

# Governance Rule

## Meeting Procedures

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<b>Responsible Manager</b>	Director Governance, Communications and Community Safety

Unless replaced, this policy will still apply beyond the review date.

<b>Related internal policies, procedures and guidelines</b>	<ul style="list-style-type: none"> <li>• Governance Rules</li> <li>• Public Transparency Principles</li> <li>• Community Engagement Policy</li> </ul>
<b>Related legislation</b>	<ul style="list-style-type: none"> <li>• <i>Charter of Human Rights and Responsibilities Act 2006</i></li> <li>• <i>Local Government Act 1989 and 2020</i></li> <li>• <i>Equal Opportunity Act 2010</i></li> </ul>

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## Part 1 - Preliminary

### 1. Objectives

The objectives of this Governance Rule are to:

- a) Regulate proceedings at Council meetings, or a delegated Committee meeting and other meetings conducted by or on behalf of Council where Council has resolved that the provision of this meeting procedure are to apply;
- b) Facilitate community engagement by providing opportunities at meetings for community members to express their views;
- c) Ensure the efficient and orderly conduct of meetings; and
- d) Ensure the peace, order and good government of the municipal district.

### 2. Power to make this Governance Rule

This meeting procedure is made in accordance with section 60 of the *Local Government Act 2020*.

### 3. Operational date

This meeting procedure operates from 26 July 2023.

### 4. Scope of this Governance Rule

This meeting procedure shall apply to and have operation throughout the whole of the Municipal District of the Nillumbik Shire Council.

### 5. Definitions

Unless inconsistent with the subject matter, the following words have the meaning indicated:

Words	Meaning
Act	<i>Local Government Act 2020</i>
Agenda	a document, electronic or paper, in the form of a notice which specifies the date, time and place of a Meeting and the business to be transacted at the Meeting and includes any accompanying documents
Absolute majority	The votes of the number of Councillors which is greater than half the total number of the Councillors of a Council
Authorised Officer	a person appointed by the Council under section 224 of the <i>Local Government Act 1989</i>
Business days	Monday to Friday inclusive of each week except for Public Holidays

<b>Words</b>	<b>Meaning</b>
Chairperson	the Chairperson of a meeting and includes an acting or temporary Chairperson
Chief Executive Officer	the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer
Clause	a clause of this Governance Rule
Committee Meeting	a meeting of a Special Committee
Council	Nillumbik Shire Council
Councillor	a Councillor of Nillumbik Shire Council
Council Meeting	any meeting of Council
Delegated Committee	a delegated Committee established by Council under section 63 of the <i>Local Government Act 2020</i>
Deputy Mayor	the Deputy Mayor of Council and any person acting as Deputy Mayor
Mayor	the Mayor of Council and any person acting as Mayor
Meeting	includes a Council meeting or a delegated committee meeting
Minutes	the official written record of the proceedings and decisions of a meeting which have been signed by the Mayor/Chairperson
Motion	a proposal framed in a way that will result in the opinion of the Council being expressed or a Council decision being made
Municipal district	the area from time to time comprising the municipal district of Council
Notice of Motion	a notice setting out the text of a motion which a Councillor or a Committee member proposes to move at the next relevant meeting
Point of order	a procedural point, not involving the substance of a matter before a meeting
Procedural Motion	a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.
Resident	a person who has a place of residence within the municipal district

<b>Words</b>	<b>Meaning</b>
Visitor	any person (other than a Councillor or member of Council staff) who is in attendance at a Council Meeting or a delegated committee meeting
Written	includes duplicated, photocopied, photographed, transmitted by facsimile, transmitted electronically, printed or typed

## **Part 2 – Conduct of Meetings**

### **6. Conduct of meetings**

#### **6.1 Council meeting format**

Subject to this Governance Rule, Council and delegated committee meetings may be held:

- a) in person, that is, where Councillors and other attendees are physically present in the Council Chamber.
- b) In hybrid form, that is, where Councillors and other attendees are physically in the Council Chamber, with one Councillor or attendee(s) joining and participating using an electronic means of communication, namely a video conferencing system or any other venue as resolved by Council.
- c) fully remotely, that is, where all the Councillors and other attendees join using a video conferencing system.

#### **6.2 Determination of meeting format**

Council meetings will be conducted in person except as provided in Part 5. Council may, by resolution, determine that a specific meeting or meetings will be conducted:

- a) in person
- b) by electronic means of communication.

#### **6.3 Meetings conducted in person**

At meetings conducted in person, a Councillor must physically attend the meeting unless their request to participate by electronic means of communication has been granted in accordance with clause 74.

### **7. Notices and Agendas**

#### **7.1 Date, time and place of meetings**

The dates, times and places of Council Meetings are within the discretion of Council.

Council may, by resolution, at a Meeting alter the day and time upon which any Meeting shall be held.

A Meeting must start within 30 minutes of the advertised start time.

A Meeting may not continue after 10.30pm unless a Majority of Councillors present vote in favour of its continuance. In the absence of such continuance, a Meeting must stand adjourned to a time, date and place announced by the Chairperson immediately before the standing Meeting is adjourned.

## **7.2 Notice of Meeting**

The Chief Executive Officer or delegate must give notice including on Council's website of the date, time and place of a meeting giving adequate time for members of the community to make arrangements to attend the meeting or view the meeting via the livestream unless urgent or extraordinary circumstances prevent compliance with this clause.

The Chief Executive Officer or delegate must ensure that the agenda for any Meeting is provided to every Councillor or delegated committee member with adequate time for Councillors or members to prepare adequately for the meeting.

## **7.3 Attendance at meetings**

In accordance with section 66(1) of the Act, all Meetings of Council must be open to the public unless section 66(2) of the Act applies.

Council may resolve, in accordance with section 66(2) of the Act, that its Meeting be closed to the public because:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

## **7.4 Business to be transacted**

No business shall be transacted at a Council Meeting unless it appears on the agenda.

Notwithstanding the above, an item of business which has:

- a) been referred to Council by a delegated committee which has met since the agenda was prepared; or
- b) arisen since the preparation of the agenda, and is of such importance that deliberation by Council cannot be delayed,

may be considered by Council only if admitted in accordance with the provisions of clause 57 – Urgent Business.

## **8. Quorum**

The quorum in relation to Council Meetings is an absolute majority.

The quorum in relation to delegated committee meetings is the number of members, which is greater than half the total number of members of the committee.

### **8.1 Failure to raise or maintain a quorum**

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



- a) those Members present; or
  - b) if there are no Members present, the Chief Executive Officer; or,
  - c) in the absence of the Chief Executive Officer, an Authorised Officer,
- must adjourn the Meeting for a period within four (4) weeks from the date of the Meeting.

## **8.2 Council decision making where quorum cannot be maintained**

If the meeting cannot be maintained due to the temporary absence of Councillors, the Chairperson can temporarily adjourn the meeting for up to 15 minutes.

If during any Council Meeting it becomes apparent to the Chairperson that it will not be possible to maintain a quorum due to the number of Councillors who have disclosed a conflict of interest in an item of business and will be unable to vote Council must consider whether:

- a) the decision can be made in an alternative manner by dealing with the matter in separate parts; or
- b) by making decisions on component parts in which conflicts arise before the overall decision is voted upon.

If not, Council must decide to establish a delegated committee to make the decision in accordance with s 67(4) of the Act.

