

Council Policy – Governance Rules 2022 V1.2

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Adopted by:	Council
Date adopted:	
Responsible officer:	Manager Governance Risk & Compliance

1 PART 1 - INTRODUCTION

1.1 Nature of Rules

These are the Governance Rules of the Pyrenees Shire council, made in accordance with s.60 of the *Local Government Act 2020*.

1.2 Date of Commencement

The original Governance Rules commenced on 1 September 2020 and replaced the former Local Law No.1 which was rescinded in 2020.

Following this mid-term review, these Governance Rules 2022 commence on 16 August 2022 and replace the original Governance Rules dated 1 September 2020.

1.3 Objectives

The objectives of these Governance Rules are:

- To provide for the orderly conduct of meetings of Council and delegated committees and provide procedures for fair and open decision-making, and
- To detail the proceedings for the election of the Mayor, Deputy Mayor, and the Chairperson of any delegated committees.

1.4 Contents

These Governance Rules are divided into the following Parts:

Part 1	Introduction
Part 2	Governance Framework
Part 3	Election of the Mayor, Deputy Mayor, and other Chairpersons
Part 4	Meeting Procedure for Council Meetings
Part 5	Meeting Procedure for Delegated Committees
Part 6	Meeting Procedure for Community Asset Committees

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Part 7	Audit & Risk Committee
Part 8	Disclosures of Conflict of Interest
Part 9	Election Period Policy overview
Part 10	Miscellaneous
Appendix A	Procedural Motions Table
Appendix B	Election Period Policy

1.5 Definitions

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

Act	means the <i>Local Government Act 2020</i>
Chief Executive Officer	includes an Acting Chief Executive Officer
Community Asset Committee	means a Community Asset Committee established under s.65 of the Act
Committee meeting	means a meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance.
Council	means Pyrenees Shire Council
Council meeting	means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting (whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance.
Delegated Committee	means a Delegated Committee established under s.53 of the Act
Mayor	means the Mayor of the Pyrenees Shire Council
Rescission	Repeal or annul – cancel something altogether
Virtual	means the activity is being conducted through electronic means (e.g., on a Zoom or Teams environment), where attendees are not present in person. Hybrid means a combination of virtual and in person attendance.
These Rules	means these Governance Rules

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2 PART 2 – GOVERNANCE FRAMEWORK

2.1 Context

These Rules should be read in the context of and in conjunction with the overarching governance principles specified in s9(2) of the Act, and as follows:

- (a) Council decisions are to be made and actions taken in accordance with the relevant law,
- (b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations,
- (c) The economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted,
- (d) The municipal community is to be engaged in strategic planning and strategic decision making,
- (e) Innovation and continuous improvement are to be pursued,
- (f) Collaboration with other councils and governments and statutory bodies is to be sought,
- (g) The ongoing financial viability of the Council is to be ensured,
- (h) Regional, state, and national plans and policies are to be considered in strategic planning and decision making,
- (i) The transparency of Council decisions, actions and information is to be ensured.

In giving effect to the overarching governance principles, Council must consider the following supporting principles specified in s9(3) of the Act:

- (a) The community engagement principles,
- (b) The public transparency principles,
- (c) The strategic planning principles,
- (d) The financial management principles,
- (e) The service performance principles.

2.2 Supporting documents

These Governance Rules are supported by other documents that form the Governance Framework for the Pyrenees Shire Council, including:

- Procedure – Assignment of Councillors to Committees
- Councillor Code of Conduct
- Policy – Chief Executive Officer Employment and Remuneration Policy
- Policy – Councillor Expenses
- Policy – Public Transparency

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- Policy – Election Period

and documents comprising the Community Engagement Framework

2.3 Decision making

- (a) In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and decide:
- fairly, by giving consideration and making a decision that is balanced, ethical and impartial; and
 - on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorized considerations.
- (b) Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
- before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made,
 - if a report to be considered at a Council meeting concerns subject matter which will directly affect the rights of a person or persons; the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered,
 - if a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered, and
 - if a member of Council staff proposes to decide under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

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3 PART 3 – ELECTION OF THE MAYOR, DEPUTY MAYOR AND OTHER CHAIRPERSONS

3.1 When required

The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

The election of the Mayor will take place at the Annual Statutory Meeting of Council.

3.2 Method of voting

The election of the Mayor must be carried out by a show of hands.

3.3 Election of Mayor

(a) At any meeting to elect the Mayor, the Chief Executive Officer may act as a temporary chair to deal with:

- i. the receipt of nominations for the election of Mayor, and
- ii. the election of the Mayor.

In the absence of the Chief Executive Officer, another senior officer appointed by the Chief Executive Officer may be temporary chair.

(b) Once nominations for the Mayor have been received, the following provisions will govern the election of the Mayor:

- i. If there is only one nomination, the candidate nominated must be declared to be duly elected.
- ii. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.
- iii. In the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected.
- iv. In the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates.
- v. If one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidate with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected.

(c) In the event of two or more candidates have an equality of votes, the declaration will be determined by lot.

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- (d) If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
- (e) If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
- i. Each candidate will draw one lot,
 - ii. The order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that, if two or more such surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names, and
 - iii. As many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptable. The word 'defeated' shall be written on one of the pieces of paper and the Councillor who draws the paper with the word 'defeated' written on it must be declared the defeated candidate.
 - iv. Further votes must be taken on the remaining candidates until there is only one candidate remaining, in which case that candidate will be declared to have been duly elected.

3.4 Election of Deputy Mayor and other Chairpersons

Any election for an office of Deputy Mayor or Chair of a delegated committee will be regulated by Rules 5 and 6 of this Part, as if the reference to the:

- (a) Chief Executive Office is a reference to the Mayor, and
- (b) Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).

3.5 Appointment of Acting Mayor

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

- (a) resolving that a specified Councillor be so appointed, or
 - (b) following the procedure set out in Rules 5 and 6 of this Part,
- at its discretion.

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4 PART 4 – MEETING PROCEDURE FOR COUNCIL MEETINGS

4.1 Division 1 – Introduction and definitions

In this Part:

agenda	means the notice of a meeting setting out the business to be transacted at the meeting
chair	means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under s61(3) of the Act
minute book	means the collective record of proceedings of Council
municipal district	means the municipal district of the Pyrenees Shire Council
notice of motion	means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting
notice of rescission	means a notice of motion to rescind a resolution made by Council
written	includes duplicated, lithographed, photocopied, printed and types, and extends to both hard copy and soft copy form, and writing has a corresponding meaning

4.1.1 Transparency and public participation

- (a) A Council meeting is a meeting of the Council at which all Councillors are entitled to attend and vote, and a decision to do an act, matter or thing is made by a resolution of the Council.
- (b) Council is committed to transparency and Council meetings must be open to the public unless otherwise specified as confidential or closed matters. Members of the community are encouraged to participate in Council’s engagement forums including Council meetings.
- (c) Meetings will only be closed to members of the public if:
- i. there are clear reasons for matters to remain confidential,
 - ii. a meeting is required to be closed for security reasons, or
 - iii. it is necessary to enable the meeting to proceed in an orderly manner.
- (d) If the meeting is being live-streamed and is closed to the public for the reasons outlined in sub-Rule 10(c), the meeting will continue to be live-streamed.

