



Governance Rules

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Director Corporate Services		

Statement and Purpose

This policy provides Council's governance rules as required by, and in accordance with, section 60 of the *Local Government Act 2020*.

Scope

This policy applies to all councillors, Council employees, associates of Council and members of committees to the extent described in the policy.

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Application to Committees

1. Delegated committees

- (1) Where the Council establishes a delegated committee, these governance rules will apply to the meetings of the delegated committee with any necessary modifications.
- (2) For the purpose of rule 1(1):
 - (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 a delegated committee; and
 - (c) a reference to the chairperson is to be read as a reference to the chairperson of a delegated committee.
- (3) Where the Council establishes a delegated committee, the Council may resolve that a provision of these governance rules do not apply to that delegated committee.

2. Community asset committees

- (1) The governance rules may apply to any community asset committee established by Council with any necessary modifications.
- (2) For the purpose of rule 2(1):
 - (a) a Council meeting is to be read as a reference to a community asset committee meeting;
 - (b) a councillor is to be read as a reference to a member of a community asset committee; and
 - (c) a reference to the chairperson is to be read as a reference to the chairperson of a community asset committee.
- (3) Council may resolve, in establishing a community asset committee which governance rules apply but as a minimum must include the rules related to minutes.
- (4) A community asset committee must report the minutes of each committee meeting to the next practicable scheduled Council meeting.
- (5) A community asset committee must act in accordance with its charter and instrument of delegation.

3. Audit and risk committee

- (1) The governance rules will apply to the audit and risk committee established by Council unless otherwise provided in the audit and risk committee charter.
- (2) Council may resolve, in establishing an audit and risk committee that the meeting procedure chapter of these governance rules does not apply.

- (3) For the purpose of rule 3(1):
 - (a) a Council meeting is to be read as a reference to an audit and risk committee meeting;
 - (b) a councillor is to be read as a reference to a member of an audit and risk committee; and
 - (c) a reference to the chairperson is to be read as a reference to the chairperson of an audit and risk committee.
- (4) An audit and risk committee must report the minutes of all committee meetings to the next practicable scheduled Council meeting.
- (5) An audit and risk committee must act in accordance with its charter adopted by Council.

4. Advisory committees

- (1) The governance rules may apply to an advisory committee established by Council unless otherwise provided in the advisory committee's charter.
- (2) Council may resolve, in establishing an advisory community asset committee, which governance rules apply but as a minimum must include the rules related to minutes.
- (3) For the purpose of rule 4(1):
 - (a) a Council meeting is to be read as a reference to an advisory committee meeting;
 - (b) a councillor is to be read as a reference to a member of an advisory committee; and
 - (c) a reference to the chairperson is to be read as a reference to the chairperson of an advisory committee.
- (4) An advisory committee must report the minutes of all committee meetings to the next practicable scheduled Council meeting.
- (5) An advisory committee must act in accordance with its charter adopted by Council.

Meeting procedures

5. Purpose of meetings

- (1) Scheduled meetings and, when required, unscheduled meetings of the Council are held to conduct the business of the Council.
- (2) Council is committed to transparency in decision making and, in accordance with the *Local Government Act 2020*, Council and delegated committee meetings are open to the public and the community can attend.
- (3) Council and delegated committee meetings will only be closed to members of the public if:
 - (a) there are clear reasons for a matter or matters to remain confidential; or
 - (b) a meeting is required to be closed for security reasons; or
 - (c) it is necessary to enable the meeting to proceed in an ordinary manner.
- (4) The chairperson and councillors will ensure good council decision-making by endeavouring to ensure that:
 - (a) decision making is transparent to councillors and observers;
 - (b) councillors have sufficient information to make good decisions;
 - (c) every councillor is supported to contribute to decisions;
 - (d) any person whose rights are affected has their interests considered;
 - (e) debate and discussion are focussed on the issues at hand;
 - (f) meetings are conducted in an orderly manner;
 - (g) decisions are made on the merits of a matter.

6. Meeting roles

6.1 Chairperson

- (1) The Mayor must be chairperson at all Council meetings at which the Mayor is present.
- (2) Where the Mayor is not in attendance at a Council meeting, the Deputy Mayor, if one has been elected, must be chairperson.
- (3) Where the Mayor and any Deputy Mayor are not in attendance at a Council meeting, Council must appoint one of the councillors as chairperson of the meeting by resolution.
- (4) The chairperson has the specific duties and discretions provided in these governance rules.
- (5) The chairperson must not accept any motion, question or statement which is:

- (a) vague or ambiguous; or
 - (b) defamatory, malicious, abusive, or objectionable in language or substance; or
 - (c) outside the powers, functions, or duties of the Council.
- (6) The chairperson must:
- (a) allow the Chief Executive Officer, or delegate, the opportunity to correct factual errors or incorrect assertions that arise during the meeting; and
 - (b) call a person to order if their behaviour is disruptive and interferes with the conduct of the business of the Council; and
 - (c) decide on all points of order.
- (7) The chairperson may direct that a vote be recounted to be satisfied of the result.

6.2 Delegated committee chairperson

- (1) At the meeting at which Council establishes a delegated committee it must also appoint a chairperson.
- (2) The chairperson of a delegated committee must be a councillor.
- (3) For the avoidance of doubt, rule 6.2(1) does not intend to limit the powers of the Mayor provided in the Act.

6.3 Chief Executive Officer

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

6.4 Councillors

Councillors contribute to good governance and decision making by:

- (a) seeking views of community members and reading the agenda prior to the meeting;
- (b) demonstrating due respect and consideration to community views and the professional and expert advice provided in the agenda papers;
- (c) attending meetings and participating in debate and discussion;

- (d) demonstrating respect for the role of the chairperson and the rights of other councillors to contribute to the decision-making; and
- (e) being courteous and orderly.

6.5 Community

- (1) Council meetings and delegated committee meetings are decision making forums and it is important that they are open to the community to attend or view proceedings.
- (2) Community members may only participate in Council meetings and delegated committee meetings in accordance with these governance rules.
- (3) Community members are encouraged to participate in Council's engagement processes.
- (4) Community members may seek to inform individual councillors of their views by contacting them directly in advance of meetings.

7. Conduct and behaviour

7.1 Councillor allowed to speak uninterrupted

A councillor who is permitted to speak according to these Governance Rules must not be interrupted unless called to order, or given notice by the chairperson that their speaking time has elapsed or is about to elapse, when they must stop speaking and, if standing, sit and remain silent until the councillor raising the point of order has been heard and the point of order dealt with.

7.2 Addressing the meeting

- (1) Where the chairperson so determines, any person addressing the chairperson must refer to the chairperson as:
 - (a) Mayor; or
 - (b) chairperson.
- (2) All Councillors, other than the Mayor, must be addressed as *Councillor (surname)*.
- (3) All members of Council staff may be addressed by their official title.
- (4) Except for the chairperson and Chief Executive Officer, any person who addresses the meeting, where able to do so, must come forward and direct all remarks through the chairperson.
- (5) Members of the public may only address the Council in accordance with rule 12.

7.3 Display of placards and posters

- (1) Subject to rules 7.3(2) and 7.3(3), a person can display any placards or posters in the chamber where a meeting is being, or is about to be, held, including outside the entrance to the building.
- (2) A placard or poster must not:
 - (a) display any offensive, indecent, insulting, or objectionable item or words; or
 - (b) obstruct the entrance to the chamber; or
 - (c) obstruct the entrance to a building where a meeting is being, or is about to be, held; or
 - (d) obstruct the view of any person; or
 - (e) physically impede any person.
- (3) The chairperson may order and cause the removal of any placard or poster that is deemed by the chairperson to not meet the standard imposed by rule 7.3(2).

