



**GREATER SHEPPARTON CITY COUNCIL**  
**GOVERNANCE**  
**RULES**

Adopted by Council: 23 July 2024



## CONTENTS

<b>INTRODUCTION</b> .....	<b>7</b>
1. Nature of Rules .....	7
2. Date of Commencement .....	7
3. Contents .....	7
4. Definitions .....	7
<b>CHAPTER 1 – GOVERNANCE FRAMEWORK</b> .....	<b>11</b>
5. Context.....	11
6. Decision Making.....	11
<b>CHAPTER 2 – MEETING PROCEDURE FOR COUNCIL MEETINGS</b> .....	<b>12</b>
<b>PART 1 – INTRODUCTION</b> .....	<b>12</b>
7. Purpose .....	12
8. Regard to Further Guidance .....	12
9. Situations and Matters not addressed by these Rules .....	12
10. Conflicts with other Acts.....	12
<b>PART 2 – ELECTION OF MAYOR, DEPUTY MAYOR AND OTHER CHAIRS</b> .....	<b>12</b>
11. Election of Mayor .....	12
12. Method of Voting in the election of the Mayor.....	13
13. Process for the Election of the Mayor .....	13
14. Elimination by Lot.....	14
15. Election of the Deputy Mayor or Chair of a Delegated Committee .....	14
16. Appointment of Acting Mayor .....	14
17. Statement by Mayor or Deputy Mayor .....	14
<b>PART 3 – MEETING PROCEDURE</b> .....	<b>15</b>
<b>DIVISION 1 – Notices of Meetings and Delivery of Agendas</b> .....	<b>15</b>
18. Dates and Times of Council Meetings .....	15
19. Additional Council Meetings.....	15
20. Virtual and / or Hybrid Council Meetings.....	15
21. Postponement or Cancellation of Council Meetings .....	16
22. Notice of Council Meetings to Councillors .....	16
23. Notice of Council Meetings to the Public .....	17
<b>DIVISION 2 – Chairing of Meetings</b> .....	<b>18</b>
24. Mayor to Chair.....	18
25. Acting Chair in Mayor’s Absence .....	18
<b>DIVISION 3 – Quorums</b> .....	<b>18</b>
26. Inability to Gain a Quorum .....	18
27. Inability to Maintain a Quorum .....	18
28. Council decision making where quorum cannot be maintained due to Conflicts of Interest .	18

29.	Adjournment of Meetings .....	19
30.	Notice of Adjourned Meeting.....	19
	<b>DIVISION 4 – Conflicts of Interest .....</b>	<b>19</b>
31.	Disclosure .....	19
	<b>DIVISION 5 – Business of Meetings.....</b>	<b>19</b>
32.	The Order of Business .....	19
33.	Chief Executive Officer will prepare the Agenda .....	19
34.	Urgent Business.....	19
35.	Reports of Delegated Committees.....	20
36.	Reports from Councillors.....	20
	<b>DIVISION 6 – Minutes .....</b>	<b>20</b>
37.	Contents of Minutes .....	20
38.	Live Streaming and Recording of Meetings .....	21
39.	Confirmation of Minutes .....	21
40.	Deferral of Confirmation of Minutes .....	22
41.	Publication of Minutes .....	22
	<b>DIVISION 7 – Motions and Debate .....</b>	<b>22</b>
42.	Chair’s Powers and Duties.....	22
43.	Questions and Points of Clarification .....	23
44.	Addressing the Meeting .....	23
45.	Interruptions .....	24
46.	Moving a Motion.....	24
47.	Alteration of Motions .....	25
48.	Amendments .....	25
49.	Who May Move an Amendment.....	25
50.	Moving an Amendment .....	25
51.	Who May Debate an Amendment.....	26
52.	How many Amendments may be proposed.....	26
53.	An Amendment once Carried or Lost.....	26
54.	Speaking to a Motion or an Amendment.....	26
55.	Lost Motion.....	26
56.	Chair may speak .....	26
57.	Right of reply .....	27
58.	Withdrawal of Motions.....	27
59.	Separation of Motions .....	27
60.	Debate must be Relevant to the Motion.....	27
61.	Speaking Times .....	27
62.	Foreshadowing Motions.....	27
63.	Speaking by Chief Executive Officer and/or Council Officers.....	28

<b>DIVISION 8 – Notice of Motion .....</b>	<b>28</b>
64. Councillors may Submit Notices of Motion .....	28
65. Procedure for Submitting a Notice of Motion .....	28
66. Rejection of Notice of Motions .....	29
67. Listing Notices on an Agenda .....	29
68. Register of Notices .....	30
69. Notice of Motion may be Moved by any Councillor.....	30
70. Notice of Motion must be Moved as listed in the Agenda.....	30
<b>DIVISION 9 – Notice of Amendment or Rescission of Resolution .....</b>	<b>30</b>
71. Notice of Amendment or Rescission of Resolution.....	30
72. When Not Required.....	31
73. Cannot be Amended .....	31
74. Treatment of Notices to Amend or Rescind .....	31
<b>DIVISION 10 – Laying a Motion on the Table.....</b>	<b>31</b>
75. Laying a Motion on the table .....	31
76. Guidelines for Laying a Motion on the table .....	31
<b>DIVISION 11 – Points of Order .....</b>	<b>32</b>
77. Points of Order .....	32
78. Dissent from Chair's Ruling .....	33
<b>DIVISION 12 – Voting .....</b>	<b>33</b>
79. How Motions are Determined .....	33
80. Division.....	34
81. Procedure for a Division.....	34
82. No Discussion Once Declared .....	34
<b>DIVISION 13 – Petitions .....</b>	<b>34</b>
83. Petitions .....	34
<b>DIVISION 14 – Conduct and Discipline .....</b>	<b>35</b>
84. Objectionable remarks by Councillors .....	35
85. Suspension of Councillors .....	35
86. Gallery to be silent .....	35
87. Improper and disorderly conduct by a member of the public.....	36
88. Removal from Meeting.....	36
89. Chair May Adjourn Disorderly Meeting .....	36
<b>DIVISION 15 – Suspension of Standing Orders .....</b>	<b>36</b>
90. Suspension of Standing Orders .....	36
<b>PART 4 – PUBLIC QUESTION TIME.....</b>	<b>36</b>
91. Public Question Time to be Held .....	36
92. Submission of Questions .....	37
93. Question Guidelines.....	37

94. Question Time Procedure .....	38
<b>CHAPTER 3 – MEETING PROCEDURE FOR DELEGATED COMMITTEES .....</b>	<b>39</b>
95. Meeting Procedure Generally .....	39
96. Meeting Procedure Can Be Varied .....	39
<b>CHAPTER 4 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES .....</b>	<b>40</b>
97. Introduction .....	40
98. Meeting Procedure .....	40
<b>CHAPTER 5 – DISCLOSURE OF CONFLICTS OF INTEREST .....</b>	<b>41</b>
99. Introduction .....	41
100. Definition .....	41
101. Obligations with regard to Conflicts of Interest .....	41
102. Disclosure of a Conflict of Interest at a Council Meeting .....	41
103. Disclosure of Conflict of Interest at a Delegated Committee Meeting .....	42
104. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting .....	43
105. Disclosure at a Meeting conducted under the auspices of Council .....	43
106. Disclosure by Council Officers Preparing Reports for Meetings.....	44
107. Disclosure of Conflict of Interest by Council Officers in the Exercise of Delegated Power ...	44
108. Disclosure by a Council Officer in the Exercise of a Statutory Function.....	44
109. Retention of Written Notices .....	44
<b>CHAPTER 6 – MISCELLANEOUS.....</b>	<b>45</b>
110. Informal Meetings of Councillors.....	45
111. Confidential Information .....	45
<b>CHAPTER 7 – PROCEDURAL MOTIONS.....</b>	<b>46</b>
112. Table of Procedural Motions .....	46
<b>CHAPTER 8 – ELECTION PERIOD POLICY.....</b>	<b>48</b>
<b>1. Purpose.....</b>	<b>48</b>
<b>2. Objective.....</b>	<b>48</b>
<b>3. Scope.....</b>	<b>49</b>
<b>4. Definitions.....</b>	<b>49</b>
<b>5. Policy.....</b>	<b>50</b>
5.1 Decision Making.....	50
5.2 Council Publications.....	51
5.3 Council Website .....	52
5.4 Community Engagement and Public Consultation .....	52
5.5 Small Town Catch Ups / Community Information Sessions .....	52
5.6 Media.....	52
5.7 Public Notices and Advertising .....	53
5.8 Social Media.....	53
5.9 Council Resources .....	54

5.10	Events and Speeches .....	54
5.11	Correspondence.....	55
5.12	Use of the Title "Councillor" .....	55
5.13	Dispute Resolution .....	55
5.14	Equitable Distribution of Information .....	55
5.15	Conduct of Council Officers .....	55
<b>6.</b>	<b>Related Policies and Documents.....</b>	<b>56</b>
<b>7.</b>	<b>Related Legislation.....</b>	<b>56</b>
<b>8.</b>	<b>Review.....</b>	<b>56</b>
<b>9.</b>	<b>Attachments.....</b>	<b>56</b>

**GOVERNANCE RULES**

**Introduction**

**1. Nature of Rules**

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

**2. Date of Commencement**

These Governance Rules commence on the date of adoption by Council.

**3. Contents**

These Governance Rules are divided into the following Chapters:

<b>Chapter</b>	<b>Name</b>
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	Procedural Motions
Chapter 8	Election Period Policy

**4. Definitions**

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

- “Absolute Majority” means the number of:

  - (a) Councillors which is greater than half the total number of Councillors of Council; and
  - (b) members of a Delegated Committee which is greater than half the total number of members of the Delegated Committee.
- “Act” means the *Local Government Act 2020*.
- “Additional Council Meeting” means a meeting called in accordance with rule 19.
- “Advisory Committee” means any ‘body’ established by Council to provide advice to it in a particular case or generally.
- “Agenda” means the notice of a Council Meeting setting out the business to be transacted at the meeting and includes a revised Agenda.

“Amendment”	means a minor change or addition designed to improve or clarify the intent of the motion.
“Attend”	includes attend, attending or in attendance by electronic means (virtual attendance).
“Business Day”	means every day that is not a Saturday or Sunday or a day appointed under the <i>Public Holidays Act 1993</i> as a public holiday in the municipal district.
“Chair”	means the: <ul style="list-style-type: none"> <li>(a) Councillor elected as Mayor under rule 11;</li> <li>(b) person appointed as the Chairperson of a Delegated Committee; or</li> <li>(c) person taking the chair at a Meeting in accordance with these Rules in the absence of the Mayor or Chairperson of the Delegated Committee,</li> </ul> as the case requires.
“Chief Executive Officer”	means the person occupying the position of Chief Executive Officer of Council, and includes a person acting in that position.
“Committee”	means a Delegated Committee and a Community Asset Committee.
“Community Asset Committee”	means a Community Asset Committee established under section 65 of the Act.
“Community Asset Committee Meeting”	means a meeting of a Community Asset Committee.
“Confidential Information”	has the same meaning as in s 3(1) of the Act.
“Consent of the Chair”	means the permission of the Chair granted to a Councillor or member of a Delegated Committee for an act to occur without the need for a formal resolution, except that, where any Councillor or member of a Delegated Committee indicates opposition to such permission being granted, a formal resolution must be obtained.
“Consent of Council”	means the permission of a majority of Councillors present at a Council Meeting, or members of a Delegated Committee present at a Delegated Committee Meeting, without the need for a formal resolution.
“Council”	means the Greater Shepparton City Council.
“Council Meeting”	has the same meaning as in the Act and, unless the context otherwise requires, includes a Scheduled Council Meeting and an Additional Council Meeting.
“Council Officer”	means a person who is employed by Council.
“Council Officer Report”	means a report prepared by a Council Officer for consideration by Council.



