

Hobsons Bay Governance Rules

2020 Version 1.3 – 25 August 2020

**HOBSONS
BAY CITY
COUNCIL**



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SECTION 1 - INTRODUCTION

1.1 Purpose

The Hobsons Bay City Council has established Governance Rules in accordance with [section 60](#) of the *Local Government Act 2020* (the Act).

These Governance Rules determine the way in which Council will:

- make decisions:
 - in the best interest of the Hobsons Bay community
 - fairly and on the merits of the question
 - in a way that ensures any person whose rights will be directly affected by a decision will be entitled to communicate their views and have their interests considered.
- elect its Mayor and Deputy Mayor
- conduct meetings of Council and Delegated Committees
- give notice of meetings and record and make available meeting records (minutes and live streamed meetings)
- be informed in its decision making through community engagement, advisory committees and Councillor areas of responsibility, and Council officer reports
- require the disclosure and management of conflicts of interest

The Governance Rules also include:

- rules for the conduct of Council and Councillors during election periods, through the Election Period Policy
- provisions for use of Council's common seal

1.2 Principles

Council must, in the performance of its role, give effect to the overarching governance principles outlined in the *Local Government Act 2020*. These principles are:

- 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 community, 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 taken into account 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 take into account the following supporting principles:

- the community engagement principles
- the public transparency principles
- the strategic planning principles
- the financial management principles
- the service performance principles

1.3 Context

These Governance Rules are to be read in the context of and in conjunction with:

- Hobsons Bay Public Transparency Policy
- Hobsons Bay Public Interest Disclosures Policy
- Hobsons Bay Election Period Policy
- Conflict of Interest Guide for Councillors and Staff
- Conflict of Interest Policy
- Councillor Code of Conduct
- Employee Code of Conduct
- Other relevant policies

These Governance Rules comprise sections, sub-sections and rules.

Hyperlinks to relevant sections of the [Local Government Act 2020](#) have been created and added to section headings and where ever the reference to the Act is made.

Overview notes within these Governance Rules are intended to be explanatory and included for guidance.

1.4 Commencement Date

These Governance Rules were endorsed by Council at the Council meeting held on 25 August 2020.

These Governance Rules will replace the Meeting Procedure and Common Seal Local Law 2015.

1.5 Definitions

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

Act	means <i>Local Government Act 2020</i>
Advisory Committee	means a committee established by Council that provides advice to Council
Agenda	means the notice of a meeting setting out the date, time and place of a meeting and a list of business to be transacted at the meeting
Agreement of Council	means indicative agreement of all the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote
Audit and Risk Committee	means the Audit and Risk Committee established by a Council under section 53 of the Act
Authorised Officer	means a person appointed as an Authorised Officer pursuant to section 224 of the <i>Local Government Act 1989</i>
Chair	means the role of office of Chairperson, distinct from the person taking the role
Chairperson	means the person who chairs a meeting of the Council or Delegated Committee of the Council and includes an acting, a temporary and a substitute Chairperson
Chief Executive Officer	means the member of council staff appointed to be its Chief Executive Officer, and includes a person acting as Chief Executive Officer
Code of Conduct	has the same meaning as in the Act
Common Seal	means the Common Seal of the Council
Committee Meeting	means a meeting of a Delegated Committee
Council	means Hobsons Bay City Council
Councillor	means a duly elected Councillor of the Hobsons Bay City Council
Council Meeting	means a formal meeting of the Council where decisions are made in accordance with these Governance Rules and includes both scheduled meeting and unscheduled meetings
Defamation	means intentional false communication which damages the reputation of another individual
Delegate	means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation
Delegated Committee	has the same meaning as in the Act
Delegated Committee Meeting	means a meeting of a Delegated Committee
Deputy Mayor	means the Councillor elected as the Deputy Mayor of the Council

Director	means an executive member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer.
Direct negative	<p>a direct negative cannot be used as the basis for an amendment to a motion.</p> <p>a working rule for determining whether an amendment to a motion is a direct negative is to ask the question whether the proposed amendment would have the same effect as voting against the motion. If it would, it is a direct negative.</p>
Disorderly Behaviour	<p>means any disorderly conduct of a member of the Gallery or a Councillor and includes:</p> <ol style="list-style-type: none"> a. interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order or granted leave by the Chairperson b. making comments that are defamatory, malicious, abusive or offensive c. refusing to leave the meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules d. engaging in any other conduct which prevents the orderly conduct of the meeting
Division	means a formal count and recording of those for and those against a motion
Exceptional Circumstances	<p>means circumstances where there is:</p> <ol style="list-style-type: none"> a. a risk or threat to public health and safety; b. a threat of violence or aggression by one or more people attending the Council Meeting against others; c. unlawful conduct by an attendee of the Council Meeting; d. significant disruption of the Council Meeting by the conduct of an attendee; and/or e. a reputational risk to the Council
Foreshadowed Item	means a motion foreshadowed by a Councillor during debate of an original motion. A Councillor will indicate their intention to move a motion at a later stage in the meeting or at another Council meeting
Inappropriate Information	<p>means information which amounts to, or could be perceived to amount to:</p> <ol style="list-style-type: none"> a. defamation b. infringement of copyright c. breach of privacy d. offensive behaviour including discrimination e. vilification or inciting hatred

	f. confidential or privileged
	g. misleading
Joint Letter	means a formal letter addressed to the Mayor, a Councillor or Councillors, signed by five or more persons and which is not in the formal written format of a petition
Live stream	means a live transmission of a Council meeting over the internet
Majority of the Votes	means an absolute majority of voting members at the meeting voting in favour of a matter
Mayor	means the Mayor of the Council and any person acting as the Mayor
Meeting	means a Council meeting (both scheduled or unscheduled) or a Delegated Committee meeting
Meeting Record	means the record taken at any meeting organised, hosted or supported by Council
Member	means a member of any committee to which these governance rules apply
Minister	means the Minister for Local Government
Minutes	means the official record of the proceedings and decisions of a meeting
Motion	means a proposal framed in a way that will result in the opinion of voting members or Councillors being expressed, and a decision being made, if the proposal is adopted
Notice of Motion	means a notice in writing setting out the text of a motion which a voting member or a Councillor proposes to move at a Council or Committee Meeting.
Notice of Rescission	means a notice of motion to rescind a resolution made previously by Council
On Notice	means held or deferred to enable the preparation of a response
Petition	means a formal written application signed by a minimum number of 25 people whose names and residential addresses are included and those addresses are within a 20 km radius of the Hobsons Bay municipal community, and on which each page of the petition bears the wording of the whole of the petition or electronic petitions received via on-line websites
Point of Order	means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a meeting
Procedural Motion	means a motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure such as the deferral of an item to a future meeting

Privacy Breach	means unauthorised access to, or collection, use or disclosure of personal information in accordance with the <i>Privacy and Data Protection Act 2014</i> .
Quorum	means the minimum number of voting members of a meeting or a Committee of Council required to be present in order to constitute a valid meeting. This minimum number of voting members must be preserved during each vote of a meeting for that vote to be valid
Regulations	means the <i>Local Government (General) Regulations</i> and any new Regulations that may be applicable from time to time
Returning Officer	means the official who conducts the election and announces the result.
Rule	means a rule included in these Governance Rules
Senior Officer	means a Director
Standing Orders	means formal meeting procedure to facilitate full discussion on an issue without formal meeting constraints
Suspension of Standing Orders	means the suspension of the provisions of the formal meeting procedure to facilitate full discussion on an issue without formal meeting constraints
Urgent Business	means a matter that 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 meeting
Unscheduled Meeting	means a meeting convened for a particular purpose that cannot be effectively dealt with in the schedule of adopted meetings
Virtual Meeting	means any meeting held by electronic means including but not limited to a Council meeting or Delegated Committee meeting
Visitor (or attendee)	Means any person who is in attendance at a meeting who has no formal standing at the meeting
Voting	A formal expression of opinion or choice, either positive or negative
Voting Member	A Councillor or Committee member who is entitled to register a formal expression of opinion or choice, either positive or negative

SECTION 2 – ELECTION OF THE MAYOR AND DEPUTY MAYOR

Overview

The role and functions of the Mayor are provided for in **section 18** of the Act. The holder of this office is the Chairperson at Council meetings, is the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties.

2.1 When is a Mayor to be elected

- 2.1.1 A Mayor is to be elected no later than one month after the date of a general election.
- 2.1.2 Prior to the election of the Mayor, a Council must resolve by resolution whether the Mayor is to be elected for a 1 year or a 2-year term.
- 2.1.3 If the Mayor is elected for a 1-year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1-year term as is reasonably practicable.
- 2.1.4 If the Mayor is to be elected for a 2-year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2-year term as is reasonably practicable.
- 2.1.5 A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs. In circumstances where this is not practicable, the Deputy Mayor will assume the role of Mayor, or if the Deputy Mayor is unavailable, a duly appointed voting member of the meeting will assume the role of Mayor.
- 2.1.6 The election of a Mayor after the period specified in rules 2.1.1 and 2.1.5 does not invalidate that election.
- 2.1.7 A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2-year term is to serve for the remaining period of the previous Mayoral term.

2.2 Filling the vacancy of Mayor

- 2.2.1 The meeting to fill the vacancy of Mayor will be held after the fourth Saturday in October and no later than 30 November in each year, or as the Act may prescribe from time to time.

2.3 Setting meeting time for election of the Mayor

- 2.3.1 Council will determine the date for the election of the Mayor when it adopts its timetable of meetings.
- 2.3.2 If required, due to delays of the Declaration of the Poll in an election year, the Chief Executive Officer will set the time and date for the election of the Mayor.
- 2.3.3 The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor, except in circumstances where the election of the Mayor must take place in accordance with any provisions contained in the Act.
- 2.3.4 The Council meeting held, where the Councillors will elect a Councillor to be Mayor, must be open to the public.

2.4 Temporary Chairperson

- 2.4.1 The Chief Executive Officer will be the temporary Chairperson of the meeting at which the election of Mayor is to be conducted but will have no voting rights.
- 2.4.2 The Chief Executive Officer will also be the Returning Officer for the election of the Mayor.

2.5 Method of voting

- 2.5.1 The election of Mayor will be carried out by a show of hands.

2.6 Determining the election of Mayor

- 2.6.1 The Chief Executive Officer will invite nominations for the office of Mayor.
- 2.6.2 Any Councillor is eligible for election to the office of Mayor.
- 2.6.3 Nomination for Mayor does not require a seconder.
- 2.6.4 Any Councillor nominated as a candidate for Mayor may refuse nomination.
- 2.6.5 In accordance with [section 25 \(6\)](#) of the Act, if only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- 2.6.6 Where two or more nominations are received, the method of voting shall be by show of hands and the Councillor with the absolute majority of votes cast will be declared elected.

- 2.6.7 In accordance with [section 25 \(5\)](#) of the Act, if an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified date and time.
- 2.6.8 In accordance with [section 25 \(7\)](#) of the Act, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.

2.7 Mayor to take the Chair

- 2.7.1 After the election of the Mayor is determined, the Mayor must take the Chair.
- 2.7.2 The Mayor must take the Chair at all Council meetings at which they are present unless precluded from doing so because of a conflict of interest. In the absence of the Mayor, the Deputy Mayor shall take the Chair in the absence of the Deputy Mayor then a Councillor shall be elected Acting Chairperson and shall take the Chair.

2.8 Election of Deputy Mayor

- 2.8.1 At a meeting to elect the Mayor, the Council will also elect a Deputy Mayor.
- 2.8.2 Any election for the position of Deputy Mayor will follow the same process as for the election of the Mayor as prescribed in sections 2.6 of these Governance Rules.
- 2.8.3 The Mayor will conduct the election process for the Deputy Mayor. The position of Deputy Mayor becomes vacant in the circumstances set out in relation to a Mayor in [sections 22 \(a\) to \(g\)](#) of the Act.
- 2.8.4 If the Mayor is not in attendance at a Council meeting the Deputy Mayor must take the Chair.
- 2.8.5 The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- 2.8.6 During any time both the Mayor and Deputy Mayor are at the same time unavailable the Chief Executive Officer will call for a motion to appoint an acting Chair for that specific meeting in order for the meeting to proceed.
- 2.8.7 When acting in the position of Mayor, the Deputy Mayor may perform any function or exercise any power conferred on the Mayor.

