



GLEN EIRA
CITY COUNCIL

GLEN EIRA CITY COUNCIL

GOVERNANCE RULES

BENTLEIGH

BENTLEIGH EAST

BRIGHTON EAST

CARNEGIE

CAULFIELD

ELSTERNWICK

GARDENVALE

GLEN HUNTLY

MCKINNON

MURRUMBEENA

ORMOND

ST KILDA EAST

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Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on **4 September 2024**. They replace the Governance Rules made by Council which commenced operation on 11 August 2020.

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*.

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

"*alternate motion*" means a motion that is proposed to be moved if another motion before a *Council meeting* is defeated.

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

"*business day*" means a day that is not a Saturday, Sunday or public holiday within the *municipal district*.

"*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*.

"*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 Glen Eira City Council.

"*Council meeting*" has the same meaning as in the *Act*, and includes an *Ordinary Council meeting* and a *Special Council meeting*.

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

"*Election period*" means the period before an election day that (a) starts at the time that nominations close on nomination day; and (b) ends at 6pm on election day.

"*Election material*" means an advertisement, handbill pamphlet or notice whether electronic or physical copy that contains Electoral Matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.

"*Electoral Matter*" means matter intended or likely to affect voting but not including any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.

Matter is to be taken to be intended or likely to affect voting if, among other things, it contains an express or implicit reference to, or comment on—

- (a) the election; or
- (b) a candidate in the election; or
- (c) an issue submitted to, or otherwise before, voters in connection with the election

"*Election Manager*" means the officer appointed by the Victorian Electoral Commission (VEC) to oversee the administration of the municipal election.

"*Mayor*" means the Mayor of *Council*.

"*minute records*" 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*.

"*Ordinary Council meeting*" means a *Council meeting* fixed under Rule 15.

"*Prohibited decision*" means any decision during the election period of a general election that—

- (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- (b) commits Council to expenditure exceeding one per cent of its income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- (c) Council considers could be reasonably deferred until the next Council is in place; or
- (d) Council considers should not be made during the election period.

Such decisions include (but are not limited to) decisions:

- to allocate community grants;

- concerning the proposed sale or leasing of *Council* land; and
- about major amendments to the Glen Eira Planning Scheme.

"*Quorum*" has the same meaning as section 61(4) of the *Act*, being an absolute majority of Councillors.

"*Special Council meeting*" means a *Council meeting* called under Rule 17.

"*these Rules*" means these Governance Rules.

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

Chapter 1 Governance Framework

5. Context

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

- 5.1 the overarching governance principles specified in section 9(2) of the *Act*, and
- 5.2 the following documents adopted or approved by *Council*:
 - 5.2.1 Public Participation Policy; and
 - 5.2.2 State and Federal (Councillor Candidature) Policy.

6. Decision Making

- 6.1 In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
 - 6.1.1 by giving consideration and making a decision which is balanced, ethical and impartial; and
 - 6.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- 6.2 Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered). Natural Justice requires the right to be heard, the right to be treated without bias, and a decision being based on relevant evidence.
- 6.3 Without limiting anything in sub-Rule 6.2:
 - 6.3.1 before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) should 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;
 - 6.3.2 if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report should record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - 6.3.3 if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report should record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
 - 6.3.4 if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff should, 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

Part A – Introduction

7. Title

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

8. Purpose of this Chapter

The purpose of this Chapter is to:

- 8.1 provide for the election of the *Mayor* and any Deputy Mayor;
- 8.2 provide for the appointment of any Acting Mayor; and
- 8.3 provide for the procedures governing the conduct of *Council meetings*.

9. Notes

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.

10. Election of the Mayor

The Chief Executive Officer must:

- 10.1 convene a *Council meeting* for the purpose of electing a *Mayor* whenever such election is necessary; and
- 10.2 at that meeting facilitate the election of the *Mayor* in accordance with the provisions of the *Act*.

11. 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.

12. Determining the election of the Mayor

- 12.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.
- 12.2 Nominations for the office of *Mayor* do not require a seconder.
- 12.3 A Councillor may decline a nomination at any point prior to a vote being taken. In that event the Councillor ceases to be a candidate for the office of *Mayor*.
- 12.4 Once nominations for the office of *Mayor* have been finalised, the following provisions will govern the election of the *Mayor*:

Single Nomination

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

Multiple Nominations and Candidate Elected On First Vote

- 12.6 If there is more than one nomination, the Councillors *in attendance* at the meeting must vote for one of the candidates.
- 12.7 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

- 12.8 In the event that:
 - 12.8.1 there are three or more candidates;
 - 12.8.2 no candidate receives the votes of an absolute majority of Councillors; and
 - 12.8.3 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.

- 12.9 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 candidate with the fewest number of votes is declared the defeated candidate. 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.
- 12.10 For the purposes of sub-Rules 12.8 and 12.9 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 the drawing of lots.
- 12.11 If it is determined that lots will be drawn, the *Chief Executive Officer* will conduct the process and the following provisions will apply:
- 12.11.1 Lots will be drawn by each candidate who has an equal number of votes with another candidate or candidates;
- 12.11.2 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
- 12.11.3 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 that 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

- 12.12 In the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, a second vote will be taken. If, as a result, neither candidate receives the votes of an absolute majority of Councillors then the Councillors *in attendance* at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- 12.13 If:
- 12.13.1 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 12.12 and this sub-Rule 12.13 must again be followed; and
- 12.13.2 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 12 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.

13. Election of Deputy Mayor and Chairs of Delegated Committees

- 13.1 Election of any Deputy Mayor cannot proceed until the election of the Mayor has been completed.

13.2 Any election for any office of Deputy Mayor will be regulated by Rules 10-12 (inclusive) of this Chapter, as if the reference to the:

13.2.1 *Chief Executive Officer* is a reference to the Mayor; and

13.2.2 *Mayor* is a reference to the Deputy Mayor.

14. Appointment of Acting Mayor and Temporary Chairs

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

14.1.1 resolving that a specified Councillor be so appointed; or

14.1.2 following the procedure set out in Rules 11 and 12 (inclusive) of this Chapter,

at its discretion.

14.2 If the *Mayor* and any Deputy Mayor are absent from or unable to chair a *Council meeting*, the *Chief Executive Officer* must take the chair for the purpose of a Temporary Chair being elected.

14.3 The election of a Temporary Chair will be regulated by Rules 10-12 (inclusive) of this Chapter except that:

14.3.1 any reference to the office of *Mayor* is a reference to the position of Temporary Chair; and

14.3.2 if there are two candidates remaining and neither receives the votes of an absolute majority of Councillors, the successful candidate will be determined by the drawing of lots conducted in accordance with sub-Rule 12.11 without any further vote being necessary.

In accordance with section 20B(2) of the Act an appointment of an Acting Mayor must be for a specified period.