“Councillor”	means a Councillor of Council.
“Delegated Committee”	means a Delegated Committee established under section 63 of the Act.
“Delegated Committee Meeting”	means a meeting of a Delegated Committee.
“Delivered”	means to be sent by post or email or otherwise deposited at each Councillor’s place of residence or business or to a place as otherwise specified by a Councillor.
“Deputy Chair”	means the: <ul style="list-style-type: none"> <li>(a) Councillor elected as Deputy Mayor under rule 15;</li> <li>(b) person appointed as the Deputy Chair of a Delegated Committee; or</li> <li>(c) other person taking the chair at a Meeting in accordance with these Rules in the absence of the Mayor or Chair of the Delegated Committee,</li> </ul> as the case requires.
“Director”	means a Council Officer appointed by the Chief Executive Officer as part of Council’s Executive Leadership Team.
“Division”	means a formal count of those Councillors or members of a Delegated Committee who voted for or against, or did not vote in respect of, a motion and the recording of that count and the way each Councillor or member of the Delegated Committee voted in the minutes of the Meeting.
“Election Period”	means the period of time prior to a general election of Council that starts at the time that nominations close, and ends at 6pm on Election Day.
“Finalisation of the Agenda”	means the time at which the Agenda for a Meeting has been approved by the Chief Executive Officer for distribution to the public.
“Informal Councillor Meeting”	means a meeting referred to in rule 107.
“Mayor”	means the Mayor of Council or in the Mayor’s absence the Deputy Mayor.
“Meeting”	means a Scheduled Council Meeting, an Additional Council Meeting, a Delegated Committee Meeting and a Community Asset Committee Meeting, as the context requires.
“Notice of Motion”	means a notice setting out the text of a motion, which is proposed by a Councillor to be moved at a Meeting in accordance with Division 8 of Part 3 of Chapter 2 of these Rules.

“Point of Clarification”	means to seek clarification or understanding on words of others that are not understood.
“Point of Order”	means a point of order raised in accordance with rule 77.
“Quorum”	at a Council Meeting or Delegated Committee Meeting means an Absolute Majority of Councillors or members of the Delegated Committee, as the case requires.
“sent electronically”	in respect of communication to and from Councillors includes an email forwarded to the Council-provided email account of the Councillor, or the provision of documents transmitted via a secure software application to a Council-provided device.
“Standing Orders”	means the provisions of these Rules governing the conduct of Meetings.
“Suspension of Standing Orders”	means the suspension of the provisions of these Rules governing the conduct of Meetings to facilitate full discussion on a matter without formal constraints.
“these Rules”	means these Governance Rules.
“Urgent Business”	means a matter that has arisen since Finalisation of the Agenda for a Meeting and cannot safely or conveniently be deferred until the next Meeting.
“virtual attendance”	means attendance at a Council Meeting in accordance with rule 19.
“written”	includes duplicated, photocopied, printed and typed.

## 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 Live Streaming and Publishing Recordings of Council Meetings Policy;
  - 5.2.2 Exercise of Delegations Policy
  - 5.2.3 Councillor Code of Conduct
  - 5.2.4 Councillor Gift Policy
  - 5.2.5 Conflict of Interest Policy
  - 5.2.6 Councillor Expenses Policy

### 6. Decision Making

- 6.1 Where Council makes a decision in any matter (including persons acting with the delegated authority of Council), Council must consider the matter and make the decision:
  - 6.1.1 fairly, 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).
- 6.3 Without limiting anything in 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) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person has 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 must 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 must 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 Council Officer proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the Council Officer must, when making that decision, ensure that they record that notice of the decision to be made was given to the person or persons and such person was or persons were provided with an opportunity to communicate their views and have their interests considered.

## Chapter 2 – Meeting Procedure for Council Meetings

### PART 1 – INTRODUCTION

#### 7. Purpose

The purpose of this Chapter is to:

- 7.1 provide for the election of the Mayor and Deputy Mayor;
- 7.2 provide for the procedures governing the conduct of Meetings; and
- 7.3 set expectations with respect to the behaviour of those participating in or present at Meetings.

#### 8. Regard to Further Guidance

In exercising its powers and functions under these Rules, Council may have regard to any guidelines, policies, codes or standards it has adopted for the purpose.

#### 9. Situations and Matters not addressed by these Rules

Where a situation or matter is not addressed in these Rules, the course of action may be determined by:

- 9.1 the Chair; or
- 9.2 by resolution of Council.

#### 10. Conflicts with other Acts

Where any rule conflicts or is inconsistent with the Act or any other legislation, the Act or other legislation has precedence and the rule is inoperative to the extent of the conflict or inconsistency.

### PART 2 – ELECTION OF MAYOR, DEPUTY MAYOR AND OTHER CHAIRS

#### 11. Election of Mayor

- 11.1 The Chief Executive Officer shall facilitate the election of the Mayor in accordance with the provisions of the Act and will:
  - 11.1.1 convene a Council Meeting in accordance with the Act to elect a Mayor and Deputy Mayor; and
  - 11.1.2 chair the Meeting until a Mayor is elected; but
  - 11.1.3 have no voting rights.
- 11.2 The Agenda for the Council Meeting to deal with the election of the Mayor may also include:
  - 11.2.1 the adoption of a “Councillors Statement of Expectations for the position of the Mayor”;
  - 11.2.2 the election of a Deputy Mayor for Council’s consideration; and
  - 11.2.3 where it is the first such Council Meeting after a general election, the taking of the oath of office by each Councillor before the Chief Executive Officer.

## **12. Method of Voting in the election of the Mayor**

The election of the Mayor must be carried out by a show of hands at a Council Meeting that is open to the public.

## **13. Process for the Election of the Mayor**

The process to be used for the election of the Mayor is as follows:

- 13.1 The Chief Executive Officer shall invite nominations for the Office of Mayor and confirm that all nominees are willing to stand.
  - 13.1.1 Nominations do not require a seconder.
- 13.2 Where there is only one nomination, the Councillor nominated shall be declared elected as Mayor.
- 13.3 Where there is more than one Councillor nominated (candidates) for the Office of Mayor, the following process is to be followed:
  - 13.3.1 in the order of their nomination, those candidates may each address the Council Meeting for up to five minutes (with no extensions permitted) on their candidacy; and
  - 13.3.2 a vote will then be called by the Chief Executive Officer, where an Absolute Majority must be achieved to declare a candidate elected as Mayor;
- 13.4 Subject to sub-rule 13.2, the voting process is outlined below;
  - 13.4.1 all Councillors present at the Council Meeting shall be entitled to vote for one of the candidates.
  - 13.4.2 if there is more than one (1) nomination, the Councillors in attendance at the meeting must vote for one of the candidates;
  - 13.4.3 the candidate receiving an Absolute Majority of votes is declared elected as Mayor; or
  - 13.4.4 in the event no candidate receives an Absolute Majority of votes, the candidate with the fewest number of votes is eliminated;
  - 13.4.5 where two or more of the candidates have the same fewest number of votes, one candidate is to be eliminated by lot (see rule 14);
  - 13.4.6 Councillors present at the Council Meeting shall then be entitled to vote for one of the remaining candidates;
  - 13.4.7 where one of the remaining candidates receives an Absolute Majority of votes, they shall be declared elected as Mayor;
  - 13.4.8 where none of the remaining candidates receives an Absolute Majority of votes, the process as described in sub-rule 13.4.4 is repeated;
  - 13.4.9 voting for the remaining candidates shall then be repeated in this way until one of the candidates receives an Absolute Majority of votes;
    - 13.4.9.1 if the final two candidates have an equal number of votes, the vote is repeated until either one of the candidates has received an Absolute Majority of votes; or

- 13.4.9.2 where one or more Councillors were an apology, the Council Meeting may be suspended by the Chief Executive Officer and reconvened at a time when all Councillors are available to attend the Council Meeting.

#### **14. Elimination by Lot**

In the event that rule 13.4.5 is required where a candidate is to be eliminated by lot, the Chief Executive Officer, or the Mayor in the case of the election of the Deputy Mayor, shall conduct the lot and the following provisions shall apply:

- 14.1 for every candidate who received the same fewest number of votes, an identical number of pieces of paper will be placed in a receptacle;
- 14.2 one piece of paper will have the words “**eliminated**” written on it, and all the other pieces of paper will have the words “**continue**” written on them.
- 14.3 each candidate will draw one lot from the receptacle;
- 14.4 the order of drawing lots will be determined by the alphabetical order of the surnames of Councillors participating in the lot, and where two or more such Councillors’ surnames are identical, the order will be determined by the alphabetical order of Councillors’ first names; and,
- 14.4 the Councillor who draws the paper with the word “**eliminated**” written on it, shall be eliminated from candidacy for the position of Mayor.

#### **15. Election of the Deputy Mayor or Chair of a Delegated Committee**

The election of a Deputy Mayor or the Chair of a Delegated Committee will, so far as is practicable, follow the same procedure as that for the election of the Mayor.

#### **16. Appointment of Acting Mayor**

- 16.1 Council may appoint a Councillor to be the Acting Mayor, in the event that the:
- 16.1.1 The Mayor and Deputy Mayor are incapable of performing the duties of the office of Mayor for any reason including illness; or
- 16.1.2 offices of Mayor and Deputy Mayor are vacant.
- 16.2 The appointment of Acting Mayor must be determined by Council resolution and be for a specified period. The appointment expires when the specified period or the circumstances specified in sub sections 16.1.1 to 16.1.2 above no longer apply, whichever occurs first.
- 16.3 An Acting Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor.

#### **17. Statement by Mayor or Deputy Mayor**

Upon completion of the election process, the Chief Executive Officer shall invite the incoming Mayor and/or Deputy Mayor to address Council.

## **PART 3– MEETING PROCEDURE**

### **DIVISION 1 – Notices of Meetings and Delivery of Agendas**

#### **18. Dates and Times of Council Meetings**

The Council:

- 18.1 shall fix the day, time and place of all Scheduled Council Meetings by resolution;
- 18.2 may, by resolution at a Council Meeting, determine or alter the day, time and place of any Council Meeting; and
- 18.3 shall publish the Agenda for a Scheduled Council Meeting on its external website on the Friday immediately prior to the Scheduled Council Meeting.

#### **19. Additional Council Meetings**

- 19.1 An Additional Council Meeting will be held where:
  - 19.1.1 the Chief Executive Officer determines, that an Additional Council Meeting is necessary or desirable; or
  - 19.1.2 written notice of the Additional Council Meeting is provided to the Chief Executive Officer having been signed by the Mayor, or by three or more Councillors.
- 19.2 The written notice must:
  - 19.2.1.1 specify the date, time, place and mode ( in person, electronic or hybrid) of the Additional Council Meeting;
  - 19.2.1.2 specify the business to be transacted at the Additional Council Meeting;
  - 19.2.1.3 specify the reason why the business to be transacted at the Additional Council Meeting cannot be left to be considered at the next Scheduled Council Meeting; and
  - 19.2.1.4 be delivered to the Chief Executive Officer in sufficient time to enable notice to be given in accordance with Rule 23.

#### **20. Virtual and / or Hybrid Council Meetings**

- 20.1 A Councillor may request to attend a Council Meeting via electronic means.
- 20.2 Any request made under sub-Rule 20.1 must:
  - 20.2.1 be in writing.
  - 20.2.2 be given to the Chief Executive Officer no later than 2 business days prior to the commencement of the relevant Council Meeting; and
  - 20.2.3 specify the reasons why the Councillor is unable or does not wish to attend the Council Meeting in person.
- 20.3 The Chair must ensure that any request received in accordance with sub-rule 20.2 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council Meeting.

