governance rules

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on September 2, 2022.

3. Contents

These Governance Rules are divided into the following Chapters:

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

4. Definitions

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

Act means the *Local Government Act 2020*.

Advisory committee means a committee established by the *Council* which provides advice to:

a) the *Council*; or

b) a member of Council staff who has been delegated a power, duty or function of the *Council*;

and which is not a *Delegated Committee* or *Community Asset Committee*.

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 Wodonga City Council. Depending on the context it may refer to:

- The seven elected councillors, meeting as the *Council*; or
- The *Council* organisation, led by the *Chief Executive Officer*

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

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

Mayor means the Mayor of *Council*.

these Rules means these Governance Rules

Chapter 1 – Governance Framework

Context

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

(a) the overarching governance principles specified in section 9(2) of the *Act*; and

(b) the following documents adopted or approved by *Council* (including the *Chief Executive Officer*):

Councillor Code of Conduct

Staff Code of Conduct

Community Engagement Policy

Privacy Policy

Council Expenses Policy - councillors

Public Transparency Policy

Councillor Gifts, Benefits and Hospitality Policy

Staff Gifts, Benefits and Hospitality Policy

Decision Making

(a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:

(i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and

(ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations

(b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).

(c) Without limiting anything in paragraph (b) of this sub-rule:

(i) 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;

(ii) 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;

(iii) 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

(iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

Chapter 2 – Meeting Procedure for Council Meetings

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Part A – Introduction

1. Title

This Chapter will be known as the *Meeting Procedure Rules~~Chapter~~*.

2. Purpose

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

3.1 In this Chapter:

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

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

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

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

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

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

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

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

Part B – Election of Mayor

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

4. Election of 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 chair that part of~~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:

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).

8. Appointment of Acting Mayor

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

8.1 resolving that a specified councillor be so appointed; or

8.2 following the procedure set out in rules 5 and 6 (inclusive) of this Chapter,

at its discretion.

Part C – Meeting 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

Explanatory note

Council holds ordinary meetings and, when required, special meetings to conduct the business of *Council*.

The date, time and place of ordinary meetings are fixed by resolution at a *Council meeting*.

Special meetings are *Council meetings* that may be fixed by resolution at a *Council meeting* or in accordance with rule 11. Special meetings deal only with the business specified in the *Council* resolution or the written notice.

9. Dates and times of meetings fixed by Council

Subject to rule 11, *Council* must from time to time fix the date, time and place of all *Council meetings*. Meetings fixed in this way will be by resolution at a *Council meeting*.

10. 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. Meetings changed in this way will be by resolution at a *Council meeting*.

11. Meetings not fixed by Council

11.1 The *Mayor* or at least 3 councillors may by a *written* notice call a *Council meeting.*

11.2 The notice must specify the date and time of the *Council meeting* and the business to be transacted.

11.3 The *Chief Executive Officer* must convene the *Council meeting* as specified in the notice.

11.4 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.*

12. Notice of meeting

12.1 Subject to sub-rule 12.2 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 five days before the meeting.

12.2 If it is not possible to comply with sub-rule 12.1 for any reason, the *Chief Executive Officer* must ensure delivery and publication of the notice of meeting as soon as reasonably possible.

12.3 Notwithstanding sub-rule 12.1 and 12.2, 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.

12.4 Reasonable notice of each *Council meeting* must be provided to the public. The *Chief Executive Officer* must arrange for a notice of the meeting to be published on the *Council's* website, and in accordance with any protocols in the Community Engagement Policy.

Explanatory note

If a *Council meeting* is scheduled for a Monday evening, the agenda and any related material must be issued electronically to each councillor and appear on *Council's* website by close of business on the immediately preceding Wednesday.

Division 2 - Quorums

13. Inability to obtain a quorum

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

13.1 the meeting will be deemed to have lapsed;

13.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and

13.3 the *Chief Executive Officer* must give all councillors *written* notice of the meeting convened by the *Mayor*.

14. Inability to maintain a quorum

14.1 If during any *Council meeting*, a quorum cannot be maintained then rule 13 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.