Part C – Meetings Procedure

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

Division 1 – Notices of Meetings and Delivery of Agendas

15. Dates and Times of Meetings Fixed by Council (Ordinary Meetings)

Subject to Rule 16, *Council* must, at or before the last *Council meeting* in each calendar year, fix the date, time and place of all *Ordinary Council meetings* for the following calendar year.

16. Meeting Dates May Be Altered

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

17. Meetings Not Fixed by Council (Special Meetings)

17.1 The following may call a *Council meeting* not previously fixed under Rule 15:

17.1.1 *Council*, by Resolution;

17.1.2 the *Chief Executive Officer*, by *written* notice delivered or sent electronically to all Councillors but following consultation with the *Mayor*; and

17.1.3 the *Mayor* or any three (3) Councillors, by *written* notice delivered or sent electronically to the *Chief Executive Officer*.

17.2 In each instance the *Council meeting* will be called a *Special Council meeting*, and the:

17.2.1 date and time of; and

17.2.2 business to be transacted at

the *Special Council meeting* must be specified in the Resolution or *written* notice.

17.3 If the *Special Council meeting* has been called by *Council* in accordance with sub-Rule 17.1.1, the time for the commencement of the *Special Council meeting* must not be prior to 6pm on the day following the day on which the Resolution was made.

17.4 If the *Special Council meeting* has been called by the *Chief Executive Officer* in accordance with sub-Rule 17.1.2, the *Chief Executive Officer* must determine the date and time for the *Special Council meeting* after considering:

17.4.1 the urgency of the business to be transacted;

17.4.2 the availability of Councillors; and

17.4.3 the need to give reasonable notice to persons whose rights or interests may be directly impacted by the business to be transacted.

17.5 If the *Special Council meeting* has been called by the *Mayor* or three (3) Councillors in accordance with sub-Rule 17.1.3, the date of the *Special Council meeting* must be a date that is at least 10 days after the date on which the *written* notice was delivered or sent electronically unless, in that *written*

notice, urgent or extraordinary circumstances are cited that justify the *Special Council meeting* taking place on an earlier date.

- 17.6 Unless all Councillors are *in attendance* and unanimously agree to deal with any other matter, only the business specified (in the Resolution made under sub-Rule 17.1.1 or the *written* notice referred to in sub-Rules 17.1.2 and 17.1.3) can be transacted at the *Special Council meeting*.

18. Notice Of Meeting

- 18.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must, unless exceptional circumstances exist, be delivered or sent electronically to every Councillor for all *Council meetings* at least 48 hours before the meeting.
- 18.2 Notwithstanding sub-Rule 18.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of their absence.
- 18.3 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:
- 18.3.1 for *Ordinary Council meetings* by ensuring that a schedule of meetings appears on its website and is generally available at its Customer Service Centres; and
- 18.3.2 for any meeting by giving notice on its website and:
- (a) in each of its Customer Service Centres; and/or
- (b) in at least one newspaper generally circulating in the *municipal district*, if circumstances so permit.

Division 2 – Quorums

19. Inability To Obtain a Quorum

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

- 19.1 the *Chair* (or in the absence of a *Chair* a majority of Councillors or – in the event of no Councillors being present – the *Chief Executive Officer* or their nominee) may adjourn the meeting to a date that is not more than seven (7) days from the date of the *Council meeting* that is to be adjourned; and
- 19.2 the *Chief Executive Officer* must give all Councillors *written* notice of the adjourned meeting.

20. Inability To Maintain a Quorum

- 20.1 If, during any *Council meeting*, a quorum cannot be maintained then Rule 19 will apply as if the reference to the meeting is a reference to so much of the meeting as remains. Accordingly, the meeting will be adjourned to a date not more than seven (7) days from the date of the part of the *Council meeting*.
- 20.2 Sub-Rule 20.1 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. In that event *Council* must comply with section 67 of the *Act*.

If it is not possible to maintain a quorum because one or more of Councillors in attendance have a conflict of interest, then section 67 of the Act applies. So, Council must consider whether a decision can be made by dealing with the matter in an alternative manner. Council could, for example, resolve to:

- (a) defer an item of business to a future Council meeting;*
- (b) consider the matter in separate parts;*
- (c) make a decision on component parts ahead of making a decision on the whole matter at a future Council meeting;*
- (d) delegate to the Chief Executive Officer the power to make the decision (unless the power to decide is incapable of being delegated); or*
- (e) lay that item of business on the table.*

Failing this, and in accordance with section 67(4) of the Act, Council must decide to establish a Delegated Committee to decide the matter.

21. Adjourned Meetings

- 21.1 *Council* may adjourn any meeting to another date or time.
- 21.2 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.
- 21.3 If it is impracticable for the notice given under sub-Rule 21.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

22. Time limits for Meetings

- 22.1 A *Council meeting* must not continue for longer than two (2) hours and 30 minutes unless a majority of Councillors who are *in attendance* vote in favour of it continuing beyond this time.
- 22.2 A meeting can only be extended for one (1) additional hour.
- 22.3 In the absence of such continuance or if the meeting is not concluded within the additional hour referred to in sub-Rule 22.2, 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 21.2 and 21.3 apply.

23. Cancellation or Postponement of a Meeting

- 23.1 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*.
- 23.2 The *Chief Executive Officer* must present to the next *Ordinary Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 23.1.

Division 3 – Business of Meetings

24. Agenda and the Order Of Business

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

24.2 Generally, the *agenda* for and the order of business for a *Council meeting* will be as follows:

24.2.1 Ordinary Council meeting -

- (a) Acknowledgement of traditional owners;
- (b) Apologies;
- (c) Reminder to disclose any conflicts of interest in any items on the Agenda;
- (d) Public Participation under Rule 60;
- (e) Written public questions to *Council* under Rule 59;
- (f) Confirmation of Minutes of previous Meeting or Meetings;
- (g) Reception and reading of petitions and joint letters;
- (h) Reports by delegates appointed by Council to various organisations;
- (i) Reports from Committees and records of Assembly;
- (j) Officer Reports (as listed);
- (k) Urgent Business;
- (l) Ordinary business -
 - (i) Request for reports from a member of Council staff;
 - (ii) Right of Reply;
 - (iii) Notice of Motion / Notice of Rescission;
 - (iv) Councillor questions; and
- (m) Confidential items.

24.2.2 First Meeting after a General Election

- (a) Acknowledgment of traditional owners;
- (b) Apologies;
- (c) Oath or affirmation of office – either the making of the oath or affirmation of office by each Councillor under section 30 of the *Act* or (if the oath or affirmation of office has already been made) a report on when the oath or affirmation of office was made by Councillors;

- (d) Decision of the length of the Mayoral term;
- (e) Election of *Mayor* and Deputy Mayor; and
- (f) Mayoral Address and comments from Councillors.