7.4 Conduct at meetings

Members of the public present at a meeting must:

- (a) not interject during the meeting;
- (b) not take part in debate during the meeting;
- (c) not make any offensive gestures towards any person during the meeting.

7.5 Chairperson may remove

- (1) The chairperson may direct a person to:
 - (a) stop interjecting during the meeting; or
 - (b) stop making offensive gestures towards any person during the meeting; or
 - (c) cease taking part in debate during the meeting.
- (2) Where a person contravenes a direction given under rule 7.5(1), the chairperson may order the removal of the person from the meeting.
- (3) In causing a person's removal under rule 7.5(2), or the removal of an object or material under rule 7.3(3), the chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person, object or material.

7.6 Council or the Mayor may remove a councillor

- (1) Where a councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts a meeting, and prevents the Council from conducting its business:

- (a) where the chairperson has warned the councillor to cease that behaviour, the Council may, by resolution, suspend that councillor from a portion of the meeting or from the balance of the meeting; or
 - (b) the Mayor, under section 19 of the Act, at a Council meeting, having previously warned the councillor to cease that behaviour, may direct a councillor to leave the meeting for a period of time or the balance of the meeting.
- (2) Where the Council suspends a councillor under rule 7.6(1)(a), or the Mayor directs a councillor to leave the meeting under rule 7.6(1)(b), the councillor will take no active part in that portion of the meeting.
 - (3) Where a councillor has been suspended from a meeting or directed to leave in accordance with rule 7.6(2), the chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the councillor.

7.7 Chairperson may adjourn a disorderly meeting

- (1) The conduct of councillors and members at meetings is governed by the Act, these governance rules, and the Councillor Code of Conduct.
- (2) Where the chairperson is of the opinion that disorder at a meeting makes it desirable to adjourn the meeting, the chairperson may adjourn the meeting to a later time on the same day or to some later day whichever the chairperson thinks proper.

8. Date, time, and place of meetings

8.1 Scheduled meetings

- (1) At or before the last meeting each calendar year, Council must fix the date, time, and place of all scheduled Council meetings for the following calendar year.
- (2) Council by resolution, or the Chief Executive Officer, may change the date, time, and place of, or cancel, any scheduled Council meeting and must provide notice of such change to the public.

8.2 Postponement

- (1) In the case of an emergency, the Chief Executive Officer, or delegate, or in the absence of both, a director, may postpone a Council meeting, provided every reasonable attempt is made to notify every councillor of the postponement.
- (2) The Chief Executive Officer, delegate or director must submit a full written report of the circumstances requiring his or her action in respect of the emergency postponement at the next scheduled Council meeting.

8.3 Unscheduled meetings

- (1) Council may by resolution call an unscheduled Council meeting.

- (2) The Mayor, or three councillors, may by written notice call an unscheduled Council meeting.
- (3) The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled Council meeting.
- (4) A written notice to call an unscheduled Council meeting must:
 - (a) specify the business to be transacted; and
 - (b) be delivered to the Chief Executive Officer or delegate in sufficient time to enable notice to be given in accordance with these governance rules.
- (5) The Chief Executive Officer or delegate must determine the time and date for the meeting, considering:
 - (a) the urgency of the business to be transacted;
 - (b) the availability of councillors; and
 - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
- (6) The Chief Executive Officer must arrange for notice of the meeting to be published on Council's website.
- (7) Any resolution of Council to call an unscheduled meeting must specify the date and time of the unscheduled meeting and the business to be transacted. The date and time of the unscheduled meeting must not be prior to 6pm on the day following the Council meeting at which the resolution was made.
- (8) The Chief Executive Officer must call a meeting to determine the mayoral term and elect a Mayor following a Council general election declaration, in accordance with the Act.
- (9) The unscheduled meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.
- (10) Only the business specified in the Council resolution, or specified within the advance written notice, may be considered at an unscheduled meeting, unless Council, by unanimous resolution, determines to admit another matter.

8.4 Notice of scheduled meetings

- (1) A notice of a scheduled Council meeting, incorporating or accompanied by an agenda, must be sent electronically to every councillor for each meeting, at least 5 business days before the meeting. A period of less than 5 business days may be justified if exceptional circumstances exist.
- (2) An agenda for each scheduled Council meeting will be made available on Council's website no less than 48 hours before the meeting.

- (3) A schedule of Council meetings must be prepared, published and accessible to a broad section of the community, including publishing on Council's website at least once each year and with such greater frequency as the Chief Executive Officer determines.
- (4) The schedule of Council meetings must be available from Council's Customer Service Centres.

8.5 Notice of unscheduled meetings

- (1) Notice of an unscheduled meeting must be published on Council's website as soon as practicable after the time, date and place of the meeting has been determined.
- (2) An agenda for an unscheduled Council meeting must be made available electronically to every councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- (3) An agenda for an unscheduled Council meeting will be made available on Council's website no less than 24 hours before the meeting.

9. Attendance

9.1 Apologies and absences

- (1) Councillors who are unable to attend a meeting may submit an apology:
 - (a) in writing to the chairperson, who will advise the meeting; or
 - (b) by seeking another councillor to submit it at the meeting on their behalf.
- (2) An apology submitted to a meeting will be recorded in the minutes.
- (3) A councillor intending to take a leave of absence should submit it in writing to the Mayor.
- (4) The Mayor will aim to have any councillor leave of absence request received included in the agenda of the next Council meeting.
- (5) A leave of absence not included in a Council meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.
- (6) Council will not unreasonably withhold its approval of a leave of absence request.
- (7) A councillor who has not submitted an apology or had a leave of absence approved and who is not in attendance at a Council meeting will be recorded as absent.

9.2 Quorum

- (1) A quorum for a Council meeting is provided by the Act.
- (2) Meetings must commence within 30 minutes of the scheduled starting time.

- (3) Where, after 30 minutes from the scheduled starting time of any meeting or adjournment, a quorum cannot be obtained, the chairperson, or if the chairperson is not present, those councillors present or, if there are no councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a director, may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.
- (4) Where, during any meeting or any adjournment of the meeting, a quorum cannot be maintained, the chairperson, or if the chairperson is not present, those councillors present or, if there are no councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a director, may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.
- (5) The chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an agenda for a future Council meeting.
- (6) Where a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of councillors, the Council must:
 - (a) determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
 - (b) determine to make decisions on separate parts of the matter at a meeting where a quorum can be maintained, before deciding on the whole matter at a meeting for which a quorum can be maintained.
- (7) Where a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of councillors, and the matter cannot be separated into component parts or prior decisions made, the Council will delegate the decision to be made:
 - (a) to the Chief Executive Officer; or
 - (b) to a delegated committee, established for the purpose of determining the matter, comprised of all the councillors and members who have not disclosed a conflict of interest and any other persons the Council or the committee considers suitable.
- (8) A decision made under delegation due to Council or a committee not being able to achieve or maintain a quorum will be reported to the next scheduled Council meeting.
- (9) The Chief Executive Officer must provide written notice, including by electronic means, to each councillor of any Council meeting adjourned to another date or time due to an inability to achieve or maintain a quorum.
- (10) Where it is not practicable to give notice in accordance with Rule 9.2(9) because time does not permit, then provided every reasonable attempt is made to contact each councillor either verbally, or by some other means, the resulting notice will be sufficient.