2.9 Appointment of Chairperson of a Delegated Committee

- 2.9.1 A meeting of a delegated committee established by the Council must be chaired by a Councillor appointed by the Council or appointed by the Mayor.
- 2.9.2 If the Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee is not present at the meeting, the meeting must be chaired by a Councillor who is present at the meeting and who is appointed by the members of the delegated committee who are present at the meeting.
- 2.9.3 Additionally, the Mayor may, at their discretion, assume the role of Chair at all Council delegated committees.

2.10 The Mayor as Principal Spokesperson for the Council

- 2.10.1 [Section 18 \(1\)\(b\) of the Act](#) prescribes the Mayor as the principal spokesperson for the Council. The Mayor may elect a substitute spokesperson when the matter relates to Wards, committees or portfolios.

SECTION 3 - MEETING ROLES AND RESPONSIBILITIES

3.1 Meeting Roles

- 3.1.1 In accordance with 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 must take the Chair and if both are absent, the Chief Executive Officer will be the temporary Chairperson until a Councillor is elected the temporary Chairperson for the meeting.

3.1.2 The Chairperson

- 3.1.2.1 The Chairperson plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors and members of delegated committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.
- 3.1.2.2 The Chairperson is an independent leader of meetings and generally does not participate in debate or move or second motions.
- 3.1.2.3 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 the Council.
- 3.1.2.4 Specific duties and discretions of the Chairperson are outlined in rule 3.1.4 of these Governance Rules.

3.1.3 Chairperson and Members

- 3.1.3.1 The Chairperson, Councillors and members of Delegated Committees will ensure good decision-making by endeavouring to ensure:
- 3.1.3.1.1 Decision making is transparent to members and observers
- 3.1.3.1.2 Meeting members have sufficient information to make good decisions
- 3.1.3.1.3 Every member is supported to contribute to decisions

- 3.1.3.1.4 Any person whose rights are affected has their interests considered
- 3.1.3.1.5 Debate and discussion is focussed on the issues at hand
- 3.1.3.1.6 Meetings are conducted in an orderly manner.

3.1.4 The Chairperson's Duties and Discretions

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

- 3.1.4.1 Must not accept any motion, question or statement which is:
 - a. vague or ambiguous and unclear in its language
 - b. is a direct negative of a motion just passed by the meeting
 - c. is inconsistent with a formal motion just adopted
 - d. defamatory, malicious, abusive or objectionable in language or substance
 - e. is vexatious and proposed only to obstruct the orderly transaction of business
 - f. outside the powers of Council
- 3.1.4.2 Must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting
- 3.1.4.3 Must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council
- 3.1.4.4 May direct that a vote be recounted to be certain of the result
- 3.1.4.5 Must decide on all points of order in accordance with rule 8.18
- 3.1.4.6 May adjourn a disorderly meeting
- 3.1.4.7 Subject to rule 11.2.2, the Chairperson may determine to close a meeting to the public to maintain security and order, if the circumstances prevent seeking a Council resolution.
- 3.1.4.8 Has the discretion to permit minor amendments and adjustments to occur during the course of a Council meeting, without cause for a formal resolution, where the Chairperson believes that the permission of the action will support and complement good decision-making by the Council. For example, the sharing of an image or playing of a video.

- 3.1.4.9 Where any matter arises at a Council meeting which is, in the opinion of the Chairperson not provided for in these Governance Rules, the Chairperson, in consultation with the Chief Executive Officer, has discretion to deal with the matter.

3.1.5 Chief Executive Officer

- 3.1.5.1 The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chairperson and advice to the meeting.
- 3.1.5.2 The Chief Executive Officer:
- a. must immediately advise if a proposed resolution, a notice of motion or action is, to their knowledge, contrary to legislation or Council Policy
 - b. may advise if there are administrative or operational implications arising from a proposed resolution or a notice of motion
 - c. may assist to clarify the intent of any unclear motion to facilitate implementation of a resolution
 - d. on request, assist with procedural issues that may arise

3.1.6 Councillors and members of Delegated Committees

- 3.1.6.1 Councillors and members of Delegated Committees contribute to good governance and decision making by:
- a. seeking views of community members and reading agenda and all papers prior to the meeting
 - b. demonstrating due respect and consideration to community views and the professional expert advice provided in the agenda papers
 - c. attending all meetings and participating in debate and discussion
 - d. demonstrating respect for the role of the Chairperson and the rights of other Councillors or members of Delegated Committees to contribute to the decision-making
 - e. being courteous and orderly

3.1.7 Community

- 3.1.7.1 Council meetings are decision-making forums for the Council that are open to the community to attend and/or view proceedings.
- 3.1.7.2 Community members may only participate in Council meetings in accordance with rule 13.3.
- 3.1.7.3 Community members are encouraged to participate in Council's engagement processes.
- 3.1.7.4 Community members may seek to inform individual Councillors of their views by contacting them directly in advance of meetings.

3.1.8 Apologies and Leave of Absences

- 3.1.8.1 Councillors who are unable to attend a Council meeting or briefing must notify the Mayor in writing, as soon as practicable. The Mayor will advise the meeting. Councillors should also, where possible, inform the Chief Executive Officer.
- 3.1.8.2 An apology submitted to a meeting will be recorded in the minutes of the meeting.
- 3.1.8.3 Delegated Committee members who are unable to attend a Delegated Committee Meeting must submit an apology:
 - a. in writing to the Chairperson, who will advise the meeting or
 - b. by seeking another Councillor or member of the Delegated Committee to submit it at the meeting on their behalf.
- 3.1.8.4 A Councillor intending to take a leave of absence must submit their request in writing to the Mayor. Councillors should also, where possible, advise the Chief Executive Officer of their request to take a leave of absence.
- 3.1.8.5 The Mayor will seek to have any leave of absence request received included in the agenda of the next Council meeting.
- 3.1.8.6 A leave of absence not included in a Council meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.
- 3.1.8.7 Council will not unreasonably withhold its approval of a leave of absence request.

- 3.1.8.8 A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee meeting will be recorded in the minutes of the meeting as absent.
- 3.1.8.9 [Section 35 \(1\) \(e\)](#) of the Act provides a Councillor ceases to hold office if they are absent from Council meetings for a period of 4 consecutive months without leave obtained from the Council.

SECTION 4 - COUNCIL AND DELEGATED COMMITTEE MEETINGS

Overview:

Council meetings are held regularly to conduct the ongoing business of the Council and unscheduled Meetings may be held from time to time.

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

No business can be transacted at a Council meeting or a Delegated Committee meeting unless a majority of the Councillors or members of the Delegated Committee (as the case may be) is present (quorum).

If there is no quorum at the commencement of a meeting or if a quorum cannot be maintained during a meeting, the meeting is to be adjourned to another date and/or time.

4.1 Dates and times of meetings

- 4.1.1 The date, time and place of all Council and Delegated Committee meetings are to be fixed by the Council from time to time and the public must be provided with 48 hours notice of each meeting.

4.2 Council Meetings

- 4.2.1 A notice of a Council meeting, that is not an unscheduled meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council meetings, at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist and agreed to by all voting members of the meeting.
- 4.2.2 An agenda for each Council meeting, that is not an unscheduled meeting, will be made available on Council's website no less than 24 hours before the Council meeting.
- 4.2.3 A schedule of Council meetings must be prepared and published that ensures it is available to a broad section of the community, including but not limited to, on Council's website at least once each year and with such greater frequency as the Chief Executive Officer determines.

The schedule of Council meetings must also be available from Council's Customer Service Centres by request.

- 4.2.4 Notice of an unscheduled meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.
- 4.2.5 An agenda for an unscheduled meeting must be made available electronically to every Councillor at least 24 hours before the meeting. A period of less than 24 hours may be justified if exceptional circumstances exist.
- 4.2.6 An agenda for an unscheduled Council meeting will be made available on, but not limited to, Council's website no less than 24 hours before the meeting.

4.3 Council may alter meeting dates and times

- 4.3.1 Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes to the public.
- 4.3.2 Where meeting dates are changed, details must be provided on Council's website, but not limited to, being published in the local newspaper, on the Council's public notice boards, at each of the libraries and on the website.
- 4.3.3 The agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with.
- 4.3.4 The Chief Executive Officer will ensure that the agenda is sent to all Councillors by post, courier, email and/or another electronic means, as agreed with the Councillor.
- 4.3.5 The Chief Executive Officer will ensure that notice of the meeting is received by each councillor in accordance with these Governance Rules prior to the meeting being able to progress.
- 4.3.6 The agenda can be delivered to a Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillor.

- 4.3.7 It will not be necessary for an agenda to be provided to any Councillor who has been granted leave of absence, unless the Councillor has requested (in writing) the Chief Executive Officer to continue to receive an agenda for any meeting to be held during the period of their absence.
- 4.3.8 The agendas may be delivered to Councillors by any of the following methods:
- 4.3.8.1 Delivery to the Councillor's place of residence, usual place of business (if applicable) at least 48 hours before the meeting, will be sufficient to constitute delivery whether the Councillor is in attendance or not
 - 4.3.8.2 Electronic delivery by any means at least 48 hours before the meeting, will suffice to constitute delivery of the notice
- 4.3.9 To enable the processes of government to be efficiently managed, Councillors should keep the Chief Executive Officer informed of their point(s) of contact at least every twelve months or as otherwise required from time to time.

4.4 Circumstances to call an urgent or emergency meeting

- 4.4.1 An urgent or emergency meeting can be initiated under the following circumstances:
- 4.4.1.1 a natural disaster within or close proximity to the municipality
 - 4.4.1.2 the death, serious injury or the like of any Councillor or Executive Officer or other significant person, which would affect the normal operation of the Council or the organisation as a whole
 - 4.4.1.3 upon receipt of the written resignation of the Chief Executive Officer or a Councillor.
 - 4.4.1.4 any other reason which may have a major impact on the Council, the organisation or the community which cannot wait until the next scheduled meeting of the Council.
 - 4.4.1.5 any reason seen as necessary by the Council provided such requirement is supported in writing by three Councillors.

- 4.4.2 In the case of an emergency, the Chief Executive Officer or, in their absence, a nominated Senior Officer, may call or postpone a meeting of the Council, without the necessity to comply with rule 4.2 provided reasonable attempts are made to notify every Councillor.
- 4.4.3 The Chief Executive Officer or a nominated Senior Officer must submit a full written report of the circumstances requiring his or her action to the next Meeting of the Council.

4.5 Virtual Council Meetings

- 4.5.1 Council interprets the [Ministerial Guidelines](#)¹ for virtual meetings such that Councillors are to be recognised as present and eligible to participate in the Council meeting provided, they can:
 - 4.5.1.1 Be heard by all members of the meeting including the person recording the minutes of the meeting
 - 4.5.1.2 Be able to hear the proceedings of the meeting clearly
 - 4.5.1.3 Be able to be seen together on single screen via live stream
- 4.5.2 The Ministerial Guidelines also require for the purposes of transparency that a scheduled or unscheduled Council meeting must be live streamed and that a link to this live stream must be available on Council's website.
- 4.5.3 The protocols as detailed in these Governance Rules apply to the conduct of scheduled and unscheduled Council meetings, committee meetings and other meetings of Council where the expectation of these meetings is that they are open to the public unless the meeting is closed under [section 66 \(2\)](#) of the Act.