24.2.3 Special Council meeting

- (a) Acknowledgement of traditional owners;
- (b) Apologies;
- (c) Reminder to disclose any conflicts of interest in any items on the Agenda; and
- (d) Business specified in the Resolution or the *written* notice calling the meeting.

24.3 Except to the extent that *these Rules* provide otherwise, only business listed in the *agenda* can be transacted at any *Council meeting*.

25. 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*.

26. Urgent Business

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

- 26.1.1 *written* notice of the business and the details of its content are given to the *Chief Executive Officer* by 3pm on the day of the *Ordinary Council meeting*,
- 26.1.2 it relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 26.1.3 it cannot safely or conveniently be deferred until the next *Ordinary Council meeting*.

26.2 If the *Chief Executive Officer* receives notice under sub-Rule 26.1.1 they must:

- 26.2.1 determine whether the business should be submitted to the meeting as an item of urgent business; and, if they so determine
- 26.2.2 immediately give *written* notice and details of the business to all Councillors.

26.3 A Councillor may, if exceptional circumstances exist, propose an item of urgent business at an *Ordinary Council meeting* notwithstanding that they have not complied with sub-Rule 26.1.1.

26.4 Nothing in this Rule precludes the *Chief Executive Officer* from requesting that a matter specified by them be introduced as an item of urgent business for consideration at an *Ordinary Council meeting*.

Division 4 – Motions and Debate

27. Councillors May Propose Notices Of Motion

Councillors may ensure that an issue is listed on an *agenda* by lodging a *notice of motion*.

28. Notice Of Motion

- 28.1 A *notice of motion* must be in *writing* signed by at least three (3) Councillors, and be lodged with or sent electronically to the *Chief Executive Officer* at least six (6) *business days* prior to the *Ordinary Council meeting* at which it is proposed that the *notice of motion* be considered.
- 28.2 A *notice of motion* cannot be lodged if there is six (6) months or less before the next general election of Councillors.
- 28.3 A *notice of motion* must call for an Officer Report if it proposes action that would or would be likely to:
- 28.3.1 impact the level of *Council* service;
 - 28.3.2 commit *Council* to expenditure or internal costs greater than \$20,000 in value that is not included in the Budget adopted by *Council*;
 - 28.3.3 make or amend a *Council* policy;
 - 28.3.4 directly affect the rights of any person who has not had an opportunity to communicate their views and have their interests considered;
 - 28.3.5 commit *Council* to any contract; or
 - 28.3.6 affect any litigation to which *Council* is a party.
- 28.4 The *Chief Executive Officer* may reject any notice of motion which:
- 28.4.1 is vague or unclear in intention
 - 28.4.2 is beyond *Council's* power to pass, whether on account of sub-Rule 28.3 or otherwise; or
 - 28.4.3 if passed would result in *Council* otherwise acting invalidly;
 - 28.4.4 is defamatory;
 - 28.4.5 is objectionable in language or nature; or
 - 28.4.6 is identical or similar to a *notice of motion* that has, in the preceding three (3) months, been put to the vote and been lost
- but must:
- 28.4.7 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 28.4.8 notify in *writing* the Councillor who lodged or sent it of the rejection and reasons for the rejection.
- 28.5 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda* for the next available *Council meeting*.
- 28.6 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.

- 28.7 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*; any other Councillor may move the *notice of motion*.
- 28.8 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses and cannot appear on the *agenda* for a future *Council meeting* unless it becomes a new *notice of motion* that meets the requirements of sub-Rule 28.1.

29. Chair's Duty

Any motion which is determined by the *Chair*:

- 29.1 to be defamatory;
- 29.2 to be objectionable in language or nature;
- 29.3 to be vague or unclear in intention;
- 29.4 to be outside the powers of *Council*;
- 29.5 to be irrelevant to the item of business on the *agenda* and has not been admitted as urgent; or
- 29.6 not to be an amendment despite purporting to be moved as such

must not be accepted by the *Chair*:

30. Introducing a Report and Chief Executive Officer Role in Meetings

- 30.1 Before an Officer Report is considered by *Council* and any motion moved in relation to such report, the *Chief Executive Officer* may, at the invitation of the *Chair*; introduce the report by setting out in not more than 2 minutes:
- 30.1.1 its background; or
- 30.1.2 the reasons for any recommendation which appears.
- 30.2 Nothing in sub-Rule 30.1 precludes the *Chief Executive Officer* or another member of Council staff from participating in a *Council meeting* at any other time to provide support for the *Chair* when requested.
- 30.3 At any *Council meeting* the *Chief Executive Officer* should:
- 30.3.1 immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
- 30.3.2 advise, to the best of their knowledge, if there are operational, financial or risk implications arising from a proposed resolution;
- 30.3.3 help clarify the intent of any unclear resolution to facilitate implementation; and
- 30.3.4 on request, assist with procedural issues that may arise.

31. Introducing A Motion

- 31.1 The procedure for moving any motion is:
- 31.1.1 the mover must state the motion without speaking to it;

- 31.1.2 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; and
- 31.1.3 if a motion is moved and seconded the *Chair* must invite the mover and, in turn, the seconder, to speak to the motion.
- 31.2 Subject to *these Rules*, a mover who elects not to speak to a motion retains their right to sum up at the conclusion of debate.
- 31.3 A seconder may reserve their right to speak later during any debate.
- 31.4 The *Chair* must then invite any Councillors wishing to speak for or against the motion to address the meeting.
- 31.5 If no Councillor indicates a desire to speak to it, the *Chair* may put the motion to the vote without discussion.
- 31.6 Each Councillor may only speak once on a motion, unless to ask a question or to participate in debate on an amendment to the motion.
- 31.7 The *Chair* must put the motion to the vote immediately the mover has exercised their right to sum up at the conclusion of debate (or immediately after debate has concluded if the mover then indicates that they do not wish to exercise their right).
- 31.8 If a vote is not unanimous, the *Chair* must verbally declare to the meeting how each Councillor voted and whether any Councillor abstained from voting.

32. Right Of Mover to Sum Up

- 32.1 The mover of a motion has a right to sum up at the conclusion of debate, and to address matters raised during debate.

33. Moving A Friendly Revision

- 33.1 A Councillor may, with the permission of the *Chair*, propose a friendly revision to a motion that has been moved and seconded.
- 33.2 The *Chair* must not permit the friendly revision which is proposed unless, by the addition or deletion of words, the revision compliments the motion.
- 33.3 If a friendly revision is proposed and:
 - 33.3.1 accepted by the mover and seconder of the motion, the motion is revised accordingly and debate then resumes on the motion as revised; or
 - 33.3.2 rejected by either the mover or seconder of the motion, debate continues unaffected and an identical or materially similar friendly revision cannot subsequently be proposed in relation to the motion.
- 33.4 A friendly revision cannot be permitted by the *Chair* until any previous friendly revision has been accepted or rejected by the mover and seconder of a motion.
- 33.5 Nothing in this Rule 33 prevents a Councillor from moving an amendment to a motion in accordance with Rule 34.

