

Governance Rules

Approval Body:	<i>Council</i>
Date Endorsed by Council:	TBC
Date of Operation:	<p>These Governance Rules:</p> <ul style="list-style-type: none"> a) comes into operation on 2 September 2022 b) operates throughout the whole of the municipal district of Casey City Council in accordance with s. 60 of the <i>Local Government Act 2020</i>.
Current Version:	<p>1.0</p> <p><i>Council policy documents change from time to time and it is recommended that you consult the electronic reference copy on Casey City Council's Website to ensure that you have the current version. Alternatively, you may contact Customer Service on 9705 5200.</i></p>
Council Plan Reference:	<p>2 - Develop platforms for community empowerment</p> <p>2.2 Ensure good governance and transparent decision making</p>
Compulsory Review Cycle:	4 years
Review Date:	<p>30 August 2026</p> <p><i>It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively.</i></p> <p><i>Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.</i></p>
Responsible Department:	Corporate Governance
Relevant Legislation:	<p><i>Local Government Act 2020</i></p> <p><i>Local Government (Governance and Integrity) Regulations 2020</i></p> <p><i>Local Government (Casey City Council) Act 2020</i></p>

Relevant <i>Council</i> Documents:	Good Governance Framework
ECM ID:	14131442

Introduction

1. Nature of the Rules and Authorising Provision

The Casey City *Council* is constituted as a municipal *Council* under the *Local Government Act 2020*. The *Council* is a body corporate and is required to have a common seal, used in conjunction with any local law.

These are the Governance Rules of Casey City *Council*. The Governance Rules are made under, and in accordance with section 60 of the *Local Government Act 2020*.

2. Context

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

- a) the overarching governance and supporting **principles specified in section 9 of the Act**
- b) the following documents endorsed by *Council*:
 - Good Governance Framework
 - *Councillor* Code of Conduct
 - Public Transparency Policy
 - Community Engagement Policy

3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Roles and Powers
Chapter 2	Governance
Chapter 3	Election of Mayor and Deputy Mayor
Chapter 4	Council Meeting Procedures Part A: Meeting Roles Part B: Meetings Procedure <ul style="list-style-type: none"> ○ Division 1 - Notices of Meetings and Delivery of Agendas ○ Division 2 - Quorums ○ Division 3 - Business of Meetings ○ Division 4 - Motions and Debate ○ Division 5 - Procedural Motions ○ Division 6 - Recission Motions ○ Division 7 - Points of Order ○ Division 8 - Petitions ○ Division 9 - Public Question Time ○ Division 10 - Voting

	<ul style="list-style-type: none"> ○ Division 11 - Minutes ○ Division 12 - Miscellaneous
Chapter 5	Delegated Committee Meeting Conduct
Chapter 6	Community Asset Committee Meeting Conduct
Chapter 7	Joint Council Meeting Conduct
Chapter 8	Disclosure of Conflict of Interest Procedure
Chapter 9	Election Period Policy
Chapter 10	Other Matters

4. Definitions

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

Key term	Definition
<i>Act</i>	means the <i>Local Government Act 2020</i>
<i>Administrators</i>	means the administrator or a panel of administrators that perform the same functions and responsibilities as a <i>Councillor</i> (and <i>Mayor</i> for the Chair of Administrator) as per the <i>Local Government (City of Casey) Act 2020</i>
<i>Agenda</i>	means a document containing the date, time and place of a <i>Council Meeting</i> and a list of business to be transacted at the <i>Council Meeting</i>
<i>Agreement of Council</i>	means indicative agreement of all the <i>Councillors</i> present, without a vote being conducted. In the event there is any uncertainty about majority of <i>Councillors</i> agreeing, the matter may be put to a vote.
<i>Authorised Officer</i>	has the same meaning as in the <i>Local Government Act 2020</i> or any other Act
<i>Audit and Risk Committee</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Candidate</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Chair</i>	means the <i>Chair</i> of a <i>Meeting</i> and includes an acting, temporary and substitute <i>Chair</i>
<i>Chamber</i>	<i>means</i> any room where the <i>Council</i> holds a <i>Council Meeting</i>
<i>Chief Executive Officer</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Community Asset Committee</i>	has the same meaning as in the <i>Local Government Act 2020</i>