4.1.2 Broadcasting / Live-streaming of public Council meetings

- (a) Where practicable, public meetings of Council will be broadcast via live-streaming to allow viewing by members of the public.
- (b) Where Council experiences technical difficulties in broadcasting a meeting, and that meeting is being held in person, there is no requirement for a meeting adjournment and

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the meeting can continue uninterrupted. Where this clause applies, effort will be made to publish a recording of the meeting as soon as practicable.

- (c) Where Council experiences technical difficulties in broadcasting a meeting, and that meeting is being held virtually or a quorum is achieved through virtual means, the meeting must be adjourned until the issue is resolved or must be postponed to another time and date in accordance with Council’s meeting procedures and Governance Rules.

4.1.3 Meeting Roles – Chair

- (a) In accordance with s.61 and s.63 of the Act, the Mayor must take the Chair at all Council meetings at which the Mayor is present.

If the Mayor is absent, the Deputy Mayor (if any) must take the Chair, or Council must elect one of the Councillors as Chair of the meeting.

- (b) The Chair plays a crucial role in facilitating an orderly, respectful, transparent and construction 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.
- (c) The Chair is an independent leader of meetings and generally does not participate in debate or move / second motions.
- (d) 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.

4.2 Division 2 - Notice of Meetings and Delivery of Agendas

4.2.1 Annual schedule of Council meetings

- (a) Council will set an annual schedule of meetings, fixing the date, time, and place.
- (b) Council, by resolution, or the Chief Executive Officer may change the date, time, and place of, or cancel, any meeting that has been fixed and must provide reasonable notice of the change to the public.
- (c) Postponement – 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.

The Chief Executive Officer, delegate or senior officer must submit a full written report of the circumstances requiring his or her action in respect of the emergency postponement at the next Ordinary Meeting.

4.2.2 Unscheduled meetings

- (a) Council may by resolution call an unscheduled meeting of the Council.

Any resolution of Council to call an unscheduled meeting must specify the date and time of the unscheduled meeting and the business to be transacted. The date and time of

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the unscheduled meeting must not be prior to 6.00 pm on the day following the Council meeting at which the resolution was made.

- (b) Meetings may also be called outside of the annual schedule of meetings by:
- The Mayor or at least three Councillors may, by written notice, call an unscheduled meeting of the Council,
 - The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting.
- (c) A written notice of the special meeting must specify the date and time of the Council meeting and the business to be transacted and must be delivered to the Chief Executive Officer or delegate in sufficient time to enable notice to be given.
- (d) The Chief Executive Officer must determine the time and date for the meeting, considering:
- the urgency of the business to be transacted,
 - the availability of Councillors,
 - a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
- (e) The Chief Executive Officer must arrange for notice of the meeting on Council’s website.
- (f) Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the unscheduled Council meeting.

4.2.3 Notice of meeting and agenda

- (a) A notice of meeting, incorporating or accompanied by an agenda of business to be dealt with, must be delivered, or sent electronically to every Councillors for all Council meetings at least 48 hours before the meeting.
- (b) Reasonable notice of each Council meeting must be provided to the public. This may be done by giving notice on Council’s website and in a newspaper generally circulating in the municipal district.

4.3 Division 3 – Quorums

4.3.1 Inability to obtain a quorum

- (a) No business can be transacted at a Council meeting unless a majority of Councillors is present. A majority of Councillors present constitutes a quorum.
- (b) Meetings must commence within 30 minutes of the scheduled starting time. If after 30 minutes from the scheduled starting time of any Council meeting, a quorum cannot be obtained:
- I. The meeting will be deemed to have lapsed,

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- II. The Mayor must convene another Council meeting, the agenda for which will be identical to the agenda for the lapsed meeting, and
- III. The Chief Executive Officer must give all Councillors written notice of the meeting convened by the Mayor.

4.3.2 Inability to maintain a quorum

- (a) If, during any Council meeting, a quorum cannot be maintained then Rule 4.5.1 will apply. This Rule does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in a matter to be considered.

4.3.3 Adjourned meetings

- (a) Council may adjourn any meeting to another date or time but cannot adjourn a meeting in session to another place unless there is disorder or a threat to the safety of any Councillor member of Council staff.
- (b) The Chief Executive Officer must give written notice to each Councillor of the date, time, and place to which the meeting stands adjourned and of the business remaining to be considered.
- (c) If it is impracticable for the notice given under sub-Rule 4.5.3 (b) to be in writing, the Chief Executive Officer may give notice to each Councillor by telephone or in person.

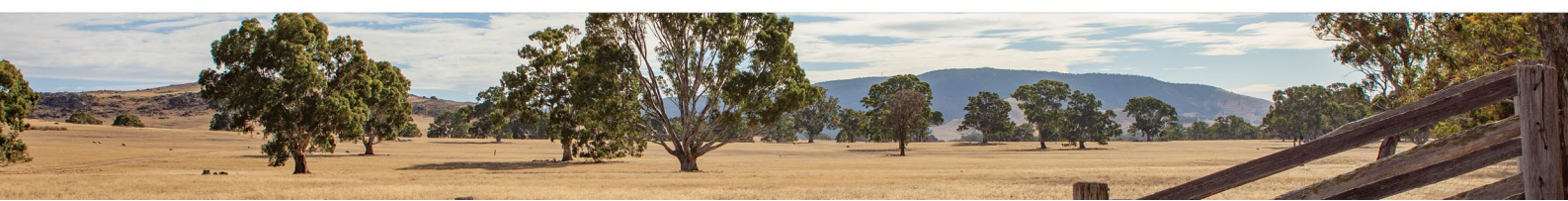
4.3.4 Time limits for meetings

- (a) A Council meeting must not continue after 9.00 pm unless a majority of Councillors present vote in favour of it continuing.
- (b) Extensions of a meeting should be in block periods of 30 minutes following a majority vote of Councillors. After the initial 30-minute extension, the meeting must not continue unless a majority of Councillors present vote in favour of a further extension.
- (c) In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the Chair immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rule 4.5.3 apply.
- (d) The Chair may adjourn a meeting for a 10-minute break, at an appropriate point in proceedings after two hours have elapsed.

4.3.5 Cancellation or postponement of a meeting

- (a) The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a Council meeting.
- (b) The Chief Executive Officer must present to the next Council meeting, a written report on any exercise of the power conferred by sub-Rule 4.5.5.

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4.4 Division 4 – Business of meetings

4.4.1 Agenda and the order of business

The agenda and the order of business for a Council meeting is to be determined by the Chief Executive Officer to facilitate and maintain open, efficient, and effective processes of government.

