Murrindindi Shire Council Governance Rules

Adopted 24 August 2022

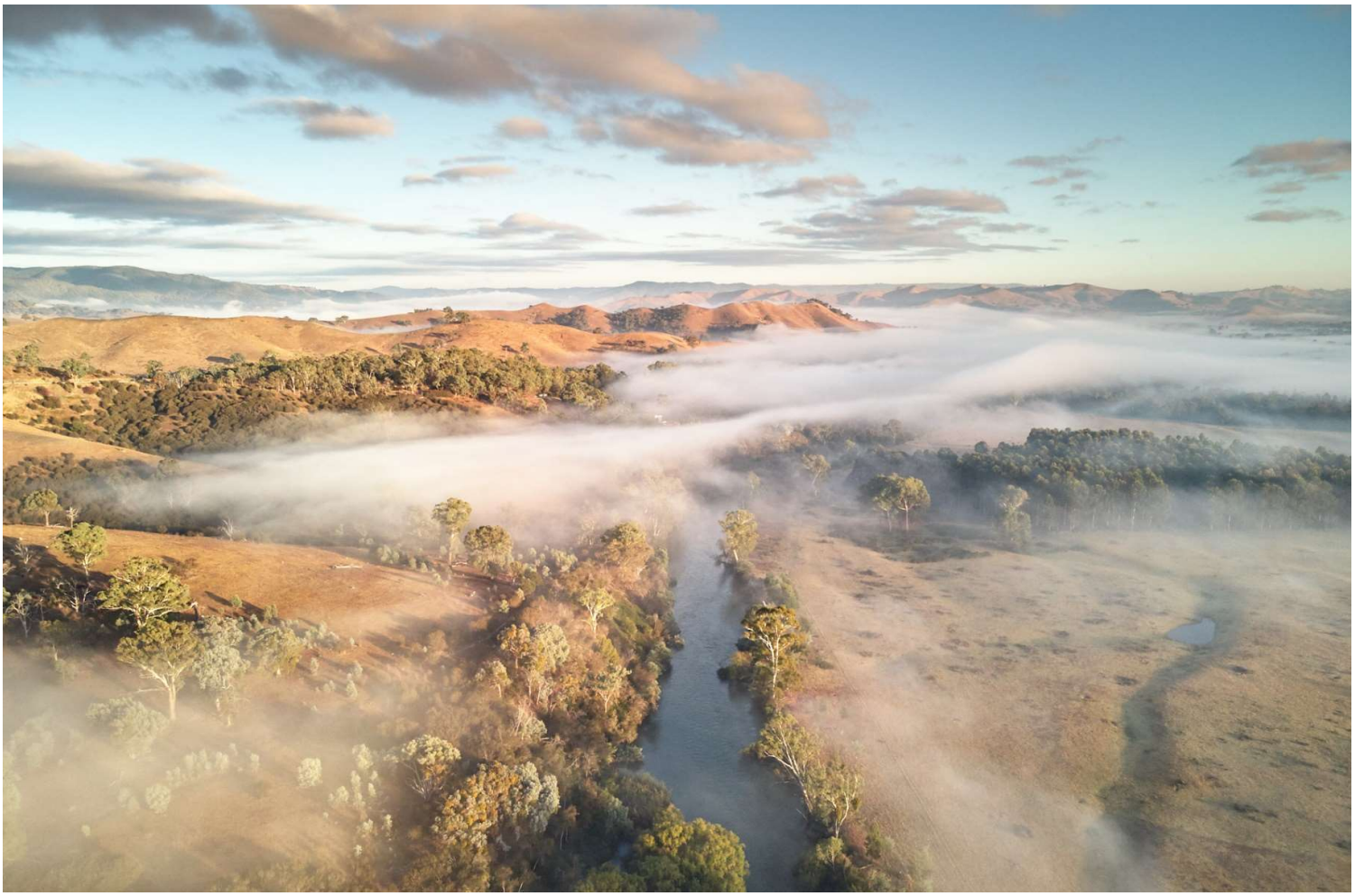


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Acknowledgement of Country and First Nations Peoples

Murrindindi Shire Council is proud to acknowledge the Taungurung and Wurundjeri people as the traditional custodians of the land we now call Murrindindi Shire.

We pay our respects to First Nations leaders and elders, past, present and emerging, who are the keepers of history, traditions, knowledge and culture of this land.

We commit to working in collaboration with traditional owners of this land in a spirit of reconciliation and partnership.

PART 1 – INTRODUCTION

1.1 Nature of Rules

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

1.2 Contents

These Governance Rules are divided into the following Parts:

Part	Name
Part 1	Introduction
Part 2	Meeting Procedure
Part 3	Notice of Meetings and Availability of Agenda
Part 4	Quorum
Part 5	Election of the Mayor & Deputy Mayor
Part 6	Conflicts of Interest
Part 7	Business of Meetings
Part 8	Community Participation
Part 9	Conduct
Part 10	Motions & Debate
Part 11	Points of Order
Part 12	Voting
Part 13	Suspension of Standing Orders
Part 14	Minutes
Part 15	Committees
Part 16	Joint Council Meetings
Part 17	Election Period Policy

1.3 Explanatory notes

Boxed notes and overviews within these rules are intended to be explanatory and included for guidance and do not form part of these Governance Rules. They may be updated to reflect changes to legislation or to assist interpretation and understanding.

1.4 Commencement and review

1.4.1 These Governance Rules come into operation upon Council's resolution to adopt.

1.4.2 These Governance Rules will be reviewed at least every 4 years.

1.5 Purpose

1.5.1 Giving effect to section 60 of the Local Government Act 2020 the purpose of these Governance Rules is to guide:

(a) the conduct of Council meetings;

(b) the conduct of meetings of delegated committees;

(c) the form and availability of meeting records;

(d) the election of the Mayor and the Deputy Mayor;

(e) the appointment of an Acting Mayor;

(f) an election period policy in accordance with section 69;

(g) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;

(h) the procedure for the disclosure of a conflict of interest by a Councillor under section 131;

(i) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);

(j) any other matters prescribed by the regulations.

1.5.2 These Governance Rules provide guidance for Council to:

(a) make decisions on any matter being considered by the Council fairly and on the merits; and

(b) institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

1.6 Definitions

In these Governance Rules the following words and phrases mean:

Absolute Majority	means the number of Councillors which is greater than half the total number of the Councillors of a Council.
Act	means the *Local Government Act 2020.*
Advisory Committee	means a committee established by the *Council*, that provides advice to — (a) the *Council*; or (b) a member of *Council* staff who has been delegated a power, duty or function of the *Council* that is not a *Delegated* Committee.
Agenda	means a document containing the date, time and place of a *Meeting* and a list of business to be transacted at the *Meeting.*
Authorised Officer	has the same meaning as in the 1989 *Act* or any other Act.
Chairperson	means the Chairperson of a *Meeting* and includes an acting, temporary and substitute Chairperson.
Chamber	*means any room where the Council holds a Council Meeting.*
Chief Executive Officer	means the person appointed by a Council under section 44 to be its Chief Executive Officer or any person acting in that position.
Rule or Sub-rule	means a rule or sub-rule included in these Governance Rules.
Committee Meeting	means a meeting of a *Delegated Committee.*
Council	means Murrindindi Shire Council
Councillor	means a Councillor of Murrindindi Shire Council.
Code of Conduct	means the Councillor Code of Conduct developed by a Council under section 139 of the *Act.*

Community	means municipal community as defined by the *Act* as including: (a) people who live in the municipal district of the Council; and (b) people and bodies who are ratepayers of the Council; and (c) traditional owners of land in the municipal district of the Council; and (d) people and bodies who conduct activities in the municipal district of the Council.
Council Meeting	means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled *Meeting* and *Special Meeting.*
Delegate	means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation.
Delegated Committee	means— (a) a delegated committee established by a Council under section 63; or (b) a joint delegated committee established by 2 or more Councils under section 64; or (c) a committee, other than a Community Asset Committee, exercising any power of a Council under this Act or any other Act delegated to the committee under this Act or any other Act.
Delegated Committee Meeting	means a *Meeting* of a *Delegated Committee.*
Deputy Mayor	means the Deputy Mayor of *Council* and any person appointed by *Council* to act as Deputy Mayor as per Division 3 of the *Act.*

Director	means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the *Chief Executive Officer.*
Disorder	means any disorderly conduct of a community member, member of Council staff or a *Councillor* present and includes: (a) interjecting when another person is speaking, except, in the case of where a *Councillor* is raising a *Point of Order* (b) making comments that are defamatory, malicious, abusive or offensive (c) refusing to leave the *Meeting* when requested, ordered or directed to do so by the *Chairperson* in accordance with the *Act* and the Governance Rules (d) engaging in any other conduct which prevents the orderly conduct of the *Meeting*.
Foreshadowed Item	means a matter raised in the relevant section of the *Council Meeting* that a *Councillor* intends to submit a *Notice of Motion* for the next *Council Meeting*.
Mayor	means the Mayor of *Council* and any person appointed by *Council* to be acting as Mayor as per Division 3 of the *Act*.
Meeting	means a *Council Meeting* or a Delegated *Committee Meeting.*
Member	means a member of any committee to which these governance rules apply.
Minister	means the Minister for Local Government.
Minutes	means the official record of the proceedings and decisions of a *Meeting*.
Motion	means a proposal framed in a way that will result in the opinion of *Council* being expressed, and a *Council* decision being made, if the proposal is adopted.