34. Moving An Amendment

- 34.1 The procedure for moving any amendment is:
- 34.1.1 the mover must state the proposed amendment without speaking to it;
 - 34.1.2 the proposed amendment must be seconded and the seconder must be a Councillor other than the mover. If a proposed amendment is not seconded, the proposed amendment lapses for want of a seconder; and
 - 34.1.3 if a proposed amendment is moved and seconded the *Chair* must invite the mover and, in turn, the seconder, to speak to the proposed amendment.
- 34.2 A seconder may reserve their right to speak later during any debate.
- 34.3 The *Chair* must then invite any Councillors wishing to speak to the proposed amendment to address the meeting.
- 34.4 The mover of an amendment does not have any right to sum up at the conclusion of debate on the amendment.
- 34.5 If no Councillor indicates a desire to speak to it, the *Chair* may put the proposed amendment to the vote without discussion.
- 34.6 Subject to sub-Rule 34.7 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.
- 34.7 A motion to confirm a previous resolution of *Council* cannot be amended.
- 34.8 An amendment must not be directly opposite or substantially contrary to the motion.

35. Who May Propose An Amendment

- 35.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 35.2 Any one Councillor cannot move more than two amendments in succession.

36. How Many Amendments May Be Proposed

- 36.1 Subject to sub-Rule 36.2, 36.3 and 36.4, an amendment must take the form of a motion moved, seconded and debated in accordance with Rule 34.
- 36.2 If a Councillor proposes a change in the form of an amendment that does not substantially alter the amendment's intent or effect and the mover and seconder consent to the change, the amendment as changed becomes the amendment before the meeting.
- 36.3 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.
- 36.4 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.

37. An Amendment Once Carried

- 37.1 If the amendment to the motion is carried, the motion as amended then becomes the motion before the meeting.
- 37.2 The mover of the original motion retains the right to sum up at the conclusion of debate on that motion.

38. Alternate Motions

- 38.1 An *alternate motion* may be moved either:
- 38.1.1 after any other motion before a meeting has been defeated; or
 - 38.1.2 prior to an Officer Recommendation being moved and seconded.
- 38.2 An *alternate motion* cannot be moved unless the procedure set out in this Rule 38 applies.
- 38.3 A Councillor intending to move an *alternate motion* must, unless exceptional circumstances exist, lodge it with the *Chief Executive Officer* or advise the *Chief Executive Officer* of assistance being required to prepare an *alternate motion* by no later than noon on the day immediately before the day of the meeting for which the agenda provides for the relevant item of business to be considered.

If, for example, a Council meeting is held on a Tuesday the alternative motion must be lodged with the Chief Executive Officer by noon on the Monday (i.e. the preceding day).

- 38.4 The *Chief Executive Officer* must ensure that, if an *alternate motion* is received in accordance with sub-Rule 38.3, a copy is provided to all other Councillors as soon as is practicable.
- 38.5 The *Chief Executive Officer* may, if it is appropriate and practicable to do so, provide comments on an *alternate motion* that is received in accordance with sub-Rule 38.3, either when providing a copy of it to Councillors under sub-Rule 38.4 (in which case the comments must also be provided to the Councillor who lodged or sent the *alternate motion*) or subsequently by an email sent to all Councillors.
- 38.6 In the event of multiple *alternate motions* being received in accordance with sub-Rule 38.4 or otherwise proposed to be presented at the meeting, the *Chair* will decide the order in which the *alternate motions* will be moved at the meeting.

39. Withdrawal Of Motions

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

40. Separation Of Motions

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

40.2 The *Chair* may, in their discretion and regardless of whether any request has been made, decide to put any motion to the vote in separate parts.

41. 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.

42. Motions In Writing

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

42.2 *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.

43. Repeating Motion and/or Amendment

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

44. Debate Must Be Relevant To The Motion

44.1 Debate must always be relevant to the motion before the meeting, and, if not, the *Chair* must request the speaker to confine debate to the motion.

44.2 If after being requested to confine debate to the motion before the meeting, 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 meeting.

44.3 A speaker to whom a direction has been given under sub-Rule 44.2 must comply with that direction.

45. Speaking Times

A Councillor must not speak longer than the time set out below, unless granted an extension by a resolution of the *Council*:

45.1 the mover of a motion or an amendment: 5 minutes;

45.2 any other Councillor: 3 minutes; and

45.3 the mover of a motion exercising a right to sum up: 3 minutes.

46. Addressing the Meeting

46.1 Any person addressing the *Council* must do so respectfully.

46.2 All members of *Council* staff must be addressed respectfully.

47. Right to Ask Questions

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

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

Division 5 – Procedural Motions

48. Procedural Motions

- 48.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- 48.2 Procedural motions require a seconder.
- 48.3 The *Chair* may reject a procedural motion if they are of the opinion that the motion before the meeting has not been sufficiently debated.
- 48.4 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

Motion	Form	Mover/ 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	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a Chair; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or 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
Closure (of debate)	'That the motion now be put'	Any Councillor	During nominations for a Chair	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

Motion	Form	Mover/ Secunder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	Any Councillor	During the election of the Mayor/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/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
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

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the Rules is removed	The meeting cannot continue	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with sections 66(1) and 66(2)(a) of the <i>Local Government Act 2020</i> , the meeting be closed to members of the public for the consideration of the following confidential items: Item name This agenda item is confidential information within the meaning of section 3(1) of the <i>Local Government Act 2020</i> . - [insert reason]	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Extension of speaking time	That Councillor xx be granted a xx minute extension of speaking time	Any Councillor	A Motion for an extension of speaking time must not be accepted by the Chair if another Councillor has commenced speaking.	Councillor may continue speaking for the amount of time approved via resolution	Councillor must cease speaking	No
Extension of meeting	That the meeting be extended for up to one (1) hour	Any Councillor	A motion to extend the meeting must not be accepted by the Chair if motion is put after the meeting has already been in a progress for more than two (2) hours and 30 minutes	The meeting will continue to consider the remaining items on the agenda for up to another hour. If the items on the agenda are unable to be considered before this time, the Chair will adjourn the meeting before the additional hour elapses, in accordance with the Governance Rules	The Chair must adjourn the meeting in accordance with the Governance Rules before two (2) hours and 30 minutes have elapsed since its commencement	No

Motion	Form	Mover/ Secunder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Adjournment of a Meeting	That the meeting be adjourned until (time and/or meeting date) to allow (purpose of adjournment)	Any Councillor		Consideration / debate on the motion and/or amendment and/or remaining items on agenda are relisted for consideration at the resolved time and date to resume the meeting	Debate continues	Yes

Division 6 – Rescission Motions

49. Notice of Rescission

- 49.1 A Councillor may propose a *notice of rescission* provided:
- 49.1.1 it has been signed and dated by at least three Councillors;
 - 49.1.2 the resolution proposed to be rescinded has not been acted on; and
 - 49.1.3 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.
- 49.2 A resolution will be deemed to have been acted on if:
- 49.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
 - 49.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 49.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- 49.3.1 has not been acted on; and
 - 49.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 49.1.3,
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

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 49.3 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.