4.4.2 Changes to order of business

Once an agenda has been sent to Councillors, the order of business for that Council meeting may only be altered with a resolution of Council.

4.4.3 Urgent business

Business can only be admitted as urgent business by resolution of Council and only then if it:

- Relates to or arises out of a matter which has arisen since distribution of the agenda, and
- Cannot safely or conveniently be deferred until the next Council meeting.

4.4.4 Acknowledgement of Country

An acknowledgement of Country will be given at all meetings. The statement should be worded as follows:

“We acknowledge the [name the people] ... as the Traditional Owners of this land along with their continuing connection to land, waters, and Culture. We pay our respects to their Ancestors and Elders past, present and emerging.”

4.5 Division 5 – Motions and debate

4.5.1 Notice of motion

Councillors may ensure that an issue is listed on an agenda by lodging a Notice of Motion.

- A notice of motion must be in writing signed by a Councillor and lodged with, or sent to, the Chief Executive Officer to allow sufficient time for him or her to include the notice of motion in agenda papers for a Council meeting, and to give each Councillor at least 48 hours; notice of such notice of motion.
- The Chief Executive Officer must inform Councillors about any 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.
- A notice of motion must relate to the objectives, role and functions of Council as outlined in the Act.
- A notice of motion must call for a Council report if the notice of motion proposed any action that:
 - impacts the levels of Council service,

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- commits Council to expenditure greater than thresholds in accordance with Council's Procurement Policy that is not included in the adopted Council Budget,
- proposes to establish, amend, or extend Council policy,
- proposes to impact the rights of any person who has not had the opportunity to contribute their views,
- commits Council to any contractual arrangement, or
- concerns any litigation in respect of which Council is a party.

(e) The Chief Executive Officer may reject any notice of motion which:

- is vague or unclear in intention,
- relates to a matter that can be addressed through the operational service request process,
- relates to a matter that has been previously resolved by Council or is acted upon,
- is beyond Council's power to pass, or
- if passed would result in Council otherwise acting invalidly.

but must:

- give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so, and
- notify in writing the Councillor who lodged it of the rejection and reasons for the rejection.

(f) The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.

(g) 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.

(h) 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.

(i) 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 were received.

(j) Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register.

(k) If a Councillor who has given a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.

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(l) If a notice of motion is not moved at the Council meeting in which it is listed, it lapses.

4.5.2 Duty of Chair

Any motion that is determined by the Chair to be:

- defamatory,
- objectionable in language or nature,
- vague or unclear in intention,
- outside the powers of Council, or
- irrelevant to the item of business on the agenda and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the Chair.

4.5.3 Introducing a report

(a) Before a written report is considered by Council and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in a reasonable time (recommended maximum of three (3) minutes):

- its background, and/or
- the reasons for any recommendation that appears.

(b) Unless Council resolves otherwise, a member of Council staff need not read any written report to Council full.

4.5.4 Introducing a motion or an amendment

The procedure for moving any motion or amendment is:

- (a) The mover must state the motion without speaking to it.
- (b) The motion must be seconded, and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder.
- (c) If a motion or an amendment is moved and seconded, the Chair must ask:
- “Is the motion or amendment opposed?”
 - “Does any Councillor wish to speak to the motion or amendment?”
- (d) If no Councillor indicates opposition or a desire to speak to it, the Chair may declare the motion or amendment carried without discussion.
- (e) If a Councillor indicates opposition or a desire to speak to it, then the Chair must call on the mover to address the meeting.
- (f) After the mover has addressed the meeting, the seconder may address the meeting.
- (g) After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to

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alternate between those wishing to speak against the motion and those wishing to speak for the motion.

- (h) If, after the mover has addressed the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.

4.5.5 Right of reply

- (a) The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- (b) After the right of reply has been taken, but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

4.5.6 Moving an amendment

- (a) Subject to sub-Rule 4.5.6 (b) a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- (b) A motion to confirm a previous resolution of Council cannot be amended.
- (c) An amendment must not be directly opposite to the motion.

4.5.7 Who may propose an amendment?

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

4.5.8 How many amendments may be proposed?

- (a) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.
- (b) 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.

4.5.9 An amendment once carried

- (a) If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- (b) The mover of the original motion retains the right of reply to that motion.

4.5.10 Foreshadowing motions

- (a) At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (b) A motion foreshadowed may be prefaced with a statement that, in the event of a motion before the Chair being resolved in a certain way, a Councillor intends to move an alternate or additional motion.

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- (c) The Chief Executive Officer or minute-taker is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- (d) The Chair is not obliged to accept foreshadowed motions.

4.5.11 Withdrawal of motions

- (a) Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of Council.
- (b) If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

4.5.12 Separation of motions

- (a) Where a motion contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate parts.
- (b) The Chair may decide to put any motion to the vote in several parts.

4.5.13 Priority of address

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

4.5.14 Motions in writing

- (a) The Chair may require that a complex or detailed motion be in writing.
- (b) Council may adjourn the meeting while the motion is being written or Council may defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

4.5.15 Repeating motion and/or amendment

The Chair may request the minute-taker to read the motion or amendment to the meeting before the vote is taken.

4.5.16 Debate must be relevant to the motion

- (a) Debate must always be relevant to the motion before the Chair and, if not, the Chair must request the speaker to confine debate to the motion.
- (b) If, after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.
- (c) A speaker to whom a direction has been given under this sub-Rule, must comply with that direction.

4.5.17 Speaking times

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

- (a) The mover of a motion or an amendment which has been opposed: 5 minutes.

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- (b) Any other Councillor: 3 minutes.
- (c) The mover of a motion exercising a right of reply: 2 minutes.

4.5.18 Addressing a Council meeting

- (a) Any person addressing the Chair must refer to the Chair as:
 - Madam Mayor or Madam Chair, or
 - Mr. Mayor or Mr. Chair
- (b) All Councillors, other than the Mayor, must be addressed as: Cr (Name).
- (c) All members of Council staff must be addressed as Mr or Ms (Name) as appropriate or by their official title.

4.5.19 Right to ask questions

- (a) A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
- (b) The Chair has the right to limit questions and direct that debate be commenced or resumed.

4.6 Division 6 – Procedural motions

Procedural motions are motions that relate to a procedural matter only and are not designed to produce any substantive decision, merely used as a formal procedural measure.

Procedural motions relate to how the meeting is conducted and are designed to allow for the smooth transaction of business during a meeting and should not be used to disrupt or prolong matters.

4.6.1 Procedural motions

- (a) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- (b) Procedural motions require a seconder.
- (c) Notwithstanding any other provision in this Part, procedural motions must be dealt with in accordance with the table in Appendix A.

