment of Councillors to Advisory and External Committees and Organisations

- (1) This section provides for the appointment of Councillors as members of committees established by the Council, and as Council representatives or delegates on external committees and organisations.
- (2) At the next Ordinary Council Meeting after the Meeting at which the Mayor is elected, or at a Council Meeting held as soon as practicable after that Meeting, Council must:
 - (a) appoint Councillors as members of, or representatives on, Committees established by Council; and
 - (b) appoint Councillors as delegates to External Committees and Organisations;

PART 9 – DISCLOSURE OF CONFLICTS OF INTEREST

102. Introduction

The Governance Rules in Part 10 apply only upon Division 1A of Part 4 of the Local Government Act 1989 being repealed.¹

103. Definition

In this Part:

- (1) a ‘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 clause 89, Division 12, of Part 3 of these Governance Rules (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- (2) a member of a *Delegated Committee* includes a Councillor.

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

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which he or she:

- (1) is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or
- (2) intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:
 - (a) advising of the conflict of interest;
 - (b) explaining the nature of the conflict of interest; and
 - (c) detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
 - (i) name of the other person;
 - (ii) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (iii) nature of that other person’s interest in the matter,

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

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

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

105. 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 he or she:

- (1) is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered; or
- (2) intends to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee meeting commences a written notice:
 - (a) advising of the conflict of interest;
 - (b) explaining the nature of the conflict of interest; and
 - (c) 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:
 - (i) name of the other person;
 - (ii) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (d) nature of that other person's interest in the matter,

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

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.

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

A Councillor who has a conflict of interest in a matter being considered at a Community Asset Committee meeting at which he or she:

- (1) is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee meeting immediately before the matter is considered; or
- (2) intends to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:
 - (a) advising of the conflict of interest;
 - (b) explaining the nature of the conflict of interest; and
 - (c) detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
 - (i) name of the other person;
 - (ii) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

- (d) nature of that other person's interest in the matter,

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

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

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

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

- (1) disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- (2) absent himself or herself from any discussion of the matter; and
- (3) as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

108. Disclosure by a Council Officer Preparing Reports for Meetings

- (1) A Council Officer who, in his or her capacity as a Council Officer, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:
 - (a) Council meeting;
 - (b) Delegated Committee meeting;
 - (c) Community Asset Committee meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest.

- (2) The *Chief Executive Officer* must ensure that the Report referred to in sub-clause (1) records the fact that a Council Officer disclosed a conflict of interest in the subject-matter of the Report.
- (3) If the Council Officer referred to in sub-clause (1) is the *Chief Executive Officer*:
 - (a) the written notice referred to in sub-clause (1) must be given to the *Mayor*; and
 - (b) the obligation imposed by sub-clause (2) may be discharged by any other Council Officer responsible for the preparation of the Report.

109. Disclosure of Conflict of Interest by Council Officers in the Exercise of Delegated Power

- (1) A Council Officer who has a conflict of interest in a matter requiring a decision to be made by the Council Officer 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.
- (2) If the Council Officer referred to in sub-clause (1) is the Chief Executive Officer the written notice must be given to the Mayor.

110. Disclosure by a Council Officer in the Exercise of a Statutory Function

- (1) A Council Officer who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the Council Officer 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.
- (2) If the member of Council Officer referred to in sub-clause (1) is the Chief Executive Officer the written notice must be given to the Mayor.

111. Retention of Written Notices

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

PART 10 – ELECTION PERIOD POLICY

In the lead up to an election the Victorian Local Government sector adopts an election period policy to avoid actions and decisions that may be interpreted as influencing voters or binding an incoming Council.

Specific provisions have been incorporated into the Local Government Act 2020 (the Act) that prohibits Council making major policy decisions or publishing or distributing electoral matter during the election period.

Accordingly, in accordance with the Act, Council has prepared and adopted an Election Period Policy, the content of which forms part of these Governance Rules.

The Policy includes:

- (1) procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election
- (2) limits on public consultation and the scheduling of Council events
- (3) procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.