50. 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.

51. If Not Moved

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

52. 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.

53. When Not Required

Any intention to change a *Council* policy which may result in a significant impact on any person need not be the subject of a *notice of rescission* but should be communicated to those affected. This may include publication and consultation, either formally or informally.

Division 7 – Points of Order

54. 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.

55. Chair May Adjourn To Consider

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

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

56. Dissent From Chair's Ruling

56.1 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".

56.2 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*, the temporary *Chair* elected by the meeting) must take their place.

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

- 56.4 The Deputy Mayor or temporary *Chair* must put the motion in the following form:
"That the *Chair's* ruling be dissented from."
- 56.5 If the vote is in the negative, the *Chair* resumes the Chair and the meeting proceeds.
- 56.6 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.
- 56.7 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.

57. Procedure For Point Of Order

A Councillor raising a point of order must:

- 57.1 state the point of order; and
- 57.2 state any section, Rule, paragraph or provision relevant to the point of order
before resuming their seat.

58. Valid Points Of Order

A point of order may be raised in relation to:

- 58.1 a motion, which, under Rule 29, or a question which, under Rule 59, should not be accepted by the *Chair*;
- 58.2 a question of procedure; or
- 58.3 any act of disorder.

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

Division 8 – Public Participation

59. Question Time

- 59.1 There must be a public question time at every *Ordinary Council meeting* to enable members of the public to submit questions to *Council*.
- 59.2 Sub-Rule 59.1 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*.
- 59.3 Unless extended at the discretion of the *Chair*; public question time must not exceed 15 minutes in duration.
- 59.4 Unless otherwise determined by the *Chair*; the process for submitting questions and the process for conducting public question time must be in accordance with the Public Participation Policy.

60. Addressing a Council Meeting

- 60.1 A person may address an *Ordinary Council meeting* at the discretion of and under the direction of the *Chair*.
- 60.2 Unless granted an extension of time by the *Chair*, a person addressing an *Ordinary Council meeting* in accordance with sub-Rule 60.1 must not speak or any longer than the time specified by the *Chair*.
- 60.3 Unless extended at the discretion of the *Chair*, the time allotted for all addresses to *Council* under this Rule 60 must not exceed 15 minutes.
- 60.4 Unless otherwise determined by the *Chair*, the process for any address under this Rule 60 must be in accordance with the Public Participation Policy.

Division 9 – Petitions and Joint Letters

61. Petitions and Joint Letters

- 61.1 Every petition presented to *Council* must be in *writing* (other than pencil), contain the request of the petitioners or signatories, not exceed 400 words of text and be supported by at least five (5) people.
- 61.2 Every hard copy petition must be signed by all the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.
- 61.3 Any signature appearing on a page of a hard copy petition which does not bear the text of the whole of the petition may not be considered by *Council*.
- 61.4 Every page of a hard copy petition must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition.
- 61.5 Electronic or online petitions must contain the name of each petitioner and the suburb in which they reside.
- 61.6 A joint letter containing a request must:
 - 61.6.1 be in *writing*;
 - 61.6.2 be from two (2) or more persons;
 - 61.6.3 be signed by at least two (2) of the persons; and
 - 61.6.4 contain the name and address of at least one (1) of those persons.
- 61.7 A petition or joint letter must not be offensive or objectionable in language or substance.
- 61.8 *Council* may resolve to receive a petition or joint letter and refer it to the appropriate member of Council staff for action.

Division 10 – Voting

62. How Motion Determined

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion, those opposed to the motion and those abstaining from voting, and then declare the result to the meeting.

Section 61(5)(e) of the Act provides that, for the purposes of determining the result of the vote, a Councillor who is in attendance at the meeting and who abstains from voting is taken to have voted against the question.

63. Silence

Subject to Rule 66, voting must take place in silence.

64. Recount

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

65. Casting Vote

65.1 In the event of a tied vote, the *Chair* must, subject to *these Rules*, exercise a casting vote.

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

66. How Votes Are Cast

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

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

For example, Rule 67 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 67 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, to discussion about a positive motion were a resolution has just been rescinded.

Division 11 – Minutes

68. Confirmation of Minutes

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

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

68.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;

68.1.3 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 68.1.3(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;

68.1.4 a resolution of *Council* must confirm the minutes; and

- 68.1.5 unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

69. 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.

70. 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.

71. Form and Availability of Minutes

71.1 The *Chief Executive Officer* or member of *Council* staff responsible for minute-taking must keep minutes of each *Council meeting*, and those minutes must record:

- 71.1.1 the date, place, time and nature of the meeting;
- 71.1.2 the names of the Councillors *in attendance* and the names of any Councillors who apologised in advance for their non-attendance;
- 71.1.3 the names of the members of *Council* staff *in attendance*;
- 71.1.4 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;
- 71.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- 71.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
- 71.1.7 if the vote is not unanimous, the vote cast by each Councillor and any abstention from voting;
- 71.1.8 public questions read to, and answers given at, the meeting;
- 71.1.9 the failure of a quorum;
- 71.1.10 any adjournment of the meeting and the reasons for that adjournment;
- 71.1.11 the time at which standing orders were suspended and resumed;
- 71.1.12 details of all petitions and joint letters;
- 71.1.13 any details which *Council* has expressly resolved be included in the minutes, or a Councillor has asked to be included in the minutes if no Councillors oppose their inclusion; and

- 71.1.14 any other matter which the *Chief Executive Officer* considers should appear in the minutes to ensure that they accurately reflect the business transacted at the meeting.
- 71.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 71.2.1 published on *Council's* website; and
- 71.2.2 available for inspection at *Council's* office during normal business hours.
- 71.3 Nothing in sub-Rule 71.2 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*.
- 71.4 If there is a typographical error or omission in an Officer Report or any document endorsed or adopted by *Council* or a typographical error or omission in a resolution, the *Chief Executive Officer* may, at any time, correct the typographical error or omission without the need for a resolution to do.

Division 12 – Behaviour

72. Powers of Chair and Responsibilities of Members of the Public

- 72.1 In addition to the duties and discretions provided in this Chapter, the *Chair* must call to order any person who is disruptive or unruly during any meeting.
- 72.2 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 72.1.

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.

The Mayor (or Deputy Mayor if they are presiding) separately retain the power to direct a Councillor to leave a Council meeting if the Councillor's behaviour is preventing Council from conducting its business. The power is to be found in section 19(1)(b) of the Act.