If during any Meeting or any adjournment of the Meeting, a quorum cannot be maintained for any other reason:

- c) those Councillors present; or
- d) if there are no Councillors present, the Chief Executive Officer; or,
- e) in the absence of the Chief Executive Officer, an Authorised Officer,
- f) must adjourn the Meeting for a period not exceeding seven (7) days from the date of the Meeting.
- g) 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 and/or absence 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 Meeting. This does not require a resolution of Council.

## **9. Adjourned meetings**

Council may, by Resolution, adjourn any Meeting to a later time on the same day, or for a period not exceeding seven (7) days.

The Chief Executive Officer, or an Authorised Officer, must give notice to each Councillor of the date, time and place to which the Meeting stands adjourned and of the business remaining to be considered.

## **10. Extraordinary Meeting**

The Mayor or a majority of Councillors may by a written notice call an extraordinary Council Meeting;

- a) The notice must specify the date and time of the extraordinary Council meeting and the business to be transacted;
- b) The Chief Executive Officer must call the extraordinary meeting as specified in the notice;
- c) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice is to be transacted.

## **11. Chairperson**

The Mayor must preside at all Meetings at which they are present, in the role of Chairperson.

In the absence of the Mayor, the Deputy Mayor must preside at any Meeting at which they are present, in the role of Chairperson.

In the event that both the Mayor and Deputy Mayor are absent, Council must elect a Chairperson to preside at that Meeting, in accordance with the provisions of the Governance Rule – Election of the Mayor and Deputy Mayor 1.1.

## **12. Duties and responsibilities of the Chairperson**

The duties and responsibilities of the Chairperson are to:

- a) formally declare a Meeting open, after ascertaining that a quorum is present, and to welcome guest speakers and other visitors;
- b) preside over and control the Meeting, and to conduct it impartially and according to the rules to ensure the smooth passage of business;
- c) sign Minutes of Meetings as correct when they have been confirmed;
- d) ensure that debates are conducted in the correct manner;
- e) declare the results of all votes;
- f) give rulings on Points of Order and other questions of procedure;
- g) preserve order, and if necessary, "name" offending Councillors;
- h) adjourn (when so resolved) or formally declare the Meeting closed when all business has been concluded.

## **13. Order of Business of a Council Meeting**

The order in which business is listed on the agenda is determined by the Chief Executive Officer in consultation with the Mayor and should be kept consistent from meeting to meeting in order to facilitate and maintain open, efficient and effective processes of government.

The Chief Executive Officer may include any matter on the agenda that they believe should be considered by the Council.

The order of business of any Council Meeting will be as follows:

1. Welcome
2. Acknowledgement of Country
3. Good Governance Pledge
4. Prayer
5. Apologies
6. Declarations of Conflict of Interest
7. Presentations
8. Confirmation of Minutes
9. Petitions
10. Questions from the Gallery
11. Reports of Advisory Committees
12. Officer's Reports
13. Notices of Motion
14. Delegates' Reports
15. Supplementary and Urgent Business
16. Confidential Reports

Once an Agenda has been sent to Councillors, the order of business for that meeting may only be altered with the consent of the majority of the Councillors at that Meeting.

#### **14. Councillor Leave of Absence and Absence from Meeting**

Any Councillor seeking leave of absence from Council duties must do so in writing addressed to the Chief Executive Officer. Applications for leave shall be listed for consideration at the next Council Meeting and the Council must not unreasonably refuse to grant the request for leave of absence.

Where leave of absence has been granted to a Councillor, the Chief Executive Officer must record the leave of absence in the Minutes of the Council Meeting held during the period of the leave of absence.

If Councillor intends to be absent from a Meeting, the Councillor must give the Chairperson of that Meeting a notice of apology prior to the Meeting.

If a Councillor is an apology at a Council Meeting or delegated committee meeting the apology will be noted by resolution in the minutes.

#### **15. Recording of Meetings**

The Chief Executive Officer (or another person authorised by the Chief Executive Officer) will record, using electronic recording equipment, and livestream the proceedings of a

Council Meeting or delegated Committee Meeting. Recordings must be retained for a minimum period of three months from the date of the Meeting.

Media representatives may with consent of the Chairperson be permitted to record, using electronic recording equipment, any part of the proceedings of a Council Meeting or delegated Committee Meeting. The consent of the Chairperson must not be unreasonably withheld, but may be revoked at any time during the course of the relevant meeting.

Subject to this clause, members of the public must not operate electronic recording equipment (including mobile phones) at any Council Meeting or delegated committee Meeting without the prior written consent of Council. Such consent may be given only after receipt of a written application and may at any time during the course of such meeting be revoked by the Chairperson.

Members of the public are to be advised if the Meeting is being recorded (audio and video) by venue signage.

## **16. Record of Proceedings**

The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council Meeting, and Delegated Committee Meeting and those minutes must record:

- a) the names of the Councillors and/or committee members present and the names of the Councillors and/or committee members who have submitted apologies or have been granted leave of absence;
- b) the names of staff members present at the meeting;
- c) arrivals and departures (including temporary departures of Councillors and/or committee members during the course of the meeting);
- d) declarations of conflict of interest;
- e) record movers and seconders;
- f) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder) and motions and amendments withdrawn by resolution or with the consent of both the mover and seconder of the motion or amendment;
- g) whether motions or amendments lapsed or were withdrawn, carried or lost;
- h) the vote cast (if any) by each Councillor and/or committee member on each motion or amendment, either for, against or abstaining, and the declaration of the result;
- i) the vote cast (if any) by each Councillor and/or committee member upon a division, either for, against or abstaining, and the declaration of the result of the division on the motion or amendment;
- j) questions from the gallery and responses to those questions;
- k) the failure of a quorum;
- l) closure of the meeting to members of the public in accordance with the provisions of section 66(2) of the Act;
- m) when specifically requested by a Councillor or delegated committee member, a record of their support or opposition for any motion;

- n) a summary of all committee reports presented to Council;
- o) the time and reason for any adjournment of the meeting or suspension of standing orders; and
- p) any other matter which the Chief Executive Officer (or other person authorised by the Chief Executive Officer) thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
- q) The minutes must be documented and each item numbered consecutively.

## **17. Confirmation of Minutes**

At every Meeting the Minutes of the preceding Meeting must be dealt with as follows:

- a) a copy of the Minutes must be delivered to each Councillor no later than 72 hours before the next Meeting;
- b) if no Councillor indicates opposition, the Minutes must be declared to be confirmed;
- c) subject to clause 18, if a Councillor indicates opposition to the Minutes:
  - i. they must specify the item(s) to which they object;
  - ii. the objected item(s) must be considered separately and in the order in which they appear in the Minutes;
  - iii. the Councillor objecting must move accordingly without speaking to the motion;
  - iv. the motion must be seconded;
  - v. the Chairperson must ask:
    - "Is the motion opposed?"*
  - vi. if no Councillor indicates opposition, the Chairperson must declare the motion carried without discussion and ask the second question described in paragraph x.;
  - vii. if a Councillor indicates opposition, the Chairperson must call on the mover to address the Meeting;
  - viii. after the mover has addressed the Meeting, the seconder may address the Meeting;
  - ix. after the seconder has addressed the Meeting (or after the mover has addressed the Meeting if the seconder does not), the Chairperson must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
  - x. if, after the mover has addressed the Meeting, the Chairperson invites debate and no Councillor speaks to the motion, the Chairperson must put the motion and, after all objections have been dealt with, ultimately ask:
    - "That the Minutes be confirmed" or*
    - "That the Minutes, as amended, be confirmed",*
 and they must then put the question to the vote.