Notice of Motion	means a notice setting out the text of a *Motion* which a *Councillor* proposes to move at a *Council Meeting*.
Notice of Rescission	means a *Notice of Motion* to rescind a resolution made by *Council*.
On Notice	means held or deferred to enable preparation of a response.
Participant/s	means any person known to be participating in a Council meeting including Councillors, Officers, Presenters and anyone registered as part of 'Public Participation'.
Planned Leave	means a period of intended leave from the role of Councillor for personal reasons.
Point of Order	means a procedural point (about how the *Meeting* is being conducted), not involving the substance of a matter before a *Meeting*.
Procedural Motion	means a *Motion* that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.
Quorum	means an absolute majority of Councillors .
Special Meeting	means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Ordinary Council meetings set by Council
Urgent Business	means a matter that relates to or arises out of a matter which has arisen since distribution of the a*genda* and cannot safely or conveniently be deferred until the next m*eeting.*

The following definitions relate to ***Meeting Attendance:***

Attendance	for a Councillor to be considered to be in attendance they must be able to meet the following requirements: they can hear proceedings they can see other members in attendance and can be seen by other members they can be heard (to speak)

Physical attendance / physically attending	means the participant is physically present in the location where the meeting is scheduled to be held.
Remote attendance / remotely attending	means the participant is attending the meeting by electronic means.
In-Person Meeting	means the meeting is being held with all participants required to be present in the one location.
Hybrid Meeting	means that the meeting is open to physical and remote attendance.
Virtual Meeting	means that the meeting is being held electronically and all participants are attending remotely. ***Audit and Risk Committee*** means the Audit and Risk Committee established by a Council under section 53.

The following definitions provided by the *Act* are applied to these Governance Rules:

Audit and Risk Committee	means the Audit and Risk Committee established by a Council under section 53.

PART 2 – MEETING PROCEDURE

Purpose of Council meetings

2.1 Council holds scheduled Meetings and, when required, Special Meetings to conduct the business of Council.

2.2 Council is committed to transparency in decision making and, in accordance with the *Local Government Act 2020*, Council and Delegated Committee Meetings are open to the community to attend and livestreamed to the public where the technology enables.

2.3 Meetings will only be closed to members of the public if:

2.3.1 there are clear reasons for particular matters to remain confidential; or

2.3.2 a meeting is required to be closed for security reasons; or

2.3.3 it is necessary to enable the meeting to proceed in an ordinary manner.

If a meeting is closed to the public for the reasons outlined in sub-rule 2.3.2 or 2.3.3, the meeting will continue to be livestreamed. In the event a livestream is not available the meeting may be adjourned, or a recording of the proceedings may be available on Council's website.

Meeting Roles

Overview:

The way in which Council and Committee Meetings are conducted makes a significant contribution to good governance. The Chairperson plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors and members of Delegated Committees and advisory committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.

The Act provides for the Mayor to appoint a Councillor as the Chair of a Delegated Committee and any such appointment prevails over any appointment made by Council. While there are no limitations on exercising that power, the Mayor must always act in a way that is consistent with the adopted Councillor Code of Conduct and transparency commitments of the Council.

Additionally, each member of the meeting has an obligation to participate in good decision-making.

Specific duties and discretions of the Chairperson are outlined throughout these Governance Rules.

2.4 Chairperson and Members

2.4.1 The Chairperson, Councillors and members of Delegated Committees will ensure good council decision-making by endeavouring to ensure:

(a) decision making is transparent to members and observers

(b) meeting members have sufficient information to make good decisions

(c) every member is supported to contribute to decisions

(d) any person whose rights are affected has their interests considered

(e) debate and discussion is focussed on the issues at hand

(f) meetings are conducted in an orderly manner

(g) decisions should be made on the merits of the matter.

2.5 Mayor to take the Chair

2.5.1 Virtual and in-person meetings - the Mayor must take the Chair at all Council Meetings at which the Mayor is present.

2.5.2 Hybrid meetings - the Mayor must take the Chair at all Council Meetings at which the Mayor is physically attending.

2.5.3 If the Mayor is not deemed to be the Chair in accordance with 2.5.1 & 2.5.2, the Deputy Mayor (if one has been elected) must take the Chair if physically attending.

2.5.4 If the Mayor and any Deputy Mayor are not deemed to be the Chair in accordance with 2.5.1, 2.5.2 and 2.5.3 Council must appoint one of the Councillors who is physically attending as Chair of the meeting by resolution.

2.6 Delegated Committee Chairperson

2.6.1 At the Meeting at which Council establishes a delegated committee it must also appoint a Chairperson.

2.6.2 The Chair of a delegated committee must be a councillor.

2.6.3 For the avoidance of doubt, sub-rule (2.6.1) does not intend to limit the powers of the Mayor provided in the Act.

2.7 The Chairperson's Duties and Discretions

In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:

2.7.1 must not accept any Motion, question or statement which is:

(a) vague or ambiguous

(b) defamatory, malicious, abusive or objectionable in language or substance, or

(c) outside the powers of Council

2.7.2 must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting

2.7.3 must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council

2.7.4 may direct that a vote be recounted to be satisfied of the result, and

2.7.5 must decide on all points of order.

2.8 Chief Executive Officer

2.8.1 The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chairperson.

2.8.2 The Chief Executive Officer should:

(a) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law

(b) advise if there are operational, financial or risk implications arising from a proposed resolution

(c) help clarify the intent of any unclear resolution to facilitate implementation

(d) on request, assist with procedural issues that may arise.

2.9 Councillors and members of Delegated Committees

2.9.1 Councillors and members of Delegated Committees contribute to good governance and decision making by:

(a) seeking views of community members and reading the agenda prior to the meeting

(b) demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers

(c) attending meetings and participating in debate and discussion

(d) demonstrating respect for the role of the Chairperson and the rights of other Councillors or members of Delegated Committees to contribute to the decision-making

(e) being courteous and orderly.

2.10 Community

2.10.1 Council meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings.

2.10.2 community members may only participate in Council meetings in accordance with rules Part 8

2.10.3 community members are encouraged to participate in Council's engagement forums

2.10.4 community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

2.11 Apologies and planned leave

2.11.1 Councillors and members of Delegated Committees who are unable to attend a meeting (by any means) may submit an apology:

(a) in writing to the Chairperson, who will advise the meeting, or

(b) by seeking another Councillor or member of the Delegated Committee to submit the apology at the meeting on their behalf.

2.11.2 An apology submitted to a meeting will be recorded in the minutes of the meeting.

2.11.3 A Councillor intending to take a period of planned leave should submit the request in writing to the Mayor.

2.11.4 The Mayor will seek to have any planned leave requests included in the agenda of the next Council meeting.

2.11.5 A planned leave request not included in a Council meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.

2.11.6 Council will not unreasonably withhold its approval of requests for planned leave.

2.11.7 A Councillor who has not submitted an apology or had a planned leave approved and who is not in attendance at a Council or Delegated Committee meeting will be recorded as absent.

Meeting Format

Council has the opportunity to offer varied meeting formats to enable better access to decision making. The format of a meeting may allow for Councillors, officers or community to physically attend or remotely attend. Meetings may be deemed to be In Person, Virtual or Hybrid (both physical and remote attendance).