4.6 Virtual Meetings - Protocols

- 4.6.1 Councillors participating in the Council meeting or any person participating in an online meeting must:

¹ Minister's Good Practice Guideline MGPG-1: Virtual Meetings issued on 29 April 2020 pursuant to section 87 of the *Local Government Act 2020*

- 4.6.1.1 Join the meeting no less than 15 minutes prior to the scheduled start time of the meeting to ensure that the technology is working and that they are prepared and ready to commence
- 4.6.1.2 The Chairperson will need to confirm that a quorum has been raised before the meeting can continue
- 4.6.1.3 Avoid talking over the top of or interrupting other meeting participants. Meeting participants should raise their hand to speak and wait until the Chairperson introduces them and invites them to speak. For example, the Chairperson will note a raised hand and say *"Thank you, XXXXXX (Courtesy Title). Please speak when you are ready."* This will enable participants enough time to unmute and speak
- 4.6.1.4 Mute the sound, unless wanting to speak
- 4.6.1.5 Refrain from eating and drinking (anything other than water, tea or coffee) during the Council meeting
- 4.6.1.6 Wear clothes that they would ordinarily wear in the Council Chamber
- 4.6.1.7 Ensure that the space where they will sit during the Council meeting, is quiet, well-lit and free from distractions and loud noise
- 4.6.1.8 Be aware that they are in their own space and not the Council Chamber and protect their privacy accordingly
- 4.6.1.9 Councillors are to use the prescribed Council backdrop during Council meetings
- 4.6.1.10 Notify the Chairperson if a participant is going to leave the meeting, either for a conflict of interest or another reason
- 4.6.1.11 Seek technical support from the designated IT officers in a timely manner to ensure that any issues are resolved ahead of the scheduled start time of the Council meeting
- 4.6.1.12 Computer and technical support will be available during all virtual Council meetings or Councillor Briefing Sessions

- 4.6.2 A quorum must always be maintained to conduct a valid virtual Council meeting:
 - 4.6.2.1 A quorum will be achieved even if one or more Councillors participating in a Council meeting is present electronically and not physically present in the Council Chamber
 - 4.6.2.2 Provided a Councillor can be seen at all times, can hear and can be heard, they are considered to be participating in the meeting
 - 4.6.2.3 If a Councillor is disconnected from the meeting for any reason, they are deemed to have left the meeting and this will need to be recorded in the minutes of the meeting
 - 4.6.2.4 If a Councillor forming quorum disconnects, the Chairperson will need to call a short adjournment in the meeting to allow for the Councillor to re-enter the meeting and the quorum to be returned
 - 4.6.2.5 The Chairperson is to be advised if a Councillor has left the meeting, where practicable
 - 4.6.2.6 Where a Councillor is disconnected, the Councillor should send a text message to the Chairperson to advise that they have left the meeting and whether they intend to re-join the meeting
- 4.6.3 The Chairperson will first call for those in favour of a motion and then those opposed to the motion and will declare the result to the meeting:
 - 4.6.3.1 Councillors will vote on any matter before Council by a show of hands or by raising their hand with a green card for the motion or a red card against the motion
 - 4.6.3.2 Councillors are required to keep their hand or card raised until the Chairperson acknowledges that their vote has been recorded
 - 4.6.3.3 A division may be requested by any Councillor prior to or after the Chairperson has put any motion, amendment or other question to the vote and has announced the result of the vote
 - 4.6.3.4 Councillors will indicate their vote for or against the motion by a show of hands or by raising their hand with a green card for the motion or a red card against the motion
 - 4.6.3.5 Councillors are required to keep their hand or card raised until the Chairperson acknowledges that their vote has been recorded

- 4.6.3.6 A division cannot be requested after the next item of business has commenced
- 4.6.3.7 Councillors may, by a show of hands, request to speak to a motion or an amendment before a vote is taken
- 4.6.4 A Councillor must declare a conflict of interest as per section 15 of these Governance Rules. A Councillor must declare any conflict of interest at the time specified in the agenda.
- 4.6.5 Where the reason for leaving the meeting is for a conflict of interest, the Councillor will leave the meeting by being placed into the virtual “Waiting Room” by the Chairperson. The Chairperson will confirm that the Councillor has left the meeting. After the report has been discussed and a decision made, the Chairperson will allow the Councillor back into the meeting. The Chairperson will advise the meeting that the Councillor has re-joined the meeting.
- 4.6.6 Council will continue to accept public questions at a virtual Council meeting. All public questions must be lodged by 12 noon on the day before the Council meeting using the email address publicquestiontime@hobsonsbay.vic.gov.au or online via Council’s website.
- 4.6.7 The Chairperson will read out the public questions and a response during the meeting. The person asking the question does not need to be present online at the Council meeting for their question to be read out.
- 4.6.8 When a Council meeting is conducted virtually, questions from the public will be restricted to the Chairperson responding to 10 questions or limited to 20 minutes at the commencement of the meeting. The question must be framed as a direct question and only the question will be read out. Explanatory information will be utilised to inform Council’s response but will not be read out at the meeting.
- 4.6.9 Council will not consider supplementary questions at a virtual Council meeting.
- 4.6.10 Confidential Council Meetings or confidential/closed sections of Council meetings are not streamed live and the live streaming is turned off. There is no vision recorded. An audio recording of the confidential business is however kept solely for minute-taking purposes and will destroyed when the minutes of the meeting are confirmed. The audio recording is stored securely pending destruction.

- 4.6.11 When it has been determined that a report is to be closed to the public in accordance with the provisions of [section 66 \(2\)](#) of the Act, the live stream will be turned off and the meeting closed to the public to enable the report to be considered and resolved.
- 4.6.12 The Chairperson will be responsible for announcing when the public portion of the Council meeting has concluded and when the live stream has been switched off. Confidential items are the last item on the agenda and after the meeting is closed to the public the meeting will not be formally resumed. The Chairperson will formally close the meeting while it is closed to the public.
- 4.6.13 Rules 17.1 and 17.7 of the Governance Rules refer specifically to the audio recording and live streaming of Council and the Delegated Planning Committee Meetings. However, the provisions of this section extend and include the restriction of any audio or visual recording. A person must not record the proceedings of any such meeting held electronically, without first obtaining the approval to do so from the Chairperson.
- 4.6.14 The provisions of these Governance Rules will apply to meetings of the Delegated Planning Committee to the extent that they are relevant to the proceedings of the delegated committee and any reference to Councillor in those rules extends to any member of a delegated committee.

SECTION 5 – QUORUM

5.1 Quorum

- 5.1.1 No business can be transacted at a Council meeting or a Delegated Committee Meeting unless a majority of the Councillors or members of the Delegated Committee (as the case may be) is present (a quorum). If there is no quorum at the commencement of the meeting or if a quorum cannot be maintained during a meeting, the meeting is to be adjourned to allow for a quorum to return or to another date and/or time.
- 5.1.2 The quorum required for Council meetings shall be an absolute majority of Councillors.
- 5.1.3 The quorum required for a Delegated Committee meeting will be determined by the Council for each committee, but in the absence of the Council's determination, the quorum required will be not less than a majority of voting members.
- 5.1.4 In the case of an emergency, where the Chief Executive Officer, or in their absence a nominated Senior Officer, the quorum for an emergency meeting will be an absolute majority of Councillors.

5.2 Inability to gain a quorum

- 5.2.1 Meetings must commence within fifteen minutes of the scheduled starting time.
- 5.2.2 If, after fifteen minutes from the scheduled starting time of any meeting or adjournment, a quorum cannot be obtained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a nominated Senior Officer, must adjourn the meeting for a period not exceeding seven days from the date of the adjournment or such other date as agreed by attending voting members see fit to enable a quorum to be achieved.
- 5.2.3 The Chief Executive Officer must give all Councillors notice of the rescheduled meeting and every reasonable attempt shall be made to advise the public of the revised meeting date.

5.3 Inability to maintain a quorum

- 5.3.1 If, during any Meeting or any adjournment of the Meeting, a quorum cannot be maintained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a nominated Senior Officer, may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.
- 5.3.2 The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Council meeting.
- 5.3.3 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, Council will:
 - 5.3.3.1 Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part or
 - 5.3.3.2 Determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained

5.4 Inability to achieve or maintain a quorum due to Councillor Interests

- 5.4.1 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:
 - 5.4.1.1 By the Chief Executive Officer or
 - 5.4.1.2 By a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable
- 5.4.2 A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council meeting.

5.5 Notice for an adjourned meeting

- 5.5.1 The Chief Executive Officer may provide written notice of an adjournment but where that is not practicable because time does not permit that to occur then provided a reasonable attempt is made to contact each Councillor or voting member, by telephone, email, in person or by some other means will be sufficient.
- 5.5.2 Notice of an adjournment to another date or time must be published on Council's website as soon as practical.

SECTION 6 – BUSINESS OF MEETINGS

Overview

The business to be transacted at a Council meeting is contained in the agenda provided to Councillors and available to the public on Council’s website.

The Chief Executive Officer oversees preparation of the agenda and determines the content and order of business to facilitate open, efficient and effective processes of government. The role of the Mayor includes providing advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings. Council can admit an item of urgent business if it has arisen after distribution of the agenda and cannot be reasonably deferred to the next meeting.

This section also provides time limits for meetings. A Council meeting must not continue after two and a half hours unless a majority of Councillors agree to extend the meeting by no more than two blocks of thirty minutes.

6.1 The Order of Business

- 6.1.1 The Chief Executive Officer may include any matter on the agenda for a Council meeting which they think should be considered at the meeting to which the agenda relates.
- 6.1.2 The order of business of Council meetings will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government. The Chief Executive Officer should endeavour to be consistent in preparing any agenda from meeting to meeting. However, this should not preclude the Chief Executive Officer from altering the order of business to enhance the fluent and open process of government of the Council or to take advantage of opportunities which may arise from time to time.
- 6.1.3 In determining the agenda, the Chief Executive Officer will consider:
 - 6.1.3.1 The existing order of business
 - 6.1.3.2 Convenience to the community and interested community groups
 - 6.1.3.3 The sensitivity of the issues
 - 6.1.3.4 Any other relevant factor which may impact on the fluent and open processes of government of the Council

- 6.1.4 No business can be dealt with at a meeting unless it is:
- 6.1.4.1 Contained on the agenda
 - 6.1.4.2 Admitted as urgent business in accordance with rule 6.1.1.
- 6.1.5 The order of business of a meeting will be conducted in the following order unless the Council otherwise resolves, or the Chief Executive Officer otherwise determines a change:
- Council welcome and Acknowledgement
 - Apologies and Leave of Absence
 - Disclosure of Conflicts of Interest
 - Minutes confirmation of previous meetings
 - Councillors' Questions
 - Public Question Time
 - Petitions/Joint Letters
 - Certificate Presentations
 - Business (Council Reports)
 - Delegates Reports
 - Notices of Motion
 - Urgent Business
 - Confidential Business

6.2 Change to the order of business

- 6.2.1 Once an agenda has been sent to Councillors, the order of business for that meeting may only be altered by resolution of the Council.
- 6.2.2 Any proposal to significantly change the order of business on an ongoing basis must be done in consultation between the Mayor and the Chief Executive Officer.

6.3 Chief Executive Officer may include items on an agenda

- 6.3.1 The Chief Executive Officer may include any matter on an agenda which they think should be considered by the meeting.

6.4 Questions for a Council Staff Member

- 6.4.1 A Council staff member to whom a question is put, is entitled to be given reasonable notice of the question to enable reference to be made to other persons or to documents, wherever practicable.

- 6.4.2 Where a Council staff member to whom a question is put is unable to respond to the question at the meeting, they may take the question on notice and provide a written response to all Councillors.
- 6.4.3 Councillors must put questions directly, succinctly, respectfully and without argument.
- 6.4.4 The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

6.5 Disclosure of Conflict of Interest

- 6.5.1 A Councillor must disclose any conflict of interest which that Councillor has in an item of business at the time specified in the agenda.
- 6.5.2 A Councillor who has a conflict of interest must again disclose the existence, nature and class of the conflict of interest immediately before the consideration or discussion of the item in which the Councillor has a conflict of interest or by advising the Chief Executive Officer in writing of the details before the meeting.
- 6.5.3 A Councillor must declare a conflict of interest in accordance with section 15 of these Governance Rules.

6.6 Time limit for meetings

- 6.6.1 A meeting must not continue after 2.5 hours from the time it commences unless a majority of Councillors or voting members present vote in favour of its extension in accordance with this rule.
- 6.6.2 Extensions of a meeting will be in block period of thirty minutes.
- 6.6.3 After the initial thirty-minute extension, the meeting must not continue unless a majority of Councillors or voting members present vote in favour of a further extension.
- 6.6.4 A meeting may only be continued for a maximum of two thirty-minute extensions.

- 6.6.5 In the absence of such extensions as provided for in rules 6.6.1, 6.6.2 and 6.6.3, or in the event there is further business to be transacted at the completion of two extensions, the meeting must stand adjourned to a time and date to be notified by the Chief Executive Officer.
- 6.6.6 Notwithstanding rule 6.6.5, the Chairperson may seek not to adjourn the meeting to another date and time, if the Chairperson reasonably believes the remaining business will take less than ten minutes to transact.
- 6.6.7 The Chairperson may adjourn a meeting for a ten-minute break, at an appropriate point in proceedings after two hours has elapsed if necessary.