14.2 Sub-rule 14.1 does not apply if the inability to maintain a quorum is because of the number of councillors who have a conflict of interest in the matter to be considered.

15. Adjourned meetings

15.1 *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.

15.2 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.

15.3 If it is impracticable for the notice given under sub-rule 15.2 to be in *writing*, the *Chief Executive Officer* must give notice to each councillor by telephone or in person.

16. Time limits for meetings

16.1 A *Council meeting* must not continue after three hours from the time it commences unless a majority of councillors who are *in attendance* vote in favour of it continuing. For the avoidance of doubt, a period of adjournment is not included in the time limit.

16.2 A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of councillors has already voted to continue it for 30 minutes).

16.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-rules 15.2 and 15.3 apply.

17. Cancellation or postponement of a meeting

17.1 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*.

17.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-rule 17.1.

Division 3 – Business of meetings

18. Agenda and the order of business

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

Explanatory note

As a guide, the business order might be:

a) Welcome and Acknowledgment of Country
b) Apologies, requests for leave of absence, and requests to *attend* by electronic means
c) Declaration by councillors of any conflict of interest
d) Confirmation of minutes of previous meetings of *Council*
e) Public question time
f) Delegates' reports
g) Reports for determination
h) Reports for noting
i) Reports for information
j) Notices of motion
k) Petitions
l) General business
m) Urgent business
n) Confidential business
o) Confidential urgent business
p) Close of meeting

Presentation of community awards:
While not a formal part of a *Council meeting*, ~~the *Council* may present~~ community awards may be presented immediately prior to, after, or during the course of, a *Council meeting*. If the latter, the meeting would be adjourned for the duration of the presentation of awards.

19. Change to order of business

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

20. Delegates' reports

20.1 The *Mayor* and councillors who are delegates or representatives of the *Council* on other bodies may report to the meeting on issues of importance to the *Council*, notwithstanding that the report is not listed on the agenda.

20.2 No motion (except to receive any such report) can be accepted by the Chairperson unless there is a matter raised in it which is resolved in the manner prescribed for dealing with urgent business.

21. General business

21.1 The purpose of general business is to provide councillors with an opportunity to provide an update on their duties and meetings attended and to raise matters such as:

a) A note of thanks or congratulations
b) Advise of attendance at event / meeting
c) Recognition
d) Tributes

21.2 A General Business item is for information only. Matters requiring a *Council* resolution should be raised under urgent business.

21.3 A councillor may speak for up to two minutes in general business.

22. Urgent business

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

22.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and

22.2 cannot safely or conveniently be deferred until the next *Council meeting*; or

22.3 involves a matter of urgent community concern.

Division 4 – Motions and debate

23. Councillors may propose notices of motion

A councillor may give notice of any business they wish to be considered at a *Council meeting* by lodging a *Notice of Motion*.

24. Notice of motion

24.1 A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

24.2 Councillors may give notice of any business they wish to be considered by completing a "Notice of Motion" form as issued from time to time by the *Chief Executive Officer* and available from the Governance Officer.

24.3 All notices of motion must be in writing, dated and signed by one or more councillors and given to the *Chief Executive Officer* not less than 10~~seven~~ days prior to the *Council meeting* at which one of the councillors who signed the notice of motion proposes to move the motion.

Explanatory note

All references to "in writing" within *these Rules* shall include communication that is either written, typed, Email, SMS or in printed form.

24.4 The *Chief Executive Officer* may reject any notice of motion which:

24.4.1 is vague or unclear in intention

24.4.2 it is beyond *Council's* power to pass; or

24.4.3 if passed would result in *Council* otherwise acting invalidly

but must:

24.4.4 give the councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

24.4.5 notify in writing the councillor who lodged it of the rejection and reasons for the rejection.

24.5 The full text of any notice of motion accepted by the *Chief Executive Officer* must be included in the agenda.

24.6 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.

24.7 Except by leave of *Council*, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register.

24.8 If a councillor who has given a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other councillor may move the motion.

