

THE CITY OF
GREATER GEELONG

GOVERNANCE RULES



VERSION: 2

Approval Date:

Approved by: Council

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Responsible Officer: Manager Governance

Authorising Officer: Chief Executive Officer

GOVERNANCE RULES

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on 1 September 2020.

3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Rules Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Joint meetings of councils
Chapter 6	Disclosure of Conflicts of Interest
Chapter 7	Miscellaneous
Chapter 8	Election Period Policy

4. Definitions

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

Act means the *Local Government Act 2020*.

Chief Executive Officer includes an Acting Chief Executive Officer.

Community Asset Committee means a Community Asset Committee established under section 65 of the Act.

Council means Greater Geelong City Council.

Council meeting has the same meaning as in the Act.

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

Joint Council meeting means a meeting in accordance with section 62 of the Act.

Mayor means the Mayor of Council.

Rules means these Governance Rules.

CHAPTER 1 – GOVERNANCE RULES FRAMEWORK

1. Context

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

- 1.1 the overarching governance principles specified in section 9(2) of the Act; and
- 1.2 the following documents approved by Council:
 - 1.2.1 Transparency Policy;
 - 1.2.2 Community Engagement Policy; and
 - 1.2.3 Public Question and Submission Time Policy.

2. Decision Making

- 2.1 In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and make a decision:
 - 2.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - 2.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- 2.2 Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered).
- 2.3 Without limiting anything in paragraph 2.2:
 - 2.3.1 before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
 - 2.3.2 if a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - 2.3.3 if a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
 - 2.3.4 if a City officer proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the City officer 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.

CHAPTER 2 - MEETING PROCEDURES FOR COUNCIL MEETINGS

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PART 1 - PRELIMINARY

1.1 Purpose of this Chapter

The purpose of this Chapter is to:

- 1.1 provide for the election of the Mayor and any Deputy Mayor;
- 1.2 provide for the appointment of any Acting Mayor; and
- 1.3 provide for the procedures governing the conduct of Council meetings.

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1.2 DEFINITION OF THE WORDS USED IN THIS CHAPTER

<i>Absolute Majority</i>	means a number of votes greater than one-half of the total number of votes cast, and if necessary, includes the vote by a ballot.
<i>Amendment</i>	means a proposed alteration to improve the terms of a motion, without being contradictory.
<i>Chairperson</i>	means the chair of a meeting and includes acting, temporary, or substitute chairperson.
<i>City</i>	means the City of Greater Geelong.
<i>City officer</i>	has the same meaning given to that term in section 3 of the Act, namely: <ul style="list-style-type: none">a. a natural person who is employed by the Chief Executive Officer (other than an independent Contractor under a contract of service or a volunteer) to enable:<ul style="list-style-type: none">i. the functions of the Council under the Act or any other Act to be carried out;ii. the Chief Executive Officer to carry out their functions;b. the Chief Executive Officer.
<i>Clause</i>	means a clause of these Rules.
<i>Councillor</i>	means a person elected to the office and is a member of Council.
<i>Deliver</i>	means to hand over or mail to a recipient and includes transmission by facsimile, electronic mail or publication on the Geelong Australia Website.
<i>Deputy Mayor</i>	means a Councillor elected to be the Deputy Mayor in accordance with the Division 3 of the Act.
<i>Geelong Australia Website</i>	means the Council website www.geelongaustralia.com.au or such other website which replaces it.
<i>Joint letter</i>	means a letter which has been signed by at least ten people or executive/committee representatives from ten separate entities whose names and physical addresses also appear on the letter.
<i>Majority</i>	in relation to votes or Councillors means the number of votes or Councillors constituting more than half of the total number.
<i>Municipal District</i>	means the area from time to time comprising the municipal district of the City.

2. PART 2 - ELECTION OF MAYOR & DEPUTY MAYOR

2.1 ELECTION OF THE MAYOR

- 2.1.1 The Mayor will be elected for a term of 2 years.
- 2.1.2 The Mayor must be elected within 1 month of the date of the general election.
- 2.1.3 At the end of the Mayoral term, the Council must meet at a date as close as possible to the end of the Mayoral term to conduct the election of the next Mayor.
- 2.1.4 If the office of the Mayor becomes vacant:
 - 2.1.4.1 a new Mayor must be elected within one month after any vacancy in the office of the Mayor; and
 - 2.1.4.2 the Councillor elected to fill the vacancy serves the remaining period of the previous Mayor's term.

2.2 PROCEDURE FOR ELECTION OF THE MAYOR

- 2.2.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected and preside until a Mayor is elected.
- 2.2.2 The Chief Executive Officer will be responsible for:
 - 2.2.2.1 the receipt of nominations for the election of Mayor; and
 - 2.2.2.2 the election of Mayor.
- 2.2.3 The election of the Mayor shall be by vote, unless there is only one Councillor nominated for Mayor.
- 2.2.4 The Councillor who receives the *absolute majority* of votes cast must be declared the elected Mayor.
- 2.2.5 The Chief Executive Officer shall be responsible for the counting of votes.
- 2.2.6 For the purpose of Clause 2.2.1, the following will apply:
 - 2.2.6.1 nominations for Mayor must be moved and seconded;
 - 2.2.6.2 a Councillor nominated for Mayor must be asked if they accept their nomination, noting that Councillor may decline their nomination as a mayoral candidate;
 - 2.2.6.3 where only one Councillor is nominated for Mayor, and that nomination is moved and seconded, that Councillor must be declared the Mayor;
 - 2.2.6.4 where two nominations are received, the Councillor with an absolute majority of votes cast must be declared the Mayor. Where there is an equal number of votes, the successful candidate shall be determined by ballot conducted by the Chief Executive Officer in the presence of the meeting. In drawing the ballot, the candidate whose name is first drawn must be declared the Mayor;
 - 2.2.6.5 where there are more than two nominations received, the Councillor who receives an Absolute Majority at the first round of votes cast must be declared elected as the Mayor. If no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a new vote must be taken for the remaining candidates. This procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared the Mayor. If the final two candidates receive an equal number of votes, the successful candidate shall be determined by ballot conducted by the Chief Executive Officer in the presence of the meeting.