<i>Common Seal</i>	means the common seal of <i>Council</i>
<i>Council</i>	means Casey City <i>Council</i> , being a body corporate constituted as a municipal <i>Council</i> under the <i>Local Government Act 2020</i>
<i>Councillor</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Councillor Code of Conduct Officer</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Council Officer</i>	means the <i>Chief Executive Officer</i> and staff of <i>Council</i> appointed by the <i>Chief Executive Officer</i> .
<i>Council Meeting</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Delegate</i>	means a member of <i>Council</i> staff to whom powers, functions and duties have been delegated by an instrument of delegation
<i>Delegated Committee</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Delegated Committee Meeting</i>	means a meeting of a <i>Delegated Committee</i>
<i>Deputy Mayor</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Director</i>	means a senior member of <i>Council</i> staff holding the position of Director or another position (however designated) which reports directly to the <i>Chief Executive Officer</i>
<i>Disorder</i>	<p>means any disorderly conduct of a member of the Gallery or a <i>Councillor</i> and includes:</p> <ul style="list-style-type: none"> • interjecting when another person is speaking, except, in the case of where a <i>Councillor</i> is raising a <i>Point of Order</i> • making comments that are defamatory, malicious, abusive or offensive • refusing to leave the <i>Council Meeting</i> when requested, ordered or directed to do so by the <i>Chair</i> in accordance with <i>the Act</i> and the Governance Rules; and • engaging in any other conduct which prevents the orderly conduct of the <i>Council Meeting</i>
<i>Donation Period</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Electronic means</i>	commonly referred to as ‘virtual meetings’, this is where all participants attend electronically or where some participants attend in person and some electronically (hybrid setting) or where attendees across several locations join electronically (parallel setting).
<i>Election</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Election Day</i>	has the same meaning as in the <i>Local Government Act 2020</i>

<i>Election manager</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Election Period</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Electoral Material</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Event or Function</i>	a gathering of internal and/or external stakeholders to discuss, review, acknowledge, communicate or celebrate a program, strategy or issue which is of relevance to the <i>Council</i> and its community and may take the form of conferences, workshops, forums, launches, proportional activities, social occasions such as dinners, receptions and balls
<i>Foreshadowed Item</i>	means a matter raised in the relevant section of the <i>Council Meeting</i> that a <i>Councillor</i> intends to submit a <i>Notice of Motion</i> for the next <i>Council Meeting</i> or foreshadow an amendment to the <i>Motion</i>
<i>Formal nomination date</i>	date set by the relevant electoral commission at which nominations to be candidates in an election close.
<i>Good governance</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Governance Rules</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Major Policy Decision</i>	s. 93A of <i>the Act</i> defines major policy decisions as: <ul style="list-style-type: none"> a) the appointment or dismissal of a <i>Chief Executive Officer</i>, or the remuneration of a <i>Chief Executive Officer</i> b) approval of contracts with a total value exceeding \$1.863 million (this is 1% of <i>Council's</i> total revenue from rates under s.158 in the preceding financial year); and c) the exercise of any entrepreneurial power under s.193
<i>Major Policy Amendments</i>	these are significant amendments which differ to administrative amendments. They include: <ul style="list-style-type: none"> • Changes to the intent or impact of the document • Additions or subtractions of content
<i>Mayor</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Minister</i>	means the Minister for Local Government
<i>Minutes</i>	means the official record of the proceedings and decisions of a <i>Council Meeting</i>
<i>Motion</i>	means a proposal framed in a way that will result in the opinion of <i>Council</i> being expressed, and a <i>Council</i> decision being made, if the proposal is adopted
<i>Notice of Motion</i>	means a notice setting out the text of a <i>Motion</i> which a <i>Councillor</i> proposes to move at a <i>Council Meeting</i>
<i>Notice of Recission</i>	means a <i>Notice of Motion</i> to rescind a resolution made by <i>Council</i>
<i>On Notice</i>	means held or deferred to enable preparation of a response

<i>Point of Order</i>	means a procedural point (about how the <i>Council Meeting</i> is being conducted), not involving the substance of a matter before a <i>Council Meeting</i>
<i>Procedural Motion</i>	means a <i>Motion</i> 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
<i>Public Consultation</i>	process which invites individuals, groups, organisations or the community generally to comment on an issue, proposed action or policy
<i>Public Notice</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>these Rules</i>	means these Governance Rules
<i>Urgent Business</i>	means a matter that relates to or arises out of a matter which has arisen since distribution of the <i>agenda</i> and cannot safely or conveniently be deferred until the next <i>Council Meeting</i>
<i>Unscheduled Meeting</i>	means a meeting of the <i>Council</i> convened for a particular purpose that cannot be effectively dealt with in the schedule of <i>Council Meetings</i> set by <i>Council</i>
<i>VEC</i>	Victorian Electoral Commission
<i>Written</i>	includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and <i>writing</i> has the same corresponding meaning