24.9 If a notice of motion is not moved at the *Council meeting* at which it is listed, it lapses.

25. Chair's duty

Any motion which is determined by the Chair to be:

25.1 defamatory;

25.2 objectionable in language or nature;

25.3 vague or unclear in intention;

25.4 outside the powers of *Council*; or

25.5 irrelevant to the item of business on the agenda and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the Chair

26. Introducing a report

26.1 Before a written report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than ~~2~~5 minutes:

26.1.1 its background; or

26.1.2 the reasons for any recommendation which appears.

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

27. Introducing a motion or an amendment

The procedure for moving any motion or amendment is:

27.1 the mover must state the motion without speaking to it;

27.2 the motion must be seconded and the seconder must be a councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;

27.3 if a motion or an amendment is moved and seconded the Chair must ask: "Is the motion or amendment opposed? Does any councillor wish to speak to the motion or amendment?"

27.4 if no councillor indicates opposition or a desire to speak to it, the Chair may declare the motion or amendment carried unanimously without the need for a vote;

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

27.6 after the mover has addressed the meeting, the seconder may address the meeting (the seconder may reserve their right to speak until later in the debate);

27.7 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; and

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

28. Right of reply

28.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.

28.2 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.

29. Agreed alterations to a Motion

At the discretion of the Chairperson, both the mover and seconder of a motion may agree to an alteration to the original motion proposed by any other councillor.

This does not necessitate the recording of an amendment into the minutes of the meeting as the alteration would then form part of the substantive motion.

30. Moving an amendment

30.1 Subject to sub-rule 30.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.

30.2 A motion to confirm a previous resolution of *Council* cannot be amended.

30.3 An amendment must not be directly opposite to the motion.

31. Who may propose an amendment

31.1 An amendment may be proposed or seconded by any councillor, except the mover or seconder of the original motion.

31.2 Any one councillor cannot move more than two amendments in succession.

32. How many amendments may be proposed

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

32.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

33. An amendment once carried

33.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.

33.2 The mover of the original motion retains the right of reply to that motion.

34. Foreshadowing motions

34.1 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.

34.2 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.

34.3 The *Chief Executive Officer* or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

34.4 The Chair is not obliged to accept foreshadowed motions.

35. Withdrawal of motions

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

35.2 If the majority of councillors objects to the withdrawal of the motion, it may not be withdrawn.

36. Separation of motions

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

37. Chair may separate motions

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

38. 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.

39. Motions in writing

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

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

40. Repeating motion and / or amendment

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

41. Debate must be relevant to the motion

41.1 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.

41.2 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.

41.3 A speaker to whom a direction has been given under sub-rule 41.2 must comply with that direction.

42. Speaking times

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

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

42.2 any other councillor: 3 minutes; and

42.3 the mover of a motion exercising a right of reply: 2 minutes.

43. Addressing the meeting

If the Chair so determines:

43.1 any person addressing the Chair must refer to the Chair as:

43.1.1 Madam Mayor; or

43.1.2 Mr Mayor; or

43.1.3 Madam Chair; or

43.1.4 Mr Chair

as the case may be;

43.2 all councillors, other than the *Mayor*, must be addressed as Cr …… (name).

43.3 all members of Council staff, must be addressed as Mr or Ms ……..(name) as appropriate or by their official title.

44. Chairperson may speak

The Chairperson may address a Meeting upon any matter under discussion, and is not deemed to have left the Chair on such occasions. However, such address should only take place after all other councillors have had the opportunity to address the Meeting.

45. Right to ask questions

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

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

45.3 A councillor asking a question is not deemed to be speaking to the motion or amendment before the meeting.

Division 5 – Procedural motions

46. Procedural motions

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

46.2 Procedural motions do not require a seconder.

46.3 The mover of a procedural motion must not have moved, seconded or spoken to the question before the Chairperson or any amendment of it.

46.4 A procedural motion cannot be moved by the Chairperson.

46.5 Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.

46.6 Unless otherwise provided, a procedural motion cannot be amended.

47. Laying the question on the table

47.1 A motion may be moved – "that the (question, letter, document, report, etc) lay on the table".

47.2 The motion in clause 47.1:

a) is a procedural motion which may be debated and, if carried, has the effect of adjourning any further debate on the matter currently before the *Council* until such time (if any) as the *Council* resolves to take the question from the table; and

b) if carried in respect to an amendment, has the effect that both the original motion and the amendment will be adjourned; and

c) prevents debate on the matter currently before the *Council* proceeding until a motion to take the question from the table is passed.