- 20.4 The Chief Executive Officer may approve and must not unreasonably refuse any request.
- 20.5 A Councillor who is attending a Council Meeting by electronic means must ensure that they are attending the meeting from a location that is secure and fit for business purposes, which includes access to such equipment that facilitates participation in the Council Meeting.
- 20.6 Without detracting from anything said in sub-rule 20.5, a Councillor who is attending a Council Meeting by electronic means must be able to:
- 20.6.1 hear the proceedings;
  - 20.6.2 see all Councillors and Council Officers who are also attending the Council Meeting, at least while a Councillor or Council Officer is speaking;
  - 20.6.3 be seen by all Councillors, Council Officers and members of the public who are physically present at the Council Meeting; and
  - 20.6.4 be heard when they speak.
- 20.7 If the conditions of sub-Rule 20.6 cannot be met by one or more Councillors attending a Council Meeting, whether because of technical difficulties or otherwise:
- 20.7.1 the Council Meeting will nonetheless proceed as long as a quorum is present; and
  - 20.7.2 the relevant Councillor (or Councillors) will be treated as being absent from the Council Meeting or that part of the Council Meeting,
- unless the Council Meeting has been adjourned in accordance with these Rules.
- 20.8 Nothing in this Rule prevents a Councillor from joining (or re-joining) a Council Meeting at the time that they achieve compliance with sub-Rule 20.6 even if the Council Meeting has already commenced or has continued in their absence.

## **21. Postponement or Cancellation of Council Meetings**

- 21.1 The Chief Executive Officer, after consulting the Mayor, may postpone or cancel a Council Meeting if:
- 21.1.1 they have been informed by Councillors that a quorum will not be reached; or
  - 21.1.2 other circumstances exist which mean that the Council Meeting cannot be safely or effectively convened.
- 21.2 If a Council Meeting is postponed or cancelled under rule 21.1, the Chief Executive Officer, must give such notice of that postponement or cancellation as they see fit, provided that all Councillors are notified.

## **22. Notice of Council Meetings to Councillors**

- 22.1 The Chief Executive Officer shall ensure that the notice of a Council Meeting is served on every Councillor, accompanied by an Agenda of the business to be dealt with at least two Business Days before the Council Meeting.
- 22.2 The notice for any Council Meeting must:



- 22.2.1 state the date, time and place of the Council Meeting;
  - 22.2.2 state the business to be dealt with at the Council Meeting; and
  - 22.2.3 be delivered or provided electronically to each Councillor.
- 22.3 Upon Finalisation of the Agenda for any Council Meeting, the Agenda may only be amended or varied by resolution of Council at the meeting, in accordance with the Governance Rules.

## **23. Notice of Council Meetings to the Public**

- 23.1 Public notice of all Council Meetings will be provided by the Chief Executive Officer in accordance with this rule 23.
- 23.2 Each notice of meeting must indicate whether the relevant Council Meeting is to be conducted:
- 23.2.1 wholly in person; and
  - 23.2.2 wholly by electronic means; or,
  - 23.2.3 partially in person and partially by electronic means.
- 23.3 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:
- 23.3.1 wholly in person;
  - 23.3.2 wholly by electronic means; or
  - 23.3.3 partially in person and partially by electronic means.
- 23.4 Public notice of Scheduled Council Meetings will be provided by:
- 23.4.1 a program of all Scheduled Council Meetings, including the date, time and place for each Scheduled Council Meeting, as updated from time to time, being displayed on Council's website; and
  - 23.4.2 the Agenda for a Scheduled Council Meeting being published on Council's website no less than two (2) days before the Scheduled Council Meeting.
- 23.5 Public notice of Additional Council Meetings will be provided by:
- 23.5.1 notice of the date, time and place of the Additional Council Meeting being published on Council's website as soon as practicable after the Additional Council Meeting is called under rule 19; and
  - 23.5.2 the Agenda for the Additional Council Meeting being published on Council's website as far in advance of the Additional Council Meeting as possible.
- 23.6 Despite the provisions of this rule 23, the Chief Executive Officer, after consulting the Mayor, may determine to provide shorter public notice of a Council Meeting where they consider it necessary to do so.

## **DIVISION 2 – Chairing of Meetings**

### **24. Mayor to Chair**

Where the Mayor is present at a Council Meeting, the Mayor shall be the Chair of that Council Meeting.

### **25. Acting Chair in Mayor's Absence**

25.1 Where, for any reason, the Mayor is unable to attend a Council Meeting, or is required to vacate the Chair, the Deputy Mayor (if elected) shall be the Acting Chair without resolution.

25.2 Where, for any reason, neither the Mayor nor the Deputy Mayor is able to attend a Council Meeting, or neither is able to take the Chair, the Chief Executive Officer shall facilitate the election of an Acting Chair from among the other Councillors present by way of nomination and resolution.

## **DIVISION 3 – Quorums**

### **26. Inability to Gain a Quorum**

If, after 30 minutes from the scheduled starting time of any Council Meeting, a Quorum cannot be gained:

26.1 the Mayor; or

26.2 if the Mayor is not in attendance, the Deputy Mayor, or

26.3 if neither the Mayor or the Deputy Mayor is in attendance, and an Acting Chair has not been elected, those Councillors present; or

26.4 if there are no Councillors in attendance, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a Director,

must adjourn the Council Meeting for a period not exceeding seven (7) days from the date of the adjournment.

### **27. Inability to Maintain a Quorum**

Where during any Council Meeting or any adjournment of a Council Meeting, a Quorum is lost and cannot be regained within 30 minutes, Rule 26 will apply.

### **28. Council decision making where quorum cannot be maintained due to Conflicts of Interest**

28.1 In accordance with section 67 of the Act, where a Quorum cannot be gained or maintained at a Council Meeting due to conflicts of interest among the Councillors, Rule 27 does not apply.

28.2 The Chair may defer an item of business if there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a Quorum to be lost, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Council Meeting.

28.3 If a Quorum cannot be gained or maintained due to the disclosure of conflicts of interests by the majority of Councillors, Council must consider whether the decision can be made by dealing with the matter in an alternative manner as specified below:

28.3.1 determine the matter will be considered in separate parts, if a Quorum can be maintained for each separate part; or

- 28.3.2 determine to make decisions on separate parts of the matter at a meeting where a Quorum can be maintained, before making a decision on the whole matter at a meeting for which Quorum can be maintained.
- 28.4 Subject to complying with any requirements under any Act, if a Council is unable to use an alternative manner, the Council must decide to establish a delegated committee to make the decision in regard to the matter consisting of:
  - 28.4.1 all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
  - 28.4.2 any other person or persons that the Council considers suitable.
- 28.5 A decision made under delegation due to Council not being able to gain or maintain a Quorum will be reported to the next Scheduled Council Meeting.

**29. Adjournment of Meetings**

In addition to any other method of adjournment provided in these Rules, where a Quorum is present, Council may resolve to adjourn any Council Meeting and must include the reason for the adjournment in the resolution.

**30. Notice of Adjourned Meeting**

- 30.1 The Chief Executive Officer must provide written notice of a Council Meeting adjourned under rule 26 or 28 but, where time does not permit for a written notice to be given, then notice by telephone, in person or by some other means is sufficient, provided every reasonable attempt is made to contact every Councillor.
- 30.2 Such notice shall include the date, time and place to which the Council Meeting stands adjourned and of the business remaining to be considered.

**DIVISION 4 – Conflicts of Interest**

**31. Disclosure**

A Councillor who has a conflict of interest in a matter on the Agenda for a Council Meeting must disclose that conflict of interest in accordance with Chapter 5 of these Rules and comply with their remaining obligations under the Act.

**DIVISION 5 – Business of Meetings**

**32. The Order of Business**

The order of business of any Council Meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.

**33. Chief Executive Officer will prepare the Agenda**

The Agenda for a Council Meeting will be prepared by the Chief Executive Officer after consulting with the Mayor, and may include any matter that the Chief Executive Officer thinks should be considered by Council at the Council Meeting.

**34. Urgent Business**

Where the Agenda for a Council Meeting makes provision for Urgent Business, an item must not be admitted as Urgent Business unless:

- 34.1 the Mayor has determined that the proposed urgent business;
  - 34.1.1 relates to a matter which has arisen since Finalisation of the Agenda of a Scheduled Council Meeting; and

34.1.2 it cannot safely or conveniently be deferred until the next Scheduled Council Meeting;

and;

34.1.3 the Council resolves to admit the item as Urgent Business.

### **35. Reports of Delegated Committees**

35.1 Any Delegated Committee, and any Councillor who is Chair of a Delegated Committee, may submit a report to be presented to Council for consideration.

35.2 Reports must be submitted to the Chief Executive Officer for inclusion on the Agenda, no less than ten (10) business days prior to the Council Meeting at which they will be considered.

35.3 The procedure for considering a report submitted under this rule 35 will be the same as the procedure for moving a motion, as outlined in rule 46.

### **36. Reports from Councillors**

36.1 A Councillor may submit a written report for noting only by Council to any Scheduled Council Meeting on:

36.1.1 the business of a Delegated Committee, Community Asset Committee, Advisory Committee or other body to which the Councillor has been appointed as a representative of Council; or

36.1.2 a conference or professional development program attended by the Councillor in their capacity as a Councillor.

36.2 A Councillor may make such a report by submitting a written report to the Chief Executive Officer, no less than ten (10) business days prior to the Council Meeting at which it will be considered.

## **DIVISION 6 – Minutes**

### **37. Contents of Minutes**

37.1 The Chief Executive Officer must keep minutes of each Council Meeting, and those minutes must record:

37.1.1 the date, time, place and nature of the Council Meeting;

37.1.2 the names of each of the Councillors and whether they are present, an apology, on leave of absence or absent from the Council Meeting;

37.1.3 the names of Council Officers formally in attendance (not including Council Officers who are merely attending as members of the public gallery);

37.1.4 the declaration of any conflict of interest made by a Councillor, including the matters required by Chapter 5 of these Rules;

37.1.5 the declaration of any conflict of interest made by a Council Officer or any consultant / contractor who has provided advice to Council in relation to a matter being considered at the Council Meeting, including the matters required by Chapter 5 of these Rules;

37.1.6 arrivals and departures (including temporary departures) of Councillors during the course of the Council Meeting;

- 37.1.7 each motion that is unopposed as being carried unopposed;
- 37.1.8 each motion and amendment moved along with the mover and seconder of each motion and amendment;
- 37.1.9 the outcome of every motion or amendment, including motions and amendments that lapse for the want of a seconder;
- 37.1.10 where a Division is called, the names of every Councillor present and the way their vote was cast, either "For", "Against" or "Did Not Vote";
- 37.1.11 details of any failure to gain or maintain a Quorum;
- 37.1.12 the time and reason for any adjournment of the Council Meeting or suspension of Standing Orders, including any adjournment as a result of a failure to gain or maintain a Quorum;
- 37.1.13 any questions and responses provided during the meeting in accordance with Rule 93.7 for Public Question Time.
- 37.1.14 the closure of the Council Meeting to the public and the reasons for the closure;
- 37.1.15 the time at which the Council Meeting was closed; and
- 37.1.16 any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the Council Meeting or assist the reading of the minutes.

### **38. Live Streaming and Recording of Meetings**

- 38.1 The Chief Executive Officer (or other persons authorised by the Chief Executive Officer) may live stream Council Meetings, except those parts of the Council Meetings that are closed to the public. The recording of Council Meetings will be in accordance with Council's Live Streaming and Publishing Recordings of Council Meetings Policy.