CHAPTER 1 – ROLES AND POWERS

1. Purpose

The purpose of this Chapter is to:

- 1.1 define the Powers of:
 - 1.1.1 *Council* as set out under s. 10 of *the Act*
 - 1.1.2 Delegation as set up under s. 11 of *the Act*
 - 1.1.3 *Council* to create Local Laws under s. 71 of *the Act*
 - 1.1.4 the *Audit and Risk Committee* under s. 53 of *the Act*
- 1.2 define the role of the Executive Leadership Team, *Chief Executive Officer* and *Directors*
- 1.3 outline the role of the *Council*
- 1.4 outline the roles and working relationships at *Council*

2. Roles and Working Relationships

- 2.1 *Council* comprises of *Councillors* who are democratically elected by the community in accordance with the *Local Government Act 2020*. *Council* has a statutory responsibility to represent all people that live, participate, and invest within the municipality. The elected *Council* appoint and review the performance of the *Chief Executive Officer* of the organisation, determine *Council* policies and set the strategic direction of the organisation.

- 2.2 Strong and respectful working relationships are essential for *Council* to achieve its vision. Effective working relationships promote a positive culture and provide the organisation with the freedom to focus on opportunities and delivering great outcomes, rather than spending effort overcoming problems associated with negative relationships. The key working relationships at the *Council* are between the:
- 2.2.1 *Mayor and Councillors*
 - 2.2.2 *Mayor and Chief Executive Officer*
 - 2.2.3 *Mayor and Directors*
 - 2.2.4 *Councillors and Chief Executive Officer*
 - 2.2.5 *Councillors and Directors*
 - 2.2.6 *Councillors and Managers*
 - 2.2.7 *Chief Executive Officer and Directors*
- 2.3 Many *Council Officers* hold positions that require specialised knowledge and skills and are required to provide information, advice and recommendations to the best of their professional ability. Sharing this knowledge with *Councillors* is a key part of ensuring that *Council* has the information it needs to make informed decisions.
- 2.4 *Councillors* cannot direct or improperly influence, or attempt to direct or improperly influence, the functions, duties, actions, recommendations or advice provided by *Council Officers*. Improper direction and improper influence are covered under s. 124 of the Act.
- 2.5 To facilitate the efficient functioning of *Council*, and ensure timely responses, the *Chief Executive Officer* has put in place a protocol which requires *Councillors* to direct all their enquiries to the *Chief Executive Officer*, the appropriate *Director* or Manager or specified support staff. Persistent failure to follow this protocol may be addressed through the *Councillor Code of Conduct*.

3. Role of the Chief Executive Officer

- 3.1 The *Chief Executive Officer* has several statutory responsibilities and is accountable to the elected *Council* for delivering *Council's* strategies and services. As the head of the organisation, the *Chief Executive Officer's* role is to provide professional, relevant and timely information and support to the *Council*.
- 3.2 S. 46 of the Act identifies the *Chief Executive Officer* as being responsible for several activities including:
- 3.2.1 facilitating the election of the *Mayor* in accordance with the provisions of the *Act*.
 - 3.2.2 supporting the *Mayor* and *Councillors* in the performance of their roles including:
 - (a) ensuring that the decisions of the *Council* are implemented without delay
 - (b) ensuring that the *Council* receives timely and reliable advice about its obligations under the *Local Government Act 2020* or any other Act
 - (c) supporting the *Mayor* in the performance of their role
 - (d) setting the agenda for *Council Meetings* after consulting the *Mayor*
 - (e) when requested by the *Mayor*, reporting to the *Council* regarding the implementation of a *Council* decision
 - (f) responsible for *Councillors* with respect to issues which arise under or with respect to the *Workplace Injury Rehabilitation and Compensation Act 2013*.
 - 3.2.3 ensuring the effective and efficient management of the day-to-day operations of the *Council*.
 - 3.2.4 establishing and maintaining an organisational structure for the *Council*