- xi. a Resolution of Council must confirm the Minutes and the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed.

### **18. No debate on confirmation of minutes**

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

### **19. Publication of minutes**

Council will endeavour to provide the Minutes of its Meetings on the Nillumbik Shire Council's website within three (3) business days of the meeting.

### **20. Record of Informal Meetings of Councillors**

If there is a meeting of Councillors that:

- a) is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- b) is attended by at least one member of Council staff; and
- c) is not a Council meeting, delegated committee meeting or community asset committee meeting

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

- d) tabled at the next convenient Council meeting; and
- e) recorded in the minutes of that Council meeting.

### **21. Declaration of Conflicts of Interests**

Conflicts of Interest are to be disclosed in accordance with this Governance Rule and Governance Rule – Procedure for Disclosure of Conflicts of Interest.

### **22. Presentations**

At each Council Meeting, presentations of monetary grants, certificates of appreciation or other acknowledgements that recognise the outstanding achievements of local individuals and organisations who have made a significant contribution to Nillumbik, may be made by the Mayor or Councillors.

Presentations may also include an acknowledgement of the passing of prominent community members.

### **23. Petitions**

A person may lodge a petition with Council, and if the petition is lodged 10 business days prior to the Council meeting it will be included in the Council agenda for that meeting. If a petition is lodged less than 10 business days prior to a Council meeting, the petition will be included in the next Council agenda.

A person lodging a written petition is to ensure that the petition contains:

- a) a clear and concise statement identifying the subject matter and the action requested;
- b) a heading on each page indicating the subject matter;
- c) a brief statement on each page of the subject matter and the action requested;
- d) a statement specifying the number of signatories; and

the full printed name, address and signature of the person lodging the petition at the end of the petition.

Petitions must not be indecent, abusive or objectionable in language or substance.

Every page of the petition must bear the wording of the whole of the petition or request and include the name, address and signature of petitioners.

Signatures appearing on a page of a petition which does not bear the wording of the whole of the petition or request, must not be considered by Council.

Petitions presented to Council must be written (other than pencil).

Council may accept genuine electronic petitions if it is satisfied that the petition is authentic and has been received from a legitimate website, contains a clear and concise statement identifying subject matter and action requested and includes the name, address (suburb and postcode as a minimum) of all electronic signatories.

Any resident of Victoria may sign a petition.

A petition will be presented by a Councillor at the Council Meeting and the Councillor presenting the petition:

- e) shall identify the issue;
- f) shall state the number of signatures attached to the petition;
- g) shall read the petition in full or precis form; and
- h) may move 'That the petition be received and noted' and any other action appropriate.

Any petition containing fewer than 15 signatures, will not be presented at a Council meeting and will, instead, be forwarded to the relevant Director for a response.

## **24. Public Question Time**

There shall be a public question time at every Council Meeting to enable members of the public to submit questions to Council.

Procedures which allow for public questions to be asked at a Council Meeting are available on Council's website.

Public Question Time will not be held during:

- a) Any period when a meeting is closed to the public in accordance with section 66 of the Act; or
- b) A Local Government election or caretaker period as defined in Council's election period policy.

Public Question Time will not exceed 30 minutes in duration unless extended by resolution of Council through a procedural motion, in which case it may only be extended for one period of up to 30 minutes.

Questions must be answered, taken on notice or disallowed. All questions and answers shall be as brief as possible.

Council will allocate a reasonable time to each person who wishes to address a question to Council having regard to:

- a) the nature of the matter to be discussed;
- b) the priorities in relation to other Council business; and
- c) the overall time limit for question time.

#### **24.1 Lodging a Question**

All questions must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than 11.59pm two days prior to the advertised date of the Council Meeting.

Questions are limited to a maximum of two questions per individual with no subparts. Questioners are expected to disclose any personal or professional interests in the subject matter of their questions on the question forms available at the Civic Centre or on Council's website.

All questions must be received in writing and must include the name of the person asking the question. Where more than two questions are received from any person, only the first two questions will be read at the meeting.

#### **24.2 Questions not permitted**

The Chairperson and/or the Chief Executive Officer may at their discretion, refuse to accept a question if the question:

- a) is a statement or opinion;
- b) relates to a matter outside the duties, functions or powers of Council;
- c) is indecent, abusive or objectionable in language or obscene;
- d) is repetitive or deals with a subject matter already answered at the same or an earlier meeting;
- e) is in the opinion of the Chairperson or Chief Executive Officer, asked to embarrass a Councillor or an officer;
- f) relates to the personal views or actions of an individual Councillor or Officer;
- g) is considered trivial or vexatious or it is more appropriate to direct to officers of the Shire during normal business hours;
- h) relates to a matter that is the subject of negotiation, litigation or commercial interest/advantage; or
- i) relates to a matter which the Council has discussed in camera or proposes to discuss after closing the meeting to members of the public in accordance with section 66(2) of the Act.

#### **24.3 Asking a Question**

- a) The procedure and sequence for dealing with a question is that the Chairperson:
  - shall name the questioner;



- shall read out the question; and
  - may answer the question or direct the question as they deem appropriate.
- b) If a person submitting a question is not in attendance during Public Question Time, their question(s) may be read out and a response provided at the meeting.
- c) The Chairperson may elect to answer the question themselves or request the Chief Executive Officer to read and respond to a question.

## **25. Submissions by public under section 223 of the *Local Government Act 1989***

A delegated committee must hear any person wishing to be heard in respect of their submission to Council under section 223 of the *Local Government Act 1989*.

Committee members may question any submitter in relation to their submission.

Each speaker is allowed three minutes to speak to their submission.

The Chairperson may use their discretion to allow an extension of time for up to a further one minute.

Anyone making a submission and not wishing to appear in person can be represented by another person in accordance with the *Local Government Act 1989*. Submitters will be requested to disclose any personal or professional interests in the subject matter of their submission.

## **26. Other public submissions**

In addition to section 223 submissions under the *Local Government Act 1989*, delegated committees may also hear any person on any items listed on the delegated committee agenda where the person has made application to speak to an item in accordance with Council's procedures.

This includes any person whose rights will be directly affected by a decision of Council, even if Council has not invited public submissions or if the person has not already lodged a written submission.

Persons wishing to address the Committee must lodge their request in writing, identifying the item on the agenda about which they wish to address the Committee and provide their name and contact details no later than 5pm the day prior to the advertised date of the Committee Meeting.

Procedures which allow for public submissions at a Committee Meeting are available on Council's website.

In respect of these submissions, the Chairperson may, in the case where there are several people representing a common position, encourage the submitters to nominate a single person to speak on the matter.

A person can speak on their own behalf for up to three minutes. They may also speak on behalf of one group, organisation or company for a further period of up to three minutes.

No person may speak on behalf of more than one other person, group, organisation or company, unless Council or the Committee specifically resolves to allow them to do so.

The Council or the Committee may ask questions of clarification relating to the submission of the person authorised to address Council or the Committee.

## **27. Addressing the Meeting**

A Councillor or any other person who addresses a Meeting must do so in a courteous and respectful manner and must take direction from the Chairperson whenever called on to do so.

Except for the Chairperson, any Councillor or person who addresses the meeting must direct all remarks through the Chair.

Any person addressing the Chair must refer to the Chairperson as:

- a) Mayor; or
- b) Chair; or
- c) Chairperson; or
- as appropriate.