SECTION 7 – ADDRESSING THE MEETING

7.1 Addressing the Meeting

- 7.1.1 Any Councillor or person who addresses the meeting may remain seated and shall direct all remarks through the Chair.
- 7.1.2 A Chairperson may address a meeting, however if the Chairperson wishes to debate a particular motion or move any motion or amendment, on any matter under discussion, the Chairperson must advise the Council of that intention and vacate the Chair on such occasions for the duration of any item under discussion.
- 7.1.3 If the Chairperson vacates the Chair pursuant to rule 7.1.2, the Deputy Mayor shall take the Chair until the item has been voted upon.
- 7.1.4 A Mayor or Chairperson may advise the meeting of any of the following preferences they may use when being addressed in a meeting:
- Mayor
 - Mayor [Surname]
 - Chair
 - Chair [Surname]
 - Madam Mayor
 - Mr Mayor
 - Madam Chair
 - Mr Chair
- 7.1.5 All Councillors, other than the Mayor, should be addressed as Cr [Name].
- 7.1.6 All Officers should be addressed as Mr or Ms [Name] as appropriate or by their official title.

7.2 Suspension of Standing Orders

- 7.2.1 Standing orders are the rules made to govern the procedure at Council meetings contained in these governance rules. Standing orders cover a range of matters including the order of business, rules of debate, procedural motions and election procedures. Standing orders can be suspended to facilitate the business of a meeting.

- 7.2.2 To temporarily remove the constraints of formal meeting procedure and allow full discussion or clarification of an issue, Council may, by resolution, suspend standing orders.
- 7.2.3 Suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council.
- 7.2.4 No motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, except a motion to resume standing orders.
- 7.2.5 No Motion to suspend standing orders can be accepted by the Chairperson during a second extension of time for a Meeting.

7.3 Motion for Standing Orders

- 7.3.1 The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure
- 7.3.2 An appropriate motion would be: *“That standing orders be suspended to enable discussion on ..”*
- 7.3.3 Once the discussion has taken place and before any motion can be put, the resumption of standing orders will be necessary. An appropriate motion would be: *“That standing orders be resumed”*.

7.4 Interruption for Point of Order

- 7.4.1 A Councillors who has the floor must not be interrupted unless called to order, or given notice by the Chair if their speaking time has elapsed or about to elapse, then they must remain silent until the Councillor raising the point of order has been heard and the point of order dealt with.

SECTION 8 – MOTIONS AND DEBATE

Overview

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

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

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

Where a situation has not been provided for in these Governance Rules, the Council may determine the matter by resolution of where such matters occur during the course of a meeting at the discretion of the Chair.

8.1 Motions

- 8.1.1 A motion or an amendment to a motion must:
 - 8.1.1.1 Be moved and seconded. Any motion or amendment which is not seconded lapses
 - 8.1.1.2 Relate to the powers or functions of the Council
 - 8.1.1.3 Be able to be read by all Councillors participating in the vote for the motion or amendment
 - 8.1.1.4 Except in the case of urgent business, be relevant to an item of business on the agenda
 - 8.1.1.5 Must not be defamatory or objectionable in language or nature
 - 8.1.1.6 Cannot be withdrawn without the consent of the meeting
- 8.1.2 The Chairperson may refuse to accept any motion or amendment which contravenes this clause.

- 8.1.3 In circumstances where the Chairperson refuses to accept any motion or amendment, the reason for refusal must be recorded in the minutes of the meeting.

8.2 Moving a Motion

- 8.2.1 The procedure for moving a motion is:
- 8.2.1.1 The mover must outline the motion without speaking in support of it
 - 8.2.1.2 The Chairperson must call for a seconder by a Councillor other than the mover, unless the motion is a call to enforce a point of order
 - 8.2.1.3 If a motion is not seconded and is not a formal motion, the motion will lapse
 - 8.2.1.4 If the motion is seconded, the Chairperson must call the mover to address the meeting
 - 8.2.1.5 After the mover has addressed the meeting the seconder may also address the meeting
 - 8.2.1.6 After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting) the Chairperson may call upon any Councillor who wishes to speak against the motion
 - 8.2.1.7 If no Councillor speaks against the motion then the Chairperson may put the motion or call any other member to speak
 - 8.2.1.8 A Councillor may speak once on the motion except for the mover of the motion who has a right of reply after which the motion must be put to the meeting for decision
 - 8.2.1.9 A Councillor may be permitted by the Chairperson or by resolution to speak more than once to explain that the Councillor has been misrepresented or misunderstood
 - 8.2.1.10 A Councillor calling the attention of the Chairperson to a point of order is not regarded as speaking to the motion or the amendment
 - 8.2.1.11 Motions must be clear and unambiguous and not be defamatory or objectionable in language or in nature

8.3 Agreed alteration to a Motion

- 8.3.1 With the leave of the Chairperson, both the mover and seconder of a motion may agree to an alteration proposed by another Councillor.
- 8.3.2 For the purposes of these Governance Rules, any such alteration will not be regarded as an amendment to the motion, and for such agreement shall become the substantive motion.

8.4 Right of Reply to a Motion

- 8.4.1 The mover of an original motion which has not been amended may once debate has been exhausted, have a right of reply to matters raised during debate.
- 8.4.2 Such right of reply shall only be required where there are speakers against of the motion.
- 8.4.3 After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.
- 8.4.4 No right of reply is available where an amendment is before the Council.

8.5 An amendment to a Motion

- 8.5.1 A motion having been moved and seconded may be amended by leaving out, inserting, replacing or adding words which must be relevant to the original motion and framed as to complement it as an intelligible and consistent whole.
- 8.5.2 It is not possible to move an amendment to a motion that is considered by the Chair to be in the direct negative to the original motion.
- 8.5.3 An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the original motion.
- 8.5.4 A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion, but debate must be confined to the terms of the amendment.
- 8.5.5 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.

No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.

- 8.5.6 A Councillor cannot move more than two amendments on any item of business.
- 8.5.7 If an amendment is adopted it becomes the substantive motion and as such, shall be put to the vote by the Chairperson but only after Councillors who did not speak to the original motion have exercised their right to do so.

8.6 Foreshadowing Motions

- 8.6.1 At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any delegated right to the foreshadowed motion.
- 8.6.2 A foreshadowed motion may be prefaced with a statement that in the event a particular motion before the chair is defeated a Councillor intends to move an alternative or additional motion.
- 8.6.3 A motion foreshadowed must be dealt with in circumstances where the substantive motion is defeated.
- 8.6.4 The Chief Executive Officer would not be expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved but may do so if it is thought appropriate.

8.7 Withdrawal and Separation of Motions

- 8.7.1 Before any motion is put to the vote, it may be withdrawn with the leave of the Chairperson.
- 8.7.2 Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.
- 8.7.3 The Chairperson may decide to put any motion to the vote in several parts.
- 8.7.4 Where a motion contains several parts/segments or is complicated, it may be separated to avoid difficulties, particularly if different Councillors have differing views about the several parts of the motion.

8.8 Motions in Writing

- 8.8.1 All motions, except procedural motions, must be submitted in writing where possible. Where this is not possible, the Councillor submitting the motion must provide a reason as to why it is not in writing.
- 8.8.2 Where a motion is lengthy, complicated or the exact intention of the motion is not clear, the Chairperson may require a Councillor to provide clarification.
- 8.8.3 The Chairperson may wish to suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

8.9 Debating a motion

- 8.9.1 Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the speaker to confine debate to the subject matter.
- 8.9.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to cease to speak further in respect of the matter before the Chair.
- 8.9.3 Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to debate.
- 8.9.4 A motion has not been sufficiently debated if opposing views (where they exist) have not been sufficiently put or where a Councillor has not been provided an opportunity to speak in debate.
- 8.9.5 In this case, differing views should be sought by the Chairperson (if they exist).
- 8.9.6 On the other hand, if only a few speakers may have addressed the meeting their views may be representative of the other members, in which case, the debate would be regarded as sufficient.
- 8.9.7 While the intention of a motion to adjourn debate is to adjourn debate until the time stated in the motion, debate can be adjourned indefinitely.
- 8.9.8 If debate is adjourned indefinitely, some indication should be given to the Chief Executive Officer as to when the matter should be relisted, otherwise it will be relisted at the discretion of the Chief Executive Officer, or upon the subsequent resolution of the Council, whichever occurs first.

8.10 When a Resolution is acted upon

- 8.10.1 The Chief Executive Officer or other Senior Officer may initiate action or cause action to be initiated on any Council resolution at any time after the close of the meeting at which it was carried.
- 8.10.2 A resolution will be considered as having been acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has been carried out.

8.11 Speaking Times

- 8.11.1 Unless a motion of an extension of time has been carried, the maximum speaking time will be:

The mover of a motion	5 minutes
The mover of a motion when exercising their right of reply	3 minutes
Any other Councillor	3 minutes

A displayed time shall be available and viewable by all meeting participants to assist in the timely adherence of speakers.
- 8.11.2 An extension of speaking time to the speaker may be granted by resolution of the Council but only one extension is permitted for each speaker on any question.
- 8.11.3 When a motion for an extension of speaking time is proposed it must be:
 - 8.11.3.1 Immediately before the speaker commences debate on an agenda item
 - 8.11.3.2 During the speaker's debate
 - 8.11.3.3 Immediately after the speaker has concluded debate
- 8.11.4 Any extension of speaking time must not be more than two minutes.

8.12 Formal or Procedural Motions

- 8.12.1 Formal or procedural motions permitted under these Governance Rules:
 - 8.12.1.1 “closure of debate”
 - 8.12.1.2 “adjourning the debate”
 - 8.12.1.3 Urgent matters
 - 8.12.1.4 Deferral of a matter (to a future meeting)
 - 8.12.1.5 Alter the order of business
 - 8.12.1.6 Suspension of Standing Orders
 - 8.12.1.7 Resumption of Standing Orders
 - 8.12.1.8 Consideration of confidential matter(s) (Close the meeting to members of the public)
 - 8.12.1.9 Reopen the meeting
- 8.12.2 Unless otherwise prohibited, a formal or procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 8.12.3 The mover of a formal or procedural motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
- 8.12.4 A formal or procedural motion cannot be moved by the Chairperson.
- 8.12.5 Unless permitted by the Chairperson, debate on a formal or procedural motion is not permitted and the mover does not have a right of reply.
- 8.12.5 Unless permitted by the Chairperson, a formal or procedural motion cannot be amended.

8.13 Closure of debate

- 8.13.1 Closure of debate is a formal or procedural motion which if carried in respect to a motion, that motion must be put to the vote immediately, without any further debate, discussion or amendment.

- 8.13.2 It is to be phrased “That the motion XXX now be put” or “I will now put the matter/motion to a vote”.
- 8.13.3 Following which the motion or amendment is to be put to the vote immediately without further debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion. If lost, debate may continue unaffected or the item of business concludes.
- 8.13.4 The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not in their view been sufficiently debated.

8.14 Adjourning the debate/deferral motion

- 8.14.1 Is a formal or procedural motion which cannot be moved while any person is speaking or during the election of a Chairperson.
- 8.14.2 A motion “that the debate on this matter be adjourned until ...” or ‘That the item be deferred to the Council meeting to be held on [date of meeting]”.
- 8.14.3 May only be amended in relation to the time, date and place of the proposed adjournment.
- 8.14.4 Any amendment relating to the substantive motion is to be postponed to the stated date and the item re-listed for consideration at the resolved future meeting, and a new or altered motion may be put and debated.

8.15 Notices of Motion

- 8.15.1 A notice of motion must be listed on a Councillor Briefing Agenda before being considered by the Council at a Council meeting.
- 8.15.2 Where, due to time constraints, a notice of motion must be considered at the next Council meeting (without having first gone to a Councillor Briefing), a Councillor must give written notice to the Chief Executive Officer to enable the notice of motion to be included on the agenda and distributed to all Councillors ahead of the Council meeting.

- 8.15.3 A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.
- 8.15.4 A proposed notice of motion that has not been to briefing can only be considered at the meeting as a matter of urgency under 'Urgent Business'.
- 8.15.5 The Chief Executive Officer must inform Councillors about the legal and cost implications of any proposed notice of motion. The Chief Executive Officer may suggest revised wording to the draft notice of motion to facilitate compliance with the requirements for notices of motion under these Governance Rules.
- 8.15.6 A notice of motion must relate to the objectives, role and functions of Council as outlined in the Act.
- 8.15.7 A notice of motion must call for a Council report if the notice of motion proposes any action that:
 - 8.15.7.1 Impacts the levels of Council service
 - 8.15.7.2 Commits Council to expenditure greater than one million dollars
 - 8.15.7.3 That is not included in the adopted Council Budget
 - 8.15.7.4 Proposes to establish, amend or extend or deviate from Council policy or interfere with workforce matters
 - 8.15.7.5 Proposes to impact the rights of any person who has not had the opportunity to contribute their views
 - 8.15.7.6 Commits Council to any contractual arrangement
 - 8.15.7.7 Concerns any litigation in respect of which Council is a party

8.16 Rejection of a Notice of Motion

- 8.16.1 The Chief Executive Officer must reject any notice of motion that is vague, but before rejecting it must give the Councillor delivering the notice an opportunity to amend it.