- 3.2.5 developing and maintaining a workforce plan
- 3.2.6 informing the *Council* before implementing an organisational restructure that will affect the capacity of the *Council* to deliver the Council Plan
- 3.2.7 being responsible for all staffing matters, including appointing, directing, managing and dismissing members of Council staff
- 3.2.8 managing interactions between members of *Council* staff and *Councillors* and ensuring that policies, practices and protocols that support arrangements for interaction between members of *Council* staff and *Councillors* are developed and implemented
- 3.2.9 performing any other function or duty of the *Chief Executive Officer* specified in the *Local Government Act 2020* or any other Act

4. Role of a Director

- 4.1 *Directors* are responsible for overseeing the efficient operation of the departments within their Division to assist the Casey City *Council* in achieving its vision and objectives. They play a key role in supporting the *Chief Executive Officer* and providing advice and information to the *Mayor* and *Councillors*. This includes:
 - 4.1.1 Providing advice and possible recommendations to *Councillors* on issues raised by community and stakeholder groups on matters relating to the *Directors* area of management.
 - 4.1.2 Providing guidance on matters which, for reasons of community interest and benefit, require immediate action and may be advanced under delegated authority of the *Chief Executive Officer*.
 - 4.1.3 Providing advice and information on emerging issues and opportunities relating to the *Division*.
 - 4.1.4 Providing direction and advice on matters before *Council* through the review and approval of reports to *Council*.

5. Role of the Executive Leadership Team

- 5.1 The Executive Leadership Team is comprised of the *Chief Executive Officer* and the *Directors*.
- 5.2 The purpose of the Executive Leadership Team is to provide a whole of organisation perspective to ensure strategic alignment between the organisation's operations and the achievement of the *Council* Plan. This includes:
 - 5.2.1 Contributing to policy development through recommendations to *Council*
 - 5.2.2 Operational decision making
 - 5.2.3 Providing advice/ assistance
 - 5.2.4 Generating discussion
 - 5.2.5 Encouraging problem solving
 - 5.2.6 Leading performance management
 - 5.2.7 Interpreting and understanding the current and future operational and political environment
 - 5.2.8 Driving organisational leadership/culture

6. Role of a Council

- 6.1 *The Act* defines the role of a *Council* is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. A *Council* provides good governance if:

- 6.1.1 it performs its role in accordance with s. 8 (role of a *Council*)
- 6.1.2 the *Councillors* of the *Council* perform their roles in accordance with s. 28 (role of a *Councillor*).
- 6.1.3 In performing its role, a *Council* may:
 - 6.1.3.1. perform any duties or functions or exercise any powers conferred on a *Council* by or under *the Act* or any other Act; and
 - 6.1.3.2. perform any other functions that the *Council* determines are necessary to enable the *Council* to perform its role.
- 6.2 *Council* may perform a function outside its municipal district if it is necessary for the purpose of performing its role.
- 6.3 To support the *Councillor*, the Office of *Council* exists to provide practical support to *Councillors* and to deliver opportunities to increase the collaboration between the executive, *Council Officers*, residents and elected members of *Council*. This includes:
 - 6.3.1 Training and development opportunities
 - 6.3.2 Advice and mentoring
 - 6.3.3 Communication and media management
 - 6.3.4 Support for variety of stakeholder engagement
 - 6.3.5 Civic events, functions and administrative roles and responsibilities of the Office
- 6.4 Specific information as to the role and powers of the *Councillors* are outlined in the following sections of *the Act*:
 - 6.4.1 s. 18 and s. 19 apply to the *Mayor*
 - 6.4.2 s. 20A applies to Deputy *Mayor*
 - 6.4.3 s. 20B applies to the Acting *Mayor*
 - 6.4.4 s. 28 applies to every *Councillor*
- 6.5 *Councillors* must also adhere to the Casey City *Council's Councillor Code of Conduct*.

7. Role and Powers of the Mayor

- 7.1 Under s. 18 of the Act, the *Mayor's* role is to:
 - 7.1.1 *Chair Council Meetings*; and
 - 7.1.2 be the principal spokesperson for the *Council*; and
 - 7.1.3 lead engagement with the municipal community on the development of the *Council Plan*; and
 - 7.1.4 report to the municipal community, at least once each year, on the implementation of the *Council Plan*; and
 - 7.1.5 promote behaviour among *Councillors* that meets the standards of conduct set out in the *Councillor Code of Conduct*; and
 - 7.1.6 assist *Councillors* to understand their role; and
 - 7.1.7 take a leadership role in ensuring the regular review of the performance of the *Chief Executive Officer*; and
 - 7.1.8 provide advice to the *Chief Executive Officer* when the *Chief Executive Officer* is setting the agenda for *Council Meetings*; and
 - 7.1.9 perform civic and ceremonial duties on behalf of the *Council*.
- 7.2 The *Mayor* is not eligible to be elected to the office of *Deputy Mayor*.