- (11) Notice of an adjournment of a Council meeting to another date, time, or place must be published on Council's website as soon as practicable.

10. Business at meetings

10.1 Matters to be included

- (1) The Chief Executive Officer may include any matter on the agenda for a Council meeting that they think should be considered at the meeting to which the agenda relates.
- (2) No business can be dealt with at a meeting unless it is:
- (a) contained on the agenda; or
 - (b) admitted as urgent business in accordance with rule 10.4.

10.2 Order of business

Unless otherwise agreed by the councillors, the order of business for Council meetings could follow the example set out below:

- (a) welcome;
- (b) recording of meeting statement;
- (c) acknowledgement of traditional owners;
- (d) opening prayer;
- (e) present, absent and apologies;
- (f) granting of leave of absence;
- (g) citizenship ceremony;
- (h) confirmation of minutes of previous meetings;
- (i) conflict of interest disclosure;
- (j) designation of items as confidential;
- (k) petitions;
- (l) councillor reports;
- (m) officer reports;
- (n) minutes and reports of delegated committees;
- (o) minutes and reports of the Audit and Risk Committee;
- (p) minutes and reports of advisory committees;
- (q) notices of motion;
- (r) notices of rescission;
- (s) foreshadowed items;
- (t) urgent business;
- (u) public question time;
- (v) confidential business;

- (w) closure of meeting.

10.3 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 a resolution of the Council.

10.4 Urgent business

- (1) Where the agenda makes provision for urgent business, business cannot be admitted as urgent business other than by a resolution of Council and only then where:
 - (a) it relates to or arises out of a matter which has arisen since distribution of the agenda and deferring the item until the next meeting will mean a decision on the item will not have any effect on the matter; or
 - (b) the matter cannot be addressed through an operational service request process; and
 - (c) the matter does not:
 - I. substantially affect the levels of Council service; or
 - II. commit Council to significant expenditure not included in the adopted budget; or
 - III. establish or amend Council policy; or
 - IV. commit Council to any contractual arrangement.
- (2) A councillor proposing that a matter be admitted as urgent business must lodge the proposal in writing with the Chief Executive Officer no later than 3pm on the day of the meeting.
- (3) The Chief Executive Officer will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.

11. Length of meetings

11.1 Time limits

A meeting must not continue after three hours from the time it commences unless a majority of councillors who are present vote in favour of its extension in accordance with this rule.

11.2 Extensions

- (1) Extensions of a meeting must only be in block periods of 30 minutes.
- (2) After an initial 30-minute extension the meeting must not continue unless a majority of councillors who are present vote in favour of a further extension.
- (3) A meeting may only be continued for a maximum of two 30-minute extensions.

- (4) In the absence of such extensions as provided for in rules 11.20, 11.2(1) and 11.2(2), or in the event there is further business to be transacted at the completion of two extensions, the meeting must stand adjourned to 6 pm on the following day.
- (5) Notwithstanding rule 11.2(4), the chairperson may seek the agreement of Council or of the committee not to adjourn the meeting to the following day, if the chairperson reasonably believes the remaining business will take less than 10 minutes to transact.

11.3 Chairperson may temporarily adjourn a meeting exceeding two hours

- (1) The chairperson may adjourn a meeting for a 10-minute break, at an appropriate point in proceedings after two hours has elapsed.
- (2) Notwithstanding rule 11.3(1), the chairperson may seek the agreement of Council or of the committee not to adjourn the meeting if the chairperson reasonably believes the remaining business of the meeting will take less than 30 minutes to transact.

12. Public question time

12.1 Public question time to be held

- (1) Public question time provides an opportunity for members of the public to submit questions and make statements to the Council.
- (2) The Council will hold public question time at each scheduled Council meeting other than:
 - (a) during any period of a Council meeting where the Council has closed the meeting under section 66 of the Act; or
 - (b) at a scheduled Council meeting held during the election period for a general election.
- (3) Council meetings are recorded and broadcasted to the public, including public question time.

12.2 Submitting questions

- (1) A question will be accepted in relation to any matter other than where it is:
 - (a) considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance; or
 - (b) related to confidential information as defined by the Act; or
 - (c) related to the personal hardship of any person; or
 - (d) related to any other matter which the Council considers would prejudice the Council or any person.
- (2) Any member of the public or group who wishes to be heard during public question time may provide their question or statement:

- (a) in writing, containing the name, address and email or contact telephone number of the person to be heard; and
 - (b) addressed to the Chief Executive Officer; and
 - (c) exactly as intended to be read; and
 - (d) in a form approved or permitted by the Council; and
 - (e) where applicable, identifying the person who is to represent a group or an individual; and
 - (f) provided before 10am on the day of the scheduled Council meeting;
 - I. in a letter to PO Box 238, Wangaratta 3676; or
 - II. in an email to council@wangaratta.vic.gov.au; or
 - III. delivered by hand to the Council's Office - Wangaratta Government Centre, 62-68 Ovens Street, Wangaratta Vic 3677.
- (3) Copies of all questions submitted and accepted in accordance with rules 12.2(1) and 12.2(2) must be provided in writing to all councillors.
- (4) Where a question is not accepted, the Chief Executive Officer or delegate must inform submitter of the reason or reasons for which the question was not accepted.
- (5) A question submitted in writing by a member of the public which has been disallowed under rule 12.2(1) will be provided to any councillor on request.
- (6) The Chief Executive Officer must cause a submission provided in a language other than English to be translated to English. If the translation is not possible prior to the commencement of the meeting the submission will be translated in time to be heard at the next scheduled Council meeting and the submitter notified accordingly.
- (7) A question may be asked by a person from the meeting's public gallery when invited by the chairperson to do so.
- (8) The chairperson may disallow or stop a submission if, in the chairperson's opinion, the submission is deemed inappropriate.
- (9) Any question which has been disallowed by the chairperson must be made available to any other Councillor upon request.

12.3 Time allowed

- (1) Public question time will not exceed 30 minutes in aggregate, unless by resolution of Council, in which case public question and submission time may be extended once for 15 minutes.
- (2) Questions related to a matter listed on the agenda of the meeting will be heard and responded to just prior to the consideration of that matter.
- (3) Questions not related to a matter listed on the agenda of the meeting will be heard and responded to at the time listed in the agenda of the meeting for public question time.

- (4) The total number of questions asked by each person or each group at a meeting must not exceed two.
- (5) Where a person has provided two questions to a meeting, the second question may:
 - (a) at the discretion of the chairperson, be deferred until all other persons who have asked a question to have had their questions asked and answered; or
 - (b) may not be asked if the time allotted for public question time has expired.
- (6) The chairperson will allocate a maximum of 5 minutes to each person who wishes to address Council.

12.4 Procedure

- (1) A member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the chairperson whenever called on to do so.
- (2) The chairperson will first invite any person who has submitted a question that has been accepted in accordance with rules 12.2(1) and 12.2(2) to present to Council.
- (3) The chairperson will then invite members of the public gallery who would like to present to Council.
- (4) The chairperson has the discretion to alter the order of persons to be heard.
- (5) A person whilst addressing the Council:
 - (a) must confine their address to the 5-minute allocation of time; and
 - (b) shall extend due courtesy and respect to the Council and the processes under which it operates; and
 - (c) shall take direction from the Chair whenever called upon to do; and
 - (d) shall not engage in discussion or debate with anyone at the meeting.
- (6) Councillors may ask the person addressing the Council questions of clarification without the need to suspend standing orders to allow this to occur.