2.12 Remote Attendance – Council Meetings

2.12.1 Councillors may request approval for remote attendance at Scheduled or Special Council Meetings in the following instances:

a) Where the Councillor is unwell or physically unable to attend

b) Where weather conditions prevent the Councillor from physically attending

c) Where the Councillor not within a reasonable travel distance due to work or Council related business reasons and they are not on leave

d) For any reason that is to the satisfaction of both the Mayor and the Chief Executive Officer.

2.12.2 Requests must be lodged in writing to the Mayor and Chief Executive Officer no later than 6 hours prior to commencement of the meeting.

2.12.3 The Mayor has the power to approve a Councillor's request for remote attendance to a meeting where the meeting has the ability to be held as a hybrid meeting.

2.12.4 Where it is the Mayor requesting remote attendance a Council Meeting then the Chief Executive Officer has the power to approve the request in consultation with the Deputy Mayor.

2.12.5 Councillors must ensure that they can meet the "attendance" requirements prior to making a request for remote attendance. They must ensure the following:

a) They have suitable equipment to enable remote attendance

b) Their location has suitable network connection allowing for the Councillor to be seen and see others, be heard and hear others

c) They are located in a place which is appropriate for a formal meeting of Council, that is a quiet and secure space where confidential discussion can take place and the background is appropriate for public viewing

d) In the event that a meeting is closed to the public, that their location can be closed off to others to ensure confidentiality.

2.12.6 A request for remote attendance may be refused by the agreement of both the Mayor and Chief Executive Officer in the event that one of the following applies:

a) The request does not meet the requirements outlined in section 2.12.1; or

b) Where the meeting has been deemed to be in-person only (where the technology or location does not allow for the meeting to be hybrid).

2.12.7 It is the preference of Council that where the meeting is being conducted in a hybrid format that a majority of Councillors attend in-person to begin the meeting.

2.12.8 Where, due to remote attendance requests, it is apparent that an in-person majority cannot be met the Chief Executive Officer (in accordance with section 3.1.2) has the power to determine that a meeting will be held virtually. This decision will be made no later than 3 hours prior to the scheduled start time.

2.12.9 Where an in-person majority cannot be met at the beginning of the meeting but the hybrid meeting still meets the quorum requirements it is at the discretion of the Mayor as to how to proceed.

2.12.10 Councillors approved for remote attendance must be connected to the meeting and meet the attendance requirements at least 15 minutes prior to the scheduled start time of the meeting. If this requirement is not met the Councillor will be noted as an apology.

2.12.11 Community members wishing to present as part of Public Participation will be offered the option of remote attendance where the meeting format allows and as long as they have registered to present by 4pm on the day prior to the Council Meeting.

2.12.12 Officers wishing to present to Council remotely must request permission from the relevant Director and notify governance no later than 6 hours prior to the meetings scheduled start time.

2.12.13 Should a participants visual or audio drop out then the Chair will indicate that the participant has left the meeting and when the participant re-joins the meeting.

2.12.14 Where a Councillor is deemed to have left the meeting, this will be formally minuted. It is not necessary to adjourn the meeting unless a quorum can no longer be met (see Part 4)

2.13 Remote Attendance – Delegated Committee and Advisory Committees

2.13.1 Where a Committee has the technology available for a meeting to be held virtually or in a hybrid format then remote attendance must be approved by the Chair.

2.14 Remote Attendance – Council Briefing Sessions

2.14.1 The Chief Executive Officer in consultation with the Mayor determines the meeting format (in person, hybrid or virtual) for Council Briefing Sessions dependent on the location and technology available.

2.14.2 Councillors must notify the Mayor and Chief Executive Officer of their intention to attend a Councillor Briefing Session remotely by close of business the day prior (unless special circumstances apply).

2.14.3 The Chief Executive Officer will ensure that participants are advised if remote attendance is not available.

PART 3 – NOTICE OF MEETINGS & AVAILABILITY OF AGENDA

Overview:
Council Meetings are held regularly to conduct the ongoing business of the Council and Special Meetings may be held from time to time.

It is important that the community is made aware of the times, dates and locations of Council and Delegated Committee meetings and the matters Council will consider. The timing of this notice should give the community adequate time to make arrangements to attend the meeting or view via the livestream.

An agenda for each Council Meeting must be provided to Councillors in advance so that they can prepare adequately for the Council Meeting. The Agenda contains the order of business and the professional advice of the organisation, with a recommendation for Council to consider.

The agenda is made available to the community via Council's website and by request at Customer Service Centres.

3.1 Date, time and place of Council Meetings

3.1.1 At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year.

3.1.2 Council by resolution, or the Chief Executive Officer, may change the meeting type (in person, virtual or hybrid), date, time and place of, or cancel, any Meeting which has been fixed and must provide notice of the change to the public.

3.1.3 Where the Chief Executive Officer deems a meeting needs to be held virtually, this decision will be made no later than 3 hours prior to the scheduled start time, all participants will be notified and notification to the public will be posted on Council's website and social media pages.

3.2 Postponement

3.2.1 In the case of an emergency, the Chief Executive Officer or Delegate or, in the absence of both, a Senior Officer, may postpone a Council Meeting, provided every reasonable attempt is made to notify every Councillor of the postponement.

3.2.2 The Chief Executive Officer, Delegate or Senior Officer must submit a full written report of the circumstances requiring their action in respect of the emergency postponement at the next Scheduled Meeting.

3.3 Special Meetings

3.3.1 Council may by resolution call a Special Meeting of the Council.

3.3.2 The Mayor, or a quorum of Councillors may by written notice call a Special Meeting of the Council.

3.3.3 The CEO, following consultation with the Mayor, may call a Special meeting of the Council.

3.3.4 A written notice to call a Special Meeting must:

(a) specify the business to be transacted

(b) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given.

3.3.5 The Chief Executive Officer must determine the time and date for the meeting, giving consideration to:

(a) the urgency of the business to be transacted

(b) the availability of Councillors

(c) a reasonable time and notice period for persons whose rights or interests may be impacted by the business to be transacted

3.3.6 The Chief Executive Officer must arrange for notice of the meeting on Council's website.

3.3.7 Any resolution of Council to call a Special Meeting must specify the date and time of the Special Meeting and the business to be transacted. The date and time of the Special Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution was made.

3.3.8 The Chief Executive Officer must call a Special Meeting to elect a Mayor following a Council election declaration, in accordance with the *Act*.

3.3.9 The Special Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any

other matters as determined by the Chief Executive Officer.

3.3.10 Only the business specified in the Council resolution, or written notice, may be considered at a Special Meeting, unless Council determine to admit another matter by unanimous resolution.

3.4 Notice of Meetings

3.4.1 Council Meetings

(a) A notice of a Meeting, that is not a Special Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be sent to every Councillor for all Council Meetings, at least 3 business days before the Meeting. A period of less than 3 business days may be justified if exceptional circumstances exist.

(b) An *Agenda* for each *Council Meeting,* that is not a Special Meeting, will be made available on *Council's* website no less than 48 hours before the *Council Meeting*.

(c) A schedule of *Council Meetings* must be prepared and published that ensures it is available to a broad section of the community, including on *Council's* website at least once each year and with such greater frequency as the *Chief Executive Officer* determines. The schedule of Council meetings must also be available from Council's Customer Service Centres.

3.4.2 Special meetings

(a) Notice of a Special Meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.

(b) An Agenda for a Special Meeting must be made available electronically to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.

(c) An Agenda for a Special Meeting will be made available on Council's website no less than 24 hours before the Meeting.

PART 4 - QUORUM

Overview:

No business can be transacted at a Council Meeting or a Delegated Committee Meeting unless a majority of the Councillors or members of the Delegated Committee (as the case may be) is present (quorum). If there is no quorum at the commencement of a Meeting or if a quorum cannot be maintained during a Meeting, the Meeting is to be adjourned to another date and/or time.

4.1 A quorum is an absolute majority as defined in the Local Government Act s61(7).

4.2 A quorum includes both in-person and/or remote attendance.

4.3 Meetings must commence within 30 minutes of the scheduled starting time.

4.4 If, after 30 minutes from the scheduled starting time or during any Meeting or adjournment, a quorum cannot be obtained or maintained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Senior Officer, may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment.

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

4.6 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, Council will:

4.6.1 Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or

4.6.2 Determine to make decisions on separate parts or the whole matter at a future Meeting where a quorum can be maintained.

4.7 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:

4.7.1 by a Delegated Committee, established for the purpose of determining the matter, comprising all the Councillors who

have not disclosed a conflict of interest and the Chief Executive Officer or any other person(s) the Council considers suitable

or

4.7.2 by the Chief Executive Officer (with the Chief Executive Officer's agreement).