Councillors and members of Council staff in speaking must address each other by their titles of Councillor or officer as the case may be.

Any member of the public attending a Meeting must not:

- a. utter any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, or interject or gesticulate offensively in the Council Chamber;
- b. display any placards or posters in the Council Chamber or in any building where a Meeting is being or is about to be held that give rise to a risk to the health and safety of persons in the Council Chamber or building where the Meeting is being held.
- c. display any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, in the Council Chamber; or
- d. obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held.

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

Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the Meeting) at all times during a Meeting.

If any member of the public engages in conduct that is improper or disorderly, the Chairperson may direct that person to cease their conduct and the person must comply with that direction. (Also refer to clause 67).

## **28. Form of Motions or Amendments**

A motion or an amendment:

- a) must relate to the powers or functions of Council;
- b) may be in writing or oral however, the Chairperson may require that complex or detailed motions be in writing and tabled when the motion or amendment is moved; and

- c) except in the case of urgent business, must be relevant to an item of business on the agenda.

The Chairperson may temporarily adjourn the Meeting while the motion is being written or may defer the matter in the order of business, until the motion has been written.

A motion or amendment must be clear and unambiguous and must not be defamatory or objectionable in language or nature.

The Chairperson may refuse to accept any motion or amendment which contravenes this clause.

## **29. Introducing a Motion**

The procedure for moving any motion at a Meeting is as follows:

- a) the mover must state the subject and nature of the motion and not speak to it;
- b) the motion must be seconded by a Councillor other than the mover. If there is no seconder for a motion, the Chairperson must declare the motion to have lapsed;
- c) if the motion is moved and seconded the Chairperson must ask whether the motion is opposed and/or whether any Councillor wishes to speak to the motion;
- d) if no Councillor indicates opposition or a desire to speak to the motion, the Chairperson may declare the motion carried without discussion;
- e) if a Councillor indicates opposition or a desire to speak to the motion:
  - i. the Chairperson must call the mover to address Council upon it;
  - ii. after the mover has spoken, the Chairperson must call upon the seconder to address the meeting;
  - iii. after the seconder has addressed the meeting (or after the mover if the seconder does not wish to speak) the Chairperson must call upon the first speaker in opposition to address the meeting;
  - iv. after the mover, seconder and first speaker in opposition have had the opportunity to address the Meeting the Chairperson will call for speakers for and against the motion or amendment in alternate sequence until the sequence of speakers is exhausted; and
  - v. a Councillor may only speak once on the motion or amendment.

A Councillor calling the attention of the Chairperson to a Point of Order is not regarded as speaking to the motion.

## **30. Moving an Amendment**

A motion which has been moved and seconded, in accordance with clause 29 a) and b) may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.

An amendment may be moved or seconded by any Councillor, except the mover or seconder of the original motion;

If any Councillor intends to move an amendment, they must give notice of that intention prior to the right of reply being exercised.

A motion to confirm a previous Resolution of Council cannot be amended.

An Amendment must not be the negative of, or substantially contrary to, the original motion.

The mover of an amendment may with the consent of the seconder, change the wording of the proposed amendment.

If an amendment is adopted it becomes the substantive motion and, unless subject to further amendment and debate, must be put to the vote by the Chairperson.

### **31. Right of Reply and Debate of Motion or Amendment**

If there has been any opposition to a motion, the mover of a motion has the right of reply to these issues.

The mover of an amendment has no right of reply.

Subject to any Councillor exercising their right to ask any question concerning or arising out of a motion, the Chairperson must put the motion to the vote immediately after the mover of the motion has spoken in reply.

Any one Councillor cannot move more than two (2) amendments in succession.

Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.

Debate on an amendment must be confined to the terms of the amendment.

### **32. How Many Amendments may be proposed**

Any number of Amendments may be proposed to a motion but only one (1) Amendment may be accepted by the Chairperson at any one (1) 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.

### **33. An Amendment Once Carried**

If the Amendment is carried, the amended motion then becomes the substantive motion before the Meeting and can be further amended.

The mover of the original motion retains the right of reply to the substantive motion.

### **34. Foreshadowing Motions**

At any time during debate a Councillor may foreshadow a motion to inform the Meeting of their intention to move a motion at a later stage in the Meeting. This does not extend to any special right to the foreshadowed motion.

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

A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a Meeting, the Chief Executive Officer or an authorised officer is not required to record foreshadowed motions in the minutes.

### **35. Withdrawal of Motions**

Subject to this clause, only with the leave of the Chairperson, and the consent of the mover and seconder, can a motion or amendment to a motion be withdrawn.

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

### **36. Priority of Address and Right to Speak to Motion**

In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard.

A Councillor may speak once on a motion and once on an amendment, except for the mover of a motion who has the right to speak in reply to any opposition to the motion.

### **37. Debate of the Motion**

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

If the speaker continues to debate irrelevant matters after being requested to confine debate the Chairperson may direct the speaker to be seated and not to speak further in respect of the motion before the Chairperson.

A speaker to whom a direction has been given under this clause must comply with that direction.

Councillors may remain seated to address the Chairperson, to move or second a motion or amendment, or to take part in a debate.

The Councillor acknowledged by the Chairperson is to speak and must not be interrupted unless:

- a) they are called to order; or
- b) their speaking time has expired; or
- c) a Point of Order is raised.

Councillors must address each other by their official titles during debate and throughout a Meeting.

### **38. Debate from the Chair**

The Chairperson should seek to refrain from debate on motions. The Chairperson may however choose to exercise a right to speak in favour of or against a motion and where this is the case, the Chairperson must advise the Council of their intention.

Where the Chairperson wishes to move or second a motion, they must temporarily vacate the Chair before the motion is considered by Council. The Deputy Mayor assumes the role of the Chairperson. If the Deputy Mayor is absent or unable to assume the Chair, a temporary Chairperson must be elected in the same manner as the second temporary chairperson is elected in accordance with Governance Rule – Election of Mayor and Deputy Mayor Clause 1.1.

### **39. Resumption of adjourned debate**

The business to which the debate relates must be placed on the Agenda of the meeting to which it is adjourned. Adjourned business should have priority over any other business except formal business.

If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless they have already spoken to the motion or amendment.

### **40. Lost Motions**

Councillors should move a motion detailing further requirements or actions after any motion which is lost.

### **41. Separation of a Motion**

Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts. If the Chairperson does not consent to the request then Council may determine the matter in accordance with clause 52 - Disagreement with the Chairperson's ruling.

### **42. Deferral of a Motion**

Council may defer an item until later in the meeting or until another meeting as appropriate if further consideration or clarification is required prior to a decision being made. The decision to defer an item is a substantive motion, and may be debated.

### **43. Time limits**

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson;

- a) the mover of a motion or an amendment five (5) minutes;
- b) the seconder of a motion or an amendment three (3) minutes;
- c) any other Councillor three (3) minutes; and
- d) the mover of a motion exercising a right of reply two (2) minutes.

### **44. Voting**

Voting shall be in accordance with the Act. A matter will be determined in the affirmative if the majority of Councillors at a meeting at the time the vote is taken vote in favour of it.

A Councillor has the right to abstain from voting.

Councillors must remain seated in silence while a vote is being taken.

Unless Council resolves otherwise, voting on any matter will be by a clear show of hands so that the Chairperson can easily record the count.

Section 61(5)(e) of the Act provides that in 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 matter.