12.5 Responses

- (1) Like questions may be grouped together and a single response provided.
- (2) The chairperson may nominate a councillor, the Chief Executive Officer, or another member of Council staff to respond to a question.
- (3) A response may be provided immediately.
- (4) The chairperson or the Chief Executive Officer may require a question to be put on notice.
- (5) Where a question is put on notice, a written response must be sent within five business days to the person who asked the question and the question, and the

corresponding response will be published in the minutes of the next scheduled Council meeting.

- (6) The Chief Executive Officer may advise Council that the response to a question should be given in a meeting closed to members of the public. The Chief Executive Officer must briefly state the reason why the response should be so given and, unless Council resolves to the contrary, the response to the question must be given in that way.

13. Petitions and joint letters

13.1 Submitting petitions

- (1) Every petition submitted to Council must:
 - (a) be in legible and in permanent writing; and
 - (b) include the whole request of the petitioners or signatories on each page; and
 - (c) not be derogatory, defamatory, or objectionable in language or nature; and
 - (d) not relate to matters outside the powers of Council; and
 - (e) contain the names, addresses and handwritten original signatures of at least 12 people.
- (2) Where a petition has been signed by less than 12 people, it will be treated as a joint letter and forwarded directly to the Council for action as an operational item.
- (3) Petitions must be lodged with the Chief Executive Officer at least five business days before a scheduled Council meeting for it to be considered at that meeting.

13.2 Online or electronic petitions

- (1) An online or electronic petition may be presented to a scheduled Council meeting.
- (2) An online or electronic petition must not be presented to a scheduled Council meeting if it contains signatures that are false or misleading.
- (3) The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is submitted to Council.

13.3 Procedure for considering petitions

- (1) The Chief Executive Officer must arrange for a petition that meets the requirements of rule 13.1 to be listed for presentation at the next scheduled Council meeting.
- (2) Only the petition text, the number of signatories and a brief introduction providing context for the petition will be included in the agenda.
- (3) Where a petition is addressed to a councillor, and listed in the agenda, that councillor may read the petition out at the meeting without speaking to it.
- (4) A councillor presenting a petition must ensure that:

- (a) they are familiar with the contents and purpose of the petition; and
 - (b) the petition is not defamatory or objectionable in language or nature.
- (5) Where a petition is not addressed to an individual councillor, and listed in the agenda, the petition must be read by the Chief Executive Officer or delegate.
- (6) The only motions that may be considered on any petition are:
- (a) that the petition be received; or
 - (b) where the petition relates to an item listed on the agenda, that the petition be considered in conjunction with that agenda item; or
 - (c) that the petition be referred to the Chief Executive Officer for consideration and response; or
 - (d) that the petition be referred to the Chief Executive Officer for a report to a future Council meeting.
- (7) Where a petition relates to an item already on the agenda, the petition may be received in conjunction with that agenda item as if it were a question submitted in accordance with rule 12.
- (8) Where a petition relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration.
- (9) Where a petition relates to a planning matter which is the subject of a public notification process under the *Planning and Environment Act 1987*, the petition will be treated as a joint submission in relation to that planning matter.
- (10) Where a petition relates to a matter which is the subject of a community engagement process under the Act, the petition will be treated as a joint submission in relation to that matter.

14. Motions and debate

14.1 Allowing motions

The chairperson must not accept any motion which:

- (a) is defamatory; or
- (b) is objectionable in language or nature; or
- (c) is vague or unclear in its intention; or
- (d) is outside the powers of the Council; or
- (e) is not relevant to an item of business on the agenda and has not been admitted as urgent business; or
- (f) purports to be an amendment but is not.

14.2 Speaking times

- (1) Unless a motion for an extension of speaking time has been carried, the maximum speaking times are in the case of:
 - (a) the mover of a motion or amendment, 5 minutes;
 - (b) the mover of a motion when exercising their right of reply, 2 minutes; and
 - (c) any other speaker, 3 minutes.
- (2) A motion for an extension of speaking time must be proposed before the initial speaking time, for that speaker, expires.
- (3) A motion for an extension of speaking time must not be accepted by the chairperson if another councillor has commenced speaking.
- (4) Only one extension of speaking time is permitted for each speaker.
- (5) Any extension of speaking time must not be more than two minutes.

14.3 Procedure for moving a motion

The procedure for moving a motion is as follows:

- (a) The mover must outline the motion without speaking in support of it;
- (b) The motion must be seconded by a councillor other than the mover;
- (c) Where a motion is not seconded, the motion lapses for want of a seconder;
- (d) Where there is a seconder, then the chairperson must call on the mover to speak to the motion;
- (e) After the mover has spoken to the motion, the seconder may also speak to the motion;
- (f) After the seconder has spoken to the motion (or after the mover has spoken to the motion if the seconder does not speak to the motion), the chairperson must call on any councillor who wishes to speak against the motion, then on any councillor who wishes to speak for the motion, after waiting until all councillors wishing to speak to the motion have spoken;
- (g) Where no councillor wishes to speak against the motion, then the chairperson may put the motion to a vote or call on any other councillor to speak.

14.4 Right of reply

- (1) The mover of a motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during debate.
- (2) No new matters may be raised in the right of reply.
- (3) Where no councillor has spoken against a motion, there will be no right of reply.
- (4) After the right of reply has been exercised, the motion must immediately be put to the vote without any further discussion or debate.

14.5 Moving an amendment

- (1) A motion, which has been moved and seconded, may be amended by leaving out, inserting, or adding words, which must be relevant to the subject of the motion.
- (2) An amendment may be proposed or seconded by any councillor, except the mover and seconder of the original motion.
- (3) Where a councillor proposes an amendment and the original mover and seconder of the motion both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote.
- (4) Where a councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:
 - (a) the amendment must be moved and seconded;
 - (b) a councillor may speak on any amendment once, whether or not he or she has spoken to the motion, but debate must be confined to the terms of the amendment;
 - (c) 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, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on;
 - (d) where the amendment is carried, the motion as amended then becomes the motion before the meeting (known as the *substantive motion*); and
 - (e) the mover of an amendment does not have right of reply.

14.6 Foreshadowing motions

- (1) At any time during debate a councillor may foreshadow a motion so as 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 of a motion before the meeting being 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 minutes of the meeting will not include foreshadowed motions unless the foreshadowed motion is subsequently formally moved as a motion.

14.7 Withdrawal of motions

Before any motion is put to the vote, it may be withdrawn with the agreement of the Council.

14.8 Separation of motions

- (1) Where a motion contains more than one part, a councillor may request the chairperson to put the motion to the vote in separate parts.
- (2) The chairperson may decide to put any motion to the vote in separate parts.

14.9 Motions moved in a block

The chairperson may allow like motions to be moved, or request councillors to move like items, in a block, only if the motions note actions already taken and will not commit the Council to further action, spending or changes to policy.

14.10 Motions in writing

- (1) All motions, except procedural motions, must be submitted in writing.
- (2) The chairperson may adjourn a meeting while a 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.

14.11 Debate must be relevant to the motion

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

14.12 Adequate and sufficient debate

- (1) Adequate debate is required where a matter is contentious in nature. In such a case, every councillor should be given an opportunity to participate in the debate.
- (2) A motion has been sufficiently debated if opposing views, where they exist, have been sufficiently put by not so much the number of those who have spoken but whether all opposing views have been put.
- (3) Once the views put are representative of the views of all councillors the debate would be regarded as sufficient.