48. Proceeding to the next business

48.1 A motion may be moved "That the meeting proceed to the next business".

48.2 The motion in clause 48.1:

a) is a procedural motion which cannot be moved during the election of the Chairperson; and

b) if carried in respect to an original motion, requires the Chairperson to direct the meeting to the next item of business; and

c) if carried in respect to a procedural motion, disposes of the procedural motion immediately and permits debate upon the original motion to resume; and

d) if carried in respect to an amendment, disposes of the amendment immediately and permits debate upon the original motion to proceed but no similar amendment may be moved at that meeting or any adjournment of it.

49. The previous question

49.1 A motion may be moved "That the question be NOT put"-

49.2 The motion in clause 49.1:

a) is a procedural motion which cannot be moved while there is an amendment before the Chairperson or during the election of a *Mayor*; and

b) if carried, prevents the original motion to which it relates being dealt with at that meeting or any adjournment of it; and

c) if lost, requires that the original or substantive motion to which it relates be put to the vote immediately without any further debate or amendment.

49.3 The Chairperson has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated.

49.4 Adequate debate arises when every councillor who wishes to put a view has had an opportunity to do so.

50. The closure

50.1 A motion may be moved "That the motion be now put" –

50.2 The motion in clause 50.1:

a) is a procedural motion which if carried in respect of 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.

50.3 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.

50.4 Sufficient debate arises when those possessing different views have been given an opportunity to state them.

51. Adjourning the debate

51.1 A motion may be moved "That the motion and amendment now before the meeting be adjourned until ……..." –

51.2 The motion in clause 51.1:

a) is a procedural motion which cannot be moved while any person is speaking or during the election of the *Mayor*; and

b) may be debated but may only be amended in relation to time, date and place of the proposed adjournment.

51.3 If the time, date or place is not included in a motion carried under clause 51.1, the matter may be re-listed at the discretion of the *Chief Executive Officer* or upon a subsequent resolution of the *Council*.

Division 6 – Rescission motions

52. Notice of rescission

52.1 A councillor may propose a notice of rescission provided:

52.1.1 it has been signed and dated by at least three councillors;

52.1.2 the resolution proposed to be rescinded has not been acted on; and

52.1.3 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.

Explanatory note

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

Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission, unless otherwise provided under Division 6.

52.2 A resolution will be deemed to have been acted on if:

52.2.1 its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or

52.2.2 a statutory process has been commenced

so as to vest enforceable rights in or obligations on *Council* or any other person.

52.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:

52.3.1 has not been acted on; and

52.3.2 is the subject of a notice of rescission which has been delivered to the *Chief Executive Officer* in accordance with sub-rule 52.1.3,

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

Explanatory note

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

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

Sub-rule 52.3 would, in such circumstances, justify the *Chief Executive Officer* or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

53. If lost

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

54. If not moved

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

55. 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.

56. When not required

56.1 Unless sub-rule 56.2 applies, a motion for rescission is not required where *Council* wishes to change policy.

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

56.2.1 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

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

Division 7 – Points of order

57. Chair to decide

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

58. Chair may adjourn to consider

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

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

59. Dissent from Chair's ruling

59.1 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".

59.2 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.

59.3 The Deputy Mayor or temporary Chair must invite the mover to state the reasons for their dissent and the Chair may then reply.

59.4 The Deputy Mayor or temporary Chair must put the motion in the following form:

"That the Chair's ruling be dissented from."

59.5 If the vote is in the negative, the Chair resumes the Chair and the meeting proceeds.

59.6 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.

59.7 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.

60. Procedure for point of order

A councillor raising a point of order must:

60.1 state the point of order; and

60.2 state any section, rule, paragraph or provision relevant to the point of order

before resuming their seat.

61. Valid points of order

A point of order may be raised in relation to:

61.1 a motion, which, under rule 25, or a question which, under rule 62, should not be accepted by the Chair;

61.2 a question of procedure; or

61.3 any act of disorder.