In drawing the ballot, the candidate whose name is first drawn is deemed to be the Mayor;

- 2.2.6.6 if for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by ballot conducted by the Chief Executive Officer in the presence of the meeting. The candidate whose name is first drawn will be eliminated.

2.3 OFFICE OF THE DEPUTY MAYOR

- 2.3.1 Immediately after the election of the Mayor following a general election, the Council must vote to establish the office of the Deputy Mayor for the Council's term.
- 2.3.2 The Deputy Mayor will be elected for a term of 2 years to coincide with the term of the Mayor.
- 2.3.3 At the end of the Deputy Mayor's term, at the same meeting conducted to elect the Mayor at the end of their term, the Council must conduct the election of the next Deputy Mayor.
- 2.3.4 If the office of the deputy Mayor becomes vacant:
 - 2.3.4.1 a new Deputy Mayor must be elected within one month after any vacancy in the office of the Deputy Mayor; and
 - 2.3.4.2 the Councillor elected to fill the vacancy of Deputy Mayor serves the remaining period of the previous Deputy Mayor's term.
- 2.3.5 The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if:
 - 2.3.5.1 The Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
 - 2.3.5.2 the Mayor is incapable of performing the duties of the office of Mayor for any reason including illness; or
 - 2.3.5.3 The office of the Mayor becomes vacant, until the next election of the Mayor.

2.4 PROCEDURE FOR ELECTION OF THE DEPUTY MAYOR

For the purposes of the election of the Deputy Mayor, the provisions of clause 2.2 for the election of the Mayor will apply to the election of the Deputy Mayor, save for any reference to the Chief Executive Officer being substituted by a reference to the Mayor, and any reference to the Mayor shall become a reference to the Deputy Mayor.

2.5 ELIGIBILITY TO BE MAYOR OR DEPUTY MAYOR

Any Councillor is eligible for election to the office of Mayor or Deputy Mayor, unless they are precluded from doing so under section 167 of the Act.

2.6 APPOINTMENT OF ACTING MAYOR

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

- 2.6.1 resolving that a specified Councillor be so appointed; or
- 2.6.2 following the procedure set out in Rule 2.2 of this Chapter, at its discretion.

PART 3 - PROCEDURE AT MEETINGS

3.1 PURPOSE

To regulate the conduct of all Council meetings.

3.2 SCOPE

Governance Rules apply to all Council meetings.

3.3 DATES AND TIMES OF MEETINGS FIXED BY COUNCIL

Subject to Rule 3.4, Council must from time to time fix the date, time and place of all Council meetings.

3.4 COUNCIL MAY ALTER MEETING DATES

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

3.5 MEETINGS NOT FIXED BY COUNCIL

- 3.5.1 The Mayor or at least 3 Councillors may by a written notice call a Council meeting.
- 3.5.2 The notice must specify the date and time of the Council meeting and the business to be transacted.
- 3.5.3 The Chief Executive Officer must convene the Council meeting as specified in the notice.
- 3.5.4 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 Council meeting.

3.6 NOTICE

- 3.6.1 Council must, at least 7 days before the holding of a Council meeting give public notice of the Council meeting, including the time, date and location of the meeting, or such notice as is reasonably practicable in the circumstances.
- 3.6.2 A notice of a fixed meeting, incorporating or accompanied by an agenda, must be delivered to every Councillor at least 72 hours before the meeting.
- 3.6.3 A notice of a meeting that is not fixed must be delivered to every Councillor at least 48 hours before the meeting. A period less than 48 hours may, however, be justified if exceptional circumstances exist.

3.7 QUORUM

- 3.7.2 A Quorum is established when at least a majority of the Councillors are present at a Council meeting.
- 3.7.3 If after 30 minutes from the scheduled starting time of any meeting, or at any point in time during a meeting, a quorum cannot be obtained or maintained:
 - 3.7.3.1 the meeting will be deemed to have lapsed;
 - 3.7.3.2 the Mayor must convene another Council meeting, the agenda for which will be identical to the agenda for the lapsed meeting; and
 - 3.7.3.3 the Chief Executive Officer must give all Councillors written notice of the meeting convened by the Mayor.

3.8 ADJOURNED MEETINGS

- 3.8.2 Council may, by resolution, adjourn any Council meeting to a later time on the same day, or for a period not exceeding seven (7) days.
- 3.8.3 The Chief Executive Officer, or an authorised City officer, must give notice to each Councillor of the date, time and place to which the Council meeting stands adjourned and of the business remaining to be considered.

3.9 CANCELLATION OR POSTPONEMENT OF A MEETING

- 3.9.1 The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a Council meeting.
- 3.9.2 The Chief Executive Officer must present to the immediately following Council meeting a written report on any exercise of the power under this rule.

3.10 CHAIRPERSON

- 3.10.1 The Mayor must preside at all meetings at which they are present, in the role of Chairperson.
- 3.10.2 In the absence of the Mayor, the Deputy Mayor must preside at any Council meeting at which they are present, in the role of Chairperson.
- 3.10.3 In the event that both the Mayor and Deputy Mayor are absent, Council must elect a Chairperson to preside at that meeting.

3.11 DUTIES AND RESPONSIBILITIES OF THE CHAIRPERSON

The duties and responsibilities of the Chairperson are:

- 3.11.1 to formally declare a Council meeting open, after ascertaining that a quorum is present, and to welcome guest speakers and other visitors;
- 3.11.2 to preside over and control the meeting, and to conduct it impartially and according to the rules to ensure the smooth passage of business;
- 3.11.3 to sign minutes of meetings as correct when they have been confirmed;
- 3.11.4 to present any reports for which they are responsible;
- 3.11.5 to ensure that debates are conducted in the correct manner;
- 3.11.6 to declare the results of all votes;
- 3.11.7 to give rulings on points of order and other questions of procedure;
- 3.11.8 to preserve order; and
- 3.11.9 to adjourn (when so resolved) or formally declare the meeting closed when all business has been concluded.

In addition, the Chairperson:

- 3.11.10 must not accept any motion which is determined by the Chairperson to be:
 - 3.11.10.1 defamatory;
 - 3.11.10.2 objectionable in language or nature;
 - 3.11.10.3 vague or unclear in intention;
 - 3.11.10.4 outside the powers of Council; or
 - 3.11.10.5 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;
- 3.11.11 must not accept any motion, question or statement that is derogatory of any Councillor, City officer, or member of the community; and
- 3.11.12 must call to order any person who is disruptive or unruly during any meeting.