### **39. Confirmation of Minutes**

- 39.1 A copy of the unconfirmed minutes of a Council Meeting are to be sent electronically to each Councillor within two (2) business days following the Council Meeting.
- 39.2 At every Scheduled Council Meeting, the minutes of the preceding Council Meeting(s) shall be confirmed by resolution.
- 39.3 When the confirmation of minutes is called on, the Chair shall ask:
  - "Is any item of the minutes opposed?"
- 39.4 Where no Councillor indicates opposition, the Chair shall seek a mover and seconder for the confirmation of the minutes.
- 39.5 A Councillor seeking to move or second the motion for confirmation of the minutes must have been in attendance at the Council Meeting that the minutes relate to.
- 39.6 No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the Council Meeting to which they relate is questioned.
- 39.7 Where a Councillor objects to the accuracy of the minutes:
  - 39.7.1 the Councillor must specify the item(s) to which they object;

- 39.7.2 where more than one item is objected to, the items objected to shall be considered separately and in the order in which they appear in the minutes;
- 39.7.3 the Councillor must move a motion clearly outlining the proposed alternative wording to amend the minutes;
- 39.7.4 the motion of objection must be seconded;
- 39.7.5 the Chair may then ask if any Councillors oppose the motion, and;
  - 39.7.5.1 if there is no opposition to the motion of objection, then the motion is adopted without debate;
  - 39.7.5.2 if a Councillor opposes the motion of objection, normal debate and voting on the amendment is to occur;
- 39.7.6 the mover of the motion of objection may speak to it once it is seconded;
- 39.7.7 the seconder of the motion may then speak, or defer their right to speak until later in the debate;
- 39.7.8 the motion shall then be opened to debate; and
- 39.7.9 at the conclusion of debate, the motion must be put to the vote.
- 39.8 A motion under rule 39.7 must relate only to the accuracy of the minutes as a record of the proceedings at the Council Meeting.
- 39.9 When all objections to the minutes have been determined, the Chair shall say as necessary:
  - “That the minutes be confirmed”; or
  - “That the minutes, as amended, be confirmed”,
 and the confirmation of the minutes shall be put to the vote.

#### **40. Deferral of Confirmation of Minutes**

Council may resolve to defer the confirmation of minutes until later in the Scheduled Council Meeting or until the next Scheduled Council Meeting as appropriate.

#### **41. Publication of Minutes**

The unconfirmed minutes and available video recordings of all Council Meetings will be published as soon as practicable after the Council Meeting on Council’s external website.

### **DIVISION 7 – Motions and Debate**

#### **42. Chair’s Powers and Duties**

- 42.1 The Chair of a Council Meeting must ensure the orderly conduct of the Council Meeting and act to prevent any conduct, question or statement which appears to the Chair to be derogatory, defamatory or embarrassing to any Councillor, Council Officer, ratepayer or member of the public.
- 42.2 The Chair must not accept any motion or amendment, which:
  - 42.2.1 is defamatory;
  - 42.2.2 is objectionable in language or nature;

- 42.2.3 is vague or unclear in intention;
  - 42.2.4 is outside the powers of Council;
  - 42.2.5 is irrelevant to the item of business on the Agenda, unless it has been admitted as Urgent Business; or
  - 42.2.6 purports to be an amendment but is not.
- 42.3 The Chair must ensure that any member of the public addressing the Council Meeting shall extend due courtesy and respect to Council and the processes under which it operates and take direction from the Chair whenever called on to do so.
- 42.4 The Chair may, in addition to any powers of the Chair under the Act:
- 42.4.1 during the Council Meeting, alter the order of business for that Council Meeting;
  - 42.4.2 require any motion to be submitted in writing;
  - 42.4.3 determine the order in which Councillors will speak in debate;
  - 42.4.4 adjourn the Council Meeting while a motion or amendment is being written;
  - 42.4.5 defer a matter until the motion or amendment has been written, allowing the Council Meeting to proceed uninterrupted;
  - 42.4.6 adjourn the Council Meeting for so long as is necessary where the Chair is required to consider a Point of Order; and
  - 42.4.7 adjourn the Council Meeting to a later time on the same day, or to some later day as deemed to be appropriate, where the Chair is of the opinion that the Council Meeting is unruly or disorderly.

### **43. Questions and Points of Clarification**

- 43.1 A Councillor may, with the leave of the Chair:
- 43.1.1 when no other Councillor is speaking, ask any question through the Chair concerning or arising out of an item of business before the Council Meeting for the purpose of a Point of Clarification; and
  - 43.1.2 before a motion is put, ask for a Point of Clarification from the Chair or, in the case of a Notice of Motion, from the Councillor who moved the Notice of Motion of the intent or some other aspect of the motion.
    - 43.1.2.1 When a Point of Clarification is raised, all Councillors are to refrain from speaking until the Point of Clarification has been resolved.

### **44. Addressing the Meeting**

- 44.1 Any Councillor or person who addresses the Council Meeting must direct all remarks and debate through the Chair.
- 44.2 Any Councillor or person addressing the Chair should refer to the Chair as:
  - 44.2.1 Mayor (Surname of the Mayor);
  - 44.2.2 Deputy Mayor (Surname of the Deputy Mayor); or

44.2.3 Chair (Surname of the Chair);

as the case may be.

44.3 All Councillors, other than the Mayor and Deputy Mayor, should be addressed as Councillor (Surname).

44.4 All Council Officers should be addressed by their title and/or surname, such as:

44.4.1 Chief Executive Officer (Surname);

44.4.2 Director (Surname).

44.5 It is not necessary for a Councillor or Council Officer to rise when speaking at a Council Meeting unless the Chair determines otherwise.

#### **45. Interruptions**

45.1 A Councillor shall not be interrupted except by the Chair or upon a Point of Order.

45.2 Where a Councillor is interrupted by the Chair or upon a Point of Order, they shall remain silent until the Chair has ceased speaking, or the Point of Order has been ruled on.

#### **46. Moving a Motion**

The procedure for moving any motion is as follows:

46.1 the mover must:

46.1.1 read out the motion in full, or

46.1.2 state that they:

“move the recommendation as printed on page ....of the Council Meeting Agenda as the motion”,

or

(where the motion is not a recommendation of a Council Officer) “move the motion as follows.....”;

46.2 the motion must be seconded by a Councillor other than the mover. The seconder must state that they:

“Second the motion”

46.3 if a motion is not seconded it will lapse for want of a seconder.

46.4 if the motion is seconded, the Chair will then call on the mover to address Council on the motion.

46.5 the Chair will then invite the seconder to address Council on the motion; or to defer their right to speak until later in the debate.

46.6 the Chair must then ask:

“Are there any Councillors that would like to speak against the motion?”

46.7 where any Councillor indicates opposition, the Chair will invite Councillors to debate the motion, commencing with those opposed and following with those in support of the motion;



- 46.8 if any Councillors speak against the motion, the mover of the motion has a right of reply in accordance with rule 57; and
- 46.9 where a debate has occurred and all Councillors have had the opportunity to speak for or against the motion, and the mover has been provided a right of reply, the motion is then put to the vote in accordance with Division 12 of the Governance Rules.

#### **47. Alteration of Motions**

- 47.1 The wording of a motion before the Chair may be modified, with the approval of the mover and seconder and the Consent of the Chair.
- 47.2 Such modification will not be treated as an amendment to the motion and the modified motion will be recorded in the minutes of the Council Meeting as the motion before the Council Meeting.

#### **48. Amendments**

- 48.1 A motion which has been moved and seconded, but not put to the vote, may be amended.
- The amendment must be limited to a minor change or addition designed to improve or clarify the intent of the motion.
- 48.2 The moving of an amendment to a motion must not be accepted by the Chair if:
- 48.2.1 the amendment does not comply with rule 42.2;
  - 48.2.2 the amendment is not relevant to the motion it seeks to amend;
  - 48.2.3 the amendment changes the intent of the original motion.

#### **49. Who May Move an Amendment**

- 49.1 An amendment may be moved or seconded by any Councillor, except the mover or seconder of the original motion.
- 49.2 A Councillor may not move more than two amendments in succession.

#### **50. Moving an Amendment**

- 50.1 An amendment may be made to a motion without debate or a vote, where it is accepted by the Councillors who moved and seconded the original motion;
- 50.2 Where an amendment is accepted under rule 50.1;
- 50.2.1 the amendment is recorded in the Council Meeting minutes as the motion before Council; and
  - 50.2.2 the original mover and seconder of the motion remain, and debate continues on from when the amendment was proposed.
- 50.3 A proposed amendment to a motion which has not been accepted by both Councillors who moved and seconded the original motion, must be seconded by another Councillor before the proposed amendment can be debated, in accordance with the normal process, and then put to the vote;
- 50.4 A proposed amendment will lapse if it is not seconded.

## **51. Who May Debate an Amendment**

- 51.1 A Councillor may address the Council Meeting once on any amendment, whether or not they have spoken to the original motion.
- 51.2 Debate on an amendment shall be confined to the acceptance or rejection of the amendment and the subject matter of the motion should not be debated at this stage.

## **52. How many Amendments may be proposed**

- 52.1 Any number of amendments to a motion may be proposed but only one amendment may be accepted by the Chair at any one time.
- 52.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be considered until the previous amendment has been dealt with.

## **53. An Amendment once Carried or Lost**

- 53.1 If the amendment is carried:
  - 53.1.1 the amended motion becomes the motion before the Council Meeting and is to be debated;
  - 53.1.2 no further action is taken on the original motion.
- 53.2 If the amendment is lost:
  - 53.2.1 the amendment is declared lost; and
  - 53.2.2 debate is to resume on the original motion.

## **54. Speaking to a Motion or an Amendment**

- 54.1 Councillors may only speak once on any motion and/or amendment, with the exception of the mover of a motion, who may exercise a right of reply in accordance with rule 57.
- 54.2 Nothing in rule 54.1 prevents a Councillor from calling a Point of Order or Point of Clarification.
- 54.3 After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

## **55. Lost Motion**

- 55.1 If a motion is lost, including a Notice of Motion, a similar motion cannot be put before Council for at least three (3) calendar months from the date it was lost, unless the Chief Executive Officer determines, after consulting with the Mayor, to bring the matter back before Council for consideration by way of a Council Officer Report. The matter in question must be time sensitive and cannot be safely deferred for three (3) months without potential legal ramifications.

## **56. Chair may speak**

- 56.1 The Chair may address a Council Meeting upon any matter under discussion, including speaking in favour of or opposing a motion.
- 56.2 Where the Chair wishes to move a motion or amendment, they must vacate the Chair for the duration of the item being considered.

- 56.3 Where the Chair chooses to vacate the Chair for a particular item, the Deputy Mayor will assume the Chair.
- 56.4 Where the Deputy Mayor is not in attendance, or declines to take the Chair, an Acting Chair appointed in accordance with Rule 25 will perform the role of the Chair until the matter has been voted on.

## **57. Right of reply**

- 57.1 Once the debate on a motion has concluded, the mover of a motion has a right of reply to matters raised during debate.
- 57.2 In exercising the right of reply, the mover of a motion must not introduce new information into their response.
- 57.3 After any right of reply has been exercised, the Motion must immediately be put to the vote without any further discussion or debate.
- 57.4 This right of reply does not extend to any motion which was not opposed, or where a motion was opposed, it does not extend to the seconder of that motion. Nor does it extend to the mover or seconder of an amendment to that motion.

## **58. Withdrawal of Motions**

- 58.1 Before any motion or amendment is put to the vote, it may be withdrawn by the mover with the Consent of the Chair.
- 58.2 The Chair may ask if any Councillor wishes to move a new motion in place of that which is withdrawn.
- 58.3 No motion, once moved and seconded, may be withdrawn without the Consent of the Chair.