A copy of this Policy is:

- (4) available for inspection by the public at Council's Customer Service Centres, and
- (5) published on the Council's website - www.maroondah.vic.gov.au

PART 11 – MISCELLANEOUS

Administrative Amendments

- (1) From time to time, circumstance may require minor amendments be made to this Policy. Where this does not materially alter the Policy, such amendments may be made administratively by the Chief Executive Officer, and reflected in Appendix 3 (page 39).
- (2) Any amendment which materially alters the Policy must be approved by resolution of Council.

Matters not provided for

Where a situation has not been provided for under these Governance Rules, Council may determine the matter by resolution.

APPENDIX 1 – (PART 3, CLAUSE 91)

**PUBLIC QUESTION TIME FORM
COUNCIL MEETING**

NAME: _____

ADDRESS: _____

PRIVACY ISSUES ¹ I willingly opt for my personal information to appear in the Council minutes. *Please tick appropriate box.*

Name Yes No **Address** Yes No

READ QUESTION I willingly opt to be able to state my question before Council. *Please tick appropriate box.*

State Question Yes No

ORGANISATION REPRESENTED: _____
(If applicable)

CONTACT TELEPHONE: _____

DATE OF COUNCIL MEETING: _____

QUESTION *(One question per form)*

SIGNATURE: _____ DATE: _____

1. Note: Council is committed to the privacy principles as prescribed by Privacy and Data Protection Act 2014. It is your option as to whether your name and or address (street only not number) appears within the Council minutes.

APPENDIX 2 – PROCEDURAL MOTIONS TABLE (PART 3, CLAUSE 57)

Procedural Motion	Form (Wording of the Motion)	Mover	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
Adjournment of debate	<i>“That the motion and amendments now before the meeting be adjourned until.....”</i>	<ul style="list-style-type: none"> Must not have moved or seconded the original motion or otherwise spoken to the original motion or any amendment of it Cannot be moved by the <i>Chairperson</i> 	<ul style="list-style-type: none"> During the election of a <i>Chairperson</i> When another Councillor is speaking 	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes - but may only be amended in relation to the time, date and place of the proposed adjournment
Adjournment of meeting	<i>“That the meeting be adjourned until.....”</i>	<ul style="list-style-type: none"> Must not have moved or seconded the original motion or otherwise spoken to the original motion or any amendment of it Cannot be moved by the <i>Chairperson</i> 	<ul style="list-style-type: none"> During the election of a <i>Chairperson</i>; When another Councillor is speaking 	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes - but may only be amended in relation to the time, date and place of the proposed adjournment.
The closure	<i>“That the motion be now put”</i>	<ul style="list-style-type: none"> Must not have moved or seconded the original motion or otherwise spoken to the original motion or any amendment of it Cannot be moved by the <i>Chairperson</i> 	<ul style="list-style-type: none"> During nominations for a <i>Chairperson</i> 	<ul style="list-style-type: none"> If carried to an original motion, requires that the original motion must be put to the vote immediately, without any further debate, discussion or amendment If carried to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue 	Debate continues unaffected	No

APPENDIX 3 - ADMINISTRATIVE AMENDMENTS MADE BY CHIEF EXECUTIVE OFFICER (PART 11, CLAUSE 1)

Clause	Amendment	Date of Amendment
8 (3) Procedures for Election of the Mayor	Delete requirement for nominations to be moved and seconded Amend Sub-Clause (3) to read: The process of calling for nominations is a procedural matter, therefore: <ul style="list-style-type: none"> ▪ There is no requirement to have a seconder ▪ It is not a motion and therefore not put to the vote ▪ It is up to the nominee to accept or reject the nomination 	11 November 2020
13 (1) Notice of meeting	Delete requirement for 4 clear business days' notice. Amend Sub-Clause (1) to provide for 4 clear days' notice.	11 November 2020
8 (3) Procedures for Election of the Mayor	Delete requirement for nominations to be moved and seconded Amend Sub-Clause (3) to read: The process of calling for nominations is a procedural matter, therefore: <ul style="list-style-type: none"> ▪ There is no requirement to have a seconder. ▪ It is not a motion and therefore not put to the vote. ▪ It is up to the nominee to accept or reject the nomination. 	11 November 2020
13 (1) Notice of meeting	Delete requirement for 4 clear business days' notice. Amend Sub-Clause (1) to provide for 4 clear days' notice.	11 November 2020