4.8 A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council Meeting.

4.9 where Councillors are attending a meeting remotely, if a quorum cannot be achieved due to connection failures then a meeting will need to be officially adjourned by the Chairperson for a period of 30 minutes or less to enable the quorum to be obtained. If the quorum is not obtained in the 30 minute period then section 4.5 applies.

4.10 The Chief Executive Officer must provide written notice, including by electronic means, to each Councillor of any Council Meeting adjourned to another date or time due to an inability to achieve or maintain a quorum.

4.11 Where it is not practicable because time does not permit notice in accordance with sub-rule 4.10 to occur, then, provided every reasonable attempt is made to contact each Councillor either verbally, or by some other means, it will be sufficient.

4.12 Notice of an adjournment to another date or time must be published on Council's website as soon as practical.

For example, if Council is proposing to include items in the budget that would give rise to conflicts of interest to more than half of the number of Councillors, Council may consider whether to include these items in the budget as individual decisions prior to adopting the budget as a whole.

Quorum Calculation

Number of Councillors/Committee Members	*Number required for Quorum*
11	*6*
10	*6*
9	*5*
8	*5*
7	*4*

PART 5 – ELECTION OF THE MAYOR & DEPUTY MAYOR

Overview:

The role and functions of the Mayor are provided in the Act. The holder of this significant office is the Chairperson at Council Meetings, acts as the principal spokesperson for Council and carries out civic and ceremonial duties.

This section describes how the Mayor, a Deputy Mayor and Acting Mayor are to be elected.

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

The Act has specific provisions governing the election of the Mayor and the term of office for the Mayor:

Section 25 - Election of Mayor

25 Election of Mayor

(1) At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.

(2) Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.

(3) The election of the Mayor must—

(a) be chaired by the Chief Executive Officer;

and

(b) subject to this section, be conducted in accordance with the Governance Rules.

(4) Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.

(5) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.

(6) If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.

(7) In this section, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.

Section 26 – When is a Mayor to be elected

(1) A Mayor is to be elected no later than one month after the date of a general election.

…

(3) Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

(4) If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.

(5) If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.

(6) A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.

(7) The election of a Mayor after the period specified in this section does not invalidate the election.

(8) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term

5.2 Role and Election of Deputy Mayor

5.2.1 The Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor at the meeting at which the Mayor is to be elected.

5.2.2 If the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the Chair.

5.2.3 The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.

5.2.4 If the *Council* has not resolved to establish the position of *Deputy Mayor*, any provisions in this these Governance Rules relating to the *Deputy Mayor* have no effect.

5.3 Chief Executive Officer will preside during the election of the Mayor

5.3.1 The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee

5.3.2 Any nomination for the office of the Mayor must be seconded.

5.4 Method of Voting

5.4.1 The election of the Mayor must be carried out by a show of hands or an electronic method that enables those observing (in attendance and those watching a livestream broadcast) to view the votes of all Councillors at the time the vote is taken.

5.5 Determining the Election of Mayor / Deputy Mayor

5.5.1 Where in an election for the Mayor:

(a) only one candidate has been nominated, that candidate must be declared elected

(b) two candidates have been nominated, a vote must be taken and the candidate who receives an absolute majority of votes must be declared elected

(c) two candidates have been nominated and no candidate receives an absolute majority of votes , a second vote will be conducted.

(d) where, after a second vote, where two candidates have been nominated and no candidate receives the absolute majority of votes the Chief Executive Officer will seek the Council to resolve to conduct a new election at a later specified time and date

(e) more than two candidates have been nominated and no candidate receives the absolute majority of votes :

I. the candidate with the fewest number of votes cast must be eliminated;

II. the names of the remaining candidates must be put to the vote again, and

III. the procedure in I and II above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in sub-clause (b) of this Clause.

IV. in the event of two or more candidates having an equality of votes and one of them having to be declared a

defeated candidate, the Chief Executive Officer will conduct a vote for one candidate to be defeated.

(f) If Council resolves to have the office of *Deputy Mayor*, the provisions of sub- rules 5.4.3 apply to the election of the *Deputy Mayor* with all necessary modifications and adaptations.

5.6 Statement by the Mayor and Deputy Mayor

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

PART 6 – CONFLICTS OF INTEREST

Overview:

The Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.

The Act also provides that Council must include in its Governance Rules procedures for disclosures of Conflicts of interest, including at meetings conducted under the auspices of Council that are not Council meetings. Meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.

These Rules provide the procedures for disclosures of conflicts of interest.

Further guidance is available from the Managing Conflicts of Interest guideline.

6.1 Obligations with regard to conflict of interest:

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

(a) avoid - all situations which may give rise to conflicts of interest

(b) identify - any conflicts of interest, and

(c) disclose – or declare all conflicts of interest.

6.2 Councillors and Members of Delegated Committees

6.2.1 May not participate in discussion or decision-making on a matter in which they have a conflict of interest.

6.2.2 When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.

6.2.3 All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.

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

6.3 Procedure at a Council or Delegated Committee Meeting

6.3.1 At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

(a) the item for which they have a conflict of interest; and

(b) whether their conflict of interest is general or material; and

(c) the circumstances that give rise to the conflict of interest.

6.3.2 Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.

6.3.3 Where a Councillor or member of a Delegated Committee is remotely attending the meeting then they must be removed from access to the meeting by the meeting administrator for the duration of the item.

6.3.4 A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that is required for the declarations of conflicts of interest at sub-rule 6.3.1 immediately prior to consideration of the item in which they have a conflict of interest and leave the meeting as per sub-rule 6.3.2.

6.3.5 A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

6.3.6 Immediately after the decision is made, the Councillor or Member of a Delegated Committee who discloses a conflict of interest will return to (physically) or be returned/ reconnected (remotely) to the meeting.

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

6.4.1 A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.

6.4.2 At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.

6.4.3 If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.

6.4.4 At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.

6.4.5 The existence of a conflict of interest will be recorded in the minutes of the meeting.

6.4.6 If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and

provided to the Governance team for recording in the register of Conflicts of Interest.

6.4.7 The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.

6.4.8 Where a conflict of interest is declared the meeting records and reports will be presented to Council for noting and inclusion on the public record

6.5 Council staff

6.5.1 Must act in accordance with the Employee Code of Conduct.

6.5.2 Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.

6.5.3 May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 6.6 and the Employee Code of Conduct.

6.6 Procedure for disclosures of conflicts of interest by Council Staff

6.6.1 Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.

6.6.2 All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.

6.6.3 A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:

(a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or

(b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and

(c) The staff member's Director determines that the conflict of interest has not influenced the advice provided; and

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

PART 7– BUSINESS OF MEETINGS

Overview:

The business to be transacted at a Council Meeting is contained in the agenda provided to Councillors and available to the public on Council's website. The Chief Executive Officer oversees preparation of the agenda and determines the content and order of business to facilitate open, efficient and effective processes of government. The role of the Mayor includes providing advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings.-Council can admit an item of urgent business if it has arisen after distribution of the agenda and cannot be reasonably deferred to the next meeting.

This section also provides time limits for meetings. A Council Meeting must not continue after 3 hours unless a majority of Councillors agree, when up to 2 extensions of 30 minutes can be made.

7.1 Business at Meetings

7.1.1 The Chief Executive Officer may include any matter on the Agenda for a Council Meeting which they think should be considered at the Meeting to which the Agenda relates.

7.1.2 No business can be dealt with at a Meeting unless it is:

(a) Contained on the Agenda; or

(b) Admitted as Urgent Business in accordance with Clause 32.

7.2 Order of business for Council Meetings

7.2.1 The order of business could follow the example set out below:

(a) Acknowledgement of Country and Councillors Pledge

(b) Apologies and Requests for Leave of Absence

(c) Disclosures of Conflicts of Interest

(d) Confirmation of Minutes

(e) Matters Deferred from Previous Meeting

(f) Urgent business

(g) Petitions

(h) Community Participation

(i) Reports

(j) Notices of motion

(k) Councillor Reports

(l) Chief Executive Officer Report

(m) Record of Council Briefing Sessions (Assemblies of Councillors)

(n) Sealing Register

(o) Confidential Business.

7.3 Change to order of business

7.3.1 Once an Agenda has been sent to Councillors, the order of business for that Meeting may only be altered by a resolution of Council.