- 7.3 The *Mayor* has the power to:
- 7.3.1 Appoint a *Councillor* to be the *Chair* of a *Delegated Committee*;
 - 7.3.2 Direct a *Councillor*, subject to any procedures or limitations specified in the *Governance Rules*, to leave a *Council* meeting if the behaviour of the *Councillor* is preventing the *Council* from conducting its business;
 - 7.3.3 Require the *Chief Executive Officer* to report to the *Council* on the implementation of a *Council* decision.
- 7.4 An appointment under subsection 7.1.1 prevails over any appointment of a *Chair* of a *Delegated Committee* by the *Council*.

8. Role of the Deputy Mayor

- 8.1 *Council* has the power to choose if they will establish an office of *Deputy Mayor*. *Council* will establish this office in line with the requirements determined by the Act.
- 8.2 If *Council* does establish the role of *Deputy Mayor*, they must perform the role of the *Mayor* and may exercise any of the powers of the *Mayor* if—
- 8.2.1 the *Mayor* is unable for any reason to attend a *Council* meeting or part of a *Council* meeting; or
 - 8.2.2 the *Mayor* is incapable of performing the duties of the office of *Mayor* for any reason, including illness; or
 - 8.2.3 the office of *Mayor* is vacant.

9. Role of the Audit and Risk Committee

- 9.1 In accordance with s. 53 of *the Act*, *Council* must establish an *Audit and Risk Committee* to provide organisational oversight.
- 9.2 The *Audit and Risk Committee* will monitor the integrity of the *Council* by reviewing and advising *Council* on the standard of its financial control, risk management and corporate governance systems.
- 9.3 An *Audit and Risk Committee* must report the minutes of all its meetings to the next practicable *Council Meeting*.
- 9.4 An *Audit and Risk Committee* must act in accordance with its adopted Charter adopted by *Council*.

10. Understanding and agreement of roles

A clear understanding and agreement of roles and responsibilities as outlined above contribute to *Councillors* and the Executive Leadership Team acting as an effective leadership team. It ensures each individual is aware of the boundaries of their role and of the shared areas. At the Casey City *Council* the *Councillors* and the Executive Leadership Team have agreed that this works best when there is mutual trust, discussions rather than assumptions, and good communication.

CHAPTER 2 – GOVERNANCE

11. Purpose

The purpose of this Chapter is to:

- 11.1 provide for fair decision making
- 11.2 set the rules of behaviour for persons acting within the delegated authority

12. Decision Making

- 12.1 In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:

- 12.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
- 12.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- 12.2 *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- 12.3 Without limiting anything in paragraph 18.2 of these Rules:
 - 12.3.1 before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
 - 12.3.2 if a report to be considered at a *Council Meeting* concerns subject matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - 12.3.3 if a report to be considered at a *Delegated Committee* meeting concerns subject matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
 - 12.3.4 if a member of *Council* staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of *Council* staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

CHAPTER 3 – ELECTION OF MAYOR AND DEPUTY MAYOR

13. Election of the *Mayor*

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

14. Method of Voting

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

15. Determining the election of the *Mayor*

- 15.1 The *Chief Executive Officer* must open the *Council Meeting* at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.
- 15.2 Any nominations for the office of *Mayor* must be seconded by another *Councillor*.
- 15.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*.
 - 15.3.1 if there is only one nomination, the *Councillor* nominated must be declared to be duly elected;