Explanatory note

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

Division 8 – Public question time

62. Question time

62.1 There must be a public question time at every *Council meeting* fixed under rule 9 to enable members of the public to submit questions to *Council*.

62.2 Sub-rule 62.1 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*.

62.3 Sub-rule 62.1 does not apply during a local government Election Period.

62.4 Public question time will have a duration as determined by *Council* from time to time.

62.5 Questions submitted to *Council* must be in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*.

62.6 No person may submit more than two questions at any one meeting.

62.7 If a person has submitted two questions to a meeting, the second question:

62.7.1 may, at the discretion of the Chair, be deferred until all other persons who have asked a question have had their questions asked and answered; or

62.7.2 may not be asked if the time allotted for public question time has expired.

62.8 The Chair or a member of Council staff nominated by the Chair may read to those *in attendance* at the meeting a question which has been submitted in accordance with this rule.

62.9 A question may be disallowed by the Chair if the Chair determines that it:

62.9.1 relates to a matter outside the duties, functions and powers of *Council*;

62.9.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

62.9.3 deals with a subject matter already answered;

62.9.4 is aimed at embarrassing a councillor or a member of Council staff;

62.9.5 relates to personnel matters;

62.9.6 relates to the personal hardship of any resident or ratepayer;

62.9.7 relates to industrial matters;

62.9.8 relates to contractual matters;

62.9.9 relates to proposed developments;

62.9.10 relates to legal advice;

62.9.11 relates to matters affecting the security of *Council* property; or

62.9.12 relates to any other matter which *Council* considers would prejudice *Council* or any person.

62.10 Any question which has been disallowed by the Chair must be made available to any other councillor upon request.

62.11 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.

62.12 Like questions may be grouped together and a single answer provided.

62.13 The Chair may nominate a councillor or the *Chief Executive Officer* to respond to a question.

62.14 A councillor or the *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question.

62.15 A councillor or the *Chief Executive Officer* may advise *Council* that it is their opinion that the reply to a question should be given in a meeting closed to members of the public. The councillor or *Chief Executive Officer* (as the case may be) must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.

62.16 The *Chief Executive Officer* may issue Guidelines for Question Time in support of rule 62.

Division 9 – Petitions

63. Petitions

63.1 A petition is defined as a formal written application requesting some action by *Council*.

63.2 Electronic or online petitions or like applications must contain the name and email address of each petitioner, which details will, for the purposes of this rule 63, qualify as the address and signature of such petitioner.

63.3 Every petition presented to *Council* shall:

a) Be in writing (other than pencil).

b) Contain the request of the petitioners.

c) Be signed by the person whose names are appended to it by their names or marks and except in cases of incapacity or sickness by no one else.

d) Clearly state the address of every signatory to the petition.

e) Be signed by at least ten persons who are residents or ratepayers of the Wodonga municipal district.

63.4 Any signature appearing on a page which does not bear the wording of the whole of the petition shall not be considered by the *Council*.

63.5 Every page of a hard copy petition shall be a single piece of paper and shall not be pasted, stapled or pinned or otherwise affixed to any piece of paper other than another page of the petition.

63.6 Unless clauses 63.7 or 63.8 apply, the only motions that may be considered on any petition are:

a) that the petition be received;

b) that the petition be referred to the *Chief Executive Officer* for consideration and response; or

c) that the petition be referred to the *Chief Executive Officer* for report to a future *Council meeting*.

63.7 If a petition relates to:

(a) a 'planning matter' which is the subject of a public notification process under the Planning and Environment Act 1987; or

(b) a 'statutory matter' which is the subject of a public submissions process under section 223 of the Local Government Act 1989 ~~Act~~;

(c) a community consultation matter under the Community Engagement Policy,

the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' or the 'community engagement matter' (as the case may be).

63.8 Where a petition presented to a *Council meeting* relates to an item of business on the agenda, the petition is to be considered by *Council* as part of its deliberations on the item.

63.9 A petition will not be presented to *Council* if, in the opinion of the *Chief Executive Officer*, it is:

a) derogatory or defamatory; or

b) aimed at embarrassing a councillor or a member of Council staff; or

c) relates to personnel matters; or

d) relates to the personal hardship of any resident or ratepayer.