4.6.2 Rescission motions

A notice of rescission is a form of notice of motion. Accordingly, all provisions in this chapter regulating notices of motion apply equally to notices of rescission. **A motion to Rescind (or repeal or annul) is used to cancel a motion altogether.**

- (a) A Councillor may propose a notice of rescission, provided:
 - it has been signed and dated by at least three (3) Councillors,
 - the resolution proposed to be rescinded has not been acted on, and

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- the notice of rescission is delivered to the Chief Executive officer within 24 hours of the resolution having been made, setting out:
 - the resolution to be rescinded, and
 - the meeting and date when the resolution was carried.

(b) A resolution will be deemed to have been acted on if:

- its contents have or substance has been communicated in writing to a person whose interests are materially affected by it, or
- a statutory process has been commenced to vest enforceable rights in or obligations on Council or any other person.

(c) The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:

- has not been acted on, and
- is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule 4.6.2(a).

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

4.6.3 Motions to Amend Something Previously Adopted

A motion to *Amend Something Previously Adopted* is used to make a change to a resolution made at a previous meeting, either by making a simple change or two or by substituting something else in its place.

(a) A Councillor may propose a motion to amend something adopted at a previous meeting, provided:

- they do not interrupt a speaker who has the floor,
- the motion must offer an amendment to substitute for the original resolution,
- the motion is seconded by another Councillor,
- is able to be debated,
- the resolution has not been acted on, and
- the resolution can be amended.

4.6.4 If lost

If a motion for rescission **or to amend something previously adopted is lost**, a similar motion may not be put before Council for at least three months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future Council meeting.

4.6.5 If not moved

If a motion for rescission **or to amend something previously adopted** is not moved at the meeting at which it is listed, it lapses.

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4.6.6 May be moved by any Councillor

A motion for rescission or **to amend something previously adopted** listed on an agenda may be moved by any Councillor present but may not be amended.

4.6.7 Policy amendments

- (a) **Unless sub-Rule 4.6.7(b) applies, a motion for rescission is not required where Council wishes to change policy.**
- (b) **The following standards apply if Council wishes to change policy:**
- I. **If the policy has been in force in its original or amended form for less than 12 months, a notice to amend something previously adopted must be presented to Council, and**
 - II. **Any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.**

4.7 Division 7 – Points of Order

4.7.1 Chair to decide

The Chair must decide all points of order by stating the provision, rule, practice, or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

4.7.2 Chair may adjourn to consider

- (a) The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- (b) All other questions before the meeting are suspended until the point of order is decided.

4.7.3 Dissent from Chair’s ruling

- (a) A Councillor may move that the meeting disagree with the Chair’s ruling on a point of order, by moving: That the Chair’s ruling [setting out that ruling or part of that ruling] be dissented from.”
- (b) When a motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, temporary Chair elected by the meeting) must take his or her place.
- (c) The Deputy Mayor or temporary Chair must invite the mover to state the reasons for his or her dissent and the Chair may then reply.
- (d) The Deputy Mayor or temporary Chair must put the motion in the following form: “That the Chair’s ruling be dissented from.”
- (e) If the vote is in the negative, the Chair resumes the Chair and the meeting proceeds.

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- (f) If the vote is in the affirmative, the Chair must then resume the Chair, reverse, or vary (as the case may be) his or her previous ruling and proceed.
- (g) The defeat of the Chair's ruling is in no way a motion of censure or non-confidence in the Chair and should not be so regarded by the meeting.

4.7.4 Procedure for point of order

A Councillor raising a Point of Order must:

- State the point of order, and
- State any section, Rule, paragraph, or provision relevant to the point of order

before resuming his or her seat.

4.7.5 Valid points of order

A point of order may be raised in relation to:

- A motion which, under Rule 25, or a question which, under Rule 54, should not be accepted by the Chair,
- A question of procedure, or
- Any act of disorder.

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

4.8 Division 8 – Public participation

- (a) Community members may only participate in Council meetings in accordance with these Governance Rules Division 8 that include addressing how the community can participate if the meeting is electronic, or a 'hybrid' or 'parallel' style meeting.
- (b) Council will ensure opportunities exist for community input, beyond formal consultation processes.
- (c) Public participation comprises of public question time, public submissions, petitions, and joint letters.
- (d) Public participation is allowed for at an early point in a Council meeting, in accordance with the agenda and before the main business of Council.
- (e) Time allowed for public participation will not exceed 30 minutes in total duration.
- (f) Extensions of time allowed for public participation should be in block periods of 15 minutes following a majority vote of Councillors. After the 15-minute extension, public participation must not continue unless a majority of Councillors present vote in favour of a further extension.

4.8.1 Public question time

- (a) There must be a public question time at every Ordinary Council meeting to enable members of the public to submit questions to Council.

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- (b) Sub-Rule 4.8.1(a) does not apply during any period when a meeting is closed to members of the public in accordance with s.66(2) of the Act.
- (c) The Chair will allocate a maximum of five (5) minutes to each person who wishes to address Council.
- (d) Questions submitted to Council may be submitted in writing prior to a meeting or provided verbally as part of public question time during a Council meeting.
- (e) Questions submitted in advance of a Council meeting must be:
- I. In writing, stating the name and address of the person submitting the question and generally be in a form approved or permitted by Council, and
 - II. Placed in the receptacle designated for the purpose at the place of the meeting prior to 5.00 pm on the day of the council meeting, or
 - III. Be lodged electronically at the prescribed email address prior to 12.00 noon on the day of the Council meeting.
- (f) No person may submit more than two questions at any one meeting.
- (g) If a person has submitted two questions to a meeting, the second question:
- I. May, at the discretion of the Chair, be deferred until all other persons have had their questions asked and answered, or
 - II. May not be asked if the time allotted for public question time has expired.
- (h) The Chair or a member of Council staff nominated by the Chair may read to those present at the meeting a question which has been submitted in accordance with this Rule.
- (i) Notwithstanding sub-Rule 4.8.1(h), the Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- (j) A question may be disallowed by the Chair if it is determined that it:
- Relates to a matter outside the duties, functions, and power of Council,
 - Is defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance,
 - Deals with a matter already answered,
 - Is aimed at embarrassing a Councillor or a member of Council staff,
 - Relates to personnel matters,
 - Relates to the personal hardship of any resident or ratepayer,
 - Relates to industrial matters,
 - Relates to proposed developments,
 - Relates to legal advice,

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- Relates to matters affecting the security of Council property, or
 - Relates to any other matter which Council considers would prejudice Council or any person.
- (k) Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.
- (l) All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.
- (m) Like questions may be grouped together and a single answer provided.
- (n) The Chair may nominate a Councillor, the Chief Executive Officer or a member of Council staff to respond to a question.
- (o) A Councillor, the Chief Executive Officer or a member of Council staff may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question.
- (p) Where a question is received on notice, Council officers will respond acknowledging the question and providing procedural advice and / or the response within 10 working days of the Council meeting.
- (q) A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must briefly state the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

4.8.2 Public submissions

- (a) Members of the public may present a submission to Council in the period immediately following public question time.
- (b) Public submissions may include presentation of petitions or joint letters.
- (c) Sub-Rule 4.8.3(a) does not apply during any period when a meeting is closed to members of the public in accordance with s.66(2) of the Act.
- (d) Submissions may be on any matter except if it:
- I. is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance,
 - II. relates to confidential information as defined under the Act,
 - III. relates to the personal hardship of any resident or ratepayer, or
 - IV. relates to any other matter which the Council considers would prejudice the Council or any other person.
- (e) Where a group or association wishes to present a submission, a spokesperson may be nominated to address Council.