- 8.16.2 The Chief Executive Officer would regard a notice of motion as vague if the general thrust of the motion is unclear. For example, a mere heading or a motion to the effect “that the matter be discussed”, or similar wording, would be insufficient. Therefore, a notice should spell out the action proposed by the motion.
- 8.16.3 The Chief Executive Officer must notify the relevant Councillor of any notice of motion which has been rejected and give reasons for its rejection.
- 8.16.4 The Chief Executive Officer must reject any notice of motion which:
 - 8.16.4.1 is too vague
 - 8.16.4.2 is defamatory
 - 8.16.4.2 may be prejudicial to any person or Council
 - 8.16.4.4 is objectionable in language or nature
 - 8.16.4.5 is outside the powers of Council
 - 8.16.4.6 is submitted during Election Period
- 8.16.5 The Chief Executive Officer must reject a proposed notice of motion that:
 - 8.16.5.1 Relates to a matter that can be addressed through the operational service request process
 - 8.16.5.2 Relates to a matter that has been previously resolved by Council or is acted upon
- 8.16.6 The Chief Executive Officer may designate a notice of motion to be confidential in accordance with relevant grounds as contained in [section 66 \(2\)](#) of 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.
- 8.16.7 The full text of any notice of motion accepted by the Chief Executive Officer must be included in the Agenda and outline the policy, financial and resourcing implications if the notice of motion is passed.
- 8.16.8 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.

- 8.16.9 The Chief Executive Officer must cause all notices of motion to be sequentially numbered, dated and entered in a register.
- 8.16.10 Unless Council resolves otherwise, each notice of motion must be considered in the order in which they were received.
- 8.16.11 The motion moved must not be substantially different to the motion published in the Agenda, however, may be amended by resolution of the Council.
- 8.16.12 If a Councillor who has lodged a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chairperson to do so, any other Councillor may move the motion.
- 8.16.13 If a notice of motion is not moved at the Council meeting at which it is listed, it lapses.
- 8.16.14 If a notice of motion is lost, a similar motion cannot be put before the Chief Executive Officer for at least two months from the date it was lost, unless the Council resolves for the notice of motion to be relisted at a future meeting.

8.17 Notice of Amendment or Rescission

- 8.17.1 A Councillor may propose a motion to amend or rescind a decision of the Council provided:
 - 8.17.1.1 The previous motion has not yet been acted upon **and**
 - 8.17.1.2 A notice signed by three Councillors is delivered to the Chief Executive Officer outlining:
 - a. The decision proposed to be amended or rescinded
 - b. The meeting and date when the decision was made
 - 8.17.1.3 That in instances where a notice of motion has been lodged and accepted, any motion that the notice proposed to rescind or amend shall not be acted upon until such time as Council considers the notice of rescission
- 8.17.2 Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of amendment or rescission, and if there is more than one, in the order they were received, on the next appropriate Council meeting agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.

- 8.17.3 Unless the Council resolves to relist at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council for at least two months from the date it was lost.
- 8.17.4 If a notice of amendment or rescission is not moved at the meeting for which it is listed, it will lapse.
- 8.17.5 A notice of amendment or rescission listed on a Council meeting agenda may be moved by any Councillor present but cannot be amended.
- 8.17.6 The Chief Executive Officer, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the meeting at which it was made.

A resolution of Council will be deemed to have been acted on if:

- 8.17.6.1 Its contents or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the proposed minutes of a Council meeting on Council's website
 - 8.17.6.2 A statutory process has been commenced so as to vest enforceable rights or obligations on Council or any other person
- 8.17.7 Notwithstanding rule 8.17.6, the Chief Executive Officer or a 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 rule 8.17.1.2, unless deferring implementation of the resolution would give the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the Council at legal, financial or other risk.
 - 8.17.8 A notice of amendment or rescission is not required where the Council wishes to change a previous decision relating to policy of the Council. If the Council wishes to change a policy, a formal notice of motion of amendment or rescission will not be required. However, the following standards are suggested:
 - 8.17.8.1 If the policy has been in force in its original or amended form for less than twelve months, a formal notice of amendment or rescission should be presented to Council

- 8.17.8.2 Any intention to change a Council policy which may result in a significant impact, should be communicated to those affected and this may include publication and consultations, either formally or informally
- 8.17.8.3 The Council may determine the extent to which these standards should be followed which will depend upon the circumstances of each case.
- 8.17.9 The Chief Executive Officer must sequentially number every notice of rescission received and maintain them in a register.

8.18 Point of Order

Overview

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

- 8.18.1 A Councillor may draw the attention of the Chairperson to an alleged breach of these Governance Rules by raising a point of order.
- 8.18.2 A point of order does not require a seconder.
- 8.18.3 A point of order is an objection to a motion, amendment or statement made during a meeting which is deemed to be:
 - 8.18.3.1 Contrary to these Governance Rules or other legislative obligations
 - 8.18.3.2 Irrelevant, frivolous or vexatious
 - 8.18.3.3 Improper, obscene or intimidating.
 - 8.18.3.4 Outside Council's legal powers.
- 8.18.4 A point of order must be taken immediately it is raised.
- 8.18.5 The Chairperson must then rule on the point of order – either upholding it or by overruling it.

8.19 Procedure for a Point of Order

- 8.19.1 A Councillor may make a point of order by stating, "Point of Order" at which time the Chairperson must suspend the debate and request the Councillor to state the point of order.

- 8.19.2 A Councillor raising a point of order must be able to:
 - 8.19.2.1 State a valid reason for the point of order
 - 8.19.2.2 The section of these Governance Rules they believe has been breached
 - 8.19.2.3 The reason for bringing it to the attention of the Chair
 - 8.19.2.4 No debate is permissible during a point of order

8.20 Consideration of Point of Order

- 8.20.1 If called to order, a Councillor must remain silent until the point of order is decided unless requested by the Chairperson to provide an explanation.
- 8.20.2 The Chairperson may adjourn the meeting to consider a point of order or rule on it as soon as it is raised.
- 8.20.3 The Chairperson will 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.
- 8.20.4 The Chairperson shall not enter into debate relating to their ruling but may at their discretion outline the basis and considerations of their ruling.
- 8.20.5 All matters before the Council are to be suspended until the point of order is decided.
- 8.20.6 Expressing a difference of opinion or to contradict a speaker shall not be treated as taking a point of order.
- 8.20.7 The Chairperson's ruling on a point of order shall be final.
- 8.20.8 A point of order should be recorded in the minutes of the meeting, including the decision as to why it was sustained or rejected.

8.21 Disagreeing with the Chairperson's ruling on a Point of Order

- 8.21.1 The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present move a motion of dissent.
- 8.21.2 A motion of dissent on a point of order must contain a provision, rule, practice or precedent in substitution for the Chairperson's ruling.
- 8.21.3 A motion of dissent in relation to a point of order shall not be deemed to be a motion of dissent in the Chair and the Chairperson must remain in the Chair for the meeting.
- 8.21.4 A motion of dissent on a point of order will take precedence over all other business and if carried will be acted on instead of the ruling given by the Chairperson.
- 8.21.5 Further to rule 8.20.8 should a Councillor disagree with the Chairperson's ruling, upon their request, that objection should be recorded in the minutes of the meeting also.

SECTION 9 - VOTING

Overview

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

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

Sometimes a Councillor may want their vote to be recorded – this is provided for in this section, along with the procedure when a Councillor who calls for a division on a vote.

9.1 Voting for and against a motion

- 9.1.1 Each Councillor is entitled to one vote and voting must be able to be seen by those participating in the meeting and those observing the meeting. All Councillors must be physically in attendance at the meeting unless there is legislation enabling them to attend the meeting virtually.
- 9.1.2 To determine a question before a meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting. In the event of a tied vote, the Chair must, unless the Act provides otherwise, exercise the casting vote.
- 9.1.3 Exception to the rule – The Chairperson does not have a casting vote in the election of the Mayor or Deputy Mayor, as these positions must be elected by an absolute majority of Councillors.
- 9.1.4 When requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any Motion by the Council must be recorded in the minutes, noting that under [section 61\(5\)\(e\)](#) of the Act that a Councillor present at the meeting who does not vote is taken to have voted against the question.

9.2 Voting by a show of hands

9.2.1 Voting must be seen:

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

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

9.3 Division

9.3.1 A division may be requested by any Councillor prior to or after the Chairperson has put any motion, amendment or other question to the vote and has announced the result of the vote.

9.3.2 A division cannot be requested after the next item of business has commenced.

9.4 Procedure for a Division

9.4.1 When a division is called for the Chairperson must:

9.4.1.1 First ask each Councillor wishing to vote in favour of the motion to indicate their vote and the Chair must then state the names of those Councillors to be recorded in the minutes

9.4.1.2 Then ask each Councillor wishing to vote against the motion to indicate their vote and the Chair must then state the names of those Councillors to be recorded in the minutes

9.4.1.3 Next, ask each Councillor abstaining from voting to indicate their vote and the Chair must then state the names of those Councillors to be recorded in the minutes

9.4.1.4 Declare the result of the division between the original vote and the division

9.4.2 The calling of a division sets aside the result of the voting announced by the Chairperson. A Councillor is not prevented from changing their original vote at the voting on the division, and the voting by division will determine the Council's resolution on the issue.

9.5 No discussion once a vote has been declared

9.5.1 Once a vote on a motion has been declared, carried or lost by the Chairperson, no further discussion relating to the motion is allowed, except where the Chairperson elects to make comment or:

9.5.1.1 involves a Councillor requesting that their opposition to a resolution be recorded in the minutes or calling for a division in accordance with section 9.3 or

9.5.1.2 is by a Councillor foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded

SECTION 10 – MINUTES AND RECORDING OF MEETINGS

10.1 Keeping of minutes of Council Meetings

- 10.1.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council meeting.
- 10.1.2 The minutes of each Council meeting must record:
 - 10.1.2.1 The date, place, time, duration and nature of the meeting
 - 10.1.2.2 The names of Councillors present, including the ward they represent and those who have submitted apologies or been granted a leave of absence
 - 10.1.2.3 The names and titles of Council officers present with their organisational title who are not part of the gallery and are regarded as an attendee of the meeting
 - 10.1.2.4 The name of any person in attendance at the meeting as a participant and the organisation they represent or the capacity of their attendance
 - 10.1.2.5 The arrival and departure time of Councillors during the course of the meeting (including any temporary departures or arrivals)
 - 10.1.2.6 Every motion and amendment moved, including the mover and seconder of any motion or amendment; including procedural motions
 - 10.1.2.7 The outcome of every motion whether it was put to the vote and the result of either carried, lost, withdrawn, lapsed or amended
 - 10.1.2.8 A councillor may call for a division to record their support of, opposition to or abstention from voting on any motion
 - 10.1.2.9 Where a division is called, the names of every Councillor and the way their vote was cast (either for or against) or if they abstained
 - 10.1.2.10 Details of any question or detail requested to be recorded in the minutes by the Chair of the meeting
 - 10.1.2.11 A summary of any question asked, and the response provided as part of Public Question Time or any petitions made to Council
 - 10.1.2.12 Details of any deputations made to the Council.

- 10.1.2.13 The time and reason for any adjournment of the meeting or suspension of standing orders
 - 10.1.2.14 The disclosure of a conflict of interest made by a Councillor in accordance with the Act
 - 10.1.2.15 Any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or assist with the reading the minutes
 - 10.1.2.16 The time the Council meeting was opened and closed, including any part of the Council meeting that was closed to members of the public.
 - 10.1.2.17 Details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise.
- 10.1.3 In addition, every page of the minutes should:
- 10.1.3.1 Be consecutively page numbered
 - 10.1.3.2 Contain consecutive items numbers which are clearly headed with a subject, titles and where appropriate sub-titles and file references.
- 10.1.4 Once confirmed, the minutes may be stored electronically in perpetuity as a record of Council business.