#### **45. Recount of vote**

The Chairperson may direct that the vote be re-counted as often as may be necessary for them to satisfy themselves of the result.

#### **46. Casting Vote**

In the event of an equality of votes, the Chairperson has a casting vote.

This clause does not apply in the event of an equal number of votes in respect of the election of the Mayor or Deputy Mayor or in cases where the Act provides that a matter is to be determined by lot.

#### **47. Division**

Immediately after any matter is voted upon and before the next item of business has commenced, a Councillor may call for a division.

When a division is called, the vote already taken must be treated as a nullity and the voting by division shall decide the motion or amendment. Any Councillor may change their original vote at the voting on the division.

When a division is called, the Chairperson must:

- a) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote must raise one of their hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record the names of those Councillors voting in the affirmative; and
- b) then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record the names of those Councillors voting in the negative; and
- c) if required, then ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one of their hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting), must record the names of those Councillors abstaining from voting.

In determining the result of a vote, an abstention is counted as a vote in the negative.

#### **48. Declaration of vote**

The Chairperson must declare the result of the vote as soon as it is taken.

#### **49. Resolution not to be discussed after it is carried**

Except in the case of a motion of rescission or alteration or a Councillor wishing to have their opposition to the motion recorded, no resolution may be discussed after the vote upon it has been declared.

## **50. Points of order**

Expressing a difference of opinion or contradicting a speaker does not constitute a point of order.

A point of order is taken when a Councillor officially draws the attention of the Chairperson to an alleged irregularity in the proceedings that contravenes this Governance Rule, any other Governance Rule or the Act.

Councillors raising a point of order must:

- a) state the point of order; and
- b) state any section, clause, paragraph or provision relevant to the point of order.

A Councillor may raise a point of order by drawing the attention of the Chairperson to:

- c) the fact that a Councillor or Councillor is out of order; or
- d) an act of disorder, despite the fact that the Chairperson or a Councillor is speaking at the time.

When called to order, a Councillor must sit down and remain silent until the point of order is decided unless they are requested by the Chairperson to provide an explanation.

The Chairperson may raise a point of order without it having been raised by a Councillor.

A point of order takes precedence over all other business, including procedural motions.

## **51. Chairperson to decide Point of order**

The Chairperson may adjourn the meeting to consider a point of order, but must otherwise rule upon it as soon as it is taken.

If called upon to do so by a Councillor, the Chairperson must, when ruling on a point of order, state the provision of this Rule, another Governance Rule or the Act which is relied on in support of the ruling.

## **52. Disagreement with Chairperson's ruling**

A Councillor may move that the meeting disagree with the Chairperson's ruling on a point of order.

When a motion in accordance with this clause is moved and seconded the Chairperson must leave the Chair and a temporary Chairperson, being the Deputy Mayor if present at the meeting, must take their place. If Council has not elected a Deputy Mayor, the Deputy Mayor is absent from a meeting of Council or unable to assume the Chair for raising the disagreement, the Chief Executive Officer must take the Chair and invite nominations for a temporary Chairperson. If there is only one nomination (which must be moved and seconded), the candidate nominated is deemed to have been duly elected. If there is more than one nomination, the procedure for the election of the Mayor in Governance Rule – Election of Mayor and Deputy Mayor should be followed.

The temporary Chairperson must invite the mover to state the reasons for their dissent and the Chairperson may then reply.

The temporary Chairperson then puts a motion in the following form:

‘That the Chairperson’s ruling be upheld’.



If the vote is in the:

- a) affirmative, the Chairperson resumes the Chair and the meeting proceeds.
- b) negative, the Chairperson resumes the Chair, reverses their previous ruling and the meeting proceeds.

The defeat of the Chairperson's ruling is in no way a motion of censure or no-confidence and should not be regarded as such by the meeting.

### **53. Procedural Motions**

A procedural motion is one dealing with the conduct of the meeting itself, and takes precedence over a substantive motion.

A procedural motion may be moved at any time and must be dealt with immediately by the Chairperson in accordance with the procedural motion table below.

A procedural motion requires a seconder.

The mover of a procedural motion must not have moved or seconded the question before the Chair or any amendment of it.

A procedural motion cannot be moved by the Chairperson.

The mover has the right or obligation to justify the procedural motion, thereafter debate is not permitted unless allowed at the discretion of the Chairperson and the mover does not have a right of reply.

A procedural motion cannot be amended.

The procedural motions in the following table are the only procedural motions to be moved.

## Procedural Motion Table

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or * date	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<ul style="list-style-type: none"> <li>a. During the election of a Chairperson;</li> <li>b. When another Councillor is speaking</li> </ul>	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<ul style="list-style-type: none"> <li>a. During the election of a Chairperson;</li> <li>b. When another Councillor is speaking; or</li> <li>c. When the motion would have the effect of causing Council to be in breach of a legislative requirement</li> </ul>	Motion and any amendment postponed but may be resumed at any later Meeting if on the Agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the substantive	During nominations for Chairperson	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate subject	Debate continues unaffected	No

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
		motion or otherwise spoken to the substantive motion		to any Councillor exercising their right to ask any question concerning or arising out of the motion		
4. Proceeding to next business	That the Meeting proceed to the next business Note: This Motion: a. May not be amended; b. May not be debated; and c. Must be put to the vote as soon as seconded	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	a. During the election of a Chairperson; b. When another Councillor is speaking; or c. When a motion would have the effect of causing Council be in in a breach of a legislative requirement	If carried in respect of a. An amendment, Council considers the motion without reference to the amendment; b. A motion – no vote or further discussion on the motion until it is placed on an Agenda for a later Council Meeting	Debate continues unaffected	No
5. Suspension of this Governance Rule	That the Meeting be Suspended to: (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given motion	The meeting continues unaffected	No

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and seconder</b>	<b>When Motion prohibited</b>	<b>Effect if carried</b>	<b>Effect if lost</b>	<b>Debate permitted on Motion</b>
				No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted		
6. Resumption of this Governance Rule	That this Governance Rule be resumed	Any Councillor	When this Governance Rule has not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
7. 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 Mayor and Deputy Mayor	The meeting be closed to members of the public	The meeting continues to be open to the public	Yes
8. Reopen the meeting	That the meeting be	Any Councillor		The meeting is reopened to the public	The meeting remains	No

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and seconder</b>	<b>When Motion prohibited</b>	<b>Effect if carried</b>	<b>Effect if lost</b>	<b>Debate permitted on Motion</b>
	reopened to members of the public				closed to the public	
9. Extending Public Question Time	That Public Question Time be extended by 30 minutes	Any Councillor		Public Question Time is extended by 30 Minutes	Public Question Time must cease at the end of the initial 30 minute period	No
10. Admission of Urgent Business	That Urgent Business be admitted	Any Councillor		Urgent Business is admitted and considered by Council	Urgent Business cannot be admitted	Yes

## **54. Repetitious Motions**

Once a Meeting has rejected a motion, with or without amendment, similar motions to the same effect, even in a different form, are considered to be out of order at that Meeting. A motion similar to an amendment to a motion already dealt with at a Meeting is also not permissible. However, the matter can be legitimately raised again at a subsequent Meeting in accordance with the provisions of this Meeting Procedure.

## **55. Notices of motion**

Subject to subclause 7.4 of this Rule, a Councillor may move a motion if notice of such motion has been given in accordance with this Rule.