Division 10 – Voting

64. How motion determined

To determine a motion before a meeting, the Chairperson must:

a) first call for those in favour of the motion; and

b) then call for those opposed to the motion; and

c) if required, identify any councillor who has abstained from voting,

and must then declare the result to the meeting. The Chairperson will announce when the vote is carried unanimously. At the discretion of the Chair, the votes of each councillor may be named for minuting purposes.

65. Silence

Subject to rule 68 voting must take place in silence.

66. Recount

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

67. Casting vote

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

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

68. How votes are cast

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

69. Procedure for a division

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

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

69.3 Once a division has been requested, the Chairperson will call for those councillors voting for the motion to raise their hands or otherwise signify their support in a manner recognised by the *Chair* and the Chairperson will duly name those councillors. The Chairperson will then call for those councillors voting against the motion to raise their hands or otherwise signify their opposition in a manner recognised by the *Chair* and the Chairperson will duly name those councillors. The Chairperson will then call for those councillors abstaining to raise their hands or otherwise signify their abstention in a manner recognised by the *Chair* and the Chairperson will duly name those councillors.

69.4 Councillors who were absent from the original vote, but who may have returned to the meeting in time for voting on the division, may cast a vote.

69.5 The Chairperson must announce the result of the vote immediately after the division is taken. The result of the division supersedes the result of the original vote.

70. No discussion once declared

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

70.1 a councillor requesting, before the next item of business is considered, that their opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or

70.2 foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

Division 11 – Minutes

71. Confirmation of minutes

71.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:

71.1.1 a copy of the minutes must be delivered to each councillor no later than 48 hours before the meeting;

71.1.2 if no councillor indicates opposition, the minutes must be declared to be confirmed;

71.1.3 if a councillor indicates opposition to the minutes:

(a) they must specify the item(s) to which they object;

(b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;

(c) the councillor objecting must move accordingly without speaking to the motion;

(d) the motion must be seconded;

(e) the Chair must ask:

"Is the motion opposed?"

(f) if no councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-rule 71.1.3(k);

(g) if a councillor indicates opposition, then the Chair must call on the mover to address the meeting;

(h) after the mover has addressed the meeting, the seconder may address the meeting;

(i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;

(j) if, after the mover has addressed the meeting, the Chair invites debate and no councillor speaks to the motion, the Chair must put the motion; and

(k) the Chair must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

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

and then put the question to the vote accordingly;

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

71.1.5 the minutes must be entered in the minute book and each item in the minute book must be entered consecutively; and

71.1.6 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*.

72. No debate on confirmation of minutes

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

73. Deferral of confirmation of minutes

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

74. Form and availability of minutes

74.1 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:

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

74.1.2 the names of the councillors *in attendance* and the names of any councillors who apologised in advance for their non-attendance, or were granted leave of absence for the meeting;

74.1.3 the names of Council staff~~officers~~ *in attendance* and their titles;

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

74.1.5 arrivals and departures (including temporary departures) of councillors during the course of the meeting;

74.1.6 each motion and amendment moved, including the mover and the seconder (including motions and amendments that lapse for the want of a seconder);

74.1.7 the outcome of every motion put to the vote, including if it was carried unanimously. At the discretion of the Chair, the *Chief Executive Officer* may be asked to record in the minutes the votes of all councillors;

74.1.8 procedural motions;

74.1.9 the vote cast by each councillor upon a division and any abstention from voting;

74.1.10 the vote cast by any councillor who has requested that their vote be recorded in the minutes;

74.1.11 questions upon notice;

74.1.12 the failure of a quorum;

74.1.13 any adjournment of the meeting and the reasons for that adjournment; ~~and~~

74.1.14 the time at which standing orders were suspended and resumed; and

74.1.15 any public resolutions from the confidential minutes to be published in the public minutes.

74.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:

74.2.1 published on *Council's* website; and

74.2.2 available for inspection at *Council's* office during normal business hours.

74.3 Nothing in sub-rule 74.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

Division 12 – Behaviour

75. Public addressing the meeting

75.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the Chair or by prior arrangement.