10.2 Confirmation of minutes of Council Meetings

- 10.2.1 The minutes as recorded by the Chief Executive Officer, or Delegate, will be ready and available as the unconfirmed Minutes to:
- 10.2.1.1 Councillors within seven business days
 - 10.2.1.2 members of the public, by publishing them on Council’s website, within seven business days
- 10.2.2 At every Council meeting the minutes of the preceding Council meeting(s) must be dealt with as follows:
- 10.2.2.1 A Motion will be moved to confirm the minutes in the following terms: ‘That the minutes of theMeeting held on20.....be confirmed’

- 10.2.2.2 If a Councillor indicates opposition to the minutes, the Councillor must specify the particular item or items in the minutes and, after asking any questions to clarify the matter, can only move a Motion to rectify the alleged error(s) in the minutes by adding the following words to the motion' subject to the following alteration(s)
- 10.2.2.3 No debate or discussion is permitted on the confirmation of minutes except as to their accuracy as a record of the proceedings of the Council meeting to which they relate
- 10.2.2.4 Confirmation of the minutes cannot be moved or seconded by a Councillor that was not present at the meeting to which the minutes relate (that is by a Councillor that was recorded in the minutes for that meeting as an apology)
- 10.2.2.5 Where no Councillor moves or seconds the minutes, the motion will lapse. The Chairperson can move the minutes of the previous meeting provided they are listed as being in attendance
- 10.2.2.6 Once the minutes are confirmed in their original or amended form, the minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed
- 10.2.2.7 Minutes will be kept in accordance with the *Public Records Act 1973*
- 10.2.2.8 The Chairperson of the meeting at which the minutes were confirmed is required to verify the minutes by initialling each page of the minutes and by signature on the final page

10.3 Objection to confirmation of Council Meeting Minutes

- 10.3.1 If a Councillor is dissatisfied with the accuracy of the minutes, then they must:
 - 10.3.3.1 State the item or items with which they are dissatisfied
 - 10.3.3.2 Propose a motion clearly outlining the alternative wording to amend the minutes

10.4 Deferral of confirmation of Council Meeting Minutes

- 10.4.1 The Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

10.5 Keeping of Minutes of Delegated Planning Committee Meetings

- 10.5.1 Minutes are required to be kept for each Delegated Planning Committee.
- 10.5.2 Minutes will include the application details including the Objector's submissions (if there are any), the Applicant's response and the Delegated Planning Committee's decision.
- 10.5.3 Minutes must be endorsed and signed by all Councillors in attendance.
- 10.5.4 A copy of the endorsed minutes from the Delegated Planning Committee will be available on Council's website as soon as practicable after a meeting.

10.6 Keeping of Minutes of Audit and Risk Committee Meetings

- 10.6.1 The Audit and Risk Committee will forward a copy of the minutes of the meeting to Council as soon as practicable after the meeting for inclusion in the minutes of the Council meeting for public record.

10.7 Keeping of a Meeting Records

- 10.7.1 In accordance of rules 15.4.6 and 15.4.7, a record of a meeting of councillors should be maintained for the benefit of transparency and equity of information. The meeting record should include the names of Councillors and officers in attendance, matters discussed and any disclosures by a Councillor of a conflicts of interest also when a Councillor joins, leaves and/or returns to a meeting.

10.8 Recording of Proceedings – Live streaming and audio recording

- 10.8.1 The Chief Executive Officer (or appointed delegate) may, for the purposes of minute-taking, cause all or part of the proceedings of a meeting to be recorded as both live stream vision and an audio recording.

- 10.8.2 The Chief Executive Officer will cause a live stream of the proceedings of a meeting to be conducted and the recording of that live stream and the audio recording to be made available to the public following each Council meeting via a link of Council's website.
- 10.8.3 Notwithstanding 10.8.2 any confidential Council meetings or confidential/closed sections of any Council meetings are not streamed live and the live streaming is turned off. There is no vision recorded. An audio recording of the confidential business is however kept for minute-taking purposes and will be destroyed when the minutes of the meeting are confirmed. The audio recording is stored securely pending destruction.

SECTION 11 – PROCEDURAL MATTERS

11.1 Adjournment and resumption of meeting

- 11.1.1 The Chairperson or the Council may adjourn any meeting until a time and place determined at the time of the adjournment.
- 11.1.2 For the purpose of stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

11.2 Meetings closed to the public

Overview

Council is committed to openness and transparency in its decision making and will only close a meeting to members of the public when it is unavoidable. In circumstances where a meeting is closed the public to maintain order or safety and security, the meeting will be live streamed.

The Act provides the basis for matters to be considered by Council as confidential. Council will only close a meeting to the public for consideration of confidential matters in accordance with the Act and its Public Transparency Policy. The meeting will cease to be live streamed.

- 11.2.1 The Chief Executive Officer may determine to advertise that a meeting will be closed to members of the public if:
 - 11.2.1.1 There is reason to believe the safety or security of Councillors, Council staff or members of the public will be at risk if the meeting is open to the public
 - 11.2.1.2 All matters to be considered at the meeting are confidential in nature
- 11.2.2 Council may resolve to close a meeting to members of the public if:
 - 11.2.2.1 There is reason to believe the safety or security of Councillors, Council staff or members of the public is at risk
 - 11.2.2.2 A meeting, has become, or is at risk of becoming so disorderly that the business of Council cannot be conducted
 - 11.2.2.3 The matter to be considered relates to confidential matters in accordance with [section 66 \(2\)](#) of the Act

- 11.2.3 Having closed the meeting in accordance with rule 11.2.2, Council may resolve that its decision or any report considered (or any part of its decision or any report considered) may be released to the public as is no longer considered confidential.

11.3 Information Designated as Confidential by the Chief Executive Officer

- 11.3.1 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.
- 11.3.2 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, will accordingly be presumed to be confidential information.

11.4 Urgent Business for inclusion on an agenda

- 11.4.1 If the agenda for a meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if:
- 11.4.1.1 It relates to or arises out of a matter which has arisen since distribution of the Agenda
 - 11.4.1.2 Deferring the item until the next meeting will mean a decision on the item will not have any effect on the matter
 - 11.4.1.3 The item involves a matter of urgency as determined by the Chief Executive Officer
 - 11.4.1.4 It cannot be addressed through an operational service request process
 - 11.4.1.5 The matter does not:
 - substantially affect the levels of Council service
 - commit Council to significant expenditure not included in the adopted budget
 - establish or amend Council Policy
 - commit Council to any contractual arrangement.

- 11.4.1.6 The matter, having regard to the circumstances of the matter, could not be reasonably dealt with as a standard item at a subsequent meeting

- 11.4.2 A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 12pm the day prior to the scheduled meeting.

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

SECTION 12 – PETITIONS AND JOINT LETTERS

12.1 Petitions and joint letters

- 12.1.1 Petitions and joint letters allow the community to bring matters of concern to Council’s attention.
- 12.1.2 All petitions or joint letters must be tabled at the next Council meeting following receipt, unless the matter which is the subject of the petition or joint letter has already been acted upon.
- 12.1.3 When the petition or joint letter is presented, Council must resolve to receive the petition or joint letter and to refer the matter for a future report to a subsequent meeting of Council.
- 12.1.4 To be considered valid by Council:
 - 12.1.4.1 A written petition must contain the full name, residential address and signatures of no less than 25 valid signatories
 - 12.1.4.2 A written joint letter must contain the full name, residential address and signatures of five or more valid signatories
- 12.1.5 A signatory of a petition or joint letter will be regarded as valid when the residential address or the business address of a landowner is within a 10-kilometre radius of the Hobsons Bay municipal boundary.
- 12.1.6 Notwithstanding rules 12.1.4.1 and 12.1.4.2, to be considered valid by Council, all written petitions and joint letters must:
 - 12.1.6.1 Be in a legible and permanent written form
 - 12.1.6.2 Not be defamatory, indecent, abusive or objectionable in language or content or frivolous or vexatious
 - 12.1.6.3 Not relate to matters beyond the powers or functions of Council
- 12.1.7 Council will liaise and respond to the individual nominated as the coordinator of the petition or joint letter.

- 12.1.8 Where an individual is not nominated as per rule 12.1.7, a response will be sent to the first name on the petition or joint letter using the contact details provided.
- 12.1.9 Every page of a written petition or joint letter must contain the whole of the petition or request.
- 12.1.10 Any signature appearing on a page which does not contain the whole of the petition will not be considered by Council.
- 12.1.11 Every page of a written petition or joint letter must be a single piece of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.
- 12.1.12 A petition or joint letter that contains a complaint against the actions or failures of staff or a Council department will not be considered by Council as a petition but will be handled as a complaint against Council staff in accordance with Council's Complaint Policy.
- 12.1.13 Any petition or joint letter referring to a specific town planning application will not be viewed as a petition, but as a joint submission to the planning application. The Council will consider each matter on its planning merits under the *Planning and Environment Act 1987*.
- 12.1.14 Council may by resolution accept electronic petitions received via online websites if it is satisfied that the petition is authentic and has been distributed via a legitimate website.
- 12.1.15 All electronic petitions must contain as a minimum the name, email address and suburb or postcode of each electronic signatory in order to comply with rule 12.1.5.
- 12.1.16 An electronic petition that does not contain the requirements as specified in rule 12.1.15 will not be considered by Council.
- 12.1.17 Any Councillor presenting a petition or joint letter will be responsible for ensuring that:
- 12.1.17.1 They are familiar with the contents and purpose of the petition or joint letter
 - 12.1.17.2 The petition or joint letter is not derogatory or defamatory

- 12.1.18 Personal information provided in a petition and joint letter will not be released publicly for the purpose of Council receiving the petition and will not be uploaded onto the Council website.

SECTION 13 – PUBLIC QUESTION TIME AND PUBLIC PARTICIPATION

13.1 Public Question Time

- 13.1.1 Public Question Time provides an opportunity for the community to ask questions about Council issues, actions and decisions or obtain timely information and answers to simple questions without the need for reports and correspondence. Public Question Time will be included in the agenda at the beginning of each scheduled meeting of Council.
- 13.1.2 Public Question Time will be managed by the Chairperson who will read out the question and response. The Chairperson may authorise another person for this role.
- 13.1.3 Where Council has resolved to close the Council meeting in accordance with the provisions of [section 66 \(2\)](#) of the Act, Public Question Time will not take place.
- 13.1.4 Twenty minutes will be allocated in the agenda for Public Question Time. However, the Chairperson may vary the time allocated depending on the business to be considered at the meeting. No resolution of Council is required to extend Public Question Time.
- 13.1.5 Individual responses provided by the Chairperson to each question shall not exceed two minutes.
- 13.1.6 If a number of public questions are similar in nature, the Chairperson may provide an aggregated response at the meeting.
- 13.1.7 Questions must be in writing and submitted to Council by no later than 12 noon on the day before the Council meeting (where the question will be responded to).
- 13.1.8 Questions may be submitted online, by email to publicquestiontime@hobsonsabay.vic.gov.au, by post or hand delivered to the Council offices.
- 13.1.9 Questions will be not accepted via social media.
- 13.1.10 Questions received after 12 noon on the day before the Council meeting will not be answered at the Council meeting but will be responded to in writing by the appropriate Council officer or referred to the next Council meeting for a public response if requested by the submitter.

- 13.1.11 The person submitting the question is required to be in attendance in the public gallery during Public Question Time. If the question is read out and answered at the meeting, the response will be recorded in the minutes of the meeting. If the submitter is not present at the meeting, the question will not be read out, and a written response will be prepared and sent to the submitter.
- 13.1.12 The Chairperson will read out the full name of the submitter for each set of questions, unless requested not to by the submitter prior to the meeting.
- 13.1.13 In the event that a question cannot be answered at the Council meeting, a written response to the question will be provided to the submitter after the Council meeting.
- 13.1.14 A maximum of three public questions can be submitted per meeting by a member of the public. Questions that are multi-faceted will be assessed and where it is deemed that there are multiple questions within one submitted question it will be treated as more than one question for the purpose of a response to be read out by the Chairperson.
- 13.1.15 Councillors, staff and/or members of the public are not permitted to enter debate or any other discussion during Public Question Time unless clarification is sought in relation to the question.
- 13.1.16 A question may be refused if it is:
 - 13.1.16.1 Beyond Council's power
 - 13.1.16.2 Repetitive or has already been answered
 - 13.1.16.3 Relates to a matter for which the meeting would normally be closed to the public in accordance with [Section 66 \(2\)](#) of the Act
 - 13.1.16.4 Prejudicial to the Council or any other person if answered
 - 13.1.16.5 About the personal views or actions of an individual Councillor or Council officer about a matter that is the subject of negotiation, litigation or of a commercial nature
 - 13.1.16.6 Defamatory, indecent, abusive or objectionable in language or content or frivolous or vexatious
- 13.1.17 Where a member of the public has a matter that falls into the definition of a complaint it cannot be addressed in public question time rather it will be addressed in accordance with Council's complaint handling procedure.