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- (f) Any person addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.
- (g) The Chair will allocate a maximum of five (5) minutes to each person who wishes to address Council.
- (h) There will be no discussion or debate with the public attendees however Councillors may ask questions or clarification of the attendee.

4.8.3 Petitions and Joint Letters

- (a) **Unless Council determines to consider it as an item of urgent business, no motion** may be made on any petition, joint letter, memorial or other like application until the next Council meeting after that at which it has been presented (except where it meets sub-Rule 4.8.3(b)) except for:
 - I. That the petition be received, and
 - II. That the petition be referred to the Chief Executive Officer or relevant Director for consideration and response, or
 - III. That the petition be referred to the Chief Executive Officer or relevant Director for a report to a future Council meeting.
- (b) **Notwithstanding sub-Rule 4.8.3(a)**, 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.
- (c) It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letters, and to ascertain that it does not contain language disrespectful to Council.
- (d) Every person presenting a petition or joint letter to Council must:
 - I. Write or otherwise record his or her name at the beginning of the petition or joint letter, and
 - II. Confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the test of the prayer or request.
- (e) Every petition or joint letter presented to Council must be:
 - I. In legible and permanent writing, typing, or printing,
 - II. Clear and on each page the matter and action sought from Council is stated,
 - III. Not be derogatory, defamatory, or objectionable in language or nature,
 - IV. Not relate to matters outside the powers of Council, and
 - V. Contain the request of the petitioners or signatories and be signed by at least 12 people.

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- (f) Where a petition has been signed by less than 12 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.
- (g) Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no-one else and the address of every petitioner or signatory must be clearly stated.
- (h) Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by Council.
- (i) Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned, or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- (j) If a petition, joint letter, memorial or other like application relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration.
- (k) The Chief Executive Officer may determine that an electronic or online petition will be submitted to a Council meeting.
- (l) An online or electronic petition will not be presented to a Council meeting if it contains signatures that are false or misleading.

4.9 Division 9 – Voting

4.9.1 How motion determined

- (a) To determine a motion before a meeting, the Chair 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.
- (b) Voting must take place in silence.
- (c) All Councillors present are entitled to one vote each, including the Chair.
- (d) The Chair may direct that a vote be recounted to satisfy himself or herself of the result.
- (e) In the event of a tied vote, the Chair must exercise a casting vote.
- (f) Voting on any matter is by show of hands.

4.9.2 Procedure for a division

- (a) Immediately after any question is put to a meeting, and before the next item of business has commenced, a Councillor may call for a division.
- (b) When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion, or amendment.
- (c) When a division is called for, the Chair must:

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- I. 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 in the affirmative must raise one of his or her hands. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative, and
- II. 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 his or her hands. The Chair must then state, and the Chief Executive Officer or minute-taker must record the names of those Councillors voting in the negative.

4.9.3 No discussion once declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- (a) A Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose, or
- (b) Foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

4.10 Division 10 – Minutes

4.10.1 Confirmation of Minutes

- (a) At every Council meeting the minutes of the preceding meeting(s) must be dealt with as follows:
 - I. A copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting.
 - II. If no Councillor indicates opposition, the minutes must be declared to be confirmed.
 - III. 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 Chair must ask: “is the motion opposed?”
 - vi. If no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask:

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“the question is that the minutes, as amended, be confirmed”, and put the question to the vote accordingly.

- vii. If a Councillor indicates opposition, then the Chair 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 address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion.
- x. If, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion.
- xi. The Chair must, after all objections have been dealt with, ultimately ask:
 “the question is that the minutes be confirmed” or
 “the question is that the minutes, as amended, be confirmed”,
 And put the question to the vote accordingly.

- (b) A resolution of Council must confirm the minutes and the minutes must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they were confirmed.
- (c) The minutes must be entered in the minute book and each item in the minute book must be entered consecutively, and
- (d) Unless otherwise resolved or required by law, minutes of a Delegated Committee requiring confirmation by Council must not be available to the public until confirmed by Council.
- (e) No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- (f) Council may defer the confirmation of minutes until later in the Council meeting or until the next meeting if considered appropriate.

4.10.2 Form and availability of Minutes

- (a) The Chief Executive Officer or minute-taker must keep minutes of each Council meeting, and those minutes must record:
 - I. the date, place, time, and nature of the meeting,

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- II. the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance,
- III. the names of the members of Council staff present,
- IV. any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor,
- V. arrivals and departures (including temporary departures) of Councillors during the meeting,
- VI. each motion and amendment moved (including motions and amendments that lapse for the want of a seconder),
- VII. the vote cast by each Councillor upon a division,
- VIII. the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes,
- IX. questions on notice,
- X. the failure of a quorum,
- XI. any adjournment of the meeting and the reasons for that adjournment, and
- XII. the time at which standing orders were suspended and resumed.

(b) The Chief Executive Officer must ensure that the minutes of any Council meeting are:

- I. published on Council's website, and
- II. available for inspection at Council's offices during normal business hours.

(c) Nothing in sub-Rule 4.11.2 requires Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with s.66 of the Act.

4.11 Division 11 – Behaviour

4.11.1 Public addressing the meeting

- (a) Members of the public do not have a right to address Council and may only do so with the consent of the Chair or by prior arrangement.
- (b) 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 Chair whenever called on to do so.
- (c) A member of the public present at a Council meeting must not disrupt the meeting.

4.11.2 Disorderly conduct

- (d) The Chair may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 4.12.1.
- (e) If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, he or she may adjourn the meeting to a later

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time on the same day or to some later day as he or she thinks proper. In that event, the provisions of sub-Rule 4.3.3 apply.

- (f) The Chair, or Council in the case of a suspension, may ask a member of the Victoria Police or security services as applicable to remove from the Chamber any person who acts in breach of this Part and whom the Chair has ordered to be removed from the gallery under Rule 4.12.

4.12 Division 12 – Additional duties of Chair

4.12.1 The Chair’s duties and discretions

In addition to the duties and discretions provided in this Part, the Chair:

- (a) must not accept any motion, question or statement which is derogatory or defamatory of any Councillor, member of Council staff, or member of the Community, and
 (b) must call to order any person who is disruptive or unruly during any meeting.