15. Voting

15.1 How a matter is determined

- (1) To determine a motion at a meeting, the chairperson must first call for those in favour of the motion and then those opposed to the motion and must then declare the result to the meeting.

- (2) The chairperson may direct that a vote be recounted to be satisfied of the result.
- (3) In the event of a tied vote, the chairperson must, unless the Act provides otherwise, exercise the casting vote.

15.2 Voting must be seen

- (1) Voting may be by any method resolved by the Council that enables those in attendance and those watching a livestream broadcast to clearly see which way a councillor has voted at the time a vote is taken.
- (2) In the absence of the Council resolving an alternative method, voting on any matter is by a show of hands.

15.3 When a division is permitted

- (1) A division may be requested by any councillor on any vote.
- (2) A request for a division must be made to the chairperson either immediately prior to, or immediately after, the vote has been taken, and may not be made after the meeting has moved to the next item of business.
- (3) When a division is called for the chairperson must:
 - (a) first ask each councillor wishing to vote in favour of the motion to indicate their vote and the chairperson must then state the names of those councillors to be recorded in the minutes; and
 - (b) then ask each Councillor wishing to vote against the motion to indicate their vote and the chairperson must then state the names of those councillors to be recorded in the minutes; and
 - (c) next, ask each Councillor abstaining from voting to-indicate their vote and the chairperson must then state the names of those councillors to be recorded in the minutes; and
 - (d) finally, declare the result of the division.
- (4) Where a division is requested after the original vote has been taken, the motion is decided on the division and the fact that there may be a difference between the result obtained when the original vote was taken and the result obtained on the division must be disregarded.

15.4 No discussion once a vote has been declared

Once a vote on a motion has been declared carried or lost by the chairperson, no further discussion relating to the motion is allowed, unless the discussion:

- (a) involves a councillor requesting that his or her opposition to a resolution be recorded in the minutes or calling for a division in accordance with rule 15.3; or
- (b) is a councillor foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

16. Procedural motions

- (1) Unless otherwise prohibited, and subject to rule 16(3), a procedural motion may be moved at any time and must be dealt with immediately by the chairperson.
- (2) Procedural motions require a seconder.
- (3) The chairperson may reject a procedural motion if he or she believes the motion on which it is proposed has not been adequately or sufficiently debated.
- (4) Regardless of any other rule, a procedural motion must be dealt with in accordance with the table at rule 16(8).
- (5) A procedural motion may not be moved or seconded by the chairperson.
- (6) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- (7) Unless otherwise provided, a procedural motion must not be amended.
- (8) Procedural motions table:

Motion	Form	Mover and seconder	When prohibited	Effect if carried	Effect if lost	Debate permitted
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor or Deputy Mayor; or (b) During the election of a chairperson; or (c) When another Councillor is speaking	Consideration and debate on the motion or the amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes

Motion	Form	Mover and seconder	When prohibited	Effect if carried	Effect if lost	Debate permitted
Closure (of debate)	'That the motion now be put'	Any councillor who has not moved or seconded the original motion or spoken for or against the original motion	During nominations for a chairperson	Motion or amendment is put to the vote immediately without further debate, subject to any councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A councillor who has not spoken for or against the motion	During the election of the Mayor or Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the agenda be considered before or after the item listed as xy'	Any councillor	(a) At a meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the agenda	No

Motion	Form	Mover and seconder	When prohibited	Effect if carried	Effect if lost	Debate permitted
Suspension of standing orders	'That standing orders be suspended to ...' (reason must be provided)	Any councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion No debate or decision on any matter, other than a decision to resume standing orders, is permitted	The meeting continues unaffected	No
Resumption of standing orders	'That standing orders be resumed'	Any councillor	When standing orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx which is confidential as it relates to <i>[insert reason]</i>	Any councillor	During the election of the Mayor or Deputy Mayor	The meeting is closed to members of the public	The meeting continues to be open to the public	Yes
Reopen the meeting	'That the meeting be reopened to members of the public'	Any councillor		The meeting is reopened to the public	The meeting remains closed to the public	No

17. Notices of motion

17.1 Submitting a notice of motion

- (1) A councillor can submit to the Chief Executive Officer a notice of motion for inclusion in the agenda for a scheduled Council meeting.
- (2) A notice of motion must be in writing, signed by the councillor (including by electronic means), and be lodged with the Chief Executive Officer no later than 12 noon 10 business days before the meeting at which it is intended to be considered to ensure its inclusion in the agenda.
- (3) The Chief Executive Officer must inform councillors about the legal and cost implications of any proposed notice of motion.
- (4) The Chief Executive Officer may suggest revised wording to the draft notice of motion to facilitate compliance with the requirements for notices of motion under these governance rules.
- (5) A notice of motion must relate to the objectives, role and functions of Council as outlined in the Act.
- (6) A notice of motion must include a call for a Council report if the notice of motion proposes any action that:
 - (a) impacts Council service levels; or
 - (b) commits Council to expenditure that is not included in the adopted or revised Council budget; or
 - (c) proposes to establish, amend, or extend Council policy; or
 - (d) proposes to impact the rights of any person who has not had the opportunity to contribute their views; or
 - (e) commits Council to any contractual arrangement; or
 - (f) concerns any litigation in respect of which Council is a party.
- (7) The Chief Executive Officer must reject any notice of motion which:
 - (a) is too vague; or
 - (b) is defamatory; or
 - (c) may be prejudicial to any person or Council; or
 - (d) is objectionable in language or nature; or
 - (e) is outside the powers of Council; or
 - (f) is submitted during the election period.
- (8) The Chief Executive Officer may reject a proposed notice of motion that:
 - (a) relates to a matter that can be addressed through the operational service request process; or

- (b) relates to a matter that has been previously resolved by the Council or is already acted upon.
- (9) Where a notice of motion is rejected, the Chief Executive Officer must inform the councillor proposing that notice of motion of the rejection and the reasons for the rejection no later than nine business days before the meeting at which it is intended to be considered. The councillor may submit a revised notice of motion within 24 hours of receiving that advice.
- (10) The Chief Executive Officer may designate a notice of motion to be confidential in accordance with the Act, in which case, the notice of motion will be considered in that part of the relevant scheduled Council meeting that is closed to members of the public.
- (11) The Chief Executive Officer must cause all notices of motion to be sequentially numbered, dated and entered in a register.

17.2 Procedure to consider a notice of motion

- (1) The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda and outline the policy, financial and resourcing implications if the notice of motion is passed.
- (2) The Chief Executive Officer may arrange for comments on the implications of the notice of motion from members of Council staff to be provided to councillors prior to the notice of motion being published in the agenda.
- (3) Unless the Council resolves otherwise, each notice of motion must be considered in the order in which they were received.
- (4) The motion moved must not be substantially different to the notice of motion published in the agenda, however, it may be amended by resolution of the Council.
- (5) Where a councillor who has lodged a notice of motion is absent from the meeting or fails to move the motion when called upon by the chairperson to do so, any other councillor may move the motion.
- (6) Where a notice of motion is not moved at the meeting at which it is listed, it lapses.

18. Notices of rescission

18.1 Submitting a notice of rescission

- (1) Motions to rescind or alter a previous resolution of the Council can be made by:
 - (c) a notice of rescission delivered by a councillor; or
 - (d) a recommendation contained in an officer's report included in the agenda.
- (2) It is good practice for the Council to review policies at least once in each Council term (every 4 years) and such reviews may lead to a change in policy. A motion for rescission is not required where the Council wishes to change policy.