3.12 ORDER AND CONTENT OF BUSINESS

- 3.12.1 The order and content of business of any Council meeting will be determined by the Chief Executive Officer, after consulting with the Mayor, in order to facilitate and maintain open, efficient and effective processes of government.

- 3.12.2 Once an agenda has been sent to Councillors, the order of business for that meeting may be altered with the consent of a majority of the Councillors attending that meeting.

3.13 COUNCILLOR LEAVE OF ABSENCE AND ABSENCE FROM MEETING

- 3.13.1 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.
- 3.13.2 Where a 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.
- 3.13.3 If Councillor intends to be absent from a meeting, the Councillor must give the Chairperson of that meeting notice of apology prior to the meeting.

3.14 NO PHOTOGRAPHY OR RECORDING OF MEETINGS

With the exception of a City officer authorised by the Chief Executive Officer, no person is permitted to photograph or video or audio record any Council meetings without specific approval by resolution at the meeting.

3.15 RECORD OF PROCEEDINGS

The Chief Executive Officer or a City officer authorised by the Chief Executive Officer shall record in the minutes of each meeting:

- 3.15.1 the place, date and time of each meeting;
- 3.15.2 the names of all Councillors present at the meeting;
- 3.15.3 the names of Council staff present;
- 3.15.4 the names of all Councillors for whom apologies were received, or for whom leave of absence was granted and will also record leave of absence in the meeting agenda;
- 3.15.5 arrivals and departures, including temporary departures, of Councillors during the course of the meeting;
- 3.15.6 all declarations of a conflict of interest by Councillors in agenda items, including an explanation given by the Councillors under Chapter 5 of these Rules;
- 3.15.7 questions from the public;
- 3.15.8 each motion and amendment moved, including motions and amendments withdrawn by consent of the Council, or which lapse for want of a seconder;
- 3.15.9 each motion put to the vote;
- 3.15.10 the vote cast by each Councillors on each division called;
- 3.15.11 the adjournment of the meeting and any reason for the adjournment;
- 3.15.12 the time at which standing orders were suspended and resumed; and
- 3.15.13 the failure to meet a quorum.

3.16 CONFIRMATION OF MINUTES

At every Council meeting the minutes of the preceding meeting must be dealt with as follows:

- 3.16.1 a copy of the minutes must be delivered to each Councillor no later than 72 hours before the next meeting;
- 3.16.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
- 3.16.3 subject to clause 3.17, if a Councillor indicates opposition to the minutes:

- 3.16.3.1 they must specify the item(s) to which they object;
- 3.16.3.2 the objected item(s) must be considered separately and in the order in which they appear in the minutes;
- 3.16.3.3 the Councillor objecting must move accordingly without speaking to the motion;
- 3.16.3.4 the motion must be seconded;
- 3.16.3.5 the Chairperson must ask

"Is the motion opposed?"
- 3.16.3.6 if no Councillor indicates opposition, the Chairperson must declare the motion carried without discussion and ask the second question described in Clause 3.16.3.10;
- 3.16.3.7 if a Councillor indicates opposition, the Chairperson must call on the mover to address the meeting;
- 3.16.3.8 after the mover has addressed the meeting, the seconder may address the meeting;
- 3.16.3.9 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;
- 3.16.3.10 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.
- 3.16.3.11 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.
- 3.16.3.12 the minutes must be entered in the minute book and each item in the minute book must be entered consecutively; and
- 3.16.3.13 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.

3.17 NO DEBATE ON CONFIRMATION OF MINUTES

No discussion or debate on the confirmation of minutes is permitted except when the accuracy of the minutes as a record of the meeting to which they relate is questioned.

3.18 DEFERRAL OF CONFIRMATION OF MINUTES

Council may defer the confirmation of minutes until later in the Council meeting or until the next meeting if considered appropriate.

3.19 PUBLICATION OF MINUTES

- 3.19.1 The Chief Executive Officer must ensure that the minutes of any Council meeting are:
 - 3.19.1.1 published on Council's website and will use reasonable endeavours to do so within 3 business days of a meeting; and

3.19.1.2 available for inspection at Council's office during normal business hours.

- 3.19.2 Nothing in these rules requires Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

3.20 DECLARATION OF DIRECT AND INDIRECT INTERESTS

- 3.20.1 If a Councillor has a direct or indirect interest in relation to an agenda item, that interest must be declared at the time specified in the agenda. The Councillor must leave the room until the matter is concluded.
- 3.20.2 Nothing in this section takes away from a Councillor's duty under the Act to disclose the existence, nature and class of any conflict of interest that Councillor has in an item of business immediately before the consideration or discussion of that item of business.

3.21 PUBLIC QUESTION AND SUBMISSION TIME

Questions and submissions may be submitted by the public at any Council meeting, and responded to or answered by Council, in accordance with Council's Public Question Time Policy.

3.22 PETITIONS AND JOINT LETTERS

- 3.22.1 Petitions or joint letters to Council may be presented to Council by a Councillor or a member of the public.
- 3.22.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to Council.
- 3.22.3 Every Councillor presenting a petition or joint letter to Council must:
- 3.22.3.1 write or otherwise record their name at the beginning of the petition or joint letter; and
 - 3.22.3.2 confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the request.
- 3.22.4 A petition or a joint letter:
- 3.22.4.1 must not be in pencil;
 - 3.22.4.2 may be in any other legible and permanent written form including in an electronic form;
 - 3.22.4.3 must not be defamatory, indecent, abusive or objectionable in language or substance;
 - 3.22.4.4 must for the purpose of a response, contain the name and address of the person or organisation co-ordinating the petition or joint letter;
 - 3.22.4.5 must contain the name and address of each petitioner or signatory;
 - 3.22.4.6 must be signed by at least 12 people; and
 - 3.22.4.7 shall not relate to a matter outside Council's powers and functions.
- 3.22.5 Every page of a petition or joint letter shall contain the whole of the petition or request.
- 3.22.6 Any signature appearing on a page which does not contain the whole of the petition or request shall not be considered by the Council.
- 3.22.7 Every page of a petition or joint letter shall be a single piece of paper and shall not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.