## **59. Separation of Motions**

Where a motion contains more than one part:

- 59.1 a Councillor may request that the Chair put the motion to the vote in separate parts;  
or
- 59.2 in the absence of a Councillor request, the Chair may decide to put any motion to the vote in separate parts.

## **60. Debate must be Relevant to the Motion**

Debate must always be relevant to the motion before the Council Meeting. Where debate is not relevant, the Chair shall request the speaker to confine their debate to the motion.

## **61. Speaking Times**

- 61.1 A Councillor shall be provided an opportunity to speak for:
- 61.1.1 Six (6) minutes on any motion and/or amendment without extension; and
  - 61.1.2 Three (3) minutes in exercising a right of reply without extension.

## **62. Foreshadowing Motions**

- 62.1 At any time during debate, a Councillor may foreshadow a motion so as to inform Council of their intention to move a motion at a later stage in the Council Meeting, but this does not extend any special right to the foreshadowed motion.

- 62.2 The Councillor is not required to announce what the foreshadowed motion is, just state that they foreshadow a motion.
- 62.3 A foreshadowed motion will only be considered if the original motion is lost.
- 62.4 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

**63. Speaking by Chief Executive Officer and/or Council Officers**

- 63.1 The Chief Executive Officer and other Council Officers must not speak on any motion or matter during a Council Meeting unless invited by the Chair.
- 63.2 Any questions from Councillors directed to Council Officers must be asked through the Chair to the Chief Executive Officer, who will then determine who should answer the question.

**DIVISION 8 – Notice of Motion**

**64. Councillors may Submit Notices of Motion**

- 64.1 Councillors may submit a Notice of Motion in accordance with this Division 8 of Part 3 of Chapter 2 of these Rules.
- 64.2 Despite anything else in these Rules, no Notices of Motion will be accepted during the election period.

**65. Procedure for Submitting a Notice of Motion**

- 65.1 A Notice of Motion must be:
  - 65.1.1 submitted on the appropriate form via one of the following methods;
    - 65.1.1.1 the Councillor Portal,
    - 65.1.1.2 email to "[governance@shepparton.vic.gov.au](mailto:governance@shepparton.vic.gov.au)", or
    - 65.1.1.3 provided in person to a member of the governance team.
  - 65.1.2 Submitted by the Councillor no later than 10 Business Days prior to the Scheduled Council Meeting (excluding the day of the Council Meeting) at which it is to be considered; and
  - 65.1.3 Accepted by the Chief Executive Officer, no later than 7 Business Days prior to the Scheduled Council Meeting (excluding the day of the Council Meeting) at which it is to be considered, unless a notice of rejection is to be provided in accordance with Rule 66.3.
- 65.2 The Chief Executive Officer must inform Councillors about the potential legal and cost implications of any Notice of Motion that is submitted in accordance with this rule 65.
- 65.3 A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- 65.4 A Notice of Motion must call for a Council Officer report if the Notice of Motion proposes any action that:
  - 65.4.1 impacts the levels of Council service;

- 65.4.2 commits Council to either a loss of income, or expenditure that is not included in the adopted Council Budget, to the value of \$25,000 inc GST or greater;
- 65.4.3 proposes to establish, amend or extend Council policy;
- 65.4.4 proposes to impact the rights of any person who has not had the opportunity to contribute their views;
- 65.4.5 commits Council to any contractual arrangement; or
- 65.4.6 concerns any litigation in respect of which Council is a party.

## **66. Rejection of Notice of Motions**

- 66.1 The Chief Executive Officer must not accept any Notice of Motion which:
  - 66.1.1 is defamatory;
  - 66.1.2 is objectionable in language or nature;
  - 66.1.3 is vague or unclear in intention;
  - 66.1.4 is outside the powers of Council;
  - 66.1.5 is similar in form or substance to a Notice of Motion which has been put to a vote and lost in the last three (3) months; or
  - 66.1.6 seeks to amend or rescind a resolution of Council which has been acted on for the purposes of rule 71.2.
- 66.2 if passed would be likely to expose Council to a high or extreme risk, following the application of any available mitigation actions identified by the Chief Executive Officer and the consideration of any opinion expressed by any subject matter experts the Chief Executive Officer has consulted to assess the risk. The Chief Executive Officer may reject any Notice of Motion that relates to a matter that has been previously resolved by Council and is acted upon.
- 66.3 Where a Notice of Motion is rejected under rule 66.1 or 66.2, the Chief Executive Officer will:
  - 66.3.1 notify the Councillor who submitted the Notice of Motion of the rejection and reasons for the rejection; and
  - 66.3.2 provide the Councillor who submitted the Notice of Motion an opportunity, prior to finalisation of the Agenda, to submit a revised Notice of Motion in accordance with these Rules.

## **67. Listing Notices on an Agenda**

- 67.1 A Notice of Motion shall be included in the Agenda for the next Scheduled Council Meeting.
- 67.2 The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
- 67.3 Subject to a determination under rule 67.2, the full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda.

- 67.4 Where the Chief Executive Officer receives more than one Notice of Motion to be considered at a particular Council Meeting, they will be listed on the Agenda for that Council Meeting in the order in which they were received.
- 67.5 A Notice of Motion cannot be considered at an Additional Council Meeting unless that Additional Council Meeting has been called for the purpose of considering that Notice of Motion

**68. Register of Notices**

- 68.1 The Chief Executive Officer shall keep a register of all Notices of Motion to be sequentially numbered, dated and entered in the Notice of Motion Register, in the order in which they were received.
- 68.2 Except by resolution of Council, each Notice of Motion before any Council Meeting shall be considered in the order in which they were entered in the Notice of Motion Register.

**69. Notice of Motion may be Moved by any Councillor**

Where a Councillor who has submitted a Notice of Motion is absent from the Council Meeting at which their Notice of Motion is listed, or fails to move the Notice of Motion when called upon by the Chair to do so, any other Councillor present may move the Notice of Motion.

**70. Notice of Motion must be Moved as listed in the Agenda**

- 70.1 A Notice of Motion must be moved in the form of words listed in the Agenda and requires a seconder.
- 70.2 Where a Notice of Motion has been submitted but is not moved at the relevant Council Meeting, the Notice of Motion lapses.
- 70.3 A Notice of Motion, once moved and seconded, may be amended in accordance with rule 50.

**DIVISION 9 – Notice of Amendment or Rescission of Resolution**

**71. Notice of Amendment or Rescission of Resolution**

- 71.1 A Councillor may propose a motion to amend or rescind a decision of Council, by submitting a Notice of motion in accordance with Division 8 of Part 3 of Chapter 2 of these Rules, provided that:
- 71.1.1 the resolution proposed to be amended or rescinded has not been acted on; and
  - 71.1.2 the Notice of Motion specifies:
    - 71.1.2.1 the resolution to be amended or rescinded;
    - 71.1.2.2 in the case of a proposed amendment of a resolution, the manner in which it will be amended; and
    - 71.1.2.3 the date of the Council Meeting at which the resolution was made.
- 71.2 A resolution will be deemed to have been “acted on” where:
- 71.2.1 it has been formally communicated to a person who is materially affected by or reliant on it; or

71.2.2 a statutory process has been commenced, so as to vest enforceable rights in or obligations on Council or any other person.

71.3 The Chief Executive Officer, or another Council Officer may implement a resolution of Council at any time after the close of the Council Meeting at which the resolution was made.

71.4 In addition to any other rules provided for amendment or rescission of a Council resolution, in this rule 71, an amendment or rescission of a Council resolution may be proposed by way of a Council Officer Report included on the Agenda for a Council Meeting.

## **72. When Not Required**

Where Council intends to review, amend or update its Policies, a Notice of Motion to amend or rescind an earlier resolution adopting those policies is not required. The new resolution, despite being inconsistent with the earlier resolution, has the effect of adopting Council's changed policy.

## **73. Cannot be Amended**

A Notice of Motion, proposing the amendment or rescission of a resolution of Council cannot be amended.

## **74. Treatment of Notices to Amend or Rescind**

For the avoidance of doubt, a Notice of Motion to amend or rescind a previous resolution of Council will, unless the contrary intention appears, be treated as a Notice of Motion submitted under Division 8 of Part 3 of Chapter 2 of these Rules.

## **DIVISION 10 – Laying a Motion on the Table**

### **75. Laying a Motion on the table**

Any motion which has been moved and seconded but not put to the vote may be laid on the table to be heard at the next Scheduled Council Meeting or such later Council Meeting that is specified in the motion.

### **76. Guidelines for Laying a Motion on the table**

76.1 A motion being debated by Council, may be laid on the table, through the moving of a motion by any Councillor except:

76.1.1 the mover or seconder of the motion before Council; and

76.1.2 a Councillor who has already spoken to the motion.

76.2 The Chair must not accept a motion to lay a motion on the table:

76.2.1 during the election of the Chair; or

76.2.2 if it would cause Council to be in breach of a legislative requirement or obligation.

76.3 A seconder is not required to lay the motion on the table. Once moved, the motion must be put to the vote without debate.

76.4 Any further debate on the original motion is suspended until either the vote to lay the motion on the table is lost, or Council resolves to take the motion from the table.

## **DIVISION 11 – Points of Order**

### **77. Points of Order**

- 77.1 A Point of Order may be raised at a Council Meeting in relation to:
- 77.1.1 a motion that should not be accepted by the Chair on the basis of rule 42.2;
  - 77.1.2 a Councillor who is or appears to be out of order;
  - 77.1.3 any act of disorder, including:
    - 77.1.3.1 interjecting when another person is speaking, except, in the case of a Councillor, to raise a Point of Order;
    - 77.1.3.2 making comments that are defamatory, malicious, abusive or offensive;
    - 77.1.3.3 refusing to leave the Council Chamber when requested, ordered or directed to do so by the Chair in accordance with the Act; and
    - 77.1.3.4 engaging in a way which prevents the orderly conduct of the Council Meeting;
  - 77.1.4 an error in fact;
  - 77.1.5 objectionable / offensive language;
  - 77.1.6 a lack of relevance to the motion before the Council;
  - 77.1.7 an act that is outside the powers of a Councillor or the Council; or
  - 77.1.8 anything which is inconsistent with these Rules.
- 77.2 A Point of Order may be raised by any Councillor, by stating the words “point of order”.
- 77.3 A Point of Order may be raised at any time, including when the Chair or another Councillor is speaking.
- 77.4 When a Point of Order is raised, all Councillors shall cease speaking and come to order, while the Point of Order is determined.
- 77.5 When asked by the Chair, a Councillor raising a Point of Order must state:
- 77.5.1 the Point of Order; and
  - 77.5.2 the reason for the Point of Order.
- 77.6 To express a mere difference of opinion or to contradict a speaker will not be treated as a Point of Order.
- 77.7 The Chair will decide all Points of Order without entering into any discussions or comment.
- 77.8 The Chair may adjourn the Council Meeting to consider a Point of Order, but must in any event, rule on it as soon as practicable after it is raised.
- 77.9 All other matters before Council will be suspended until the Point of Order is decided.



- 77.10 The Chair shall, without entering into discussion or debate:
- 77.10.1 decide all Points of Order by stating the Point of Order is either 'upheld' or 'lost'; and
  - 77.10.2 state the provision, rule, practice or precedent which they have relied upon to determine the Point of Order raised.