75.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the Chair whenever called on to do so.

75.3 A member of the public *in attendance* at a *Council meeting* must not disrupt the meeting.

76. 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 75.2

Explanatory note

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

77. 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 15.2 and 15.3 apply.

78. 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 79.

Division 13 – Additional duties of Chair

79. The Chair's duties and discretions

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

79.1 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

79.2 must call to order any person who is disruptive or unruly during any meeting.

Division 14 – Suspension of standing orders

80. Suspension of standing orders

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

Explanatory note

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

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

80.2 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……"

80.3 No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders, other than a motion to resume standing orders.

80.4 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

81. Mode of attendance

81.1 Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:

81.1.1 wholly in person;

81.1.2 wholly by electronic means; or

81.1.3 partially in person and partially by electronic means.

81.2 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:

81.2.1 wholly in person;

81.2.2 wholly by electronic means; or

81.2.3 partially in person and partially by electronic means.

81.3 If a *Council meeting* is to be conducted wholly in person a councillor may nonetheless request to *attend* by electronic means.

81.4 Any request made under sub-rule 81.3 must:

81.4.1 be in writing;

81.4.2 be given to the *Chief Executive Officer* no later than 24 hours prior to the commencement of the relevant *Council meeting*;

81.4.3 specify the reasons why the councillor is unable to *attend* the *Council meeting* in person; and

81.4.4 specify the location from which the councillor will *attend*.

81.5 The *Chief Executive Officer* must ensure that any request received in accordance with sub-rule 81.4 and any other request received from a councillor to *attend* by electronic means is made known at the

commencement of the relevant *Council meeting*. The reason for the request and the location of the councillor would not be publicly disclosed without the consent of the councillor.

81.6 *Council* may approve and must not unreasonably refuse any request. A councillor who has requested approval to *attend* a meeting of the *Council meeting* by electronic means may participate in the meeting by electronic means until the *Council* determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to *attend* the meeting by electronic means.

81.7 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*.

81.8 Without detracting from anything said in sub-rule 81.7, a councillor who is *attending* a meeting by electronic means must be able to:

81.8.1 hear the proceedings;

81.8.2 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;

81.8.3 be seen by all Councillors, members of Council staff and members of the public who are physically present at the *Council meeting*; and

81.8.4 be heard when they speak.

81.9 If the conditions of sub-rule 81.8 cannot be met by one or more Councillors *attending* a *Council meeting*, whether because of technical difficulties or otherwise:

81.9.1 the *Council meeting* will nonetheless proceed as long as a quorum is present; and

81.9.2 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*.

81.10 Nothing in this rule 81 prevents a councillor from joining (or re-joining) a *Council meeting* at the time that they achieve compliance with sub-rule 81.8 even if the *Council meeting* has already commenced or has continued in their absence.

Explanatory note

If the Chair is *attending* by electronic means and the conditions of sub-rule 81.8 cannot be met by the Chair, then the meeting will proceed in accordance with section 61(3) of the *Act*.

82. Meetings conducted remotely

82.1 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.

82.2 The *Chief Executive Officer* may issue Guidelines for the administration of virtual meetings.

83. Use of recording devices at meetings

83.1 If *Council* resolves that the proceedings of a *Council meeting* be recorded, either as a live stream, video or audio recording, the *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer*) must record all the proceedings of the *Council meeting*.

83.2 Subject to clause 83.1, a person must not operate an audio, video or still image recording device, or a combination of such devices, at any *Council meeting* without first obtaining the consent of *Council* or the Chairperson (as the case may be). Such consent may at any time during the course of

such meeting be revoked by *Council* or the Chairperson (as the case may be).

83.3 Where the use of an audio, video or still image recording device, or a combination of such devices, has been permitted in accordance with the Meeting Procedure Rules~~Chapter~~, the Chairperson shall at the commencement of the meeting, inform the meeting accordingly.

83.4 Security cameras are excluded from the provisions of clause 83.2 to the extent that they are required for security purposes.

Division 16 – Miscellaneous

84. Criticism of members of Council staff

84.1 The *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a councillor made at the *Council meeting* criticising them or any member of Council staff.