- 3.22.8 The purpose of any petition shall be recorded in the minutes and shall be the subject of a written response.
- 3.22.9 The Council may pass a resolution:
 - 3.22.9.1 that a written report be prepared on the contents of the petition or joint letter for presentation to a meeting; and
 - 3.22.9.2 that the petition be referred for consideration in conjunction with an item on the agenda.
- 3.22.10 If a petition or joint letter relates to an operational matter, that petition or joint letter must be referred to the Chief Executive Officer for action and response.

3.23 MOVING OF MOTIONS OR AMENDMENTS

- 3.23.1 Motions and amendments must be:
 - 3.23.1.1 within the powers and functions of the Council;
 - 3.23.1.2 related to an item of business on the agenda or to be considered at the meeting; and
 - 3.23.1.3 clear, unambiguous and not defamatory or objectionable in content or nature.
- 3.23.2 The Chairperson must refuse to accept a motion or amendment which conflicts with this Rule 3.23.
- 3.23.3 Council must not consider similar agenda items *en bloc*. Each agenda item must be considered individually and must have a mover and a seconder.
- 3.23.4 A Councillor may move a recommendation in the same form as recommended by City officers or they may move an amended version of that motion in relation to the report being presented.

3.24 INTRODUCING A MOTION OR AMENDMENT

- 3.24.1 The procedure for moving any motion or amendments to motions at a Council meeting is as follows:
 - 3.24.1.1 the mover must state the subject and nature of the motion or amendment and not speak to it;
 - 3.24.1.2 the motion or amendment must be seconded by a Councillor other than the mover. If there is no seconder for a motion or amendment, the Chairperson must declare the motion or amendment to have lapsed;
 - 3.24.1.3 an amendment may be moved or seconded by any Councillor except the mover or seconder of the original motion;
 - 3.24.1.4 if the motion or amendment is moved and seconded the Chairperson must ask whether the motion is opposed and/or whether any Councillor wishes to speak to the motion;
 - 3.24.1.5 if no Councillor indicates opposition or a desire to speak to the motion, the Chairperson must put the motion to the vote;
 - 3.24.1.6 if a Councillor indicates opposition or a desire to speak to the motion or amendment, then the Chairperson must call on the mover to address the meeting;
 - 3.24.1.7 the Chairperson must call upon the seconder of a motion to speak to the motion after the mover has spoken. The seconder of a motion may reserve their right to respond;
 - 3.24.1.8 the Chairperson must call upon any other Councillor who may wish to speak to the motion, after the mover and seconder of the motion have spoken to the motion;

- 3.24.1.9 if, after the mover has addressed the meeting, the Chairperson has invited other Councillors to speak to the motion or amendment and no Councillor speaks to the motion or amendment, the Chairperson must put the motion or amendment to the vote.

3.25 RIGHT OF REPLY AND DEBATE OF MOTION OR AMENDMENT

- 3.25.1 If there has been any opposition to a motion, the mover of a motion has the right of reply to matters raised during the debate.
- 3.25.2 The mover of an amendment has no right to speak in reply.
- 3.25.3 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.
- 3.25.4 Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.
- 3.25.5 Debate on an amendment must be confined to the terms of the amendment.

3.26 MOVING AN AMENDMENT

- 3.26.1 Subject to this clause, 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.
- 3.26.2 A motion to confirm a previous resolution of Council cannot be amended.
- 3.26.3 An amendment must not be the negative of, or substantially contrary to, the motion.

3.27 HOW MANY AMENDMENTS MAY BE PROPOSED

- 3.27.1 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.
- 3.27.2 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.
- 3.27.3 Any one Councillor cannot move more than one (1) amendment in succession.

3.28 AN AMENDMENT ONCE CARRIED

- 3.28.1 If the amendment is carried, the amended motion then becomes the substantive motion before the meeting and can be further amended.
- 3.28.2 The mover of the original motion retains the right of reply to the substantive motion.

3.29 PRIORITY OF ADDRESS AND RIGHT TO SPEAK TO MOTION

- 3.29.1 In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard.
- 3.29.2 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 (but not a right to speak in reply to an amendment).

3.30 FORESHADOWING MOTIONS

- 3.30.1 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.
- 3.30.2 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.

- 3.30.3 The Chief Executive Officer or a City officer authorised to take the meeting minutes is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 3.30.4 A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a meeting.

3.31 WITHDRAWAL OF MOTIONS

- 3.31.1 Before any motion or amendment is put to the vote, it may be withdrawn by the mover and seconder with the leave of the Council.
- 3.31.2 Where the mover and seconder call for a motion or amendment to be withdrawn, the Chairperson will ask all Councillors if they agree to the withdrawal. If the majority of Councillors objects to the withdrawal of the motion or amendment, it may not be withdrawn and the Chairperson must proceed to put the motion or amendment to the vote.

3.32 MOTIONS OR AMENDMENTS IN WRITING

- 3.32.1 The Chairperson may require that a complex or detailed motion or amendment be in writing.
- 3.32.2 The Chairperson may adjourn the meeting while the motion or amendment is being written or may defer the matter in the order of business, until the motion or amendment has been written.

3.33 REPEATING A MOTION

The Chairperson may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the vote is taken.

3.34 DEBATE OF THE MOTION

- 3.34.1 Debate must always be relevant to the motion or amendment before the meeting, and, if not, the Chairperson must request the speaker to confine the debate to the motion or amendment.
- 3.34.2 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 or amendment before the Chairperson.
- 3.34.3 A speaker to whom a direction has been given under this clause must comply with that direction.
- 3.34.4 Councillors may remain seated to address the Chairperson, to move or second a motion or amendment, or to take part in a debate.
- 3.34.5 The Councillor acknowledged by the Chairperson is to speak and must not be interrupted unless:
 - 3.34.5.1 they are called to order; or
 - 3.34.5.2 their speaking time has expired; or
 - 3.34.5.3 a point of order is raised.