73. 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 21.2 and 21.3 apply.

74. Removal from Chamber

The *Chair* may ask a member of Council staff 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 72.2.

Division 14 – Suspension of Standing Orders

75. Suspension of Standing Orders

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

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.

75.2 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....."

75.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

75.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

Division 15 – Physical and Remote Attendance

76. Mode of Attendance

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

76.1.1 wholly in person;

76.1.2 wholly by electronic means; or

76.1.3 partially in person and partially by electronic means.

76.2 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:

76.2.1 wholly in person;

76.2.2 wholly by electronic means; or

76.2.3 partially in person and partially by electronic means.

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

- 76.4 Any request made under sub-Rule 76.3 must:
- 76.4.1 be in writing;
 - 76.4.2 be given to the *Chief Executive Officer* at least one hour prior to the commencement of the relevant *Council meeting*; and
 - 76.4.3 specify the reasons why the Councillor is unable or does not wish to attend the *Council meeting* in person.
- 76.5 The *Chief Executive Officer* must ensure that any request received in accordance with sub-Rule 76.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant *Council meeting*.
- 76.6 *Council* may approve and must not unreasonably refuse any request.
- 76.7 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*.
- 76.8 Without detracting from anything said in sub-Rule 76.7, a Councillor who is *attending a meeting* by electronic means must be able to:
- 76.8.1 hear the proceedings;
 - 76.8.2 see all Councillors who are also *attending the Council meeting*, at least while a Councillor or member of Council staff is speaking;
 - 76.8.3 be seen by all Councillors and members of the public who are physically present at the *Council meeting*; and
 - 76.8.4 be heard when they speak.
- 76.9 If the conditions of sub-Rule 76.8 cannot be met by one or more Councillors *attending a Council meeting*, whether because of technical difficulties or otherwise:
- 76.9.1 the *Council meeting* will nonetheless proceed as long as a quorum is present; and
 - 76.9.2 the relevant Councillor (or Councillors) will be treated as being absent from the *Council meeting* or that part of the *Council meeting*
- unless the *Chair* rules that the meeting be paused for a short time or the *Council meeting* is adjourned in accordance with *these Rules*.
- 76.10 Nothing in this Rule 76 prevents a Councillor from joining (or re-joining) a *Council meeting* at the time that they achieve compliance with sub-Rule 76.8 even if the *Council meeting* has already commenced or has continued in their absence.
- 76.11 Notwithstanding anything else in *these Rules*, *Council* (or if exceptional circumstances exist, the *Chair*) may, in adjourning any *Council meeting*, adjourn the *Council meeting* so that:
- 76.11.1 what was a *Council meeting* conducted wholly in person becomes a *Council meeting* conducted wholly by electronic means or partially in person and partially by electronic means;

76.11.2 a *Council meeting* conducted wholly by electronic means becomes a *Council meeting* conducted wholly in person or partially in person and partially by electronic means; or

76.11.3 a *Council meeting* conducted partially in person and partially by electronic means becomes a *Council meeting* conducted wholly in person or wholly by electronic means.

77. Meetings Conducted Remotely

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

Division 16 – Miscellaneous

78. Criticism of Councillors and members of Council staff

78.1 A Councillor may make a brief statement in response to comments made or reported as having been made about them by another Councillor or person if the Councillor reasonably believes that what was said or reported requires correction.

78.2 A Councillor wishing to make sure a statement must, if practicable, give the *Mayor*, notice of their intention to do so by noon on the day of the *Council meeting* on which it is intended to make the statement.

78.3 Nothing in this Rule 78 precludes a Councillor from making a written statement instead of a brief oral statement and providing that *written* statement to the *Chief Executive Officer* by 9am six (6) *business days* prior to the *Ordinary Council meeting* at which it is proposed to table the *written* statement.

78.4 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.

78.5 A statement under sub-Rule 78.4 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.

78.6 No debate will be permitted on any statement made under this Rule 78.

79. Procedure not provided in this Chapter

In all cases not specifically provided for by this Chapter, *Council* may, by resolution, determine the procedure to be followed.

Chapter 3 – Meeting Procedure for Delegated Committees

80. Meeting Procedure Generally

If Council establishes a Delegated Committee:

80.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*, and

80.2 any reference in Chapter 2 to:

80.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;

80.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*, and

80.2.3 the *Mayor* is to be read as a reference to the Chair of the *Delegated Committee*.

81. Meeting Procedure Can Be Varied

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

81.1 *Council* may; or

81.2 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

82. 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*.

83. 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

84. Definition

In this Chapter:

- 84.1 “*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 ‘Assembly’ or by some other name); and
- 84.2 a member of a *Delegated Committee* includes a Councillor.

85. 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:

- 85.1 are *in attendance* must, unless disclosure of the nature of the conflict of interest will unreasonably reveal personal information concerning another individual, 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 if exceptional circumstances exist
- 85.2 are *in attendance* may disclose that conflict of interest by different means if disclosure of the nature of the conflict of interest will unreasonably reveal personal information concerning another individual. In that event the Councillor must provide to the *Chief Executive Officer or delegate* before the *Council meeting* commences a written notice:
- 85.2.1 advising of the conflict of interest;
- 85.2.2 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
- 85.2.3 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.

86. 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:

- 86.1 are *in attendance* must, unless disclosure of the nature of the conflict of interest will unreasonably reveal personal information concerning another individual, 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 if exceptional circumstances exist
- 86.2 are *in attendance* may disclose that conflict of interest by different means if disclosure of the nature of the conflict of interest will unreasonably reveal personal information concerning another individual. In that event the Councillor must provide to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a written notice:
 - 86.2.1 advising of the conflict of interest;
 - 86.2.2 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
 - 86.2.3 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
 - 86.2.4 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 has 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.

87. 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:

- 87.1 are *in attendance* must, unless disclosure of the nature of the conflict of interest will unreasonably reveal personal information concerning another individual, 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 if exceptional circumstances exist

87.2 are in *attendance* may disclose that conflict of interest by different means if disclosure of the nature of the conflict of interest will unreasonably reveal personal information concerning another individual. In that event the Councillor must provide to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:

87.2.1 advising of the conflict of interest;

87.2.2 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

87.2.3 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

87.2.4 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.

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

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

88.1 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;

88.2 absent themselves from any discussion of the matter; and

88.3 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.

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

89.1 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:

89.1.1 *Council meeting*;

89.1.2 *Delegated Committee meeting*;

89.1.3 *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.