4.13 Division 13 suspension of Standing Orders

- (a) To expedite the business of a meeting, Council may suspend standing orders to enable the formalities of meeting procedures to be temporarily disposed of while an issue is discussed.
 (b) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be: “That standing orders be suspended to enable discussion on ...”
 (c) No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders.
 (d) Once the discussion has taken place, and before any motions can be put, the resumptions of standing orders will be necessary. An appropriate motion would be: “That standing orders be resumed.”

4.14 Division 14 Miscellaneous

4.14.1 Meetings conducted remotely

If by law a meeting may be conducted electronically, and Council decides that a meeting is to be conducted electronically, the Chair may, with the consent of the meeting, modify the application of any of the Rules in this Part to facilitate the more efficient and effective transaction of the business of the meeting.

4.14.2 Procedure not provided in this Part

In all cases not specifically provided for by this Part, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to Council proceedings).

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4.14.3 Criticism of members of Council staff

- (a) The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising him / her or any member of Council staff.
- (b) A statement under this sub-Rule must be made by the Chief Executive Officer, through the Chair, as soon as is practicable after the Councillor who made the statement has resumed their seat.

5 PART 5 – MEETING PROCEDURE FOR DELEGATED COMMITTEES

5.1 Meeting procedure generally

If Council establishes a Delegated Committee:

- (a) all the provisions of Chapter 2 apply to meetings of the Delegated Committee, and
- (b) any reference in Part 4 to:
 - I. a Council meeting is to be read as a reference to a delegated committee meeting,
 - II. a Councillor is to be read as a reference to a member of the delegated committee, and
 - III. the Mayor is to be read as a reference to the Chair of the delegated committee.

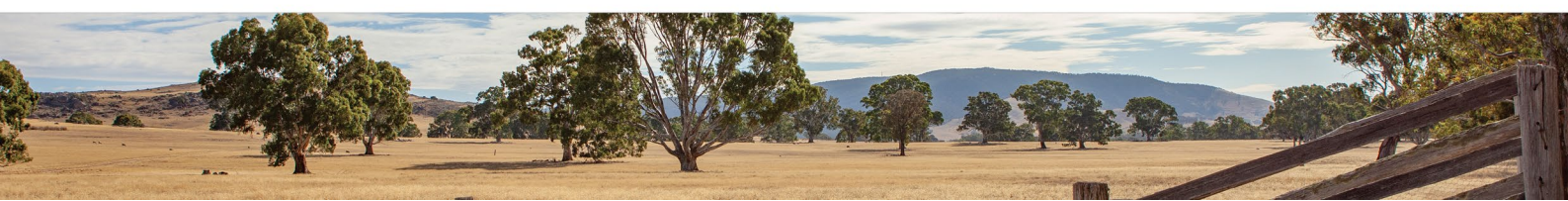
5.2 Meeting procedure can be varied

Notwithstanding Rule 5.1, if Council establishes a delegated committee that is not composed solely of Councillors:

- Council may, or
- The delegated committee may, with the approval of Council,

resolve that any or all the provisions of this Part are not to apply to a meeting of the delegated committee, in which case the provision or those provisions will not apply until Council resolves, or the delegated committee with the approval of Council resolves, otherwise.

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6 PART 6 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES

6.1 Introduction

In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the Chief Executive Officer under section 47(1)(b) of the Act.

6.2 Meeting procedure

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

7 PART 7 – AUDIT AND RISK COMMITTEE

- (a) The Act provides for Council to establish an Audit & Risk Committee to provide oversight.
- (b) The Audit & Risk Committee is not a delegated committee.
- (c) The Governance Rules will apply to the Audit & Risk Committee established by Council unless otherwise provided in the Audit & Risk Committee Charter.
- (d) Council may resolve, in establishing an Audit & Risk Committee that the meeting procedure part of these Governance Rules does not apply.
- (e) An Audit & Risk Committee must report the minutes of all Committee meeting to the next practicable Council meeting.
- (f) An Audit & Risk Committee must act in accordance with its Charter adopted by Council.

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8 PART 8 – DISCLOSURES OF CONFLICT OF INTEREST

8.1 Introduction and definitions

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the Local Government Act 1989 being repealed¹.

In this Part:

“meeting conducted under the auspices of Council”	means a meeting of the kind described in s.131(1) of the Act and includes an informal meeting (as prescribed in Rule 9.1) at which a Councillor is present, whether such a meeting is known as a ‘Councillor Briefing’ or by some other name.
Member of a Delegated Committee	Includes a Councillor

8.2 Disclosure of a Conflict of Interest at a Council Meeting

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

- (a) Are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered, or
- (b) intend to be present must disclose that conflict of interest by providing to the Chief Executive Officer, before the Council meeting commences, a written notice:
 - I. advising of the conflict of interest,
 - II. explaining the nature of the conflict of interest, and
 - III. detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
 - i. name of the other person,
 - ii. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person, and
 - iii. nature of that other person’s interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this Rule.

¹ At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.

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- (c) The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.
- (d) Whilst absent from the Council meeting deliberations, the Councillor must not view or influence discussions relating to the matter, whether in person or via electronic means.

8.3 Disclosure of a Conflict of Interest at a Delegated Committee Meeting

A member of a delegated committee who has a conflict of interest in a matter being considered at a Delegated Committee meeting at which they:

- (a) are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the delegated committee meeting immediately before the matter is considered, or
- (b) intend to be present must disclose that conflict of interest by providing to the Chief Executive Officer, before the delegated committee meeting commences, a written notice:
 - I. advising of the conflict of interest,
 - II. explaining the nature of the conflict of interest, and
 - III. detailing, if the nature of the conflict of interest involves a member of the delegated committee's relationship with or a gift from another person, the:
 - i. name of the other person,
 - ii. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person, and
 - iii. nature of that other person's interest in the matter,
 and then immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this Rule.
- (c) The member of the delegated committee must, in either event, leave the delegated committee meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.
- (d) Whilst absent from the meeting deliberations, the member must not view or influence discussions relating to the matter, whether in person or via electronic means.

8.4 Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A Councillor who has a conflict of interest in a matter being considered at a community asset committee meeting at which they:

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- (a) are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the community asset committee meeting immediately before the matter is considered, or
- (b) intend to be present must disclose that conflict of interest by providing to the Chief Executive Officer, before the community asset committee meeting commences, a written notice:
- I. advising of the conflict of interest,
 - II. explaining the nature of the conflict of interest, and
 - III. detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
 - i. name of the other person,
 - ii. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person, and
 - iii. nature of that other person's interest in the matter,
 and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this Rule.
- (c) The Councillor must, in either event, leave the community asset committee meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.
- (d) Whilst absent from the meeting deliberations, the Councillor must not view or influence discussions relating to the matter, whether in person or via electronic means.