7.4 Urgent Business

7.4.1 If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if:

(a) it relates to or arises out of a matter which has arisen since distribution of the Agenda; and

(b) deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or

(c) the item involves a matter of urgency as determined by the Chief Executive Officer; and

(d) it cannot be addressed through an operational service request process.

(e) Provided the matter does not:

I. substantially affect the levels of Council service

II. commit Council to significant expenditure not included in the adopted budget

III. establish or amend Council Policy

7.4.2 A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 3 pm on the day of the Meeting.

7.4.3 The Chief Executive Officer will advise the Mayor of any matter they determine appropriate for Council to consider admitting as urgent business.

7.5 Record of Council Briefing Sessions (Assemblies of Councillors)

7.5.1 A written record of each Council Briefing Session, including the participants, the subject matters discussed and any conflict of interest declarations will be presented to Council as part of the Scheduled Meeting Agenda.

7.6.2 7.6 Time Limits for Meetings7.6.1 A Meeting must not continue after three hours from the time it commences unless a majority of Councillors/members present vote in favour of its extension in accordance with this Clause.Extensions of a Meeting will be in block periods of 30 minutes.

7.6.3 After the initial 30-minute extension the Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.

7.6.4 A Meeting may only be continued for a maximum of two 30-minute extensions.

7.6.5 In the absence of such extensions as provided for in sub-rules 7.5.1 through 7.5.3 or in the event there is further business to be transacted at the completion of two extensions, the Meeting must stand adjourned to within 24 hours of the Meeting's original commencement time.

7.6.6 Notwithstanding sub-rule 7.5.5 the Chairperson may seek the resolution of Council not to adjourn the Meeting to the following day, if the Chairperson reasonably believes the remaining business will take less than 10 minutes to transact.

7.7 Chairperson may temporarily adjourn a Meeting exceeding two hours

7.8 The Chairperson may adjourn a Meeting for a 10 minute break, at an appropriate point in proceedings after two hours has elapsed.

7.9 Notwithstanding sub-rule (1), the Chairperson may seek a resolution of Council not to adjourn the Meeting if the Chairperson reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

PART 8 – COMMUNITY PARTICIPATION

Overview:

As outlined in the purpose of these Governance Rules, Council Meetings are held for Council to make its decisions. In addition provisions are made for Council to respond to questions from the community and for submissions to made to Council.

At each meeting there is an opportunity for members of the public to ask questions of the Council. Assistance will be available for any community member seeking or requiring support to write their question(s).

Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to Council.

This Section sets out the procedures to be followed to submit a question or petition, the circumstances under which a question or petition may be disallowed and the process for addressing and responding to the question or petition at or after the meeting.

There will be no discussion or debate with the attendees to Open Forum however Councillors may ask questions of clarification of the attendee

Council meetings are recorded and broadcasted to the public, this includes community questions and submissions.

Community questions and submissions

8.1 The Council will hold Open Forum and Questions of Council Time for up to 30 minutes duration at the beginning of each Scheduled Meeting to allow public submissions and questions of Council. Extension of time may be granted by resolution of Council.

8.2 Open Forum is an opportunity for the general public to present to Council on a matter listed on the Agenda or any other matter.

8.3 Questions of Council are an opportunity for the general public to submit a question prior to the Scheduled Meeting and receive a response from Council in the Questions of Council time.

8.4 Council meetings are recorded and broadcasted to the public, this includes community questions and submissions.

Open forum and Questions of Council guidelines

8.5 Questions of Council time and Open Forum will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.

8.6 Submissions as part of Open Forum and Questions of Council may be on any matter except if it:

8.6.1 is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;

8.6.2 relates to confidential information as defined under the Act;

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

8.6.4 relates to any other matter which the Council considers would prejudice the Council or any person.

8.7 No more than two questions will be accepted from any person at any one meeting.

8.8 Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.

8.9 The Mayor reserves the right to cease a submission as part of Open Forum if they deem the submission inappropriate.

8.10 Copies of all questions allowed by the Chief Executive Officer will be provided in writing to all Councillors.

8.11 A submission or question submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer will be provided to any Councillor on request.

Open forum

8.12 Open Forum may take two different forms:

8.12.1 a member of the public registers to speak to Council as an individual or on behalf of a group or

8.12.2 A member of the public makes a written submission relating to an agenda item and requests that the Chief Executive Officer reads the submission on their behalf.

8.13 Members of the public presenting to Council as part of Open Forum may attend in-person or remote where the attendance requirements can be met.

8.14 Prior Notice Preferable

8.14.1 it is preferable for any member of the public who wishes to be heard at Open Forum to give prior notice:

(a) in written form (online request, email, letter)

(b) contain the name, address and email or contact telephone number of the person to be heard;

8.15 It is preferable for any group or association that wishes to be heard at Open Forum to nominate a spokesperson for an issue upon which the group or association may wish to be heard.

8.16 Where a member of the public wishes to present to Council remotely then they must submit a request to be heard by 4pm the day prior to the Council Meeting.

8.17 Written submissions to be read by the Chief Executive Officer must be submitted by 4pm the day prior to the Council Meeting.

8.18 The Chief Executive Officer reserves the right to refuse to read a submission in accordance with section 8.6.

8.19 Any member of the public attending as part of the gallery may register at the Council Meeting to present as part of Open Forum.

Open Forum Procedure

8.20 Public addressing the Meeting

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

8.21 The Chair will allocate a maximum of 5 minutes to each person who wishes to address Council.

8.22 The Chair or Chief Executive Officer have the discretion to alter the order of persons to be heard.

8.23 The person in addressing the Council:

8.23.1 must confine their address to the 5-minute allocation of time;

8.23.2 shall extend due courtesy and respect to the Council and the processes under which it operates; and

8.23.3 shall take direction from the Chair whenever called upon to do.

8.23.4 There will be no discussion or debate with the attendees to Open Forum however Councillors may ask questions of clarification of the attendee.

8.23.5 Standing Orders (as per part 13) do not need to be suspended to allow discussion for the purposes of clarification.

Questions of council

8.24 Council must receive prior notice of Questions to be heard as part of Questions of Council time.

8.25 Questions must be received exactly as intended to be read.

8.26 Questions submitted to the Council must be:

8.26.1 in written form

8.26.2 contain the name, address and email or contact telephone number of the person submitting the question

8.26.3 in a form approved or permitted by the Council (Template available on Council's website)

8.26.4 addressed to the Chief Executive Officer; and

8.26.5 submitted no later than 4:00pm on the day prior to the next Meeting by:

(a) by online request (Council's website)

(b) in a letter to the Chief Executive Officer, PO Box 138, Alexandra, 3714 or

(c) in an email governance@murridindi.vic.gov.au or

(d) hand delivery to the Council's Office at Alexandra, Kinglake or Yea.

Response

8.27 Response to a submission or question raised during the submission in Open Forum may be provided immediately as part of the Open Forum time at the discretion of the Council.

8.28 The matter will be referred to the relevant Officer for investigation and response if required.

8.29 Where required Council officers will respond acknowledging the question and providing procedural advice and/or the response in accordance with Council policy.

Petitions and joint letters

8.30 Every petition submitted to Council must:

- 8.30.1 be legible, in writing, printed or electronic form
- 8.30.2 is clear and action sought from Council is stated (on each page the matter)
- 8.30.3 not be derogatory, defamatory or objectionable in language or nature
- 8.30.4 not relate to matters outside the powers of Council
- 8.30.5 include the names, addresses and original signatures (where applicable) of at least 10 people.

8.31 A petition will not be presented to a Council meeting if it contains signatures that are false or misleading.

8.32 The Chief Executive Officer will table all petitions that meet the above criteria at the next Scheduled Meeting of Council.

8.33 The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council meeting.

8.34 Where a petition has been signed by less than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.

8.35 Any Councillor presenting a petition is responsible for ensuring that:

- 8.35.1 they are familiar with the contents and purpose of the petition; and
- 8.35.2 the petition is not derogatory, defamatory or objectionable in language or nature.

8.36 The only Motions that may be considered by Council on any petition are:

8.36.1 that the petition be received; and

8.36.2 that the petition be referred to the Chief Executive Officer or relevant Director for consideration and response; or

8.36.3 that the petition be referred to the Chief Executive Officer or relevant Director for a report to a future Council Meeting.

8.37 If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.

8.38 If a petition relates to a 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the 'statutory matter'.

Council has established processes for seeking community input and may adopt policies, protocols or guidelines to ensure opportunities exist for this input, beyond formal consultation processes.