84.2 A statement under sub-rule 84.1 must be made by the *Chief Executive Officer*, through the Chair, as soon as it practicable after the councillor who made the statement has resumed their seat.

85. Procedure not provided in this Chapter

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

Chapter 3 – Meeting Procedure for Delegated 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.

Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

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

2. Meeting Procedure

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

Chapter 5 – Disclosure of Conflicts of Interest

1. 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 rule 3 of Chapter 6, where *Council* has established an *Advisory Committee*; 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 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 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.

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:

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 of a Conflict of Interest at a Community Asset Committee Meeting

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

4.1 are *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the *Community Asset Committee* meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

4.2 intend to *attend* must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:

4.2.1 advising of the conflict of interest;

4.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and

4.2.3 detailing, if the nature of the conflict of interest involves a member of a 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

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

and then immediately before the matter is considered at the meeting announcing to those *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 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.

5. Disclosure at a Meeting Conducted Under the Auspices of Council (including Advisory Committees)

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

5.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest;

5.2 absent themselves from any discussion of the matter; and

5.3 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 *in attendance* at the meeting.

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

6.1 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:

6.1.1 *Council meeting*;

6.1.2 *Delegated Committee* meeting;

6.1.3 *Community Asset Committee* meeting

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

6.2 Subject to sub-rule 6.3, ~~O~~once a conflict of interest has been declared the member of Council staff must take no further action in relation to the matter. The matter will be resolved in accordance with the processes set out in the Conflict of Interest Guide for councillors, committees and staff.

6.3 If it is determined by the *Chief Executive Officer* that the member of Council staff is required to contribute to the preparation of a Report in which he or she has a conflict of interest, the *Chief Executive Officer* must ensure that the Report referred to in sub-rule 6.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

6.4 If the member of Council staff referred to in sub-rule 6.1 is the *Chief Executive Officer*:

6.4.1 the written notice referred to in sub-rule 6.1 must be given to the *Mayor*; and

6.4.2 the obligation imposed by sub-rule 6.3 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

7.1 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 responsible Director or 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.

7.2 If the member of Council staff referred to in sub-rule 7.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

7.3 Once a conflict of interest has been declared the ~~member of Council staff must take no further action in relation to the matter. The~~ matter will be resolved in accordance with the processes set out in the Conflict of Interest Guide for councillors, committees and staff.

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

8.1 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 responsible Director or the *Chief Executive Officer* explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest;.

8.2 If the member of Council staff referred to in sub-rule 8.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

8.3 Once a conflict of interest has been declared the member of Council staff must take no further action in relation to the matter. The matter will be resolved in accordance with the processes set out in the Conflict of Interest Guide for councillors, committees and staff.

9. Retention of Written Notices

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

Chapter 6 – Miscellaneous

1. Informal meetings of councillors

If there is a meeting of councillors that:

1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing councillors;

1.2 is attended by at least one member of Council staff; and

1.3 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

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

a) tabled at the next convenient *Council meeting*; and

b) recorded in the minutes of that *Council meeting*.

2. Confidential information

2.1 If 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. Advisory Committees

The establishment of non-legislated *Advisory Committees* is often essential to ensure that the input from subject matter experts, community groups and other stakeholders is considered when *Council* is developing major strategies, plans and/or policy.

3.1 *Advisory Committees* cannot make decisions on behalf of *Council*; and

3.2 *Advisory Committees* will be established with their own individual Terms of Reference, which will outline how the *Advisory Committee* is to be structured, what its functions are, how it will operate and report/make recommendations to *Council*.

4. Committee reports

Where the *Council* has established a *Delegated Committee* or an *Advisory Committee*, the minutes of the committee should be submitted to the next *Council meeting*.

Chapter 7 – Election Period Policy

Note:
This policy is issued separately.

Title:	Governance Rules
Reference No:	D20.81351[v3]
Business Unit:	Community Development~~Community Development~~
Category:	Quality Manager - Committee Charters and Local Laws~~Quality Manager - Committee Charters and Local Laws~~
Approved By:	Council at its meeting of 15 August 2022
Next Review:	15 August 2026~~15 August 2026~~