- 15.3.2 if there is more than one nomination, the *Councillors* present at the *Council Meeting* must vote for one of the *Councillors* nominated and each of the *Councillors* nominated shall be allowed three minutes to speak to their nomination, which cannot be extended;
- 15.3.3 in the event of a *Councillor* receiving an absolute majority of the votes, that *Councillor* is declared to have been elected as *Mayor*;
- 15.3.4 in the event that no *Councillor* nominated receives an absolute majority of the votes, the *Council Meeting* must consider whether to exercise the discretion conferred by section 25(5) of the Act. If the *Council Meeting* instead proceeds with the election of *Mayor*, the *Councillor* nominated with the fewest number of votes will be declared to be defeated. The *Councillors* present at the *Council Meeting* will then vote for one of the remaining *Councillors* nominated;
- 15.3.5 if one of the remaining *Councillors* nominated receives an absolute majority of the votes, he or she is duly elected as *Mayor*. If none of the remaining *Councillors* nominated receives an absolute majority of the votes and it is not resolved to conduct a new election at a later day and time, the process of declaring the *Councillor* nominated with the fewest number of votes as being defeated must be repeated until one of the *Councillors* nominated receives an absolute majority of the votes. The *Councillor* nominated with the majority of the votes must then be declared to have been duly elected as *Mayor*;
- 15.3.6 in the event of two or more *Councillors* nominated have an equality of votes, the declaration will be determined by lot;
- 15.3.7 if a lot is conducted, the *Chief Executive Officer* will conduct the lot and the following provisions will apply:
 - (a) each *Councillor* nominated will draw one lot;
 - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the *Councillors* who received an equal number of votes, except that if two or more such *Councillors* surnames are identical, the order will be determined by the alphabetical order of the *Councillors* first names; and
 - (c) as many identical pieces of paper as there are *Councillors* who received an equal number of votes, must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be *written* on one of the pieces of paper, and the *Councillor* who draws the paper with the word "Defeated" *written* on it, must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates, unless there is only one candidate remaining, in which case, that candidate will be declared to have been duly elected).
- 15.3.8 A *Councillor* cannot be elected to the office of *Mayor*, unless they receive an absolute majority of the votes.

16. Election of the *Deputy Mayor* and Appointment of Acting *Mayor*

- 16.1 Any election for the office of *Deputy Mayor* will be regulated by Rules 13 – 15 (inclusive) of this Chapter, and the *Mayor* must facilitate the election of the *Deputy Mayor* in accordance with this Chapter.
- 16.2 If *Council* has not established an office of *Deputy Mayor*, and it becomes required to appoint an Acting *Mayor*, it can do so by:
 - 16.2.1 resolving that a specified *Councillor* be so appointed; and
 - 16.2.2 following the procedure set out in Rules 13 – 15 (inclusive) of this Chapter.

CHAPTER 4 – COUNCIL MEETING PROCEDURES

17. Purpose

The purpose of this Chapter is to provide for the procedures governing the conduct of *Council Meetings*.

18. The Purpose of *Council Meetings*

- 18.1 *Council* holds scheduled *Council Meetings* and, when required, unscheduled *Council Meetings* to conduct the business of *Council*.
- 18.2 *Council* is committed to transparency in decision making and, in accordance with *the Act*, *Council Meetings* are open to the public and the community are able to attend.

Introduction: This Chapter is divided into several Parts which address a different aspect of holding *Council Meetings*. Together, the Parts describe how and when a meeting is convened, and when and how business may be transacted at a meeting.

PART A – MEETING ROLES

19. Chair and Councillors

- 19.1 The *Chair* and *Councillors* will ensure good decision making by endeavouring to ensure that:
 - 19.1.1 Decision making is transparent to members and observers.
 - 19.1.2 Meeting members have sufficient information to make good decisions.
 - 19.1.3 Every member is supported to contribute to decisions.
 - 19.1.4 Any person whose rights are affected has their interests considered.
 - 19.1.5 Debate and discussion is focused on the issues at hand.
 - 19.1.6 Meetings are conducted in an orderly manner.
 - 19.1.7 Decisions should be made on the merits of the matter.

20. Mayor to take the *Chair*

- 20.1 When attending *Council Meetings*, the *Mayor* must *Chair*.
- 20.2 An acting *Chair* is to be elected if the *Mayor* is:
 - 20.2.1 absent or
 - 20.2.2 incapable of acting or
 - 20.2.3 is not present within 15 minutes of the scheduled commencement time of a *Council Meeting*.
- 20.3 Where a *Deputy Mayor* is present, they will be the acting *Chair* without the need for a vote.
- 20.4 If the *Mayor* and any *Deputy Mayor* are not in attendance at a *Council Meeting*, *Council* must appoint one of the *Councillors* as acting *Chair* of the *Council Meeting* by resolution.

21. Delegated Committee *Chair*

- 21.1 When *Council* establishes a *Delegated Committee*, *Council* or the *Mayor*, must appoint a *Chair* of the *Delegated Committee*.
- 21.2 The *Chair* of a *Delegated Committee* must be a *Councillor*.