**78. Dissent from Chair's Ruling**

- 78.1 A Councillor can, without notice, move to dissent from a ruling of the Chair on a point of order. The Chair must suspend the business before the meeting until a decision is made on the motion of dissent.
- 78.2 Despite any other provision of these rules, only the mover of a motion of dissent and the Chair can speak to the motion before it is put to the vote. The mover of the motion does not have a right of reply.
- 78.3 The Chair must, in accordance with Rule 56 vacate the Chair while the motion of dissent is determined.
- 78.4 If a motion of dissent is carried, the Chair must proceed with the suspended business as it was prior to the point of order ruling. If a motion of dissent is lost, the Council Meeting must proceed with the suspended business as it was with the point of order ruling.
- 78.5 Where a motion of dissent is carried, it will in no way be treated as a motion of censure or no-confidence in the Chair.

**DIVISION 12 – Voting**

**79. How Motions are Determined**

- 79.1 Each Councillor is entitled to one (1) vote on any motion before Council.
- 79.2 The Chair of a Council Meeting has, in the event of an equality of votes, a second or casting vote.
- 79.3 where the Chair declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.
- 79.4 To determine a motion before a Council Meeting, the Chair must call for those voting in favour of the motion, and those voting against the motion.
- 79.5 A Councillor present at the Council Meeting who does not vote in favour of the motion, is deemed to have voted against the motion.
- 79.6 If a majority of Councillors present at the Council Meeting vote in favour of the motion, the motion is deemed to be carried.
- 79.7 Unless Council resolves otherwise, voting on any matter is by show of hands.
- 79.8 The Chair may direct that a vote on any motion be recounted as many times as necessary for them to be satisfied as to the outcome.
- 79.9 Voting must take place in silence unless otherwise determined by the Chair.
- 79.10 Where a motion is unopposed the Chair will declare the motion as carried unopposed.

## **80. Division**

Immediately following a resolution of Council and before the next item of business has commenced, any Councillor may call for a Division.

## **81. Procedure for a Division**

81.1 When a Division is called for, the vote already taken must be set aside and the Division shall decide the outcome of the motion or amendment.

81.2 A Councillor must only vote once.

81.3 When a Division is called for, the Chair must:

81.3.1 ask for a show of hands by those Councillors voting “for” the motion or amendment, and then state the names of those Councillors;

81.3.2 ask for a show of hands by those Councillors voting “against” the motion or amendment, and then state the names of those Councillors;

81.3.3 state the names of those Councillors who did not vote on the motion or amendment, and

81.3.4 declare the result of the Division.

81.4 In addition to the outcome of the Division, the names of all Councillors who:

81.4.1 voted for the motion or amendment;

81.4.2 did not vote in favour of the motion or amendment and therefore voted against the motion.

must be recorded in the official minutes of the Council Meeting.

## **82. No Discussion Once Declared**

82.1 Once a vote on a motion has been taken, no further discussions relating to the motion will be allowed unless the discussion is for a Councillor to request for a division.

82.2 Nothing in this rule 82 is intended to prevent a subsequent motion, which supports or complements the original resolution and does not change the intent of the original motion, being moved.

## **DIVISION 13 – Petitions**

### **83. Petitions**

83.1 The Chief Executive Officer shall list a summary of all petitions received, providing they meet the criteria detailed under this Division 13 of Part 3 of Chapter 2 of these Rules.

83.2 The petition will be listed on the next available Scheduled Council Meeting Agenda for noting.

83.3 The listing shall include a description of the purpose of the petition and the number of signatories to it, however the petition itself will not be attached.

83.4 With the consent of the Chair, any Councillor may table a petition not listed on the Agenda for a Scheduled Council Meeting.

- 83.5 Unless Council agrees to deal with it earlier, no motion other than a motion to receive and note may be made on any petition until the next Scheduled Council Meeting after that at which it has been presented or tabled.
- 83.6 Where a Councillor presents or tables a petition on behalf of the petitioners that Councillor must understand the purpose of the petition and be satisfied that it does not contain language disrespectful to Council or individuals and that the contents or actions proposed do not violate any law.
- 83.7 Every petition presented to or tabled before Council shall be in writing (other than in pencil), typed or printed, contain the request of the petitioners or signatories, and be signed by at least twenty (20) people.
- 83.8 Every petition must:
- 83.8.1 clearly state the full name and address and / or email address of every signatory; and
  - 83.8.2 be signed by the persons whose names and, addresses are appended to it with their signatures or marks and, except in cases of incapacity or sickness, by no one else.
- 83.9 Where a petition contains more than one page bearing the details and signature of at least one petitioner or writer, each page shall contain the request of the petitioners or signatories.
- 83.10 Council may accept both hard copy and electronic petitions, providing they meet the essential criteria in accordance with rule 83.8.
- 83.11 Due to the personal information contained within, the petition will not be attached to the Agenda or Minutes of the Council Meeting at which it is presented or tabled.
- 83.12 The Chief Executive Officer may, in consultation with the Mayor, accept electronic petitions which do not meet Rule 83.8 if they are satisfied that the petition is, in their view, authentic.

## **DIVISION 14 – Conduct and Discipline**

### **84. Objectionable remarks by Councillors**

- 84.1 The Chair may require a Councillor to withdraw any remark made at a Council Meeting which is considered by the Chair to be defamatory, indecent, abusive, offensive, disorderly, or objectionable in language, substance or nature and to apologise, to the satisfaction of the Chair, when called upon by the Chair to do so.
- 84.2 A Councillor required to withdraw a remark and apologise shall do so immediately without qualification or explanation.

### **85. Suspension of Councillors**

In addition to, and without limiting, the power of the Chair under the Act to direct a Councillor to leave a Council Meeting, Council may by resolution suspend from a Council Meeting, and for the balance of the Council Meeting, any Councillor whose actions have disrupted the business of the Council Meeting, and have impeded its orderly conduct. An appropriate motion would be:

“I move that Councillor (name) be suspended for the balance of this Meeting”.

### **86. Gallery to be silent**

- 86.1 Members of the public must not interject or take part in the debate at any Council Meeting.

86.2 Silence must be preserved in the public gallery at all times when a Council Meeting is being conducted.

**87. Improper and disorderly conduct by a member of the public.**

87.1 The Chair shall call to order any member of the public who is disruptive or unruly during any Council Meeting.

87.2 Where any member of the public is called to order by the Chair and thereafter again acts in breach of these Rules, the Chair may order the individual to leave the Council Meeting.

87.3 Any member of the public who is ordered by the Chair to leave the Council Meeting shall leave the Council Meeting when requested to do so.

**88. Removal from Meeting**

The Chair, or Council in the case of a suspension under rule 83, may ask the Chief Executive Officer, Council Officer, Contractor or a member of Victoria Police to remove from the Chamber any person whom the Chair, or Council in the case of a suspension under rule 83, has ordered to be removed from the public gallery under these Rules.

**89. Chair May Adjourn Disorderly Meeting**

Where the conduct of Councillor/s or members of the gallery is deemed disorderly, the Chair may adjourn the Council Meeting to a later time on the same day, or to a future date.

**DIVISION 15 – Suspension of Standing Orders**

**90. Suspension of Standing Orders**

90.1 To expedite or otherwise facilitate the business of a Council Meeting, Standing Orders may be suspended by resolution of Council.

90.2 The purpose of a Suspension of Standing Orders is to enable the formalities of meeting procedure to be temporarily set aside while an issue is discussed. The Suspension of Standing Orders should not be used purely to dispense with the processes and protocol of the government of the Council.

90.3 An appropriate motion for the Suspension of Standing Orders may be:

“I move that standing orders be suspended to enable discussion on...”

90.4 No motion may be accepted by the Chair or be lawfully dealt with during any Suspension of Standing Orders and Standing Orders must be resumed by resolution of Council once the discussion has taken place.

90.5 An appropriate motion to resume Standing Orders would be:

“I move that standing orders be resumed.”

90.6 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification during Public Question Time.

**PART 4 – PUBLIC QUESTION TIME**

**91. Public Question Time to be Held**

91.1 The Council will hold a Public Question Time during each Scheduled Council Meeting to enable members of the public to receive answers to questions previously submitted for consideration.

- 91.2 No Public Question Time will be held at:
- 91.2.1 an Additional Council Meeting, unless Council resolves otherwise; or
  - 91.2.2 a Council Meeting held during the Election Period.

## **92. Submission of Questions**

Questions submitted to Council for Public Question Time must be:

- 92.1 in writing, containing the name, contact telephone number and address and / or email address of the person submitting the question;
- 92.2 addressed to the Chief Executive Officer; and
- 92.3 submitted and delivered to Council no later than 4.00pm on the day, which is at least five (5) Business Days prior to the next Scheduled Council Meeting by:
  - 92.3.1 letter to Locked Bag 1000, Shepparton Victoria 3632;
  - 92.3.2 email to [questiontime@shepparton.vic.gov.au](mailto:questiontime@shepparton.vic.gov.au); or
  - 92.3.3 hand delivery to the Council's Office at 90 Welsford Street, Shepparton.

## **93. Question Guidelines**

- 93.1 No more than two questions will be accepted from any one person at any one Scheduled Council Meeting.
- 93.2 Questions may be submitted on any matter, but the Chief Executive Officer, in consultation with the Mayor, may refuse to accept any question which:
  - 93.2.1 relates to a matter outside the duties, functions and powers of Council;
  - 93.2.2 is malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
  - 93.2.3 relates to a matter which has previously been addressed at a Council Meeting in the six (6) months prior;
  - 93.2.4 relates to any matter which constitutes Confidential Information;
  - 93.2.5 contains insufficient information to verify the identity of the individual submitting the question.
- 93.3 Where the Chief Executive Officer does not accept any question, the person who submitted the question is to be informed, in writing, of the reason or reasons why their question was not accepted.
- 93.4 The Chief Executive Officer must distribute to all Councillors, a question submitted in writing by a member of the public, which has not been accepted, and the reason or reasons why their question was not accepted.
- 93.5 Copies of all questions allowed by the Chief Executive Officer will be provided in writing to all Councillors.
- 93.6 Only the question asked will be read out at the Council Meeting. Any background information or comments accompanying the question will not be read out or heard in the Council Meeting.
- 93.7 The question and response will be printed in the minutes of the Council Meeting at which the question was asked and answered.

**94. Question Time Procedure**

94.1 During Public Question Time at each Scheduled Council Meeting, the Chief Executive Officer or the Chair will read:

94.1.1 each question submitted and accepted; and

94.1.2 the response to each question.

94.2 All questions and answers shall be as brief as possible, and no discussion shall be allowed other than:

94.2.1 at the Chair's discretion; and

94.2.2 for the purposes of clarification.

94.3 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.

### **Chapter 3 – Meeting Procedure for Delegated Committees**

#### **95. Meeting Procedure Generally**

If Council establishes a Delegated Committee:

95.1 all of the provisions of Chapter 2 apply to meetings of the Delegated Committee; and

95.2 any reference in Chapter 2 to:

95.2.1 a Council Meeting is to be read as a reference to a Delegated Committee Meeting;

95.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and

95.2.3 the Mayor or the Chair is to be read as a reference to the Chair of the Delegated Committee.

#### **96. Meeting Procedure Can Be Varied**

Notwithstanding rule 95, if Council establishes a Delegated Committee that is not composed solely of Councillors:

96.1 Council may; or

96.2 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**

### **97. 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.

### **98. Meeting Procedure**

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



## Chapter 5 – Disclosure of Conflicts of Interest

### 99. Introduction

The following Rules are to be read in conjunction with “Division 2 – Conflict of interest” of the Act and Council’s Conflict of Interest Policy.

### 100. Definition

In this Chapter:

100.1 “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 110 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and

100.2 a member of a Delegated Committee.