3.35 ADDRESSING THE MEETING

If the Chairperson so determines:

- 3.35.1 any person addressing the Chairperson must refer to the Chairperson as:
 - 3.35.1.1 Mayor; or
 - 3.35.1.2 Madam Mayor; or
 - 3.35.1.3 Mr Mayor; or
 - 3.35.1.4 Chair; or

3.35.1.5 Madam Chair; or

3.35.1.6 Mr Chair

as the case may be;

3.35.2 all Councillors, other than the *Mayor*, must be addressed as Cr(Surname).

3.35.3 all members of Council staff must be addressed by their official title followed by their surname where appropriate.

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

3.36 LOST MOTIONS

If a motion is lost without a subsequent motion then being carried it will not be automatically determined that the outcome is contrary to the lost motion. Councillors should instead move a motion detailing further requirements or actions after any motion which is lost.

3.37 TIME LIMITS

3.37.1 A Council meeting must start within 30 minutes of the advertised start time.

3.37.2 A meeting may not continue after 10.00 pm 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.

3.37.3 A Councillor may speak for no longer than the time specified below, unless the Chairperson grants an extension:

3.37.3.1 the mover of a motion 5 minutes

3.37.3.2 any other speaker 3 minutes

3.37.3.3 the mover of a motion exercising the right of reply 2 minutes

3.38 VOTING

3.38.1 To determine a motion before a meeting, the Chairperson must first call for those in favour of the motion, then those opposed to the motion. The Chairperson must declare the result of the vote.

3.38.2 Councillor must vote by show of hands when the Chairperson puts a motion to the vote.

3.38.3 All Councillors present in the meeting room when a vote is taken must vote once only.

3.38.4 The Chairperson must use a casting/second vote if the number of votes in favour of a motion is half the number of Councillor present.

3.38.5 The Chairperson may direct that a vote be recounted to be satisfied of the result.

3.38.6 The Chief Executive Officer must direct that the minutes of the meeting record the name of any Councillor who requests that their vote be recorded against the motion or amendment.

3.38.7 Voting must take place in silence.

3.39 DIVISION

3.39.1 Immediately after the vote on any motion at a meeting and before the next item of business has commenced, a Councillor may call for a division.

3.39.2 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.

- 3.39.3 The Chairperson must first call upon Councillors to vote in favour of the motion and then call upon Councillor to vote against the motion if a Councillor has requested a division.
- 3.39.4 Councillors must vote by show of hands and the Chairperson must declare the result of the division.
- 3.39.5 The Chief Executive Officer must direct that the minutes record the names of the Councillors who voted in favour of the motion, the names of the Councillors who voted against the motion, and the result of the division.

3.40 POINTS OF ORDER

- 3.40.1 A point of order is taken when a Councillor officially draws the attention of the Chairperson to an alleged irregularity in the meeting proceedings or procedures.
- 3.40.2 A Councillor may make a point of order on the grounds that a matter is:
 - 3.40.2.1 contrary to these Rules;
 - 3.40.2.2 defamatory or derogatory of any Councillor, City officer, or member of the community;
 - 3.40.2.3 irrelevant;
 - 3.40.2.4 offensive;
 - 3.40.2.5 constitutes a tedious repetition of something already said;
 - 3.40.2.6 prejudicial to any other person or the Council;
 - 3.40.2.7 a matter that should be considered in a session of a meeting closed to the public, in accordance with the Act;
 - 3.40.2.8 outside the Council's functions or power; or
 - 3.40.2.9 improper,or on the grounds that a person in the chamber is being disruptive or unruly during any meeting.
- 3.40.3 The Chairperson must decide on all points of order.
- 3.40.4 The Chairperson may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 3.40.5 All other questions before the meeting are suspended until the point of order is decided.

3.41 DISAGREEMENT WITH CHAIRPERSON'S RULING

- 3.41.1 A Councillor may move that the meeting disagree with the Chairperson's ruling on a point of order, by moving:

"That the Chairperson's ruling[stating that ruling or part of that ruling] be dissented from"
- 3.41.2 When a motion in accordance with this Rule is moved and seconded, the Chairperson must leave the chair and the Deputy Mayor (or if there is no Deputy Mayor, a temporary Chairperson elected by the meeting) must take their place.
- 3.41.3 The Deputy Mayor or temporary Chairperson must invite the mover to state the reasons for their dissent and the Chairperson may then reply.
- 3.41.4 The Deputy Mayor or temporary Chairperson must put the motion in the following form:

"That the Chairperson's ruling be dissented from"
- 3.41.5 If the vote is in the negative, the Chairperson resumes the chair and the meeting proceeds.

- 3.41.6 If the vote is in the affirmative, the Chairperson must then resume the chair, reverse their previous ruling and proceed.
- 3.41.7 The defeat of the Chairperson's ruling is in no way a motion of censure or no-confidence and must not be so regarded by the meeting.

3.42 PROCEDURE FOR POINT OF ORDER

A Councillor raising a point of order must:

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

3.43 VALID POINTS OF ORDER

A point of order may be raised in relation to:

- 3.43.1 a motion, which should not be accepted by the Chairperson under these Rules;
- 3.43.2 a question of procedure; or
- 3.43.3 any act of disorder.

3.44 PROCEDURAL MOTIONS

- 3.44.1 Unless otherwise prohibited, a procedural motion may be moved at any time, and once seconded, must be dealt with immediately by the Chairperson.
- 3.44.2 A procedural motion requires a seconder.
- 3.44.3 Notwithstanding any other provision in these Rules, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover and seconder	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on
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	(a) During the election of a Chairperson; (b) When another Councillor is speaking	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	(a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

Procedural Motion	Form	Mover and seconder	When Motion	Effect if carried	Effect if lost	Debate permitted on
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the Substantive motion or otherwise to the substantive motion	During nominations for Chairperson	Motion or amendment in respect of which closure is carried is put to the vote immediately without debate subject to any Councillor exercising their right to ask any question or arising out of the motion	Debate continues unaffected	No

Procedural Motion	Form	Mover & seconder	When Motion	Effect if carried	Effect if lost	Debate permitted on
4. Proceeding to next business	<p>That the meeting proceed to the next business</p> <p>Note: This motion:</p> <p>(a) may not be amended;</p> <p>(b) may not be debated; and</p> <p>(c) must be put to the vote as soon as seconded</p>	Any Councillor who has not moved or seconded the substantive motion or otherwise to the substantive motion	<p>(a) During the election of a Chairperson;</p> <p>(b) When another Councillor is speaking;</p> <p>(c) When a motion would have the effect of causing Council to be in breach of a legislative requirement</p>	<p>If carried in respect of:</p> <p>(a) An amendment, Council considers the motion without reference to the amendment;</p> <p>(b) A motion - no vote or further discussion on the motion until it is placed on an agenda for a later Council meeting</p>	Debate continues unaffected	No

3.45 REPETITIVE 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 these Rules.

3.46 NOTICES OF MOTION

3.46.1 Councillors wanting to include a matter on the agenda may submit a Notice of Motion to the Chief Executive Officer.