Display of placards and posters

8.39 Subject to sub-sections 8.36 and 8.37, a person can display any placards or posters in the Council Chamber or in any building where a *Meeting* is being, or is about to be, held, including outside the entrance to the building.

8.40 placard or poster must not:

8.40.1 display any offensive, indecent, insulting or objectionable item or words

8.40.2 obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held

8.40.3 obstruct the view or physically impede any person.

8.41 The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be objectionable, disrespectful or otherwise inappropriate.

Public Conduct

8.42 Members of the public present at a Council Meeting must not interject during the Council Meeting. They must preserve silence at all times unless invited by the Chairperson to address Council.

8.43 If a person, other than a Councillor, interjects or interrupts proceedings during the Council Meeting, the Mayor may direct:

8.43.1 the person to stop interjecting or interrupting proceedings; and

8.43.2 if the person continues behaviour, the removal of the person.

8.44 The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.

8.45 In causing a person's removal under sub-clause 8.43.1, or the removal of an object or material under sub--rule 8.41, the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person, object or material.

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

PART 9 – CONDUCT

Overview:

This section outlines how the meeting is to be addressed by Councillors and members of Council Staff.

Members of the Community may only address a meeting in accordance with Part 8 of these rules.

9.1 Councillor allowed to speak uninterrupted

9.1.1 A *Councillor* who has the floor (in-person or remote) must not be interrupted unless called to order, or given notice by the *Chairperson* their speaking time has elapsed or is about to elapse, at which point they must remain silent until the *Councillor* raising the *Point of Order* has been heard and the *Point of Order* dealt with.

9.2 Addressing the Meeting

9.2.1 If the Chairperson so determines:

(a) any person addressing the Chairperson must refer to the Chairperson as:

I. Mayor; or

II. Chairperson, as the case may be;

(b) all Councillors, other than the Mayor, must be addressed as Cr……(surname); and

(c) all Council staff, must be addressed by their official title.

9.2.2 Except for the *Chairperson*, any person who addresses the Meeting must direct all remarks through the Chairperson.

9.2.3 The *Chairperson* may permit any *Councillor* or person to remain seated while addressing the *Chairperson*.

9.3 Disorderly Conduct

9.3.1 The conduct of Councillors and Members at meetings is governed by the *Act*, these Rules and the Councillor Code of Conduct.

9.3.2 Chairperson may adjourn disorderly Meeting

9.3.3 The Chairperson may call a break in a Meeting for either a short time, or to resume another day if:

(a) the behaviour around the table, within the gallery or in the virtual environment is significantly disrupting the Meeting; or

(b) when a Meeting has been in progress for longer than 2 hours.

9.3.4 The break referred to in sub-clause 11.9.1 is an adjournment.

9.4 Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:

9.4.1 Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or

9.4.2 The Mayor, under section 19 of the Act, at a Council meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the meeting for a period of time or the balance of the Meeting.

9.4.3 Where Council suspends a Councillor under sub- rule 11.3.1, or the Mayor directs a Councillor to leave the meeting under sub-rule 11.3.2 the Councillor will take no active part in the portion of the Meeting from which they have been suspended.

9.4.4 If a Councillor has been suspended from a meeting or directed to leave in accordance with sub-rule 11.3.3 the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.

The *Act (section 19(1)(b) provides the power to the Mayor to* direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

PART 10 - MOTIONS & DEBATE

Overview**:**

This Section describes the procedure for introducing a motion or amendment, the rules of debate, foreshadowing a motion or amendment and the duty of the Chairperson in relation to accepting motions and amendments. It also describes the process for a Councillor lodging a notice of motion for consideration and/or indicating they will raise a matter at the next Council Meeting (foreshadowing items).

A Councillor may move any motion related to an item included in the agenda. In the interest of transparency and informed decision making, motions or amendments should not introduce new matters to a debate that have not been the subject of the report or background of the motion being considered by Council. Motions are required to be submitted in writing so they can be displayed to the meeting.

As a resolution must be able to be acted upon, a motion must clearly state what is intended and what its effect will be if it becomes the decision. This provides clarity for the implementation of Council decisions.

This Section also describes the circumstances and procedures under which a Council decision can be rescinded or altered. It also prescribes a procedure under which a Council policy can be altered or varied.

10.1 Moving a motion

10.1.1 The procedure for moving any *Motion* is:

(a) the mover must outline the *Motion* without speaking in support of it

(b) the Motion must be seconded by a Councillor other than the mover

(c) if a Motion is not seconded, the Motion lapses for want of a seconder

(d) if there is a seconder, then the Chairperson must call on the mover to speak to the Motion

(e) after the mover has spoken to the Motion, the seconder may also speak to the Motion

(f) after the seconder has spoken to the Motion (or after the mover has spoken to the Motion if the seconder does not speak to the Motion), the Chairperson must call on any other Councillor who wishes to speak for or against the Motion and

(g) if no Councillor wishes to speak against the Motion, then the Chairperson may put the Motion.

A resolution must be capable of standing alone, that is, a person reading the decision of Council in the minutes will be able to understand what Council is seeking to achieve without reference to other sources. This usually means it should include specifics about the action to be taken, the timing of the action to be taken, the details of any other organisation

10.2 Chairperson's duty

10.2.1 The *Chairperson* must not accept any *Motion* which:

(a) is defamatory; or

(b) is objectionable in language or nature; or

(c) is vague or unclear in its intention; or

(d) is outside the powers of Council; or

(e) is not relevant to an item of business on the Agenda and has not been admitted as urgent business; or

(f) purports to be an amendment but is not.

10.3 Right of reply

10.3.1 The mover of a Motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during debate.

10.3.2 After the right of reply has been exercised, the Motion must immediately be put to the vote without any further discussion or debate.

10.4 Moving an amendment

10.4.1 A Motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the Motion.

10.4.2 An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original Motion. If a Councillor proposes an amendment and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote.

10.4.3 If a Councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:

(a) the amendment must be moved and seconded;

(b) a Councillor may speak on any amendment once, whether or not they have spoken to the Motion, but debate must be confined to the terms of the amendment;

(c) any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the Motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on;

(d) if the amendment is carried, the Motion as amended then becomes the Motion before the Meeting (known as the 'substantive Motion'); and

(e) the mover of an amendment does not have right of reply.

If a proposed amendment is ruled to be the negative of, or substantially contrary to, the motion, it should be treated as an alternative motion to be considered only in the event that the motion before the Chair is lost – see Foreshadowing Motions.

10.5 Foreshadowing motions

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

10.5.2 A Motion foreshadowed may be prefaced with a statement that, in the event of a particular Motion before the Meeting being resolved in a certain way, a Councillor intends to move an alternative or additional Motion.

10.5.3 A Motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting.

10.5.4 The Minutes of the Meeting will not include foreshadowed Motions unless the foreshadowed Motion is subsequently formally moved as a Motion.

10.6 Withdrawal of motions

10.6.1 Before any *Motion* is put to the vote, it may be withdrawn by the mover or seconder or the Chairperson.

10.7 Separation of motions

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

10.7.2 The Chairperson may decide to put any Motion to the vote in separate parts.

10.8 Motions moved in a block

10.8.1 The *Chairperson* may allow like *Motions* to be moved, or request *Councillors* to move like items, in a block (*en bloc*), only if the *Motions* note actions already taken and will not commit *Council* to further action, spending or changes to policy.

10.9 Motions may be requested to be submitted in writing

10.9.1 Motions, except procedural Motions, may be requested to be submitted in writing.

10.9.2 The Chairperson may adjourn a Meeting for 15 minutes or less, while a Motion is being written or may request Council to defer the matter until the Motion has been written, allowing the Meeting to proceed uninterrupted.

10.10 Debate must be relevant to the motion

10.10.1 Debate must always be relevant to the Motion before the Meeting, and, if not, the Chairperson must request the speaker to confine debate to the Motion.

10.10.2 If, after being requested by the Chairperson to confine debate to the Motion before the Meeting, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to not speak further in respect of the Motion before the Chairperson. The speaker must immediately comply with any such direction

10.11 Speaking times

10.11.1 Unless a Motion for an extension of speaking time has been carried, the maximum speaking times are:

(a) the mover of a Motion or amendment - three minutes

(b) the mover of a Motion when exercising the right of reply - two minutes

(c) any other speaker - three minutes.

10.11.2 A Motion for an extension of speaking time must be proposed before the initial speaking time, or immediately on completion of the speaking time for that speaker, expires.