89.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 89.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

89.3 If the member of Council staff referred to in sub-Rule 89.1 is the *Chief Executive Officer*:

89.3.1 the *written* notice referred to in sub-Rule 89.1 must be given to the *Mayor*; and

89.3.2 the obligation imposed by sub-Rule 89.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

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

90.2 If the member of Council staff referred to in sub-Rule 90.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

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

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

91.2 If the member of Council staff referred to in sub-Rule 91.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

92. 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

93. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 93.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 93.2 is attended by at least one member of Council staff; and
- 93.3 is not a *Council meeting*, *Delegated Committee* meeting, *Community Asset Committee* meeting, planning conference or like meeting

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

- 93.4 tabled at the next convenient *Council meeting*; and
- 93.5 recorded in the minutes of that *Council meeting*.

94. Confidential Information

- 94.1 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.
- 94.2 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.
- 94.3 Nothing in sub-Rule 94.2 will, without more, mean that information designated by the *Chief Executive Officer* under sub-Rule 94.1 satisfies the definition of “confidential information” contained in section 3(1) of the *Act*.

Chapter 7– Election Period Policy

95. Objective

To ensure:

- 95.1.1 compliance with the provisions of the *Local Government Act 2020* (Vic) dealing with the election period during the lead up to local government elections;
- 95.1.2 Council does not make prohibited decisions or use resources inappropriately during the election period;
- 95.1.3 there are limits on community engagement and the scheduling of Council events; and
- 95.1.4 access to information held by Council is made equally available to candidates during the election period.

This policy forms part of the Governance Rules for Glen Eira City Council. It must be adhered to by all Councillors and members of Council staff. It applies in respect of both a General Election for Council, and a by-election that is held because of an extraordinary vacancy on Council.

96. Prohibited Decisions

- 96.1 Council will not, by resolution or under delegation, make any Prohibited Decision during the Election Period.
- 96.2 Council decisions (whether made by resolution or under delegation) which would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election are prohibited during the Election Period.
- 96.3 Agendas for Council Meetings held during the Election Period must contain a certification by the Chief Executive Officer that no Agenda item involves the making of a Prohibited Decision.
- 96.4 A Prohibited Decision relating to the appointment or remuneration of the Chief Executive Officer, or which commits Council to expenditure exceeding one per cent of its income from general rates, municipal charges and service rates and charges in the preceding financial year, is invalid if it is made during the Election Period.
- 96.5 Any person who suffers any loss or damage as a result of acting in good faith based on a Prohibited Decision which is invalid under section 96.4 is entitled to compensation from Council for that loss or damage in accordance with section 69 of the Act.

97. Council Resources and Misuse of Position

- 97.1 Councillors must not misuse, or inappropriately make use of, their position to gain an advantage for themselves or another person, or to cause detriment to Council or another person at any time, including during the Election Period. Without limitation, if a Councillor chooses to stand as a candidate for the election, the Councillor must:
 - 97.1.1 continue to act in accordance with their obligations under the Act and relevant codes of conduct;

- 97.1.2 take care to maintain the distinction between their position as a current Councillor and their role as a candidate for the election;
- 97.1.3 avoid any conflicts of interest between their position as a current Councillor and their role as a candidate for the election; and
- 97.1.4 maintain appropriate relationships with Council Officers, including by observing all relevant communications protocols between Councillors and Council Officers.
- 97.2 Councillors must not use Council issued equipment (including mobile phones, tablets, laptops, computers and/or printers) as a resource to assist with election campaigns.
- 97.3 Councillors can return equipment if they choose, during the Election Period.
- 97.4 Councillors may, during the Election Period, continue to use any Council equipment provided to them to facilitate their performance of normal and day to day Council duties, subject to existing protocols and terms of use.
- 97.5 Councillor candidates must not use Council resources in connection with any activity associated with their election campaigns, regardless of any reference to "reasonable personal use" of Council equipment under any other policy, protocol or terms of use.
- 97.6 Councillor candidates must also be mindful to manage any perceived conflicts even where, in the use of a Council-provided resource, a direct expense isn't incurred. This may include, for example:
 - 97.6.1 where campaign related emails are received in a Council email account. Councillors should send any responses from a private email and encourage the correspondent to use that account in the future; and
 - 97.6.2 where campaign related calls are received on a Council device. Councillors should provide and encourage the caller to use a non-Council number for future calls.
- 97.7 During the Election Period Councillors must not participate in any interstate or overseas travel in their capacity as a Councillor. In circumstances where it is imperative that the Mayor (or nominee) represent Council on a delegation or forum, Council may, by resolution, approve such attendance. If consideration by Council is impractical, the Chief Executive Officer may determine the issue.
- 97.8 No Council events, logos, letterheads, business cards, postage, uniforms or other Council identifying items, or other material such as photographs sourced or created by Council or other Council branding should be used for, or linked in any way to, a candidate's election campaign.
- 97.9 Councillor candidates are to be mindful of reproducing Council information on personal websites and social media as they are subject to copyright.
- 97.10 Councillor candidates must not create the perception that Council in any way endorses their views, or supports their election campaign presented on personal websites or social media, by misrepresenting Council branding during campaigning and the Election Period. Council remains at all times impartial and unbiased.

- 97.11 Reimbursements of Councillors' out-of-pocket expenses must only apply to expenses that have been incurred in the performance of normal Council duties, and not for expenses that have been incurred in connection with a candidate's election campaign.
- 97.12 Members of Council staff must not assist in preparing Electoral Matter or any related activity.

98. Publications and Advertising

- 98.1 A Councillor or members of Council staff must not use Council resources:
- 98.1.1 in a way that is intended or likely to affect the result of the election; or
 - 98.1.2 to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any Electoral Material during the Election Period on behalf of, or purporting to be on behalf of, Council, unless the Electoral Material only contains information about the election process or is otherwise required by law.
- 98.2 Council will refrain from printing, publishing or distributing any materials during the Election Period which relate to issues that are the subject of election campaigns, except if the printing, publishing or distribution of a document or other material is essential for the conduct of Council's operations. Where that is the case, the document or material must first be approved in writing by the Chief Executive Officer. This obligation also applies to any publications appearing via Council's social media platforms, including on Facebook, Instagram, LinkedIn and YouTube.
- 98.3 Council will, during the Election Period, also restrict details about Councillors on Council's website to the extent practicable. Material that could be viewed as Electoral Matter on social media pages operated by Council will not be permitted to be posted during the Election Period.
- 98.4 Any publication on Council's social media channels such as Facebook, Instagram and LinkedIn during the election period must not breach section 290(1) of the Act.
- 98.5 Staff responsible for administering individual social media sites will monitor their respective sites during the Election Period and use moderation features where available to ensure no electoral matter is posted. All social media activity during the Election Period is to conform with the following:
- 98.5.1 Facebook, Instagram and LinkedIn posts to be kept to minimum, normal day-to-day activities only.
 - 98.5.2 No launches or announcements of any new projects, policy initiatives, or programs.
 - 98.5.3 No matter is permitted that may be construed as electoral matter – sites should be reviewed to ensure there is none.
 - 98.5.4 Any election related comments/posts by the public should be deleted as soon as possible.
- 98.6 The Chief Executive Officer may publish a correction to inaccurate or misinformation contained in any electoral material.
- 98.7 Councillors who are standing for re-election must ensure that their own campaign material (to be prepared at their expense) does not bear any reference or inference that such material

is from Council, or is supported or endorsed by Council and must not bear any Council identification such as logos, design schemes or colour schemes.