3.46.2 A Notice of Motion must:

3.46.2.1 be signed by the Councillor lodging the Notice of Motion;

3.46.2.2 be lodged with the Chief Executive Officer not less than two working days before the agenda is due to be published to enable the Chief Executive Officer to give each other Councillor notice of such Notice of Motion; and

3.46.2.3 relate to the objectives, role and functions of Council as outlined in the Act.

3.46.3 A Notice of Motion must call for an officer report if the Notice of Motion proposes any action that:

3.46.3.1 impacts the levels of Council services;

3.46.3.2 commits Council to expenditure greater than \$100,000 that is not included in the adopted budget;

3.46.3.3 proposes to establish, extend or amend Council policy;

3.46.3.4 proposes to impact the rights of any person who has not had the opportunity to contribute their views;

3.46.3.5 commits Council to a contractual arrangement; and/or

3.46.3.6 concerns any litigation in respect of which the City is a party, unless the matter to be considered by the Notice of Motion is urgent business in which Rule 3.46.11 applies.

3.46.4 The Chief Executive Officer must reject any Notice of Motion that:

3.46.4.1 is vague;

3.46.4.2 is identical or substantially similar to a Notice of Motion or other motion that has been considered by Council in the preceding six (6) months;

3.46.4.3 is defamatory;

3.46.4.4 may be prejudicial to any person or Council;

3.46.4.5 is objectionable in language or nature;

3.46.4.6 is outside the powers of Council; and/or

3.46.4.7 does not meet the requirements of clause 3.46.3.

3.46.5 The Chief Executive Officer may reject a Notice of Motion if it:

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

3.46.5.2 relates to a matter that has previously been resolved by Council or is acted upon.

- 3.46.6 If rejecting a Notice of Motion, the Chief Executive Officer must:
 - 3.46.6.1 inform the Councillor who lodged it of that rejection and the reasons for the rejection within 24 hours of receiving the Notice of Motion;
 - 3.46.6.2 give the Councillor who lodged it an opportunity to amend it, which must be completed within 24 hours;
 - 3.46.6.3 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; and
 - 3.46.6.4 when a Notice of Motion is to be rejected or wording changed by the Chief Executive Officer, the Councillor proposing the Notice of Motion may request the Chief Executive Officer consult with the Mayor to seek their advice on the Chief Executive Officer's ruling and interpretation before the Chief Executive Officer's final decision.
- 3.46.7 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the agenda. The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion book in the order in which they were received.
- 3.38.1 Except by leave of Council, each Notice of Motion must be considered in the order in which they were received by the Chief Executive Officer.
- 3.46.8 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 Chairperson, any other Councillor may move the Motion.
- 3.46.9 If a Notice of Motion is not moved at the meeting at which it is listed, it lapses.
- 3.46.10 The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with the Act, in which case the Notice of Motion will be considered in a session of a meeting that is closed to members of the public.
- 3.46.11 If the matter to be considered by the Notice of Motion is urgent, then:
 - 3.46.11.1 the provisions in these Rules relating to urgent business apply; and
 - 3.46.11.2 to assist Councillors to make an informed decision regarding an urgent Notice of Motion, the Chief Executive Officer must provide a written report to Councillors regarding the implications of the matters to be considered in the proposed Notice of Motion and that report must be published online before the meeting where it is reasonably practicable to do so.

3.47 NOTICE OF RESCISSION

- 3.47.1 A Notice of Rescission is a form of Notice of Motion and accordingly all provisions in these Rules regulating Notices of Motion equally apply to Notices of Rescission.
- 3.47.2 Motions to revoke, rescind or alter a previous resolution can be made:
 - 3.47.2.1 by a Notice of Rescission delivered to the Chief Executive Officer;
 - 3.47.2.2 by recommendation contained in a report by a City officer and included in the agenda, that a previous resolution be altered or revoked.
- 3.47.3 A Councillor may propose a Notice of Rescission provided that:
 - 3.47.3.1 the resolution proposed to be rescinded has not been acted on;
 - 3.47.3.2 the effect of rescinding the resolution will not place the Council at significant legal, financial or other risk, including non-compliance with statutory obligations; and

- 3.47.3.3 the resolution proposed to be rescinded has not been acted upon;
and
- 3.47.3.4 the Notice of Rescission is delivered to the Chief Executive Officer
and sets out:
 - 3.47.3.4.1 the resolution to be rescinded; and
 - 3.47.3.4.2 the meeting and date at which the resolution was
made.
- 3.47.4 A resolution will be deemed to have been acted on if:
 - 3.47.4.1 its contents have, or substance has, been formally communicated
to a person whose interests are materially affected by it; or
 - 3.47.4.2 a statutory process has been commenced,
so as to vest enforceable rights in or obligations on Council or any other
person.
- 3.47.5 The Chief Executive Officer or an appropriate City officer must defer
implementing a resolution that:
 - 3.47.5.1 has not been acted on; and
 - 3.47.5.2 is the subject of a Notice of Rescission which has been Delivered
to the Chief Executive Officer in accordance with this Rule,
 unless deferring implementation of the resolution would place the Council at
significant legal, financial or other risk.

3.48 LOSS OF MOTION FOR RESCISSION

If a Notice for Rescission is lost, a similar Notice may not be put before Council for at least two (2) months from the date it was last lost, unless Council resolves that the Notice of Rescission be re-listed at a future meeting.

3.49 NOTICE FOR RESCISSION NOT MOVED

If a Notice for Rescission is not moved at the meeting at which it is listed, it lapses.