A Notice of Motion must be lodged with the Chief Executive Officer in writing by 12 noon 10 business days prior to the Council Meeting at which it is to be considered to ensure inclusion in the Agenda. Any Notice of Motion received after that time must, be included on the agenda for the following Council Meeting, unless withdrawn in writing.

A Councillor may also give a Notice of Motion at a Council Meeting in which case, the item will be listed at the next following Meeting of Council.

The full text of the proposed motion must be included on the agenda. No other explanatory information will be included on the agenda.

A Notice of Motion must relate to the role of Council as outlined in the Act.

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

- a. affect the levels of Council service;
- b. be inconsistent with the strategic objectives of the Council as outlined in the Council Plan;
- c. commit Council to expenditure that is not included in the adopted Budget;
- d. propose to establish, amend or extend an adopted Council policy or position;
- e. commit Council to any contractual arrangement;
- f. concern any litigation in respect of which Council is a party; or
- g. impact on perceived procedural fairness to a person or entity which is the subject of a pending decision by Council.

The Chief Executive Officer must reject a Notice of Motion if they are of the opinion that it is:

- h) outside the powers of Council.
- i) possibly prejudicial to any person or Council;
- j) defamatory;
- k) objectionable in language or nature;
- l) vague or unclear in intention;
- m) is identical or substantially similar to a Notice of Motion or other motion that has been considered by Council in the preceding two (2) months;
- n) able to be addressed through the operational service request process; or

- o) relates to a matter that has already been acted upon.

If the Chief Executive Officer rejects a Notice of Motion under this clause the Chief Executive Officer must:

- p) give the Councillor who lodged it an opportunity to amend it, if practical to do so; and
- q) if the Notice of Motion cannot be amended to the satisfaction of the Chief Executive Officer, notify the Councillor who lodged it that it will be rejected and explain the reasons for the rejection.

The Chief Executive Officer may determine 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.

The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion Register in the order in which they are received.

Except by leave of the Council, each Notice of Motion before any meeting must be considered in the order in which it was entered in the Notice of Motion Register.

If a Councillor who has given a Notice of Motion:

- r) is absent from the meeting; or
- s) fails to move the motion when called upon by the Chairperson;

any other Councillor may move the motion.

If the motion is not moved and seconded then the Notice of Motion lapses. If a Notice of Motion, is whether amended or not, is lost or lapses, a similar motion may not be submitted for two (2) calendar months from the date it was lost or lapsed.

If a Councillor proposing a Notice of Motion wishes to amend the Notice of Motion they may do so by seeking leave of Council to amend the Notice of Motion prior to it being seconded.

Except where the Notice of Motion is to confirm a previous resolution of Council, the Notice of Motion may be amended by resolution of Council.

A preamble to a Notice of Motion is an explanatory statement that explains the purpose of the Notice of Motion. A Councillor lodging a Notice of Motion must ensure that the content of any preamble provided remains factual.

## **56. Notice of Rescission or Amendment**

A notice of rescission or amendment is a form of Notice of Motion. Accordingly, all provisions in this Governance Rule relating to Notice of Motion equally apply to notices of rescission and amendment.

A rescission motion is a motion to rescind or vary a previous decision of Council.

Motions to rescind or amend a previous resolution must be submitted to the Chief Executive Officer in writing by a minimum of two Councillors and must:

- a) identify the resolution which is proposed to be rescinded or amended; and
- b) the date of the meeting that the resolution was carried.

The Chief Executive Officer must include the notice of rescission on the agenda for the next Council Meeting provided that:

- a) The notice of rescission has been submitted no later than 12 noon 10 business days prior to the next Council Meeting; and
- b) The resolution proposed to be rescinded has not already been acted upon.

The Chief Executive Officer or an appropriate member of Council staff may implement a resolution at any time after the close of the meeting at which it was made. A resolution will therefore be deemed to have been acted on if:

- a) its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or
- b) a statutory process has been commenced

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

Under section 19(1)(c) of the Act, the Mayor has the power to require the CEO to report to Council on the implementation of a Council decision.

The Chief Executive Officer or an appropriate 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 this clause

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

A rescission motion listed on the agenda may be moved by any Councillor present but may not be amended.

A second or subsequent notice to rescind or alter an earlier resolution must not be accepted by the Chief Executive Officer until a period of two (2) calendar months has elapsed since the date of the Meeting at which the original motion of rescission or alteration was dealt with, unless Council resolves that the matter be dealt with at a future meeting.

This clause will not apply if the Chief Executive Officer, in consultation with the Mayor, considers that significant new information has become available since the previous rescission motion that warrants inclusion of the subsequent rescission motion in the agenda.

If the rescission motion is not moved and seconded then the rescission notice lapses. If a rescission notice is lost or lapses a similar motion may not be submitted for two (2) months from the date it was lost or lapsed.

## **57. Urgent business**

Business can only be admitted as urgent business by Resolution of the Meeting. A majority of Councillors present at a Council Meeting, or delegated committee meeting must vote in favour of admitting the item as urgent business.

Even if the required Councillors carry the motion, it still will not be accepted as urgent business unless:



- a) it is proposed for admission by the Chief Executive Officer after consulting with the Mayor about the appropriateness for Council to consider admitting as urgent business;
- b) it relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- c) it cannot be deferred until the next Meeting without having a negative impact on the Council, and the local community.

## **58. Delegates' Report**

A Delegates' Report provides an opportunity for a Councillor to update the Council and provide advice or other information in relation to the activities of:

- An Advisory Committee;
- An interest group; or
- An external organisation

to which the Councillor has been appointed by the Council as its delegate.

If the Agenda for a Council meeting makes provision for Delegates' Reports, Councillors may submit a report by:

- Tabling a brief written report for inclusion without attachments in the Agenda by 12 noon 10 business days prior the Council Meeting at which it is to be presented; or
- Providing an oral report to the meeting.

The Councillor has a period of up to three minutes to speak.

The full text of any Delegates' Report tabled shall be included in the Minutes of the meeting.

## **59. Suspension of this Rule**

The provisions of this Rule applicable to a Council Meeting or delegated committee meeting may be suspended for a particular purpose upon the affirmative vote of the majority of Councillors in a Council Meeting, or members present in a delegated committee meeting present.

The suspension of such provisions should be used to enable full discussion of any major issue without the constraints of formal meeting procedure. Suspension of this Rule should not be used purely to dispense with the processes and protocols of this Rule.

Once the discussion has taken place, and before any motions can be put, the resumption of the Rule will be necessary.

No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of the Rule other than a motion to resume the operation of this Rule.

## **60. Adjournments**

Once a Council Meeting is declared open, the Mayor or Council by resolution may, from time to time, resolve to adjourn the meeting:

- a) if the meeting becomes excessively disorderly and order cannot be restored; or
- b) to allow for additional information to be presented to a meeting; or
- c) in any other situation where an adjournment could aid the progress of the meeting.

No discussion is allowed on any motion for adjournment of the meeting, but if on being put the motion is lost, the subject then under consideration must be resolved before any subsequent motion for adjournment is made.

### **61. Notice for Adjourned Council Meeting**

If a Council Meeting is adjourned, the Chief Executive Officer must ensure that the agenda for such a meeting is identical to the Agenda for the meeting which was resolved to be adjourned.

Except where a meeting is adjourned until later on the same day, the Chief Executive Officer must give all Councillors written notice of a new date for the continuation of the adjourned meeting and every reasonable attempt must be made to advise the public of the new meeting date.