### 101. Obligations with regard to Conflicts of Interest

101.1 Councillors, members of Delegated Committees and Council staff are required to:

- a. avoid all situations which may give rise to Conflict of Interest;
- b. identify any Conflicts of Interest they have; and
- c. disclose all such Conflicts of Interest;

101.2 Councillors and members of Delegated committees must:

- a. not participate in discussion or decision-making on a matter in which they have a Conflict of Interest; and
- b. clearly state the nature of or circumstances giving rise to their Conflict of Interest when making their disclosure.

101.3 Council Staff must act in accordance with the Employee Code of Conduct and must not exercise a delegation or make a decision on any matter where they have a Conflict of Interest.

101.4 All disclosures of Conflicts of Interest will be recorded in the Minutes of a Council or Delegated Committee meeting.

101.5 Council will maintain a Conflict of Interest Register which will be made available on Council’s website.

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

102.1 A Councillor who has a conflict of interest in a matter being considered at a Council Meeting at which they:

102.1.1 are present, must disclose that conflict of interest by identifying the type of conflict, being either general or material, and by explaining the nature of the conflict of interest to those present at the Council Meeting, immediately before the matter is considered; or

102.1.2 intend to be present, must disclose that conflict of interest by providing a written notice to the Chief Executive Officer prior to the Council Meeting which:

- 102.1.2.1 identifies the type of conflict of interest, as either general or material;
- 102.1.2.2 explains the nature of the conflict of interest; and
- 102.1.2.3 details, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
  - 102.1.2.3.1 name of the other person;
  - 102.1.2.3.2 nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
  - 102.1.2.3.3 nature of that other person's interest in the matter being considered by Council,

and then immediately before the matter is considered at the Council Meeting announcing to those present that they have a conflict of interest and that a written notice has been provided to the Chief Executive Officer under this rule 102.1.2.

- 102.2 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 Council Meeting until consideration of the matter has concluded.
- 102.3 A Councillor who has identified and / or disclosed a conflict of interest must ensure that, if they discuss that matter with any other Councillor prior to the matter being determined at a Council Meeting, they identify that they are doing so in their personal capacity and not in their Councillor capacity.
- 102.4 Any disclosure of Conflict of Interest at a Council Meeting will be recorded in the meeting minutes, and will include the type and nature of the conflict, the time that the Councillor left and subsequently returned to the meeting.

### **103. Disclosure of Conflict of Interest at a Delegated Committee Meeting**

- 103.1 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
  - 103.1.1 are present, must disclose that conflict of interest to those present at the Delegated Committee Meeting, immediately prior to considering that matter by explaining the type of conflict of interest, being either general or material, and the nature of the conflict of interest; or
  - 103.1.2 intend to be present, must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee Meeting commences, a written notice.
    - 103.1.2.1 advising of the type of conflict of interest, being either general or material; and
    - 103.1.2.2 explaining the nature of the conflict of interest;

and then immediately before the matter is considered at the Delegated Committee Meeting, announcing to those present that they have a conflict of interest and that a written notice has been provided to the Chief Executive Officer under this rule 103.1.2.

- 103.2 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 Delegated Committee Meeting until consideration of the matter has concluded.
- 103.3 Any disclosure of Conflict of Interest at a Delegated Committee Meeting will be recorded in the meeting minutes, and will include the type and nature of the conflict, and the time that the Committee Member left and subsequently returned to the meeting.

**104. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting**

- 104.1 A member of a Community Asset Committee who has a conflict of interest in a matter being considered at a Community Asset Committee meeting at which they:
  - 104.1.1 are present, must disclose that conflict of interest to those present at the meeting, immediately prior to considering that matter by explaining the type of conflict of interest, being either general or material, and the nature of the conflict of interest; or
  - 104.1.2 intend to present, must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:
    - 104.1.2.1 advising of the type of conflict of interest, being either general or material;
    - 104.1.2.2 explaining the nature of the conflict of interest;

and then immediately before the matter is considered at the Community Asset Committee Meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this rule 104.1.2.
- 104.2 The member of the Community Asset Committee 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 Community Asset Committee Meeting until consideration of the matter has concluded.
- 104.3 Any disclosure of Conflict of Interest at a Community Asset Committee Meeting will be recorded in the meeting minutes, and will include the type and nature of the conflict, and the time that the Committee Member left and subsequently returned to the meeting.

**105. Disclosure at a Meeting conducted under the auspices of Council**

A Councillor or meeting participant who has a conflict of interest in a matter being considered by a meeting held under the auspices of Council at which they are present must:

- 105.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- 105.2 exclude themselves from any discussion of the matter; and
- 105.3 as soon as practicable after the meeting concludes, provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

## **106. Disclosure by Council Officers Preparing Reports for Meetings**

106.1 A Council Officer who, in their capacity as a Council Officer, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Council Officer report for the consideration of a:

106.1.1 Council Meeting;

106.1.2 Delegated Committee Meeting; or

106.1.3 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 type and nature of the conflict of interest.

106.2 The Chief Executive Officer must ensure that the Council Officer report referred to in rule 106.1 records the fact that a Council Officer disclosed a conflict of interest in the subject-matter of the report.

106.3 If the Council Officer referred to in rule 106.1 is the Chief Executive Officer:

106.3.1 the written notice referred to in rule 106.1 must be given to the Mayor;  
and

106.3.2 the obligation imposed by rule 106.2 be discharged by any other Council Officer responsible for the preparation of the Council Officer report.

## **107. Disclosure of Conflict of Interest by Council Officers in the Exercise of Delegated Power**

107.1 A Council Officer who has a conflict of interest in a matter requiring a decision to be made by the Council Officer as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the type and nature of the conflict of interest.

107.2 If the Council Officer referred to in rule 107.1 is the Chief Executive Officer the written notice must be given to the Mayor.

## **108. Disclosure by a Council Officer in the Exercise of a Statutory Function**

108.1 A Council Officer who has a conflict of interest in a matter requiring a statutory function to be performed under an Act must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the type and nature of the conflict of interest.

108.2 If the Council Officer referred to in rule 108.1 is the Chief Executive Officer the written notice must be given to the Mayor.

## **109. Retention of Written Notices**

The Chief Executive Officer must retain all written notices received under this Chapter 5 for a period of three years.

## **Chapter 6 – Miscellaneous**

### **110. Informal Meetings of Councillors**

If there is a meeting of 3 or more Councillors that:

- 110.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- 110.2 is attended by at least one Council Officer; and
- 110.3 is not a Council Meeting, Delegated Committee Meeting or Community Asset Committee Meeting,

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

- 110.4 tabled at the next convenient Scheduled Council Meeting; and
- 110.5 recorded in the minutes of that Scheduled Council Meeting.

### **111. Confidential Information**

- 111.1 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 Council Officers in writing accordingly.
- 111.2 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 Council Officers in writing accordingly, will be presumed to be confidential information.

## Chapter 7 – Procedural Motions

### 112. Table of Procedural Motions

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Laying a motion on the table (pausing debate)</b>	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	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
<b>Take a motion from the table (resume debate on a matter)</b>	'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
<b>Alter the order of business</b>	'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 <i>Agenda</i>	No
<b>Suspension of Standing Orders</b>	'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
<b>Resumption of Standing Orders</b>	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Consideration of confidential matter(s) (Close the meeting to members of the public)</b>	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx <i>is confidential as it relates to [insert reason]</i>	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
<b>Reopen the meeting</b>	'That the meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The meeting remains closed to the public	No

## Chapter 8 – Election Period Policy

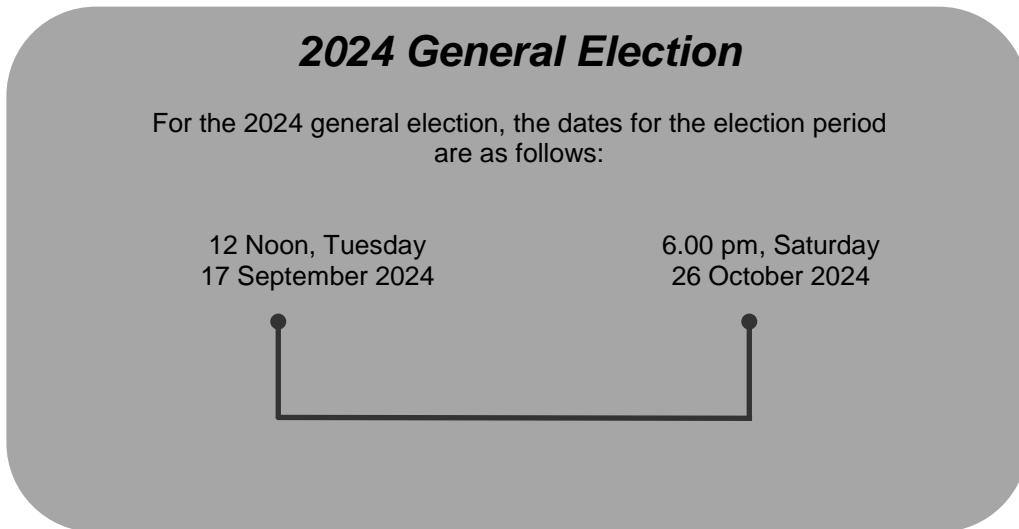
### ELECTION PERIOD POLICY

<b>Version:</b>	2
<b>Business Unit:</b>	Corporate Services
<b>Responsible Officer:</b>	Team Leader Governance
<b>Adopted By:</b>	Council on 20 September 2022
<b>Next Review:</b>	Within 12 months prior to a General Election

#### 1. PURPOSE

Greater Shepparton City Council (Council) is committed to implementing clear and transparent caretaker provisions during election periods. This Policy will apply to the election period prior to a general election or by-election. The Chief Executive Officer (CEO) or the Governance team will advise all Councillors and staff of the commencement date for any election period applying to Council. The election period commences at noon on the last day for nominations and ends at 6.00pm on Election Day.

Example below



#### 2. OBJECTIVE

The will of the people, expressed through democratic elections, is the cornerstone of democracy at all levels of government, including local government. A guiding principle of the exercising of this free will is that outgoing governments must safeguard the authority of incoming governments. This principle is applied through the implementation of an election period prior to an election. During an election period, an outgoing government shall not make any decisions which could be considered to unreasonably bind an incoming government.



Unlike other levels of government in Australia, where election period provisions are established by convention rather than law, the *Local Government Act 2020 (the Act)* requires councils to comply with special arrangements during council elections to ensure the probity of the election process. These include statutory requirements relating to decision-making and the use of council resources.

While these statutory requirements establish limits on what a council may and may not do, they represent the minimum provisions which a Council must apply and they do not address the ways in which a Council could or should modify its usual actions and processes during an election period.

### 3. SCOPE

This Policy details the electoral material provisions which are to be followed by all Councillors and Council Officers during an election period. Councillors and Council Officers need to be aware that severe penalties apply to breaches of the Act during the election period. Familiarity and compliance with the provisions detailed in this Policy will significantly reduce the risk of an unintentional breach of the Act and give the community confidence that Council is acting in an ethical manner during the election period.