- (3) A policy designated by the Council as a Major Council Policy may only be amended, modified, or revoked in accordance with the Major Council Policy Consultation Local Law No. 4 of 2015.
- (4) A councillor may propose a motion to rescind or alter a previous resolution of Council provided:
 - (a) the previous resolution has not been acted on; and
 - (b) the effect of the notice of rescission will not place the Council at significant legal, financial, or other risk, including non-compliance with statutory obligations; and
 - (c) a notice is delivered to the Chief Executive Officer or delegate setting out the previous resolution to be rescinded or altered and the meeting and date when the previous resolution was carried.
- (5) A notice of rescission must be in writing, signed (including by electronic means) by a councillor and be delivered to the Chief Executive Officer or a delegate by 12 noon at least 10 business days prior to the next scheduled Council meeting.
- (6) Unless a notice of rescission specifies a particular meeting date, the Chief Executive Officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate scheduled Council meeting agenda.
- (7) The Chief Executive Officer, or a member of Council staff with responsibility for the subject matter of a resolution of the Council, may implement that resolution at any time after the close of the meeting at which it was made.
- (8) A resolution of the Council will be deemed to have been acted on if:
 - (a) its contents or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the proposed minutes of the meeting on Council's website; or
 - (b) a statutory process has been commenced to vest enforceable rights or obligations on the Council or any other person.
- (9) The Chief Executive Officer must cause every notice of rescission received to be sequentially numbered and maintained in a register.
- (10) Notwithstanding rule 15.1(7), the implementation of a resolution must be deferred where it:
 - (a) has not been acted on; and
 - (b) it is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with rule 15.1(5), unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the Council at legal, financial or other risk.

18.2 Procedure to consider a notice of rescission

- (1) The full text of any notice of rescission accepted by the Chief Executive Officer must be included in the agenda and outline the policy, financial and resourcing implications if the notice of rescission is passed.
- (2) A notice of rescission listed on an agenda may be moved by any councillor present but must be moved in the form it was listed and must not be amended.
- (3) Where a motion for rescission is not moved at the meeting for which it is listed, it lapses.
- (4) Where a motion for rescission is lost, a similar motion may not be put before the Council for at least six months from the date it was last lost, unless the Council resolves that the notice of rescission be re-listed at a future meeting.

19. Foreshadowed items

- (1) At the time designated in the agenda, a councillor may foreshadow a notice of motion to be submitted for consideration at the next meeting by indicating, when called on to do so by the chairperson, the subject matter of the foreshadowed notice of motion.
- (2) The subject matter, as indicated by the councillor, of a foreshadowed item will be recorded in the minutes.
- (3) No discussion or debate is allowed on a foreshadowed item.
- (4) A foreshadowed item will have no further formal status at that meeting.
- (5) Where a councillor does not submit a notice of motion for the next meeting, no further action on a foreshadowed item will occur.

20. Points of order

20.1 Valid points of order

- (1) A point of order may be raised in relation to:
 - (a) a motion which has not been accepted by the chairperson;
 - (b) a question of procedure;
 - (c) a councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
 - (d) debate that is irrelevant to the matter under consideration;
 - (e) a matter that is outside the powers of Council; or
 - (f) any act of disorder.
- (2) A mere difference of opinion or contradicting a speaker is not a point of order.

20.2 Making a point of order

A councillor raising a point of order must state:

- (a) the point of order; and
- (b) any provision, rule, practice or precedent relevant to the point of order.

20.3 Deciding a point of order

- (1) The chairperson must decide a point of order by stating the provision, rule, practice, or precedent which they consider applicable to the point of order raised, without entering any discussion or comment, other than, if necessary, to confer with the Chief Executive Officer or delegate for the purpose of making the decision.
- (2) The chairperson may adjourn the meeting to consider a point of order; otherwise they must rule on it as soon as it is raised.
- (3) All other matters before the Council are suspended until a point of order is decided.

20.4 Dissent in chairperson's ruling

- (1) A councillor may move that the Council disagree with the chairperson's ruling on a point of order, by moving a motion of dissent.
- (2) A motion of dissent in the chairperson's ruling must, if seconded, be given priority to all other items of business.
- (3) A substitute chairperson must be elected to preside while the motion of dissent is being considered.
- (4) The substitute chairperson must put questions relative to the ruling to the chairperson first, and then to the mover of the motion of dissent.
- (5) The substitute chairperson must conduct a debate on the chairperson's ruling, and the matter must be decided by a majority vote.
- (6) The chairperson must then resume the chair for the remainder of the meeting.

21. Suspension of standing orders

- (1) To temporarily remove the constraints of meeting procedure and allow full discussion or clarification of an issue, the Council may, by resolution, suspend standing orders in accordance with the procedural motion table at rule 16(8).
- (2) Suspension of standing orders should not be used purely to dispense with the processes and protocol of the Council.
- (3) No motion can be accepted or lawfully dealt with by the chairperson during any suspension of standing orders, except a motion to resume standing orders.

- (4) No motion to suspend standing orders can be accepted by the chairperson during a second extension of time for a meeting.

22. Joint council meetings

- (1) The Council may resolve to participate in a joint council meeting to consider:
 - (a) collaborative programs;
 - (b) collaborative projects;
 - (c) collaborative procurement;
 - (d) emergency response.
- (2) Where the Council has resolved to participate in a joint council meeting, the Chief Executive Officer, or delegate, will agree on governance rules for that meeting with the participating councils.
- (3) Where the Council is the lead council on a matter to be brought for consideration at a joint council meeting, the Mayor will be nominated as chairperson for the joint council meeting
- (4) Councillors will be appointed by the Council to represent Council at a joint council meeting.
- (5) Consistent information will be provided to councillors from each Council prior to any joint meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing of councillors.
- (6) A joint briefing arranged in accordance with rule 22(5) may be held electronically.

Records of meetings

23. Minutes

23.1 Responsibility for minute taking

The Chief Executive Officer or delegate is responsible for the keeping of minutes of Council meetings on behalf of Council.

23.2 Minutes must record

The minutes must record:

- (a) the date, time, place, and nature of the meeting;
- (b) the names of councillors and whether they are present, or have submitted an apology, or are on a leave of absence;
- (c) the titles of the members of Council staff present who are not part of the gallery;

- (d) the disclosure of a conflict of interest made by a councillor in accordance with the Act;
- (e) the arrivals and departures of councillors, during the course of the meeting, including any temporary departures or arrivals;
- (f) every motion and amendment moved, including procedural motions;
- (g) the outcome of every motion moved;
- (h) where a division is called, the names of every councillor and the way their vote was cast and if they abstained;
- (i) when requested by a councillor, a record of their support of, opposition to, or abstention from voting on any motion, noting that under section 61(5) of the Act a councillor present at the meeting who does not vote is taken to have voted against the motion;
- (j) details of any failure to achieve or maintain a quorum;
- (k) a summary of any question asked, and the response provided as part of public question time;
- (l) details of any petitions made to Council;
- (m) the time and reason for any adjournment of the meeting or suspension of standing orders;
- (n) any other matter, which the Chief Executive Officer or delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the minutes; and
- (o) the time the meeting was opened and closed, including any part of the meeting that was closed to members of the public.