3.50 ANY COUNCILLOR TO MOVE NOTICE OF RESCISSION

A Notice for Rescission listed on an agenda may be moved by any Councillor present but may not be amended.

3.51 NOTICE OF RESCISSION NOT REQUIRED

A Notice of Rescission is not required when Council wishes to amend a policy.

3.52 URGENT BUSINESS

- 3.52.1 Business can only be admitted as urgent business by resolution of the meeting, if the motion is carried by the required number of Councillors present as follows:

Councillors present	Votes required to carry motion
11	8
10	7
9	6
8	6
7	5
6	4

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

- 3.52.2.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 3.52.2.2 cannot be deferred until the next meeting without having a negative impact on the Council, the municipal district or the local community; and
- 3.52.2.3 cannot be addressed through the operational service request process.
- 3.52.3 A Councillor proposing that a matter be admitted as urgent business must lodge a request in writing with the Chief Executive Officer by 4.00 pm on the day of the meeting.
- 3.52.4 The Chief Executive Officer will advise the Chairperson of any matter that they determines to be appropriate for Council to consider admitting as urgent business.

3.53 DISCIPLINE AND SUSPENSIONS

- 3.53.1 If any Councillor behaves offensively towards any other Councillor or City officer, the offending Councillor will be required by the Chairperson to withdraw the expression and make a satisfactory apology to the meeting.
- 3.53.2 A Councillor must not use defamatory, indecent, abusive or offensive words in reference to any other Councillor or City officer.
- 3.53.3 The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive or offensive in language or substance.
- 3.53.4 A Councillor who is required to withdraw a remark must do so immediately, without qualification or explanation.
- 3.53.5 A Councillor must not make any noise or disturbance while another Councillor or City officer is speaking. If they do so, the Chairperson must call upon the Councillor by name and the Councillor must immediately cease such disturbance.
- 3.53.6 The Chairperson may suspend from a meeting, for the balance of the meeting, any Councillor whose actions have disrupted the business of the Council and impeded its orderly conduct.

3.54 REMOVAL FROM THE MEETING ROOM

- 3.54.1 The Chairperson, an authorised City officer, may have any person removed from the Meeting room for reasons of disorderly conduct or for failing to act in accordance with a direction from the Chairperson.
- 3.54.2 A person removed from a meeting must leave the room in which the meeting is being held where they can no longer disrupt the meeting.

3.55 PUBLIC ADDRESSING THE MEETING

- 3.55.1 Members of the public do not have a right to address the Council and may only do so in accordance with these rules or with the consent of the Chairperson.
- 3.55.2 Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
- 3.55.3 Members of the public present at a meeting must not disrupt or interject during a meeting.

3.56 CHAIRPERSON MAY ADJOURN DISORDERLY MEETING

If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, they may adjourn the meeting to a

later time on the same day or to some later day as they think proper. In that event, the provisions for adjournment of meetings in these Rules apply.

3.57 REMOVAL FROM CHAMBER

The Chair, or Council in the case of a suspension, may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the Chair has ordered to be removed from the gallery under these Rules.

3.58 SUSPENSION OF STANDING ORDERS

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

3.58.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

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

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

"That standing orders be resumed."

3.59 DETERMINATION OF MEETING FORMAT

3.59.1 By default, Council meetings shall be conducted in person except as provided for in this Part.

3.59.2 Despite 3.59.1, Council may by resolution determine that a specific meeting or meetings will be conducted:

3.59.2.1 in person;

3.59.2.2 by electronic means of communication.

3.60 MEETINGS CONDUCTED IN PERSON

3.60.1 At meetings conducted in person, Councillors shall physically attend the meeting unless a request to participate by electronic means of communication has been granted in accordance with this section.

3.60.2 A request to participate by electronic means of communication must be in writing, signed by the Councillor, and lodged or sent to the Chief Executive Officer at least 6 hours before the commencement of the meeting.

3.60.3 A request to participate by electronic means of communication must provide an explanation as to why the Councillor cannot reasonably participate in the meeting in person. For the avoidance of doubt, a Councillor's personal preference to participate by electronic means of communication does not constitute sufficient grounds for making a request. The Chief Executive Officer, shall, if requested by the Councillor, keep confidential the submitted reasons for the request.

3.60.4 If a request to participate in a meeting by electronic means of communication does not comply with 3.60.3, the Chief Executive Officer shall decline to accept it, and shall notify the Councillor and, if time permits, provide them an opportunity to submit a further request.

3.60.5 Subject to 3.60.6 the Chief Executive Officer shall grant all requests to participate in a meeting by electronic means of communication, and shall notify all Councillors of the decision.

- 3.60.6 Unless extraordinary circumstances warrant it, the Chief Executive Officer may not grant a request to participate in a meeting by electronic means of communication at the first meeting of Councillors after a General Election, or if the meeting will consider:
- 3.60.6.1 the election of the Mayor under section 25 of the Act;
 - 3.60.6.2 the election of the Deputy Mayor under section 27 of the Act;
 - 3.60.6.3 the adoption of Governance Rules under section 60 of the Act;
 - 3.60.6.4 the adoption of a Community Vision under section 88 of the Act;
 - 3.60.6.5 the adoption of a Council Plan under section 90 of the Act;
 - 3.60.6.6 the adoption of a Long Term Financial Plan under section 91 of the Act;
 - 3.60.6.7 the adoption of an Annual Budget under section 94 of the Act;
 - 3.60.6.8 the adoption of a Revised Budget under section 94 of the Act;
 - 3.60.6.9 the presentation by the Mayor of an Annual Report under section 100 of the Act; or
 - 3.60.6.10 the adoption of a Councillor Code of Conduct under section 139 of the Act.
- 3.60.7 A Councillor who is not physically in attendance at a meeting but is present by electronic means of communication without approval, shall be recorded as absent, and cannot to participate in the meeting.