### 4. DEFINITIONS

Reference Term	Definition
Council:	Greater Shepparton City Council and the services it provides, including but not limited to Riverlinks, Aquamoves, KidsTown, Childcare Centres and the Visitor Information Centre.
Election period:	The 39-day period which starts at 12 noon on the last day for nominations and ends at 6.00pm on election day.
Election material:	An advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.
Electoral matter:	Material which is intended or likely to affect voting in an election, such as: <ul style="list-style-type: none"> <li>• the views, strengths or weaknesses of any candidate;</li> <li>• advocacy of the policies of Council or of a candidate;</li> <li>• claims made by a candidate and/or responses to such claims; and</li> <li>• the achievements of Council,</li> </ul> but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.
Emergency:	As defined in the <i>Emergency Management Act 2013</i> .
Meeting	A properly constituted meeting of Council, a Delegated Committee or a Community Asset Committee.
Prohibited decision:	Any decision of Council by resolution or under delegation: <ul style="list-style-type: none"> <li>• relating to the employment or remuneration of the Chief Executive Officer, other than the appointment or remuneration of an acting Chief Executive Officer;</li> <li>• to commit Council to expenditure exceeding 1% of Council's income from general rates, municipal charges and service rates and charges for the preceding financial year;</li> <li>• that Council considers could be reasonably deferred until after the election; or</li> <li>• that Council considers should not be made during the election period.</li> </ul>

Publication:	Includes any: <ul style="list-style-type: none"> <li>• advertisement (including job, television and radio advertisements),</li> <li>• pamphlet, newsletter, handbill, bulk letter or email with more than 20 addressees</li> <li>• press release</li> <li>• social media post on a Council site, or as a Council representative on any other site</li> <li>• website change</li> <li>• report</li> <li>• master plan</li> <li>• submission to external bodies which will be made public</li> <li>• notice or similar type document, whether in electronic or hard copy format.</li> </ul>
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## 5. POLICY

### 5.1 Decision Making

During an election period, Council will not make any prohibited decisions.

During the election period, all agendas prepared for Meetings will be vetted by the CEO to ensure they do not contain matters which may lead to a prohibited decision being made. The following statement will be applied to agendas and minutes prepared during the election period:

The [##recommendations/resolutions] contained within [##this agenda/these minutes] are not prohibited decisions, as defined in either section 69(2) of the *Local Government Act 2020* or Council's Election Period Policy.

#### 5.1.1 Notices of Motion

Notices of Motions are not accepted during the election period. It is also recommended that Councillors avoid raising items of Urgent Business during the election period.

#### 5.1.2 Public Question Time

Public Question Time will not occur at Council Meetings held during the election period.

Any questions received during the

election period will be deferred to the next Scheduled Council Meeting.

#### 5.1.3 Meetings of Delegated Committees and Community Asset Committees

Meetings of Delegated Committees and Community Asset Committees will not be held during the election period, unless they cannot reasonably be deferred until after the election. Where a Meeting of a Delegated Committee or Community Asset Committee cannot reasonably be deferred until after the election, the CEO will ensure that the relevant agenda contains only those matters which must be determined before the election and does not call for a prohibited decision to be made.

#### **5.1.4 Community Grants and Sponsorship**

Council will continue to receive and accept applications for grants and sponsorship during the election period, however, decisions on such applications will be deferred until after the election.

There will be no public promotion of any new funding streams during the election period. If public promotion commenced prior to the election period, it will continue during the election period, although Councillors will not be associated with any public promotion activities.

### **5.2 Council Publications**

The only publications which will be published during the election period will be those that:

- are considered by the CEO or Director Corporate Services to be necessary and appropriate for the continuity of Council operations; and
- the CEO or Director Corporate Services is satisfied do not contain electoral matter.

#### **5.2.1 Council Publications Including Councillor Information**

Council will avoid the release of any publications during the election period which refer to Councillors, other than references appearing in minutes of Meetings.

No publications containing references to Councillors which constitute electoral matter will be released during the election period.

#### **5.2.2 Existing Publications**

The CEO or Director Corporate Services will review categories of publications which are publicly available at the commencement of the election period with a view to removing those publications which contain electoral matter relating to Councillors. Publications which are, or material which is, displayed at Council premises and assessed as containing electoral matter will be temporarily removed from display. Any material removed may still be provided to members of the community upon request.

#### **5.2.3 Annual Report**

If an Annual Report must be published by Council during the election period, the CEO will ensure that it does not contain any electoral matter.

The Mayor's message may still be included in the Annual Report during an election year, however, the content of the Mayor's message must be limited to factual statements on Council's achievements as a whole, and must not contain any personal views, opinions or special achievements of the Mayor or Councillors.

Information in the Annual Report referring to specific Councillors will be limited to names, titles, contact details, memberships of Delegated Committees and Community Asset Committees and other bodies to which they have been appointed by, and as a representative of, Council.

### **5.3 Council Website**

Material which is already on Council's website at the commencement of the election period will generally remain, except that:

- Councillor profiles, other than Councillor contact details; and
- any information prominently displayed which is assessed by the CEO or Director Corporate Services as electoral matter,

will be removed.

A statement will be published on all Council websites advising that limited information (in compliance with this section) will be published on Council websites until after the election.

#### **5.3.1 Internal Publications and Intranet**

The publication of internal newsletters and intranet information, including instructions for the election period, policy and procedure, is permitted and will continue as normal during an election period. The promotion of Councillors, candidates or political parties in internal publications is not permitted.

### **5.4 Community Engagement and Public Consultation**

Council will only conduct such community engagement and public consultation during the election period that is required by law, such as consultation required by:

- the *Planning and Environment Act 1987*; and
- the *Local Government Act 2020*; and
- *section 223 of the Local Government Act 1989*.

Consultation on major strategy or policy issues, or that which invites submissions, will not occur, or, if already commenced, will be suspended, during the election period.

### **5.5 Small Town Catch Ups / Community Information Sessions**

Council will not schedule any 'Mayor and CEO Small Town Catch Ups' during the election period.

Where community information sessions are required and cannot be postponed, only Council Officers will be in attendance.

### **5.6 Media**

Council will not broadcast or participate in any regular television or radio program or publish its regular newspaper or newsletter updates during the election period.

The following exceptions may be applied by the CEO or Director Corporate Services:

- advertising commissioned and approved by the election manager, for the purpose of informing electors about the election process;

- advertising critical to Council business, to the extent that it cannot be promoted prior to the commencement of the election period, or cannot reasonably be postponed, and does not contain election material; and
- as required and approved by the CEO or Director Corporate Services in response to an emergency.

All advertising, apart from that commissioned by the election manager, must be approved by the CEO or Director Corporate Services.

### **5.6.1 Media Interviews**

Councillors will not participate in media interviews in their capacity as a Councillor during the election period.

Councillors may participate in media interviews in their capacity as a candidate or a private citizen, but must take care to advise the media that they are speaking to them as an individual and not on behalf of Council, or in their capacity as a Councillor. This disclaimer must be made even when a Councillor believes that a media interview will not be published or broadcast as part of the interview or story.

Council Officers may only participate in media interviews during the election period on operational matters and with the permission of the CEO or Director Corporate Services.

All media interviews are to be coordinated by Council's Marketing and Communications Team.

## **5.7 Public Notices and Advertising**

Regular advertising, including tenders and public notices, will be postponed until after, or suspended during, the election period where possible.

The CEO or Director Corporate Services may authorise the publishing of some public notices after having regard to the following matters:

- whether the notice is required by legislation;
- whether the matter can reasonably be deferred until after the election period; and
- whether the advertisement contains any electoral matter.

Advertising for the purpose of recruitment is permitted during the election period.

## **5.8 Social Media**

Councillors and Council Officers will not engage in social media in their capacity as Councillors and Council Officers during the election period, except with the prior approval of the CEO or Director Corporate Services.

Councillors will not publish comments to official Council social media sites during the election period.

To the extent that it is technically possible to do so, all Council social media sites will be disabled for external comments during the election period, to prevent the publication of electoral matter.

During the election period, Council Officers are expected not to engage with Councillors or candidates via social media, including 'liking' or 'commenting' on posts.

## **5.9 Council Resources**

Councillors and Council Officers will not use any Council resources in a way that is intended, or is likely, to affect the result of an election.

During the election period, Councillors will not use Council resources for a purpose other than Council business. Council resources include, but are not limited to:

- staff time;
- Council property (including meeting rooms and the Councillors' Suite);
- Council vehicles (including access to Pool vehicles and use of Mayoral vehicle)
- Council-provided equipment (including mobile phones, tablets, computers, internet data and email accounts); and
- Council stationery (including Council nametags, business cards and photographs).

The use of Council resources is generally governed by the *Councillor Resources and Facilities Policy*. This Policy is varied during the election period as follows:

- Councillors will not attend conferences, functions or events in their capacity as a Councillor except when officially invited to do so as the representative of Council;
- Councillors will not undertake any professional development training in their capacity as a Councillor;
- Councillors who wish to use email for election purposes must use a private email address.

## **5.10 Events and Speeches**

Regular public events which are part of the normal operations of Council will continue during the election period. Additional events, particularly events which would require Councillor involvement, will only be scheduled with the approval and at the sole discretion of the CEO. The scheduling of additional events that require the involvement of Councillors during the election period will be avoided where possible.

Councillors participating in Council events during the election period as representatives of Council will not use the events for private electioneering. Material published or disseminated during the election period to promote a function or event will not promote individual Councillors.

Where a Councillor is required to deliver a speech at a function or event during the election period, Council Officers are to prepare the speech and the CEO is to confirm that it contains no electoral matter before it is provided to the Councillor.

Functions or events for the purpose of electioneering will not be resourced or publicised by Council.

## **5.11 Correspondence**

Routine letters and emails that are part of normal Council business are not to be affected by election processes, however, Council Officers, equipment and stationery must not be used for Councillor correspondence to the extent that it might relate to the election. This includes, but is not limited to:

- letters with multiple addressees that are prepared by Council Officers, printed on or using Council resources or issued on behalf of Council;
- letters dealing with electoral matters for Councillors; and
- letters and emails that do not form part of general correspondence, which may be evidenced by the 'bulk' nature of such letters and emails.

## **5.12 Use of the Title "Councillor"**

Councillors may use the title "Councillor" in their own election material, as they continue to hold their positions during the election period. To avoid any confusion, however, Councillors must ensure that their election publications are clearly seen to be their own material and not to represent the Council. Councillors will not use the Council logo or any facsimile or derivation of the Council logo on their election material.

## **5.13 Dispute Resolution**

Council will not undertake a dispute resolution procedure under the Councillor Code of Conduct during the election period.

Any dispute resolution procedures which had commenced, but were not yet resolved, prior to the election period will be placed on hold. If re-elected, the Councillors involved may resume the dispute resolution processes once they have formally resumed their position as Councillors.

## **5.14 Equitable Distribution of Information**

Where access to information has been requested by registered candidates during the election period, the matter will be referred to the Governance team to determine whether or not it is appropriate to provide such information.

If approved, the information will be provided to the candidate and also maintained in a register (the Candidate Information Register) which will be made available for inspection by any other candidate upon request.

Councillors will continue to receive information that is necessary to fulfil their existing elected roles. This information is not subject to being recorded in the Candidate Information Register as outlined above.

## **5.15 Conduct of Council Officers**

Council Officers are discouraged from promoting any potential candidate during the election period.

Neither the CEO nor any Council Officer can be asked, offer or agree to undertake any tasks connected directly or indirectly with electioneering.

## 6. RELATED POLICIES AND DOCUMENTS

- *Councillor Expenses Policy*
- *Councillor Resources and Facilities Policy*
- *Public Transparency Policy*
- *Conflict of Interest Policy*
- *Councillor Code of Conduct*

## 7. RELATED LEGISLATION

- *Local Government Act 2020*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*

## 8. REVIEW

This policy is to be reviewed by the Team Leader Governance within twelve months prior to a general election.

## 9. ATTACHMENTS

- *Guidelines for the Placement of Signs - Electoral – M24/71282*

## DOCUMENT REVISIONS

<b>Version #</b>	<b>Summary of Changes</b>	<b>Date Adopted</b>
1.1	21 August 2016	21 August 2016
1.2	17 September 2016	17 September 2016
1.3	18 August 2020	18 August 2020
2	Minor formatting changes and inclusion of Guidelines for the Placement of Electoral Signs	August 2024