- 13.1.18 Public Question Time is not a substitute for formal appeal and review systems, formal business procedures, formal Council decisions or any other legal processes required for the proper conduct of Council business.
- 13.1.19 Council will also offer a supplementary Public Question Time towards the end of the agenda. Supplementary Public Question Time allows the members of the public in attendance at the meeting the opportunity to ask questions of the Council about matters that were discussed during the meeting.

13.2 Public participation during meetings

- 13.2.1 The Chairperson and Councillors, while encouraging public participation in a meeting through the submission of questions, acknowledge that a Council meeting is the primary decision-making forum of Council.
- 13.2.2 Council may allocate reasonable time to each person who wishes to address Council, having regard to:
 - 13.2.2.1 The nature of the matter to be discussed
 - 13.2.2.2 Priorities in relation to other Council business
 - 13.2.2.3 Other members of the community present who also wish to address Council
 - 13.2.2.4 Whether such an opportunity has already been provided to the person
- 13.2.3 Council may decide to defer discussion to a later date and the views of the person addressing Council should be sought concerning that other date.

13.3 - Standards of behaviour at meetings

- 13.3.1 Any member of the public or community when present at a meeting must:
 - 13.3.1.1 Extend courtesy and respect to the participants of the meeting and to the processes under which it operates
 - 13.3.1.2 Maintain silence unless permitted to speak
 - 13.3.1.3 Not interject or attempt to take part in the debate or proceedings of the meeting
 - 13.3.1.4 Take direction from the Chairperson whenever called upon to do so

- 13.3.2 Councillors, Council staff and members of the public must ensure that mobile telephones are turned to silent during meetings of Council and committees of Council.
- 13.3.3 The Chairperson has the discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.
- 13.3.4 Any authorised officer or member of Victoria Police may remove from the Council Chamber any person who acts in breach of these Governance Rules.
- 13.3.5 A person must not use an audio recorder, video camera, mobile phone or any other device to live stream or make a recording of the proceedings of a meeting of Council or a committee of Council without the prior authorisation of Council or the committee.
- 13.3.6 Any person who contravenes or attempts to contravene rule 13.3.5 may be removed from the meeting as provided for in rule 13.3.4.
- 13.3.7 Councillors and Council Officers will always conduct themselves in a professional and respectful manner and in accordance with the Councillors' Code of Conduct and Employee Code of Conduct respectively.
- 13.3.8 A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chairperson.
- 13.3.9 The consent of the Chairperson given under rule 13.3.5 may be revoked at any time during the course of a meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease, at which time the recording must cease.

SECTION 14 – DELEGATED COMMITTEES AND AUDIT AND RISK COMMITTEES

Overview:

The Local Government Act 2020 specifies only three types of committees and the powers and related administrative arrangements related to those committees:

1. Delegated Committees (including Joint Delegated Committees)
2. Community Asset Committees
3. Audit and Risk Committees

14.1 Meetings of Delegated Committees

- 14.1.1 Council has only one Delegated Committee being the Delegated Planning Committee.
- 14.1.2 The Delegated Planning Committee (DPC) must act in accordance with its Instrument of Delegation and the Terms of Reference and Procedures included within these Governance Rules (Refer to 14.2).
- 14.1.3 Minutes must be kept as a record of each DPC meeting and that a copy of these minutes (having been signed by all three presiding Councillors) will be available on Council's website as soon as practicable after the meeting.
- 14.1.4 Minutes of the meeting must be signed by all three presiding DPC Councillors as evidence that the minutes are a true and accurate reflection of the meeting.
- 14.1.5 An audio recording of the DPC meeting should be made available on Council's website as soon as practicable after the meeting.

14.2 Terms of Reference and Procedures – Delegated Planning Committee

The DPC has been in operation since the formation of Hobsons Bay City Council and plays an important role in facilitating decision making on planning issues. The DPC has delegated powers with respect to the determination of the outcomes of planning permit applications, under sections 63, 64, 64A, 65, 66, 69, 71, 72, 73, 74, 75, 75A, 76, 84, and 125 of the *Planning and Environment Act 1987*.

The DPC's primary role is to determine planning permit applications which attract significant third-party objections (where they have not been resolved through normal consultation and mediation processes) or which raise major policy issues.

The DPC ensures these important decisions are made at a higher level of delegation and provides an opportunity for applicants and objectors to present their views on planning matter before the DPC.

Matters which would be referred to the DPC are applications which attract more than 10 objections and where the objections have not been resolved.

Multiple objections that are identical copies of each other will only be counted as one objection.

Other applications that may be referred to the DPC by the Director Sustainable Communities irrespective of the number of objections received include applications:

- a. with an estimated cost of works greater than \$10 million
- b. that are three or more storeys high and more than four dwellings on one lot
- c. which raise significant policy issues
- d. to use land to sell or consume liquor²

The DPC comprises of three Councillors including a Chairperson and two members who are nominated via a roster that is established annually and revised from time to time.

14.2 Operational Procedure of the Delegated Planning Committee include:

- 14.2.1 The Chairperson has primary responsibility for chairing the meeting and ordinarily does not move or second a motion however, can do so in cases of a split decision
- 14.2.2 Other Councillors may attend DPC meetings as an observer and a non-voting member
- 14.2.3 A quorum of three Councillors is required including a Chairperson and two members who are nominated via a roster that is established annually and revised from time to time

² This is separate from the Victorian Commission for Liquor and Gambling Regulation liquor licence process. Council may submit an objection to a liquor licence application to VGCLR under the *Liquor Control Reform Act 1998*. The council protocol since 2011 has been that councillors may raise concerns or queries about liquor licence applications through the Director or Manager Planning.

- 14.2.4 The DPC meets on the specified day at 6pm, although Council officers are available from 5.30pm as an additional opportunity for Councillors to seek advice
 - 14.2.5 Questions of substance raised by DPC Councillors should be submitted to the Manager Planning, Building and Health Services by 3pm on the day of the DPC meeting
 - 14.2.6 DPC Councillors will determine the Grounds of Refusal
 - 14.2.7 The DPC exercises delegated powers as a Responsible Authority under the *Planning and Environment Act 1987*, in accordance with the Schedule of Delegations maintained by Council's Governance unit
- 14.3 While the DPC has delegated powers to determine applications it has discretion to refer certain matters to the Council for determination. The criteria for referring matters to the Council are applications:
- 14.3.1 which are of a sensitive or controversial nature
 - 14.3.2 which are of a major nature which raise major policy issues
 - 14.3.3 where the Council is the Responsible Authority
- 14.4 Where a matter is referred to Council for determination, the DPC will present a recommendation to Council.
- 14.5 Council provides the opportunity for objectors and applicants to address the DPC. The following procedures have been prepared to assist members of the public in presenting submissions at these forums:
- 14.5.1 submissions are to be limited to a maximum of five minutes
 - 14.5.2 where there is a common group of people wishing to make a submission on the same matter, a representative speaker must be nominated to present the views of the group
 - 14.5.3 all submissions will be heard at the commencement of the meeting prior to a decision being made by the DPC
 - 14.5.4 any submitter accepting the Chairperson's invitation to address the meeting shall confine themselves to the subject under consideration
 - 14.5.5 the Chairperson may allow DPC members to ask questions to submitters

- 14.5.6 these requirements will be made known to all intending submitters and members of the public prior to the commencement of each DPC meeting

14.6 Terms of Reference - Joint Delegated Committee Meetings

- 14.6.1 Council has only one Joint Delegated Committee namely the LeadWest Joint Delegated Committee.
- 14.6.2 The LeadWest Joint Delegated Committee must act in accordance with the Instrument of Delegation and the agreed Terms of Reference.
- 14.6.3 Minutes must be kept as a record of each LeadWest Joint Delegated Committee and that a copy of the confirmed minutes will be available on Council's website as soon as practicable after the meeting.

14.7 Community Asset Committees

- 14.7.1 Council currently does not operate any Community Asset Committees. However, the Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee and delegate to it powers, duties or functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.
- 14.7.2 The governance arrangements for Community Asset Committees are specified by the Chief Executive Officer (section 47 (4)). These terms and conditions must include the limits and purpose of any financial delegation that can be exercised by the committee, governance arrangements, monitoring and reporting requirements.
- 14.7.3 Council may resolve, in establishing a Community Asset Committee which sections of the Governance Rules apply but as a minimum must include the keeping of minutes which will be reported to the next practicable Council meeting.
- 14.7.4 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

14.8 Audit and Risk Committee

- 14.8.1 [Section 53 \(1\)](#) of the Act requires all Council to establish an Audit and Risk Committee however this committee is not a delegated committee and cannot exercise statutory functions and powers of the Council under delegation. The roles and functions of an Audit and Risk Committees are set out under the Act, that are specific only to Audit and Risk Committees.
- 14.8.2 These Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Committee Charter.
- 14.8.3 An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- 14.8.4 An Audit and Risk Committee must act in accordance with its adopted Charter adopted by Council.

14.9 Other committee meetings or community groups

- 14.9.1 Although the Act is silent on any other type of committee, councils can establish any other committee that meets their needs, provided the committees have no delegated powers of Council and do not manage a community asset on behalf of Council.

Council has a number of other committees:

- a. Portfolio Advisory Committees
- b. Project Advisory Committees
- c. Reference Committees or Groups
- d. Steering Committees

Each committee is guided by an accepted Terms of Reference.

14.10 Delegated Committees - Instruments of Delegation

14.10.1 Delegations are used to empower committees (in this case) with the authority to make binding decisions on behalf of a Council or Council's Chief Executive Officer. An Instrument of Delegation is a written document that specifies what powers are delegated and to whom.

In the case of delegated committees, Council will delegate powers, functions or duties to the members of a committee.

For community asset committees, it is the Chief Executive Officer's powers, duties or functions that are delegated.

14.11 Delegated Committee and Audit and Risk Committee - Indemnity

14.11.1 [Section 43](#) of the Act requires Council to indemnify members of delegated committees and community asset committees (including in the conduct of a role as a member of joint delegated committee). Members are to be indemnified against actions and claims arising in *"respect of anything necessarily done or omitted to be done in good faith..."* in the performance of their role.

14.11.2 Council also indemnifies members of the Audit and Risk Committee in *"respect of anything necessarily done or omitted to be done in good faith..."* in the performance of their role.

14.12 Summary table of committee types

	Community Asset Committee	Delegated Committee
<i>Purpose</i>	Manages a community asset in the municipal community	Exercises a power delegated by Council
<i>Instrument of Delegation</i>	Delegated by Council's Chief Executive Officer	Delegated by Council by a resolution of Council
<i>Reporting Requirements</i>	Specified by the Chief Executive Officer The Chief Executive Officer must submit an Annual Report to Council	As specified in the Instrument of Delegation
<i>Membership</i>	Appointed by Council (can be delegated to Chief Executive Officer)	Appointed by Council: <ul style="list-style-type: none"> ▪ Mayor, Deputy Mayor or Councillor appointed as Chair ▪ at least two Councillors ▪ any other person appointed by Council, who is entitled to vote
<i>Other Requirements</i>	<ul style="list-style-type: none"> ▪ Indemnity ▪ Description of roles and responsibilities ▪ Governance requirements specified by the Chief Executive Officer 	<ul style="list-style-type: none"> ▪ Indemnity ▪ Description of roles and responsibilities ▪ Reimburse members (s40) ▪ Adherence to Council's Governance Rules ▪ Conflict of Interest requirements ▪ Submission of Primary and Ordinary Returns

SECTION 15 – CONFLICT OF INTEREST

Overview

Section 127 and Section 128 of the Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.