10.11.3 A Motion for an extension of speaking time must not be accepted by the Chairperson if another Councillor has commenced speaking.

10.11.4 Only one extension of speaking time is permitted for each speaker.

10.11.5 Any extension of speaking time must not be more than two minutes.

10.12 Procedural motions

10.12.1 Unless otherwise prohibited, and subject to sub- rule 10.12.2, a procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.

10.12.2 Procedural Motions require a seconder.

10.12.3 The Chairperson may reject a procedural Motion if they believe the Motion on which it is proposed has not been adequately or sufficiently debated.

10.12.4 Regardless of any other provision in these Governance Rules, a procedural Motion must be dealt with in accordance with the table at sub-rule 10.12.8.

10.12.5 A Procedural Motion may not be moved or seconded by the Chairperson.

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

10.12.7 Procedural Motions table:

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'…'	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a *Chairperson*; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the motion now be put'	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a *Chairperson*	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising the right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	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
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the *Agenda*	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Suspension of Standing Orders	'That Standing Orders be suspended to …' (reason must be provided	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the *Local Government Act 2020* the meeting be closed to members of the public for the consideration of item xx *is confidential as it relates to [insert reason]*	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Reopen the meeting	'That the meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The meeting remains closed to the public	No

10.13 Notices of Motion

10.13.1 A Councillor can submit to the Chief Executive Officer a Notice of Motion for inclusion in the Agenda for a Meeting.

10.13.2 A Notice of Motion must be in writing, signed by the Councillor (including by electronic means), and be lodged with the Chief Executive Officer no later than 12 noon 10 business days before the Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.

10.13.3 The Chief Executive Officer must inform Councillors about the legal and cost implications of any proposed Notice of Motion. The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under these Governance Rules.

10.13.4 A Notice of Motion must relate to the objectives, role and functions or Council as outlined in the Act.

10.13.5 A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:

(a) impacts the levels of Council service

(b) commits Council to expenditure greater than $150,000 for goods and services and $200,000 for works that is not included in the adopted Council Budget

(c) proposes to establish, amend or extend Council policy

(d) proposes to impact the rights of any person who has not had the opportunity to contribute their views

(e) commits Council to any contractual arrangement; or

(f) concerns any litigation in respect of which Council is a party.

10.13.6 The Chief Executive Officer must reject any Notice of Motion which:

(a) is too vague

(b) is defamatory

(c) may be prejudicial to any person or Council

(d) is objectionable in language or nature

(e) is outside the powers of Council

(f) is submitted during Election Period.

10.13.7 The Chief Executive Officer may reject a proposed Notice of Motion that

(a) relates to a matter that can be addressed through the operational service request process; or

(b) Relates to a matter that has been previously resolved by Council or is acted upon.

10.13.8 If rejecting a Notice of Motion, the Chief Executive Officer must inform the Councillor who lodged it of that rejection and the reasons for the rejection no later than nine business days before the Meeting at which it is intended to be considered. The Councillor may submit a revised Motion within 24 hours.

10.13.9 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.

10.13.10 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda and outline the policy, financial and resourcing implications if the Notice of Motion is passed.

10.13.11 The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the Agenda for the relevant Council Meeting.

10.13.12 The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.

10.13.13 Unless Council resolves otherwise, each Notice of Motion must be considered in the order in which they were received.

10.13.14 The Motion moved must not be substantially different to the motion published in the Agenda, however, may be amended by resolution of the Council.

10.13.15 If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chairperson to do so, any other Councillor may move the Motion.

10.13.16 If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

10.14 Notices of Rescission

10.14.1 A notice of rescission is a form of Notice of Motion. Accordingly, all provisions in these Governance Rules regulating Notices of Motion equally apply to notices of rescission.

10.14.2 Motions to rescind or alter a previous resolution of Council can be made by:

(a) a notice of rescission delivered by a Councillor in accordance with 10.15.1; or

(b) a recommendation contained in an officer's report included in the Agenda.

10.14.3 A Councillor may propose a Motion to rescind or alter a previous resolution of Council provided:

(a) the previous resolution has not been acted on; and

(b) a notice is delivered to the Chief Executive Officer or Delegate setting out:

I. the relevant previous resolution to be rescinded or altered; and

II. the Meeting and date when the relevant previous resolution was carried.

10.14.4 A notice of rescission must be in writing, signed (including by electronic means) by a Councillor and be delivered to the Chief Executive Officer or ~~an~~ Delegate by 12 noon at least 10 business days prior to the next Scheduled Meeting.

10.14.5 The Chief Executive Officer, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the Meeting at which it was made. A resolution of Council will be deemed to have been acted on if:

(a) its contents or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the proposed Minutes of a Council Meeting on Council's website; or

(b) a statutory process has been commenced so as to vest enforceable rights or obligations on Council or any other person.

10.14.6 Notwithstanding sub- rule 10.15.4 the Chief Executive Officer or member of Council staff must defer implementing a resolution which:

(a) has not been acted on; and

(b) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-rule 10.15.2 unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the Council at legal, financial or other risk.

10.14.7 If a Motion for rescission is lost, a similar Motion may not be put before Council for at least one month from the date it was last lost, unless Council resolves that the notice of rescission be re-listed at a future Meeting.

10.14.8 If a Motion for rescission is not moved at the Meeting for which it is listed, it lapses.

10.14.9 A notice of rescission listed on an Agenda may be moved by any Councillor present but it must be moved in the form it was listed and must not be amended.

10.15 Change of Council Policy

10.15.1 Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held by a particular Council.

10.15.2 It is good practice for Council to review significant policies at least once in each Council term (every 4 years) and such reviews may lead to change in policy position.

10.15.3 Subject to sub- rule 10.15.4 if Council wishes to change a Council policy, a formal notice of rescission is not required.

10.15.4 If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comment sought, prior to the policy being changed.

10.16 Foreshadowed Items

10.16.1 At the time designated in the Meeting Agenda, a Councillor may foreshadow a Notice of Motion to be submitted for consideration at the next Meeting by indicating, when called on to do so by the Chair, the subject matter of the foreshadowed Notice of Motion.

10.16.2 The subject matter, as indicated by the Councillor, of a Foreshadowed Item will be recorded in the Minutes.

10.16.3 No discussion or debate is allowed on a Foreshadowed Item.

10.16.4 A Foreshadowed Item will have no further formal status at that Council Meeting.

10.16.5 Foreshadowed Items are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council Meeting.

10.16.6 If a Councillor does not submit a Notice of Motion for the next Council Meeting, no further action on a Foreshadowed Item will occur.

PART 11 - POINTS OF ORDER

Overview:

A point of order is taken when a Councillor draws the attention of the Chairperson to an alleged irregularity in the proceedings. Valid points of order, the process for raising and ruling on a point of order, and the procedure if there is dissent on the Chair's ruling are described in this section.

11.1 A Councillor raising a Point of Order must state:

11.1.1 the Point of Order; and

11.1.2 any section, Clause, paragraph or provision relevant to the Point of Order.

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

11.3 The Chairperson may adjourn the Meeting to consider a Point of Order; otherwise they must rule on it as soon as it is raised.

11.4 All other matters before Council are suspended until the Point of Order is decided.

11.5 Dissent in Chairperson's ruling

11.5.1 The ruling of the Chair upon any point of order is not open to any discussion and will be final and conclusive.

11.6 Valid points of order

11.6.1 A Point of Order may be raised in relation to:

(a) a Motion which has not been accepted by the Chairperson

(b) a question of procedure

(c) a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;

(d) debate that is irrelevant to the matter under consideration;

(e) a matter that is outside the powers of Council

(f) any act of Disorder.

11.7 Disorderly Conduct

11.7.1 The conduct of Councillors and Members at meetings is governed by the *Act*, these Rules and the Councillor Code of Conduct.

PART 12 - VOTING

Overview:

At the conclusion of debate on a matter before the meeting, the Chairperson must put the question, motion or amendment to the vote. Each Councillor is entitled to one vote and voting must be able to be seen by those participating in the meeting and those observing the meeting. The vote is determined by a majority of the Councillors present at the meeting at the time the vote is taken voting in favour of the motion.

If a vote is tied, the Chairperson has a casting vote.

Calling for a division allows Councillors to have how the Council voted recorded.

Provision is made for the introduction of an electronic voting system as long as Council has resolved to implement the system and all participants in the meeting and those observing a meeting are able to see which way a Councillor has voted on a matter at the time the vote is taken.