23.3 Availability of minutes

The minutes as recorded by the Chief Executive Officer, or delegate, unless circumstances do not permit, will be made available as unconfirmed minutes to:

- (a) councillors, within 5 business days of the date of the meeting they relate to; and
- (b) members of the public, by publishing them on Council's website, within 5 business days of the date of the meeting they relate to unless the meeting was not open to members of the public.

23.4 Confirming the minutes

- (1) At every meeting, unconfirmed minutes of preceding meetings must be dealt with as follows:
 - (a) a motion will be moved to confirm minutes in the following terms: *'That the minutes of the [insert type of meeting] meeting held on [insert date in the form d mmmm yyyy] be confirmed'*;
 - (b) where a councillor indicates opposition to the minutes, the councillor must specify the particular item or items in the minutes and, after asking any

questions to clarify the matter, can only move a motion to rectify errors in the minutes by adding the following words to the motion in rule **Error! Reference source not found.** *'...subject to the following alterations.....'*

- (2) No debate or discussion is permitted on a motion to confirm minutes except regarding their accuracy as a record of the proceedings of the meeting to which they relate.
- (3) Where minutes are confirmed in their original or amended form, minutes must, if practicable, be signed by the chairperson of the meeting at which they have been confirmed.
- (4) Minutes that have been confirmed must be entered in the minute book and each item in the minute book must be entered consecutively.
- (5) An unconfirmed version of the minutes must be replaced on the website with the confirmed version of those minutes.

24. Video and audio recordings

- (1) A member of Council staff or a Council contractor may operate a recording device:
 - (a) for the purpose of preparing draft minutes of a meeting, in which case the recording will be destroyed as soon as its original purpose is served; or
 - (b) for the purpose of providing access to the meeting to members of the public who are unable to attend or view a meeting, in which case the recording will be published and retained by Council in accordance with Council's legal obligations.
- (2) Recording devices other than those operated in accordance with rule 24(1)(a) must not be used during any period when a meeting is closed to members of the public in accordance with the Act.
- (3) Where the meeting is being recorded in accordance with rule 24(1)(a) the chairperson must read the following statement: *'This public meeting is being recorded for the purpose of preparing draft minutes of the meeting. The recording will be destroyed as soon as its original purpose is served. As a visitor in the public gallery, your presence may be recorded.'*
- (4) Where the meeting is being recorded in accordance with rule 24(1)(b) the chairperson must read the following statement: *'This public meeting is being recorded to improve access to the meeting for our community. The recording will be published and will be retained by Council in accordance with Council's legal obligations. As a visitor in the public gallery or online, your presence may be recorded.'*
- (5) Where other parties are recording a meeting that is open to members of the public:
 - (a) there will be no adjustments to lighting, seating, or any other modifications to facilitate recording, in the chamber; and

- (b) recording devices must not be used in a manner which disrupts the meeting by obstructing the entrance to a building where a meeting is being, or is about to be, held, or obstructing the entrance to the chamber or obstructing the view of the meeting by any person or physically impeding any person's access to the meeting or causing any person present not to be able to see and hear the proceedings of the meeting.

Mayor, Deputy Mayor & Acting Mayor

25. Election of Mayor & Deputy Mayor

25.1 Chief Executive Officer to set time and date for election of Mayor

The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor, except that the election of the Mayor must be held in accordance with any provisions contained in the Act.

25.2 Election of Deputy Mayor

- (1) At the Council meeting at which the Mayor is to be elected, the 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 identical to the term of the Mayor as resolved by the Council.
- (3) Where the Council has not resolved to establish the position of Deputy Mayor, any provisions in these governance rules relating to a Deputy Mayor have no effect.

25.3 Determining the election of Mayor and Deputy Mayor

- (1) The Chief Executive Officer will preside during the election of the Mayor.
- (2) The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with each nominee.
- (3) The election of the Mayor must be carried out by a show of hands or following a resolution made in accordance with Rule 15.2(1)(1), an electronic method that enables those observing, including those in attendance and those watching a livestream broadcast, to see who a councillor has voted for at the time the vote is taken.
- (4) Where in an election for the Mayor:
 - (a) only one candidate has been nominated, that candidate must be declared elected;
 - (b) two candidates have been nominated:
 - I. a vote must be taken and the candidate who receives the number of votes equal to or greater than half the councillors of the Council must be declared elected;
 - II. where no candidate receives the number of votes equal to or greater than half the councillors of the Council, a second vote will be conducted;
 - III. where, after a second vote, no candidate receives the number of votes equal to or greater than half the councillors of the Council, the declaration will be determined by lot to determine who is the elected candidate;

- (c) more than two candidates have been nominated:
 - I. a vote must be taken and the candidate who receives the number of votes equal to or greater than half the councillors of the Council must be declared elected;
 - II. where no candidate receives the number of votes equal to or greater than half the councillors of the Council, the candidate with the fewest number of votes cast must be eliminated;
 - III. the names of the remaining candidates must be put to the vote again; and
 - IV. the procedure in rules 25.3(4)(c)II and 6.3(4)(c)III above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in Rule 25.3(4)(b).
 - V. in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate (where there are three or more candidates with equal votes) the declaration will be determined by lot.
- (5) Where a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
 - (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 councillors who received an equal number of votes except that if two or more such Councillor surnames are identical, the order will be determined by the alphabetical order of the councillor's first names; and
 - (c) As many identical pieces of paper as there are councillors who received an equal number of votes must be placed in a receptacle;
 - (d) Where 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 unless there is only one candidate remaining, in which case that candidate will be declared been elected; and
 - (e) Where the lot is being conducted to determine who is duly elected, the word "Elected" shall be written on one of the pieces of paper, and the councillor who draws the paper with the word "Elected" on it must be declared to be duly elected.
- (6) Where Council resolves to have the office of Deputy Mayor, rules 25.3(2), 25.3(3) and 25.3(4) apply to the election of the Deputy Mayor with all necessary modifications and adaptations.

25.4 Ceremonial Mayoral speech

- (1) Upon being elected, the Mayor may make a ceremonial speech.
- (2) The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead based on the adopted Council Plan.

26. Appointment of an Acting Mayor

26.1 Role of an Acting Mayor

- (1) An Acting Mayor may perform any function or exercise any power conferred on the Mayor.
- (2) Where an Acting Mayor has been appointed, unless inconsistent with the context or subject matter, a reference in these governance rules to the Mayor includes a reference to the Acting Mayor.

26.2 When to appoint an Acting Mayor

- (1) Where there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, and there is no Deputy Mayor, the Council must appoint one of the councillors to be the Acting Mayor.
- (2) The Mayor will be deemed to be absent if the Mayor is, or will be, away from the municipality or uncontactable whilst within the municipality and therefore unable to fulfil the role of Mayor for a period of seven or more consecutive days.
- (3) The Mayor will be deemed to be incapable of acting where the Mayor declares to the Council that they are incapable of fulfilling the role of Mayor.
- (4) The Mayor will be deemed to be refusing to act if, after being requested by a Council resolution to fulfil the role of Mayor, in the opinion as expressed in a subsequent resolution of the Council, the Mayor continues to refuse to act.

26.3 Election of an Acting Mayor

Where an Acting Mayor is to be appointed, rules 25.3(2), 25.3(3) and 25.3(4) apply to the election of the Acting Mayor with all necessary modifications and adaptations.