3.61 MEETINGS CONDUCTED BY ELECTRONIC MEANS OF COMMUNICATION

- 3.61.1 Should the Chief Executive Officer receive requests under 3.59 to participate in a meeting by electronic means of communication from an absolute majority of Councillors, the meeting shall be conducted solely by electronic means of communication.
- 3.61.2 Should the Chief Executive Officer determine that extraordinary circumstances warrant it, they are authorised to determine that any meeting be conducted solely by electronic means of communication.
- 3.61.3 The Chief Executive Officer may take all relevant factors into account in making a determination that extraordinary circumstances warrant a meeting being conducted solely by electronic means of communication including, but not limited to:
- 3.61.3.1 any risk to the health and safety of Councillors, staff and the community;
 - 3.61.3.2 whether all or part of the meeting is planned to be closed to members of the public under section 66(2) of the Act; or
 - 3.61.3.3 whether the orderly conduct of a meeting may be affected by the format of the meeting.

3.62 ADJUSTMENTS TO MEETING RULES

- 3.62.1 If a meeting is conducted by electronic means of communication, the following modifications to the application of the Rules in this Chapter are to be made:
- 3.62.1.1 References to a Councillor being present at a meeting shall be a reference to a Councillor being able to both hear and see other members in attendance and be heard and be seen by other members in attendance.
- 3.62.2 The Chairperson may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

3.63 PROCEDURE NOT PROVIDED IN THIS CHAPTER

In all cases not specifically provided for by these Rules, 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).

3.64 CRITICISM OF CITY OFFICERS

- 3.64.1 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising them or any City officer.
- 3.64.2 A statement under this Rule must be made by the Chief Executive Officer, through the Chairperson, as soon as it practicable after the Councillor who made the statement finished addressing Council.

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CHAPTER 3 – DELEGATED COMMITTEES

1. Election Chairs of Delegated Committees

Any election for the Chair of a Delegated Committee will be regulated by Chapter 2 of these Rules as if the reference to the:

- 1.1 Chief Executive Officer is a reference to the Mayor; and
- 1.2 Mayor is a reference to the Chair of the Delegated Committee (as the case may be).

2. Meeting Procedure Generally

If Council establishes a Delegated Committee:

- 2.1 all of the provisions of Chapter 2 apply to meetings of the Delegated Committee; and
- 2.2 any reference in Chapter 2 to:
 - 2.2.1 a Council meeting is to be read as a reference to a Delegated Committee meeting;
 - 2.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and
 - 2.2.3 the Mayor is to be read as a reference to the Chair of the Delegated Committee.

3. Meeting Procedure Can Be Varied

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

- 3.1 Council may; or
- 3.2 the Delegated Committee may, with the approval of Council

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the Delegated Committee, in which case the provision or those provisions will not apply until Council resolves, or the Delegated Committee with the approval of Council resolves, otherwise.

CHAPTER 4 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES

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.

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.

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CHAPTER 5 – JOINT MEETINGS OF COUCNILS

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

1. Council may resolve to participate in a Joint Council meeting to consider:
 - 1.1 Collaborative projects;
 - 1.2 Collaborative procurement; and/or
 - 1.3 Emergency Response.
2. If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer will agree on the applicable governance rules for the meeting with the participating Councils, before the meeting starts.
3. Where the Greater Geelong City Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting
4. At a majority of Councillors will be appointed to represent Council at a Joint Council meeting Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
5. A joint briefing arranged in accordance with this Rule may be held electronically.

CHAPTER 6 - DISCLOSURE OF CONFLICTS OF INTEREST

1. Introduction

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

2. Definition

In this Chapter:

- 2.1 “meeting conducted under the auspices of Council” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 2.2 a member of a Delegated Committee includes a Councillor.

3. 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:

- 3.1 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
- 3.2 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:
 - 3.2.1 advising of the conflict of interest;
 - 3.2.2 explaining the nature of the conflict of interest; and
 - 3.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
 - 3.2.3.1 name of the other person;
 - 3.2.3.2 nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - 3.2.3.3 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 sub-Rule.

The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

4. Disclosure of Conflict of Interest at a Delegated Committee Meeting

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

- 4.1 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

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.

- 4.2 intend to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee meeting commences a written notice:
- 4.2.1 advising of the conflict of interest;
 - 4.2.2 explaining the nature of the conflict of interest; and
 - 4.2.3 detailing, if the nature of the conflict of interest involves a member of a Delegated Committee's relationship with or a gift from another person the:
 - 4.2.3.1 name of the other person;
 - 4.2.3.2 nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - 4.2.4 nature of that other person's interest in the matter,
- and then immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The member of a Delegated Committee must, in either event, leave the Delegated Committee meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

5. 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:

- 5.1 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
- 5.2 intend to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:
 - 5.2.1 advising of the conflict of interest;
 - 5.2.2 explaining the nature of the conflict of interest; and
 - 5.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
 - 5.2.3.1 name of the other person;
 - 5.2.3.2 nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - 5.2.4 nature of that other person's interest in the matter,

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

The Councillor must, in either event, leave the Committee Asset Committee meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

6. 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 they are present must:

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

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

- 7.1 A City officer who, in their capacity as a City officer, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:
 - 7.1.1 Council meeting;
 - 7.1.2 Delegated Committee meeting;
 - 7.1.3 Community Asset Committee meeting

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

- 7.2 The Chief Executive Officer must ensure that the Report referred to in sub-Rule 7.1 records the fact that a City officer disclosed a conflict of interest in the subject-matter of the Report.
- 7.3 If the City officer referred to in sub-Rule 7.1 is the Chief Executive Officer:
 - 7.3.1 the written notice referred to in sub-Rule 7.1 must be given to the Mayor; and
 - 7.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other City officer responsible for the preparation of the Report.

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

- 8.1 A City officer who has a conflict of interest in a matter requiring a decision to be made by the City officer as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest.
- 8.2 If the City officer referred to in sub-Rule 8.1 is the Chief Executive Officer the written notice must be given to the Mayor.

9. Disclosure by a City officer in the Exercise of a Statutory Function

- 9.1 A City officer who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the City officer 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.
- 9.2 If the City officer referred to in sub-Rule 9.1 is the Chief Executive Officer the written notice must be given to the Mayor.

10. Retention of Written Notices

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

CHAPTER 7 – MISCELLANEOUS

11. Informal meetings of Councillors

If there is a meeting of Councillors that:

- 11.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- 11.2 is attended by at least one City officer; and
- 11.3 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

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

- 11.4 tabled at the next convenient Council meeting; and
- 11.5 recorded in the minutes of that Council meeting.

12. Confidential Information

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

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