8.5 Disclosure at a meeting conducted under the Auspices of Council

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

- (a) Disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered,
- (b) Absent themselves from any discussion of the matter, and
- (c) As soon as practicable after the meeting concludes, provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

8.6 Disclosure by Members of Council staff preparing reports for meetings

- (a) A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:

- Council meeting,

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- Delegated committee meeting, or
- Community asset committee meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining the nature of the conflict of interest.

- (b) The Chief Executive Office must ensure that the Report referred to in Rule 8.6(a) records the fact that a member of Council staff disclosed a conflict of interest in the subject matter of the Report.
- (c) If the member of Council staff referred to in Rule 8.6(a) is the Chief Executive Officer:
- The written notice must be given to the Mayor, and
 - The obligation imposed by Rule 8.6(b) may be discharged by any other member of Council staff responsible for the preparation of the Report.
- (d) The ongoing management of any matters involving conflicts of interest disclosed by members of Council staff must be managed and documented in accordance with Council's Conflicts of Interest Procedure.

8.7 Disclosure of Conflict of Interest by Members of Council staff in the exercise of delegated power

- (a) A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as a delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer, via the relevant Director, explaining the nature of the conflict of interest.
- (b) If the member of Council staff referred to in sub-Rule 8.1 is a Director, the written notice must be given directly to the Chief Executive Officer.
- (c) If the member of Council staff referred to in sub-Rule 8.1 is the Chief Executive Officer, the written notice must be given to the Mayor.

8.8 Disclosure by a Member of Council staff in the exercise of a statutory function

- (a) A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest.
- (b) If the member of Council staff referred to in sub-Rule 9.1 is the Chief Executive Officer, the written notice must be given to the Mayor.

8.9 Retention of written notices

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

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9 PART 9 – ELECTION PERIOD POLICY

- (a) Council will have in place an election period policy that:
- I. governs decision-making during a local government election period, including what may be considered at a Council meeting,
 - II. prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections,
 - III. sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of advisory committees established by Council,
 - IV. 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,
 - V. defines roles and responsibilities in relation to who is the spokesperson for Council during an election period, and
 - VI. 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.
- (b) 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.
- (c) The Election Period Policy forms part of these Governance Rules as at Appendix B.
- (d) The operation of Council delegated committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- (e) Any outstanding Delegate’s Reports may still be reported to an ordinary meeting of Council during this period.
- (f) Council committees, including delegated committees, shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

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10 PART 10 – MISCELLANEOUS

10.1 Conducting virtual meetings

In April 2022, the Minister for Local Government issued the **Minister's Good Practice Guideline MGPG-1: Virtual Meetings** pursuant to section 87 of the *Local Government Act 2020*.

10.1.1 Ordinary business of Council can continue by electronic means of communication

- (a) From 2 September 2022, Section 394 of the *Local Government Act 2020* allows Councillors and members of delegated and special committees to participate in meetings remotely by electronic means of communication. The intention is to ensure the ordinary business of Council can continue through the use of electronic communication.
- (b) Council by resolution can determine the proposed or preferred format style of meetings (in-person, electronic – including hybrid) noting the criteria and process available for a member who wishes to request approval to attend by electronic means.
- (c) A Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings. The meetings determined by Council as being solely in person meetings are:
 - a. The Annual Statutory Meeting generally held in Lexton each year.
- (d) A member's attendance can only be recorded as present where the member can confirm that:
 - a. they can hear proceedings,
 - b. they can see other members in attendance and can be seen by other members, and
 - c. they can be heard to speak.
- (e) It should be noted that under section 61(6A) of the LG Act, for the purposes of these meetings, a Councillor present by electronic means of communication and meeting the conditions of 10.1.1(d) is deemed present for the purposes of a quorum.
- (f) Where all of the conditions detailed in 10.1.1(d) cannot be met, but a quorum is present by members that attend either in person or that can meet the above conditions, then the meeting may proceed, recording the attendee not meeting all of the conditions as being not present.
- (g) A quorum of Council members is breached where a member forming a quorum cannot meet the requirements listed in 10.1.1(d).
- (h) Disclosure of conflicts of interest and rules relating to conflicts of interest remain. Councils must ensure members can be removed from proceedings where required.

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10.1.2 Requesting and approving attendance by electronic means

- (a) Councillors and members of delegated committees who wish to attend a meeting via electronic means may submit a request to the Chief Executive Officer via the Executive Assistant to the CEO & Councillors.
- (b) The request must be made by 10.00 am of the day of the meeting.
- (c) The request will provide a response to the request by 12.00 pm and notify the rest of the members of the meeting of this decision.
- (d) It will remain the responsibility of the Councillor/member attending electronically to ensure that they have the required access and environment suitable for electronic communications.

10.1.3 All virtual meetings of Council where public access is required under the Act must be made publicly available

- (a) Where virtual **or hybrid** meetings are held, all Council meetings must be streamed live through the Council's website.
- (b) Delegated and special committees **held virtually** can elect to either stream their virtual meetings live or make a recording available on the Council website following the meeting.
- (c) Confidential Council meetings or confidential / closed sections of Council meetings are not required to be streamed live and will not need to be electronically recorded.
- (d) Where Council experienced technical difficulties in broadcasting a meeting, **and that meeting is being held virtually thereby requiring live streaming**, the meeting must be adjourned until the issue is resolved or must be postponed to another time and date in accordance with Council's meeting procedures and Governance Rules. **This clause does not apply where a meeting is being held in person.**
- (e) **Where the Mayor, Chair, Councillor, or CEO loses connection if they are attending a meeting electronically, the following must be considered in determining whether the meeting may continue:**
 - a. **If the Mayor or Chair loses connection, whether another Councillor or member can take the role of chair, and**
 - b. **Ensuring that a quorum is maintained without the person who has lost connection.**
- (f) At the beginning of each meeting **where that meeting is held virtually or hybrid means**, the Mayor / Chair should indicate that, if technical problems are encountered, the meeting will be adjourned until resolution is achieved or postponed.
- (g) Councils are not responsible for any data usage charges or technical difficulties a member of the public may experience in accessing the livestream or recordings of meetings.

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10.1.4 Representation at virtual Council meetings by members of the public

- (a) **Where a meeting is being held virtually**, Council will provide opportunities for members of the public who wish to appear before Council to do so through either of the following:
- Providing access for members of the public to appear before Council through virtual means, or
 - Allowing written statements or questions to be read out at the virtual Council meeting or posted before the meeting.

10.1.5 Confidentiality

- (a) **Where a meeting is being held virtually**, Council must ensure that confidential items are dealt with in an electronically secure environment. Councillors must be able to demonstrate to the Mayor / Chair's satisfaction that the location from which they are participating is secure enough to ensure deliberations remain confidential.

10.2 Internal meetings of Councillors (e.g., Council briefings)

If there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors,
- is attended by at least one member of Council staff, and
- 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:

- tabled at the next convenient Council meeting, and
- recorded in the minutes of that meeting.