Election Period Policy

- (1) Council must have in place an election period policy that:
 - (a) governs decision making during an election period, including what may be considered at Council and committee meetings;
 - (b) prohibits the use of Council resources for election campaign purposes, including Federal, State or Council elections;
 - (c) sets out the conditions for undertaking community engagement, including consultations, civic events, and activities of committees established by Council, during an election period;
 - (d) sets out the requirements for Council publications during an election period, including the website, social media, newsletters, and advertising, to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
 - (e) defines roles and responsibilities in relation to who is the spokesperson for Council during an election period;
 - (f) sets out the requirements for a councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- (2) The election period policy made under the *Local Government Act 1989* forms part of these governance rules with any necessary modifications and adaptations.
- (3) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, the Council must review its election period policy.
- (4) The operation of Council advisory committees must be suspended during the election period.

Conflict of interest

27. Obligations

- (1) Councillors and members of Council staff are required to:
 - (a) avoid all situations which may give rise to conflicts of interest; and
 - (b) identify conflicts of interest; and
 - (c) disclose conflicts of interest.
- (2) Members of Council staff may be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure at rule 29(3) and the employee code of conduct.
- (3) The Chief Executive Officer will maintain a conflict of interest register which must be made available on Council's website.

28. Disclosure by a councillor

28.1 Procedure at a Council meeting

- (1) Councillors may not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (2) At the time indicated in the agenda, a councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:
 - (a) the item for which they have a conflict of interest; and
 - (b) whether their conflict of interest is general or material; and
 - (c) the circumstances that give rise to the conflict of interest.
- (3) Immediately prior to the consideration of the item in which they have a conflict of interest, a councillor must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- (4) A councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner required for the declarations of conflicts of interest at rule 28.1(2) prior to leaving the meeting.
- (5) A councillor who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.
- (6) Disclosures of conflicts of interest must be recorded in the minutes of the meeting.

28.2 Procedure at other meetings organised, hosted, or supported by Council

- (1) A councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (2) At the time indicated on the agenda, a councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (3) Where there is no agenda, a councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- (4) At the time for discussion of that item, the councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- (5) The existence of a conflict of interest will be recorded in the minutes of the meeting.
- (6) Where there are no minutes kept of the meeting, a conflict of interest will be recorded in a meeting record and kept in the conflicts of interest register.
- (7) The minutes or meeting record will also record in relation to a matter where a conflict of interest has arisen, the duration of the discussion and whether the councillor left the meeting.
- (8) Minutes, meeting records and reports will be presented to Council for noting and inclusion on the public record.

29. Disclosure by a member of Council staff

- (1) A member of Council staff:
 - (a) must act in accordance with the employee code of conduct; and
 - (b) must not exercise a delegation or decide on any matter where they have a conflict of interest.
 - (c) must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- (2) All conflicts of interest disclosed by Council staff must be recorded in the conflicts of interest register.
- (3) A member of Council staff who has disclosed a conflict of interest may provide advice to Council or another member of Council staff acting under delegation where:
 - (a) the number and qualifications of other people providing advice regarding the same matter is equal or greater; or
 - (b) the member of Council staff who has disclosed the conflict of interest is the only person with expertise in the area and their director determines that the conflict of interest has not influenced the advice provided; and

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

Breaches

Breaches of this policy may lead to disciplinary action in accordance with the Act or Council's enterprise agreement or employment contract.

Definitions

Act	<i>Local Government Act 2020.</i>
Advisory committee	A committee established by the Council that is not a delegated committee, that provides advice to: <ul style="list-style-type: none"> (a) the Council; or (b) a member of Council staff who has been delegated a power, duty, or function of the Council.
Agenda	A document containing the date, time and place of a meeting and a list of business to be transacted at the meeting.
Associates of Council	Contractors working in-house, staff on exchange, members of Special Committees, members of Advisory Committees, volunteers, work experience students or graduate placements who perform work for Council as well as external suppliers and other contractors and subcontractors.
Agreement of council	Indicative agreement of all the councillors or members present, without a vote being conducted. In the event there is any uncertainty about the majority of councillors agreeing, the matter may be put to a vote.
Audit and Risk Committee	The Audit and Risk Committee established by the Council under section 53 of the Act.
Authorised Officer	Has the same meaning as in the <i>Local Government Act 1989</i> or any other Act.
Chairperson	The chairperson of a meeting and includes an acting, temporary and substitute chairperson.

Chamber	Any room where the Council holds a council meeting.
Chief Executive Officer	The person occupying the office of Chief Executive Officer of the Council, and includes a person acting in that office.
Committee	A delegated committee or any other committee to which these governance rules apply.
Committee meeting	A meeting of a committee convened in accordance with these governance rules and includes a scheduled meeting and an unscheduled meeting.
Council	The Wangaratta Rural City Council comprised of elected councillors and led by the Mayor.
Council	The Rural City of Wangaratta, led by the Chief Executive Officer.
Councillor	A councillor of the Council.
Code of conduct	Has the same meaning as in the Act
Council meeting	A meeting of the Council convened in accordance with these governance rules and includes a scheduled meeting and an unscheduled meeting.
Delegate	A member of Rural City staff to whom powers, functions and duties have been delegated by an instrument of delegation.
Delegated committee	Has the same meaning as in the Act.
Delegated committee meeting	A meeting of a delegated committee convened in accordance with these governance rules and includes a scheduled meeting and an unscheduled meeting.

Deputy Mayor	The Deputy Mayor of the Council and any person appointed by the Council to act as Deputy Mayor.
Director	A senior member of Council staff holding the position of Director or another position, however designated, which reports directly to the Chief Executive Officer.
Disorder	Any disorderly conduct at a meeting by a member of the gallery of the meeting or a councillor and includes: <ul style="list-style-type: none"> (a) interjecting when another person is speaking, except, in the case of where a councillor or member is raising a point of order; and (b) making comments that are defamatory, malicious, abusive, or offensive; and (c) refusing to leave the meeting when requested, ordered, or directed to do so by the chairperson in accordance with the Act and the governance rules; and (d) engaging in any other conduct which prevents the orderly conduct of the meeting.
Election period	Has the same meaning as in the Act.
Employee code of conduct	The code of conduct for members of Council staff developed and implemented under section 49 of the Act.
Foreshadowed item	A matter raised in the relevant section of the meeting that indicates that a councillor intends to submit a notice of motion for the next meeting.
Majority of the votes	A majority of councillors present at the time of a vote voting in favour of a matter.
Mayor	The Mayor of the Council and any person appointed by the Council to be acting as Mayor.
Meeting	A Council meeting or a committee meeting.
Member	A member of a committee.

Minister	The Minister for Local Government.
Minutes	The official record of the proceedings and decisions of a meeting.
Motion	A proposal framed in a way that will result in the opinion of the Council being expressed, and a decision being made, if the proposal is adopted.
Notice of motion	A notice setting out the text of a motion which a councillor proposes to move at a meeting.
Notice of rescission	A notice of motion to rescind a resolution made by the Council.
On notice	Held or deferred to a future meeting to enable preparation of a response.
Point of order	A procedural point about how the meeting is being conducted, not involving the substance of a matter before the meeting.
Procedural motion	A motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.
Questions	Questions and statements submitted in public question time.
Rule	A rule included in these governance rules.
Scheduled meeting	A meeting convened in accordance with the schedule of meetings set by the Council.
Urgent business	A matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next meeting.
Unscheduled meeting	A meeting convened for a particular purpose that cannot be effectively dealt with in a scheduled meeting.

References

Legislation

- *Local Government Act 2020*

Review

These governance rules must be reviewed by Council, and amended if necessary, at least once in each Council term and, not later than 12 months prior to the commencement of an election period.