Where it is not practical to provide written notice to Councillors because time does not permit that to occur then a reasonable attempt will be made to contact each Councillor, by telephone, electronic medium, or in person.

If circumstances prevent a meeting continuing until all business has been considered, then unless adjourned, the meeting will lapse and any unfinished business will be included on the agenda for the next meeting.

### **62. Priority of address**

In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard consistent with this Rule.

A Councillor may request at a Council Meeting, the production of any documents in Council's keeping and relevant to the business being considered.

Upon any request being made the Chief Executive Officer must use their best endeavours to produce the documents.

## **Part 3 - Conduct during Council Meetings**

### **63. Councillor conduct**

A Councillor must comply with the Councillor Code of Conduct during the course of any meeting.

### **64. Ordering withdrawal of remark**

The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive or offensive in language or substance, or that is disorderly or capable of being applied offensively to any other Councillor or member of Council staff, and/or make a satisfactory apology to the Meeting.

A Councillor required to withdraw a remark and/or make an apology must do so immediately without qualification or explanation.

A Councillor must not fail to withdraw a remark or make an apology if twice called to do so by the Chairperson.

### **65. Removal from Chamber**

Under section 19 of the Act, the Mayor has the power to direct a Councillor, subject to any procedures or limitations in this Rule, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

If a Councillor does not leave the meeting when ordered to leave under this clause or clause 66, the Chairperson may request a member of Victoria Police to remove that person if the meeting is in person or to remove them electronically if it is a full virtual meeting.

### **66. Suspensions**

If the procedure specified in this clause is followed, Council may suspend a Councillor from a meeting and for the balance of the meeting.

A Councillor must not be suspended unless:

- a) the Chairperson has warned the Councillor that their actions are disrupting the business of Council and impeding its orderly conduct; and
- b) the Mayor directs the Councillor to leave the meeting because the behaviour of the Councillor is preventing the Council from conducting its business.

A Councillor must not refuse to leave a meeting when ordered to do so in accordance with this clause.

### **67. Gallery to be silent**

Visitors must not interject or take part in any debate or in any other way interrupt the business of the meeting.

Members of the gallery must be silent at all times.

If any visitor is called to order by the Chairperson and thereafter again acts in breach of this Rule, the Chairperson may order them to leave the gallery and may request a member of Victoria Police to remove that person if the meeting is in person or to remove them electronically if it is a full virtual meeting.

A person must not refuse or neglect to leave a meeting when ordered to do so under this clause.

### **68. Questions from Councillors**

At the discretion of the Chairperson, questions from Councillors to Council Officers or to other Councillors, may be disallowed if it is considered they are asked for purposes other than the simple soliciting of information.

### **69. Procedure not provided in this Rule**

In all cases not specifically provided for by this Rule, the matter may be determined by Council resolution.

## **Part 4 Committees**

### **70. Delegated Committees**

A delegated committee means a committee established by Council under section 63 of the Act, or a joint delegated committee established by 2 or more Councils under section 64, or a committee (other than a community asset committee) exercising any power of a Council under the Act or any other Act delegated to the committee under the Act or any other Act.

Council may from time to time establish one or more delegated committees comprising the following:

- a) at least 2 Councillors; and
- b) may include any other persons appointed to the delegated committee by the Council who are entitled to vote. If Council establishes a delegated committee, this Rule will apply to meetings of the delegated committee with any necessary modifications.

For this purpose:

- c) a Council Meeting is to be read as a reference to a meeting of the delegated committee;
- d) a Councillor is to be read as a reference to a member of the delegated committee.
- e) the Mayor is to be read as a reference to the Chairperson of the delegated committee.

A meeting of a delegated committee established by Council must be chaired by a Councillor, appointed by the Council or the Mayor, to chair meetings.

The Mayor may appoint a Councillor to be the chair of a delegated committee overriding any prior Council appointment.

If Council establishes a delegated committee subject to the Act, Council may resolve that a provision of this Rule does not apply to that Committee.

The agenda for delegated committees will be relevant to the issues which are to be raised at the relevant meeting.

Minutes of meetings of delegated committees will be taken.

If the minutes of any meeting of a delegated committee include a recommendation to Council, the Chief Executive Officer must ensure that such recommendation is reported to the next convenient Council Meeting.

### **71. Joint Council Meeting**

Council may resolve to participate in a Joint Council meeting.

If council has resolved to participate in a Joint Council Meeting, the Chief Executive Officers (or delegates) will facilitate agreement on governance rules with the participating Councils.

Where the participating Councils agree Nillumbik will chair a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.

## **72. Community Asset Committees**

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

Council may resolve, in establishing a Community Asset Committee, which the meeting procedure chapter of these Governance Rules does not apply.

A Community Asset Committee must report the minutes of the Committee Meetings to the next practicable Council meeting.

A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

The governance arrangements for these committees are specified by the chief executive (s 47(4)). These terms and conditions must include the limits and purpose of any financial delegation that can be exercised by the committee; governance arrangements; and monitoring and reporting requirements.

## **Part 5 - Physical and Remote Attendance**

### **73. Mode of Attendance**

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

- wholly in person;
- wholly by electronic means; or
- partially in person and partially by electronic means.

The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:

- wholly in person;
- wholly by electronic means; or
- partially in person and partially by electronic means.

Council may resolve to make certain meetings in person only.

If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means in accordance with rule 74.

If the Chief Executive Officer receives a request under rule 74 to participate in a meeting by electronic means of communication from two or more Councillors, the meeting must be conducted fully virtual.

### **74. Request to participate in meeting by electronic means of communication by a Councillor**

Any notification to participate in a meeting by electronic means of communication must:

- be in writing;

- be given to the Chief Executive Officer no later than 10.00am on the day of the advertised date of that meeting; and
- specify the reasons why the Councillor cannot reasonably participate physically in the meeting in person or does not wish to attend the Council meeting in person.

The Chief Executive Officer must, if notified by the Councillor, keep the submitted grounds for the request notification confidential. Subject to this rule, the Chief Executive Officer must ensure that any notification received in accordance with this rule and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant meeting.

A Councillor who is not physically in attendance at a meeting but is present by electronic means of communication without submitting a notification to the Chief Executive Officer in line with this Rule, must be recorded as absent, and must not participate in the proceedings of the meeting, including moving or seconding motions, speaking during a debate or casting a vote on a motion before the meeting.

### **75. Submissions under Clause 25 and 26**

A person who wishes to make a submission to an item on the agenda in accordance with the *Local Government Act 1989* and clauses 25 or 26 may register to join the Council committee meeting in person through the online link on the meeting page for that Council Committee Meeting by no later than 5pm of the day prior to the advertised date of the meeting to make their verbal submission.

The person will be contacted by a member of Council staff and provided with instructions to access the meeting.

### **76. Adjustments to meeting rules**

If a meeting is conducted by electronic means of communication, the following modifications of this Governance Rule are made:

- a) References to a Councillor or delegated committee member being present at a meeting is a reference to a Councillor being able to hear and see other Councillors in attendance and being both heard and seen by other members in attendance;
- b) Absences of less than one minute must not be recorded as absences for the purposes of the meeting minutes unless a vote or the Mayor's request for declaration of conflicts of interest occurs due to the absence;
- c) Casting a vote may occur by a Councillor either raising their hand in view of a camera so that it can be seen by other members in attendance or, at the Chair's request, orally stating their vote;
- d) In the event of an absence of a Councillor during a vote due to a technical failure, a Councillor or member of Council staff may bring this to the attention of the meeting Chair, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Where the Councillor is unable to reconnect within five minutes, the meeting must resume in the Councillor's absence;
- e) In the event of a Councillor being required to leave a meeting due to a declaration of conflict of interest, a Councillor may leave the meeting by:

- i. deactivating their microphone and camera, for meetings that are open to the public; or
- ii. disconnecting from the online meeting platform, for meetings, whether open or closed to the public.