10.2.1 Council briefings and public participation

Unless members of the public are invited to an internal Council briefing, as part of scheduled presentations, submissions or other purposes, Council briefings are not considered open for public attendance.

Discussions at internal Council briefings are considered confidential, until made public via Council meeting minutes, to allow free and frank debate between Councillors and members of Council staff on matters that could fall into one or more of the definitions of Confidential Information as detailed in Rule 10.2.

10.3 Confidential information

- (a) If, after the repeal of section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, he or she may designate the information as confidential and advise Councillors and / or members of Council staff in writing accordingly.

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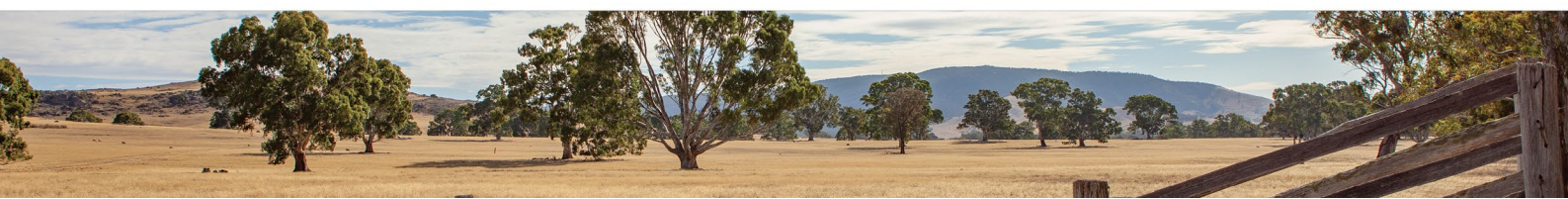
- (b) Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and / or members of Council staff in writing accordingly, will be presumed to be confidential information.

10.3.1 Confidential information definitions

Confidential information is defined, under the Local Government Act 2020, to be:

- (a) Council business information that, if prematurely released, would prejudice the council's position in commercial negotiations.
- (b) Security information that, if released, is likely to endanger the security of Council property or the safety of any person.
- (c) Land use planning information that, if prematurely released, is likely to encourage speculation in land values.
- (d) Law enforcement information that, if released, would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person.
- (e) Legal privileged information, information to which legal professional privilege or client legal privilege applies.
- (f) Personal information that, if released, would result in the unreasonable disclosure of information about any person or their personal affairs.
- (g) Private commercial information, being information provided by a business, commercial or financial undertaking that –
- Relates to trade secrets, or
 - If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- (h) Confidential meeting information, being records of meetings closed to the public under s.66(2)(a): i.e., *Council or delegated committee meetings must be open to the public unless the meeting is to consider confidential information.*
- (i) Internal arbitration information, being information specified in s.145: i.e., *Information provided to an arbiter or produced by an arbiter for the purpose of an internal arbitration process, other than the findings and the reasons.*
- (j) Councillor Conduct Panel confidential information, being information specified in s.169: i.e., *information relating to a Councillor Conduct Panel, the formation of a panel and other information other than a decision or reasons for a decision.*
- (k) Information prescribed by the regulations to be confidential information.
- (l) Information that was confidential information for the purposes of s77 of the Local Government Act 1989:
- Information provided to Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members

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of the public and the council or special committee has not passed a resolution that the information is not confidential.

- Information designated as confidential information by a resolution of Council or a special committee which specifies the relevant ground or grounds applying under s.89(2) [repealed] and the Council or special committee has not passed a resolution that the information is not confidential.
- Information designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under s.89(2) and the Council has not passed a resolution that the information is not confidential.

11 MONITORING, EVALUATION AND REVIEW

Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in this document's implementation. A periodic review of these Rules will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

The next scheduled review of the Governance Rules will be within four years from adoption, or earlier if considered appropriate.

11.1 Human Rights Charter

These Rules have been reviewed against and comply with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this document aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs.

12 REFERENCE & RELATED DOCUMENTS

These Governance Rules were developed pursuant to the requirements of the *Local Government Act 2020*.

Documents that support and form part of the framework led by these Governance Rules include:

- *Election Period Policy 2020 – Chapter 7 of these Governance Rules*
- *Public Transparency Policy 2020*
- *Councillor Expenses Policy 2020*

12.1 Consultation and impact

Pyrenees Shire Council is committed to consultation and cooperation between Council, management, employees, and its community. Development of these Rules has been

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provided for public feedback during July 2020 with opportunity to present submissions to Council afforded as requested.

It is considered that this Policy does not impact negatively on the rights identified in the Charter of Human Rights and Responsibilities (2007).

13 VERSION HISTORY

Version Number	Issue date	Description of change
1.0	August 2020	Initial release
1.1	August 2022	Mid-term review including revisions relating to: <ul style="list-style-type: none"> • Ability to hold Council meetings fully in-person, fully electronically, and combined in-person / electronically. • Clarification on absence from discussion on matters on which a conflict of interest has been declared.
1.2	February 2023	Review including revisions relating to: <ul style="list-style-type: none"> • Terminology update requirements identified and to correct an error in referencing. • New clause 4.1.2 – clarifying differences in broadcasting requirements for virtual or in person meetings. • Amendment to clause 4.6.3 – clarifying motions to amend something previously adopted. • Clause 4.6.7 – change in resolution process to differentiate between rescission and amend. • Clause 4.8 – updated public participation in meetings held virtually following updated Minister Guidelines. • Clause 4.8.3 – process change allowing opportunity for inclusion of petitions as an item of urgent business in the meeting at which it is first presented. • Significant amendment to clause 10.1 that relates to virtual meetings – updated procedures in accordance with Minister Guidelines. • Clause 10.1 – clarification on live-stream interruptions requirements refers to virtual meetings, not in person meetings. • Appendix A – changes in procedural motions ‘mover and seconder’ to allow for effective process.

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14 APPENDIX A – PROCEDURAL MOTIONS TABLE

Procedural motion	Form	Mover & 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 original motion or otherwise spoken to the original motion	a) During the election of Mayor / Deputy Mayor or Chair, b) When another Councillor is speaking.	Motion and amendment are postponed to the state 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 original motion or otherwise spoken to the original motion	a) During the election of a Chair, b) When another Councillor is speaking, c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with s.85 of the Act, or d) When the motion would have the effect of causing Council to be in breach of a legislative requirement.	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The closure (of debate)	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	a) During nominations for Chair.	Motion or amendment in respect of which the closure is carried is put the vote immediately without debate of the motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

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Procedural motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate permitted on Motion
4. 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
5. 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
6. 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
7. 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 on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
8. 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

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Procedural motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate permitted on Motion
9. Consideration of confidential matter(s) [Close the meeting to members of the public]	That, in accordance with s.66(2)(a) of the LGA 2020 the meeting be closed to members of the public for the consideration of item xx which 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
10. Re-open the meeting	That the meeting be reopened to members of the public	Any Councillor		The meeting is reopened to the public	The	

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