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

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

15.1 Conflict of Interest – Obligations and principles

- 15.1.1 It is the obligation for the Councillor and/or voting member to determine the nature and significance of any real or perceived conflict of interest.
- 15.1.2 A Councillor cannot declare a conflict of interest on behalf of another Councillor.
- 15.1.3 Councillors, members of Delegated Committees and Council staff are required to:
 - 15.1.3.1 Avoid all situations which may give rise to conflicts of interest
 - 15.1.3.2 Identify any conflicts of interest
 - 15.1.3.3 Disclose or declare all conflicts of interest

15.2 Managing Conflicts of Interest - Councillors

- 15.2.1 Councillors may not participate in discussions or decision-making on a matter in which they have a conflict of interest.
- 15.2.2 When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- 15.2.3 All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.

15.3 Handling of a Conflict of Interest

- 15.3.1 At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:
 - 15.3.1.1 The item for which they have a conflict of interest
 - 15.3.1.2 Whether their conflict of interest is general or material
 - 15.3.1.3 The circumstances that give rise to the conflict of interest
 - 15.3.1.4 The remedy, if any, that will be used to address the conflict of interest a) “Will not affect my decision” or b) “Will leave the Chamber and take no further part”
- 15.3.2 Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- 15.3.3 A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at rule 15.3.2 prior to leaving the meeting.
- 15.3.4 A Councillor or member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting must not return to the meeting and not communicate with any participants in the meeting while the decision is being considered, discussed or voted on.

15.4 Handling of a Conflict of Interest at other meetings

- 15.4.1 A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- 15.4.2 At the time indicated on the agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- 15.4.3 If there is no agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.

- 15.4.4 At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- 15.4.5 The existence of a conflict of interest will be recorded in the minutes of the meeting.
- 15.4.6 If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Governance team for recording in the register of Conflicts of Interest.
- 15.4.7 The meeting minutes or record will detail the duration of the discussion and whether the Councillor left the meeting. Where a Councillor does leave the meeting, the time that the councillor left and returned to the meeting must also be recorded.

15.5 Managing Conflicts of Interest - Council Staff

- 15.5.1 Council staff must act in accordance with the Employee Code of Conduct and must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- 15.5.2 Council staff may be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at rule 15.6 and the Employee Code of Conduct.

15.6 Handling of a disclosure of a Conflict of Interest by Council Staff

- 15.6.1 Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- 15.6.2 All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- 15.6.3 Any disclosed Conflict of Interest must be available as and in a way conflict by the supervisor of the affected staff member.
- 15.6.4 A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
 - 15.6.4.1 The number and qualifications of other people providing advice regarding the same matter is equal or greater

- 15.6.4.2 The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area
- 15.6.4.3 The staff member's Director determines that the conflict of interest has not influenced the advice provided
- 15.6.4.4 The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker

SECTION 16 – ELECTION PERIOD

Overview

Section 69 of the Act requires a Council to include an Election Period Policy in its Governance Rules.

The Election Period Policy governs the conduct of Council, Councillors and members of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election.

The Election Period prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council does not print, publish or distribute any material that may influence the outcome of the election.

Additionally, the Election Period Policy addresses Councillors and staff standing as candidates in Council, State or Federal elections.

This section of the Governance Rules should be read in conjunction with the Hobsons Bay Election Period Policy (Refer to Appendix One).

- 16.1 Council will have in place an Election Period Policy that:
 - 16.1.1 Governs decision-making during a local government election period, including what may be considered at a Council meeting
 - 16.1.2 Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections
 - 16.1.3 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
 - 16.1.4 Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns
 - 16.1.5 Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period
 - 16.1.6 Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.

- 16.2 At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its Election Period Policy.
- 16.3 The Election Period Policy forms part of these Governance Rules (Refer to Appendix One).
- 16.4 The operation of Council Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- 16.5 Meetings of delegated committees may continue during the election period as legislatively required.
- 16.6 Any outstanding Delegate's Reports may still be reported to a meeting of Council during the election period.
- 16.7 Council and community committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

SECTION 17 – RECORDING AND LIVE STREAMING OF COUNCIL MEETINGS

- 17.1 Council will audio record and live stream both scheduled and unscheduled Council meetings.
- 17.2 Council will make an audio podcast and an audio-visual recording of the live stream available to the public via Council’s website within 48 hours of the meeting.
- 17.3 If Council resolves to close the meeting (in whole or in part) to the public in accordance with [Section 66 \(2\)](#) of the Act, live streaming will cease (and be switched off) to protect the confidential status of the matters being debated and resolved by Council.
- 17.4 An audio recording of the confidential business will however be kept solely for the purposes of minute-taking. The audio recording will be stored securely until such time as it is destroyed, when the minutes of the meeting are confirmed.
- 17.5 A meeting that has been closed to members of the public for security reasons or because it is necessary to do so to enable the meeting to proceed in an orderly manner, must continue to be live streamed.
- 17.6 A meeting that has been closed to members of the public for security reasons or because it is necessary to do so to enable the meeting to proceed in an orderly manner must be adjourned if the live stream is not possible.
- 17.7 Council will also audio record all Delegated Planning Committee Meetings with a direction that the audio podcasts be available to the public via Council’s website as soon as practicable after the meeting.
- 17.8 At the commencement of each Council meeting, the Chairperson will provide notice that the meeting is to be live streamed and that the recording will be uploaded and made publicly available on Council’s website within 48 hours after the meeting.
- 17.9 The Chairperson has the discretion and authority at any time to direct the termination or interruption of both the audio recording and live streaming of a Council meeting where there are exceptional circumstances, or the content of the Council meeting is considered by the Chairperson to contain inappropriate information.
- 17.10 Recording and live streaming will not resume until it is resolved by Council that the meeting be reopened to the public.

- 17.11 Due to the nature of technical equipment, the Council does not guarantee that recording or live streaming of the meeting will be continuous and fault-free.
- 17.12 There may be situations where, due to technical difficulties, the audio recording or live stream of the Council or Delegated Planning Committee meeting is not available. While all reasonable efforts will be made to ensure that the live stream and Council's website are functioning, Council takes no responsibility for, and cannot be held liable for the live stream or website being temporarily unavailable due to technical issues beyond Council's control.
- 17.13 Technical issues may include but are not limited to:
- the availability of the Internet connection
 - device failure or malfunction
 - unavailability of social media platforms
 - power outages
- 17.14 If a Council meeting is interrupted due to technical difficulties and these technical issues cause the audio recording or live streaming to fail for a period of 10 minutes or more, a formal adjournment of the meeting will be needed.
- 17.15 Notwithstanding rule 17.14, where the failure in the continuity of the audio recording or live streaming is for a period of less than 10 minutes, the decisions or discussions that take place during this downtime are not rendered invalid.
- 17.16 Upon resumption of the recording, the Chairperson will provide a recap of the decisions made during this downtime. This will ensure public transparency and ensure that the public record is accurate and correct.
- 17.17 If live streaming is disrupted, Council will notify the public on both its social media channels and website, if those channels have not been functionally compromised.
- 17.18 The audio recordings of the Council meetings are taken to assist in the preparing and verifying of the minutes of the meeting. They will be available on Council's website for a period of one year after their administrative use has concluded and the minutes of the Council meeting are confirmed. Council meeting recordings posted on the Council's website are for information purposes only. The confirmed minutes are the official record of the meeting.
- 17.19 The audio-visual recordings of the live streaming will be made available on Council's website for a period of two years after the date of the Council meeting.
- 17.20 Requests from Councillors for copies of recordings or transcripts will be subject to the approval of the Chief Executive Officer. Any such copies or transcripts will be provided to all Councillors.
- 17.21 Request for transcripts of recordings from members of the public will be processed in accordance with the provisions of the *Freedom of Information Act 1982*.

- 17.22 Council will use its best endeavours to ensure images of people in the public gallery of a Council meeting are not streamed. Council officers and members of the public who address Council will be heard on the live audio stream, and audio of them speaking will be recorded. Their participation in the meeting is contingent on them agreeing to be recorded.
- 17.23 The Chairperson will read out the full name of a person submitting a public question to Council. In the event that an individual does not wish for their full name to be read out as part of the public meeting, they must indicate this in the space provided on the submission form. In such instances, only the first name will be read out and recorded.
- 17.24 Council is not responsible or liable for the individual comments made by a Councillor, Council officer or member of the public. Councillors, Council officers and members of the public are solely responsible for their own comments made during Council meetings which are recorded or live streamed.
- 17.25 While Councillors, Council officers and members of the public attending a Council meeting may be held personally liable for any loss or damage suffered by a person arising from the comments they make, the act of publishing such material on Council's website may also cause Council to be liable for any loss and damage suffered by a person because of the published comments.
- 17.26 The Chairperson and/or the Chief Executive Officer may determine in their sole discretion not to upload all or part of any meeting recording or publish a recording, or to remove Facebook posts containing a stream of a Council meeting, if it is reasonably believed it may contain Inappropriate Information or where Exceptional Circumstances are apparent from the recording.
- 17.27 The following disclaimer statements apply to all audio and live streaming recordings of Council meetings:
- 17.27.1 The opinions or statements made during the course of the Council meetings are those of the individual making the statement, and not necessarily the opinions or statements of Council, unless set out in a resolution of Council.
 - 17.27.2 Council does not necessarily endorse or support the views, opinions, standards, or information that may be expressed by individuals at a Council meeting and which may be contained
 - 17.27.3 Council does not accept any responsibility for the comments made or information provided during Council meeting and does not warrant nor represent that the material or statements made during the streamed Council meetings are complete, reliable, accurate or free from error.

- 17.27.4 Council does not accept any responsibility or liability for any loss, damage, cost or expense that person you might incur as a result of viewing, using or relying on information or statements provided in the live streaming or recording of Council meeting. Endorsed Council minutes provide the definitive record of Council's resolutions.
 - 17.27.5 Access to live streams and recordings of Council meetings is provided on Council's website for personal and non-commercial use.
 - 17.27.6 The same disclaimer statements apply to the audio recordings of Delegated Planning Committee meetings as relevant.
- 17.28 Video, images and audio contained in a live stream or recording must not be altered, reproduced or republished without the permission of Council. Copyright remains with Council.

SECTION 18 – COMMON SEAL

- 18.1 Section 14 (1)(b) requires a Council must have a common seal.
- 18.2 Section 14 (2) of the Act requires the common seal of a Council must:
 - (a) bear the name of the Council and any other word, letter, sign or device the Council determines should be included
 - (b) be kept at the Council office.
- 18.3 The Chief Executive Officer must ensure the security of the Council’s Common Seal at all times.
- 18.4 The Council’s Common Seal may only be used on the authority of the Council or in accordance with any Instrument of Delegation issued by the Council.
 - 18.4.1 Every document to which the seal is affixed must be witnessed by at least one Councillor and the Chief Executive Officer or another Senior Officer authorised by the Chief Executive Officer.
 - 18.4.2 No person must use the Council’s Common Seal or any replica of the Council’s Common Seal without the authority of the Council.
 - 18.4.3 In determining the style of its Common Seal from time to time, the Council may take into consideration any matter which is unique to the municipal community, or of any trends in the local government industry generally. Suitable styles may include, but are not restricted to:
 - (a) “The Common Seal of the Hobsons Bay City Council”; or
 - (b) “The Common Seal of the Mayor and Citizens of the Hobsons Bay City Council”; or
 - (c) “The Common Seal of the Citizens of the Hobsons Bay City Council”.
- 18.5 The power of a Council to delegate under section 11 of the Act can only be affected by instrument of delegation which must be executed by the Council. Council may execute documents by affixing the Common Seal or a Council may resolve to authorise the Mayor (or an alternate agent) to execute an instrument of delegation on its behalf. Noting that the power to execute an instrument on behalf of Council must be made by specific resolution to this effect on each occasion that the alternate execution is to occur.

18.6 An appropriate execution clause is below and does not require a witness signature:
Executed by the Mayor Cr XXX on behalf)
of Hobsons Bay City Council pursuant to)
a resolution of Council adopted at its)
meeting held on (insert date))

.....
Signature

SECTION 19 – DOCUMENT CONTROL

Policy Name	Hobsons Bay Governance Rules
Object ID	A3394989
Responsible Directorate	Corporate Services
Document Owner	Director Corporate Services
Policy Type	Council Endorsed Policy
Date Endorsed by Council	25 August 2020
Review Date	3 years from the date endorsed by Council

SECTION 20 – VERSION HISTORY

Version Number	Date	Authorised by
1.0	21 July 2020	Put as an FYI on CBS Agenda
1.1	4 August 2020	For discussion by Councillors at CBS
1.2	18 August 2020	For discussion by Councillors at CBS
1.3	25 August 2020	Endorsed by Council