The Chair may, with the consent of the meeting, modify the application of any other clause of the Governance Rule – Meeting Procedures to facilitate the more efficient and effective transaction of the business of a meeting which is conducted by electronic means of communication.

## APPENDIX 1

### Cross-Reference to Local Government Act 2020

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
2	Power to make this Governance Rule	<p><b>60 Governance Rules</b></p> <p>(1) A Council must develop, adopt and keep in force Governance Rules for or with respect to the following—</p> <ul style="list-style-type: none"> <li>(a) the conduct of Council meetings;</li> <li>(b) the conduct of meetings of delegated committees;</li> <li>(ba) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication;</li> <li>(c) the form and availability of meeting records;</li> </ul>
5	Definitions “Authorised Officer”	<p><b>Local Government Act 1989</b></p> <p><b>224 Authorised officers</b></p> <p>(1) A Council may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.</p> <p>(1A) A Council must maintain a register that shows the names of all people appointed by it to be authorised officers.</p> <p>(2) The Council must issue an identity card to each authorised officer.</p> <p>(3) An identity card must—</p> <ul style="list-style-type: none"> <li>(a) contain a photograph of the authorised officer; and</li> <li>(b) contain the signature of the authorised officer; and</li> <li>(c) be signed by a member of Council staff appointed for the purpose.</li> </ul> <p>(3A) If a Council appoints a police officer to be an authorised officer under subsection (1), for the purposes of this section the police officer’s</p>



Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>certificate of identity is deemed to be an identity card issued under section 224(2) and is deemed to comply with section 224(3).</p> <p>(4) An authorised officer must produce his or her identity card upon being requested to do so.</p> <p>(5) An action taken or thing done by an authorised person is not invalidated by the failure of an authorised officer to produce his or her identity card.</p> <p>(6) For the purposes of this section, an authorised officer may demand the name and address of a person who has committed, or who the authorised officer reasonably suspects has committed or is about to commit, an offence against any Act, regulation or local law in respect of which he or she is appointed.</p> <p>(6A) In making such a demand, the authorised officer must inform the person of the grounds on which the demand is made in sufficient detail to enable the person to understand the nature of the offence or suspected offence.</p> <p>10 penalty units.</p> <p>(7) An authorised officer may enter any land or building in the municipal district at any reasonable time to carry out and enforce this or any other Act or any regulation or local law.</p> <p>(8) A person is guilty of an offence and liable to a fine not exceeding 60 penalty units if he or she—</p> <p>(a) refuses to give his or her name and address upon demand by an authorised officer; or</p> <p>(b) obstructs or hinders an authorised officer while performing his or her duty; or</p> <p>(c) falsely represents himself or herself to be an authorised officer.</p>
5	Definitions “Delegated Committee”	<p><b>63 Delegated committees</b></p> <p>(1) A delegated committee established by a Council—</p> <p>(a) must include at least 2 Councillors; and</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>(b) may include any other persons appointed to the delegated committee by the Council who are entitled to vote.</p> <p>(2) A meeting of a delegated committee established by a Council must be chaired by—</p> <p>(a) a Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee; or</p> <p>(b) if the Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the delegated committee who are present at the meeting.</p> <p>(3) Section 61 applies to a meeting of a delegated committee as if the members were Councillors.</p>
6.3	Attendance at meetings	<p><b>66 Meetings to be open to the public unless specified circumstances apply</b></p> <p>66(1) A Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.</p> <p>(2) The circumstances are—</p> <p>(a) the meeting is to consider confidential information; or</p> <p>(b) security reasons; or</p> <p>(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.</p> <p>(3) If the circumstance specified in subsection (2)(b) or (2)(c) applies, the meeting can only be closed to the public if the Council or delegated committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.</p> <p>(4) For the purposes of subsection (3), the arrangements may include provision to view</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>the proceedings on the Internet or on closed circuit television.</p> <p>(5) If a Council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection—</p> <p>(a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of <b>confidential information</b> in section 3(1); and</p> <p>(b) an explanation of why the specified ground or grounds applied.</p>
7.1	Failure to raise or maintain a quorum	<p><b>67 Council decision making where quorum cannot be maintained</b></p> <p>(1) This section applies if a Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision in regard to a matter.</p> <p>(2) The Council must consider whether the decision can be made by dealing with the matter in an alternative manner.</p> <p>(3) For the purposes of subsection (2), an <b>alternative manner</b> may include—</p> <p>(a) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or</p> <p>(b) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.</p> <p>(4) Subject to complying with any requirements under any other Act, if a Council is unable to use an alternative manner, the Council must decide to establish a delegated committee to make the decision in regard to the matter consisting of—</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>(a) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and</p> <p>(b) any other person or persons that the Council considers suitable.</p> <p>(5) Section 63(2) applies to a delegated committee established under subsection (4) to the extent possible after excluding all the Councillors who have disclosed a conflict of interest in regard to the matter.</p>
16(j)	Record of Proceedings	<p><b>66 Meetings to be open to the public unless specified circumstances apply</b></p> <p>(2) The circumstances are—</p> <p>(a) the meeting is to consider confidential information; or</p> <p>(b) security reasons; or</p> <p>(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.</p>
24(a)	Public Question Time	<p><b>66 Meetings to be open to the public unless specified circumstances apply</b></p> <p>(2) The circumstances are—</p> <p>(a) the meeting is to consider confidential information; or</p> <p>(b) security reasons; or</p> <p>(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.</p>
43	Voting	<p><b>61 Council meetings</b></p> <p>(5) A question before a Council meeting is to be determined as follows—</p> <p>(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.</p>
65	Removal from Chamber	<p><b>19 Specific powers of the Mayor</b></p> <p>(1) The Mayor has the following specific powers—</p> <p>(b) to direct a Councillor, subject to any procedures or limitations specified in the</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.
71	Joint Council Meetings	<p><b>62 Joint Meetings of Council</b></p> <p>(1) Two or more Councils may determine to hold a joint meeting.</p> <p>(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.</p> <p>(3) A joint meeting is to be constituted by the Councillors of the Councils holding the joint meeting consisting of—</p> <p>(a) the total number of Councillors determined by the Councils holding the joint meeting; and</p> <p>(b) at least 3 Councillors from each of the Councils holding the joint meeting.</p> <p>(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.</p> <p>(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.</p> <p>(6) A joint meeting must comply with any requirements prescribed by the regulations.</p>
72	Committee Asset Committee	<p><b>65 Community Asset Committee</b></p> <p>(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).</p> <p>(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.</p> <p><b>Note</b></p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>Delegation of Power, Duties and Functions to members of a Community Asset Committee is provided for in Section 47 of the Act.</p> <p>(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—</p> <ul style="list-style-type: none"> <li>(a) a member of Council staff; or</li> <li>(b) the members of a Community Asset Committee.</li> </ul> <p>This mean Council may not delegate directly to a Community Asset Committee.</p>