12.1 How a matter is determined

12.1.1 To determine a Motion at a Meeting, the Chairperson must first call for those in favour of the Motion and then those opposed to the Motion, and must then declare the result to the Meeting.

12.1.2 In the event of a tied vote, the Chairperson must, unless the Act provides otherwise, exercise the casting vote.

12.2 Voting must be seen

12.2.1 Voting may be by any method resolved by Council that enables those in attendance and those watching a livestream broadcast to clearly see which way a Council has voted at the time a vote is taken.

12.2.2 In the absence of a Council resolving an alternative method, voting on any matter is by show of hands.

12.2.3 Where a Councillor is remotely attending then their hand must be visible on the screen when voting.

12.3 When a division is permitted

12.3.1 A division may be requested by any Councillor on any vote.

12.3.2 The request must be made to the Chairperson either immediately prior to, or immediately after, the vote has been taken, and may not be made after the Meeting has moved to the next item of business.

12.3.3 When a division is called for the Chairperson must:

(a) first ask each Councillor wishing to vote in favour of the Motion to indicate their vote (by show of hands or standing) and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;

(b) then ask each Councillor wishing to vote against the Motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;

(c) next, ask each Councillor abstaining from voting to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes; and

(d) finally, declare the result of the division.

12.3.4 Where a division is requested after the original vote has been taken, the *Motion* is decided on the division and the fact that there may be a difference between the result obtained when the original vote was taken and the result obtained on the division must be disregarded.

12.4 No discussion once a vote has been declared

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

12.5.1 involves calling for a division in accordance with Rule 12.3

12.5.2 a Councillor foreshadows a rescission where a resolution has just been made

12.5.3 a Councillor foreshadows a positive Motion where a resolution has just been rescinded.

Section 59 of the Act provides:

(5) A question before a Council meeting is to be determined as follows—

(a) each Councillor present at a Council meeting who is entitled to vote is entitled to one vote;

(b) voting at a meeting must not be in secret, but if the meeting is closed to the public, a Councillor is not required to divulge their vote to the public;

(c) the question is determined in the affirmative by a majority of the Councillors present at a meeting at the time the vote is taken voting in favour of the question;

(d) subject to subsection (6), if the number of votes in favour of the question is half the number of Councillors present at the meeting at the time the vote is taken, the chairperson has a second vote;

(e) for the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the question.

The Chairperson does not have a casting vote in the election of Mayor or Deputy Mayor as these positions must be elected by an absolute Majority of Councillors.

PART 13 - SUSPENSION OF STANDING ORDERS

Overview:

Standing Orders are the rules made to govern the procedure at Council Meetings contained in this governance rules. The Standing Orders cover a range of matters including the order of business, rules of debate, procedural motions and election procedures. Standing Orders can be suspended to facilitate the business of a meeting.

13.1 Suspension of standing orders

13.1.1 To temporarily remove the constraints of formal meeting procedure and allow full discussion or clarification of an issue, Council may, by resolution, suspend standing orders in accordance with the procedural motion table

13.1.2 Suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council.

13.1.3 No Motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, except a Motion to resume standing orders.

13.1.4 No Motion to suspend standing orders can be accepted by the Chairperson during a second extension of time for a Meeting.

13.1.5 Any discussion that occurs once standing orders are suspended is not recorded in the minutes of the meeting, other than 13.1.3.

PART 14 - MINUTES

Overview:

The Minutes of a meeting must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and incorporate relevant reports or a summary of the relevant reports considered in the decision-making process. The Minutes of a Council Meeting must be submitted to the next appropriate Council Meeting for confirmation.

14.1 Keeping of Minutes

14.1.1 The Chief Executive Officer or Delegate is responsible for the keeping of Minutes on behalf of Council. Those Minutes must record:

(a) the date, place, time, format and nature of the Council Meeting

(b) the names of Councillors and whether they are present in-person or remote, an apology, on leave of absence, etc.

(c) the titles of the members of Council staff who are present in-person or remote regarding Council business

(d) the disclosure of a conflict of interest made by a Councillor in accordance with the *Act*

(e) the arrivals and departures of Councillors, during the course of the Meeting, including any temporary departures or arrivals and including where due to technical difficulties.

(f) every Motion and amendment moved (including procedural Motions),

(g) the outcome of every Motion moved

(h) where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained) noting that under s61(5) that a Councillor present at the meeting who does not vote is taken to have voted against the question

(i) details of any failure to achieve or maintain a quorum

(j) a summary of any question asked and the response provided as part of public question time

(k) a summary of a matter in which a person speaks as part of open forum and the agenda item it refers to (if relevant)

(l) details of any petitions made to Council

(m) the time and reason for any adjournment of the Meeting or suspension of standing orders

(n) any other matter, which the Chief Executive Officer or Delegate thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes

(o) the time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public.

14.2 Confirmation of Minutes

14.2.1 The Minutes as recorded by the Chief Executive Officer, or Delegate, will be made available as the proposed Minutes to:

(a) Councillors, within 3 business days;

(b) members of the public, by publishing them on Council's website, within 5 business days

(c) of the Council Meeting they relate to.

(d) no debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate

(e) once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed. Recording of Proceedings

14.2.2 A community member or any person in attendance must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.

14.2.2.1 The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

PART 15 - COMMITTEES

Delegated Committees

Overview:

Council may establish Delegated Committees and Advisory Committees as part of its governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Committees, their meeting procedures need to be formal.

15.1 If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications

15.1.1 For the purpose of sub- rule 15.1:

(a) a Council meeting is to be read as a reference to a Delegated Committee Meeting;

(b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and

(c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.

15.2 If Council establishes a Delegated Committee, Council may resolve that a provision of these governance rules do not apply to that Committee.

Community Asset Committees

Overview Notes:

The Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee and delegate to it powers, duties or functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.

15.3 The Governance Rules may apply to any Community Asset Committee established by Council.

15.4 The governance and meeting procedure requirements will be attached to the Instrument of Delegation for each established Community Asset Committee.

Audit and Risk Committee

Overview Notes:

The Act provides for Council to establish an Audit and Risk committee to provide oversight.

15.5 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.

15.6 Council may resolve, in establishing an Audit and Risk Committee that the meeting procedure chapter of these Governance Rules does not apply.

15.7 An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.

15.8 An Audit and Risk Committee must act in accordance with its adopted Charter adopted by Council.

PART 16 - JOINT COUNCIL MEETINGS

Overview:

Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in the Act.

16.1 Council may resolve to participate in a Joint Council meeting to consider:

- 16.1.1 Collaborative projects
- 16.1.2 Collaborative procurement
- 16.1.3 Emergency Response

16.2 If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on governance rules with the participating Councils.

16.3 A Joint Council Meeting may be held in person, virtual or hybrid format.

16.4 Where Murrindindi Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting

16.5 A minimum of three Councillors will be appointed to represent Council at a Joint Council meeting.

16.6 Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.

16.7 A joint briefing arranged in accordance with sub-rule (5) may be held virtually, in-person or in a hybrid format.

Section 62 of the Act provides:

(1) Two or more Councils may determine to hold a joint meeting.

(2) A joint meeting is a Council meeting of each Council for the purposes of this Act and the provisions of this Act, except section 61(3), (4) and (5)(d), apply accordingly

(3) A joint meeting is to be constituted by the Councillors of the Councils holding the joint meeting consisting of— (a) the total number of Councillors determined by the Councils holding the joint meeting; and

(b) at least 3 Councillors from each of the Councils holding the joint meeting.

(4) A quorum at a joint meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the Councils holding the joint meeting.

(5) Subject to subsections (2) and (6), the procedures for conducting a joint meeting are to be determined by the Councils holding the joint meeting.

(6) A joint meeting must comply with any requirements prescribed by the regulations

PART 17 - ELECTION PERIOD POLICY

17.1 Council will have in place an election period policy that:

17.1.1 governs decision making during a local government election period, including what may be considered at a Council meeting

17.1.2 prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;

17.1.3 sets out the conditions for any community engagement prohibited during an election period, including consultations, Civic events, and activities of Advisory Committees established by Council

17.1.4 sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns

17.1.5 defines roles and responsibilities in relation to who is the spokesperson for Council during an election period

17.1.6 sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.

17.2 At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.

17.3 The Election Period Policy forms part of these Governance Rules. (Appendix 1)

17.4 The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.

17.5 Any outstanding Delegate's Reports may still be reported to a Scheduled Meeting of Council during this period.

17.6 Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.