- 98.8 Members of Council staff must not, when acting in the course of their employment or when it could reasonably be perceived that they are acting in the course of their employment, make any public statement that could be construed as influencing the election, except as approved by the Chief Executive Officer.
- 98.9 Council publicity during the Election Period will be restricted to promoting normal Council activities. Where a publicity campaign is deemed necessary for a Council service or function (e.g. vaccinations), it must be approved by the Chief Executive Officer. Council-funded publicity will not feature Councillors except the Mayor when representing Council in an official capacity.
- 98.10 Public Questions at Council Meetings, which would normally be recorded in the Minutes, should avoid Electoral Matter and a question may be disallowed on that ground.
- 98.11 During the Election Period, the Chief Executive Officer (or their delegate) shall be Council's spokesperson. Any requests for media advice or assistance from Councillors during the Election Period must be determined by the Chief Executive Officer (or their delegate). In any event, Councillors must not use their position or their access to members of Council staff or other Council resources to gain media attention for the purposes of an election campaign or to benefit an election campaign. No media advice or assistance will be provided to Councillors in relation to election campaign matters, or in regard to publicity that involves specific Councillors.
- 98.12 Council is required to produce and put on public display a copy of its Annual Report. The Annual Report may be published during the Election Period.
- 98.13 The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.
- 98.14 The Chief Executive Officer must authorise any bulk mailouts to community or to ratepayers during the election period.

99. Election Signs on Public Land

- 99.1 Election signs and notices, posters or advertisements containing Electoral Matter must not be erected, posted or displayed on land, buildings or structures owned or managed by Council except:
- 99.1.1 by the Victorian Electoral Commission (VEC) in connection with the conduct of the election; or
- 99.1.2 where an election is to be determined by attendance voting, at voting centres on election day or early voting centres during the times and dates nominated by the VEC for early voting.

100. Community engagement

- 100.1 No community engagement will be undertaken during the Election Period unless prior approval is obtained from the Chief Executive Officer.

- 100.2 Community engagement in this Part means a process involving an invitation and opportunity for the public to comment or provide an opinion on a matter, proposed action or proposed policy.
- 100.3 The Chief Executive Officer will consider the following factors when deciding whether to approve community engagement:
- 100.3.1 whether the community engagement could reasonably take place after the election;
 - 100.3.2 whether conducting the community engagement could affect voting in the election;
 - 100.3.3 whether risks of influencing the election can be reduced or avoided;
 - 100.3.4 whether special circumstances exist which make the community engagement necessary during the Election Period; and
 - 100.3.5 the financial and other repercussions of postponing the community engagement until after the election.
- 100.4 Where public consultation during an Election Period is approved, the results of that community engagement will not be published or disclosed until after the Election Period except where approved by the Chief Executive Officer.
- 100.5 Community engagement in this Part does not include consultations required by any Act or Regulation which are conducted in the normal course of Council operations, such as those following the publication of planning applications as required under the Planning and Environment Act 1987 (Vic).

101. Council Events

- 101.1 Council organised events and functions held during the Election Period will be reduced to only those essential to the operation of the Council or which are held to mark state or national celebrations.
- 101.2 Publications promoting any Council events or functions held during the Election Period must comply with this Policy.
- 101.3 Councillors must not give speeches at Council events during the Election Period.
- 101.4 Invitations will be issued by the Council and not under the name of the Mayor or Councillors.
- 101.5 Under no circumstances may candidates use Council events to campaign.
- 101.6 Political or campaign signage or material must not be displayed or distributed at Council events.
- 101.7 Councillors are, during the Election Period, able to attend events or functions conducted by external bodies but must be mindful of the obligations in the Act to avoid misuse of their position.

102. Information for Candidates

- 102.1 As much as practicably possible, access to information held by Council must be made equally available to candidates during the Election Period, subject to applicable legislative requirements.
- 102.2 Councillors will, during the Election Period, continue to receive information necessary to perform their roles, however, neither Councillors nor candidates will receive information or advice from members of Council staff that may advantage them in the election.

103. Information Register

- 103.1 An Information Request Register will be maintained by Council's Coordinator Councillor Business commencing on the opening of nominations. This Register will be a public document published on Council's website that records all requests for information of a non-election nature by all candidates, and the responses given to those requests.
- 103.2 Responses to candidate's requests will be provided by Directors or the Chief Executive Officer.
- 103.3 The request for information will have regard to the following:
 - 103.3.1 Whether the request is reasonable, for example are not voluminous
 - 103.3.2 Commercial in confidence
 - 103.3.3 Privacy
 - 103.3.4 Confidentiality
 - 103.3.5 Freedom of Information

104. Distribution of this Policy

- 104.1 A copy of this Policy must:
 - 104.1.1 be provided to each Councillor as soon as practicable after it is adopted;
 - 104.1.2 be available for inspection by the public at the Council office; and
 - 104.1.3 be published on Council's website.

105. Committees

- 105.1 Delegated Committees, Community Asset Committees and Advisory Committees must not discuss or debate electoral matters during the election period and will avoid meeting during the election period where practicable. All relevant provisions of the Election Period Policy will be observed at any meeting of a Delegated Committee, Community Asset Committee or Advisory Committee during the election period.

106. Correspondence

- 106.1 During the election period operational correspondence will be managed by the appropriate Director.
- 106.2 Correspondence in response to significant, sensitive or controversial matters or to policy matters will be signed by the CEO, unless delegated to the relevant Director.
- 106.3 The Mayor must avoid signing correspondence that may be considered to have an impact on the electoral outcomes.

107. Staff Nominating as a Candidate

- 107.1 Staff members nominating as a candidate for Glen Eira City Council at an election must disclose their candidacy to their Manager and the Chief Executive Officer, and for the duration of the Election Period:
 - 107.1.1 take leave of absence; and
 - 107.1.2 not perform any of the duties of the Council or their position.
- 107.2 Staff nominating as a candidate for Glen Eira City Council must, leading up to the Election Period, remain apolitical in performing their public duties and manage any conflicts of interest.
- 107.3 If a staff member is elected for the Glen Eira City Council, they cannot take the oath or affirmation of office as a Councillor unless they resign from their role prior to taking the oath or affirmation.

108. Human Rights Charter Compatibility

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

109. Associated documents

Glen Eira City Council Code of Conduct for Councillors

State and Federal Elections Policy

110. References

Local Government Act 2020 (Vic)