- 21.3 If a *Councillor* appointed by the *Council* or the *Mayor* is not present, a *Councillor* who is present at the meeting is to be appointed by members of the *Delegated Committee* who are present at the meeting.

22. The Chair's Duties and Discretions

In addition to these Rules, the *Chair*:

- 22.1 must allow the *Chief Executive Officer* the opportunity to correct factual errors or incorrect assertions that arise during the *Council Meeting*;
- 22.2 must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of *Council*;
- 22.3 may direct that a vote be recounted to be satisfied of the result; and
- 22.4 must decide on all points of order.

23. Chief Executive Officer

- 23.1 The *Chief Executive Officer*, or delegate, may participate in the meeting to provide support to the *Chair*.
- 23.2 The *Chief Executive Officer* should:
- 23.2.1 Immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
- 23.2.2 Advise if there are operational, financial or risk implications arising from a proposed resolution;
- 23.2.3 Help clarify the intent of any unclear resolution to facilitate implementation;
- 23.2.4 On request, assist with procedural issues that may arise.

24. Community Attendance

- 24.1 *Council Meetings* are decision making forums and it is important that they are open to the community to attend and/or view proceedings.
- 24.2 Community members may only participate in *Council Meetings* in accordance with these Governance rules:
- 24.2.1 A visitor or person in the public gallery must not interject or take part in the debate of a *Council Meeting*.
- 24.2.2 Silence must be preserved in the public gallery during any *Council Meeting*.
- 24.3 Community members may seek to inform individual *Councillors* of their views by contacting them directly in advance of *Council Meetings*.
- 24.4 If a *Council Meeting* is closed in accordance with s.66(2)(b-c) of *the Act*, the *Council Meeting* will continue to be livestreamed.
- 24.5 *Council* may adopt policies, protocols or guidelines from time to time, to ensure opportunities exist for community input beyond the formal consultation process, including how the community can participate via *electronic means*.

PART B – MEETINGS PROCEDURE

Division 1 – Notices of Meetings and Delivery of Agendas

25. Dates and Times of Meetings Fixed by Council

- 25.1 At or before the last *Council Meeting* each calendar year, *Council* must fix by resolution the date, time and place of all *Council Meetings* for the following calendar year.
- 25.2 Reasonable notice of each *Council Meeting* must be provided to the public. *Council* may do this:

- 25.2.1 for meetings which it has fixed by preparing a schedule of meetings and arranging publication of such schedule in a newspaper generally circulating in the municipal district either at various times throughout the year, or prior to each such *Council Meeting*; and
- 25.2.2 for any meeting by giving notice on its website and:
 - (a) in each of its Customer Service Centres; and/or
 - (b) in at least one newspaper generally circulating in the municipal district.
- 25.3 The notice of *Council Meetings* must indicate whether the relevant *Council Meeting* is to be conducted:
 - 25.3.1 wholly in person
 - 25.3.2 wholly by electronic means; or
 - 25.3.3 partially in person and partially by electronic means.
- 25.4 Notice of *Council Meetings* will be publicised through notices in local newspapers and on *Council's* website, at least seven days prior to the *Council Meeting* date, unless if urgent or extraordinary circumstances prevented it from complying with Rule 25.3, *Council* must:
 - 25.4.1 give such public notice as is practicable; and
 - 25.4.2 specify the urgent or extraordinary circumstances which prevented the *Council* from complying with Rule 21.3 in the minutes of the *Council Meeting*.

26. Fixed Council Meetings May be Altered (Unscheduled or Special Meetings)

Council may change the date, time and place of any *Council Meeting* which has been fixed. It must provide reasonable notice of the change to the public.

27. Calling Unscheduled Council Meetings

Unscheduled *Council Meetings* can be called:

- 27.1 in writing by the *Mayor*; or
- 27.2 in writing by at least 3 *Councillors*; or
- 27.3 by the *Chief Executive Officer* following consultation with the *Mayor*.

When it has been agreed to call an unscheduled *Council Meeting*, the *Chief Executive Officer* must determine the time and date for the meeting, giving consideration to:

- 27.4 the urgency of the business to be transacted
- 27.5 the availability of *Councillors*
- 27.6 a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
- 27.7 The date and time of the unscheduled *Council Meeting* must not be prior to 6pm on the day following the *Council Meeting* at which the resolution was made.

Council will publicise the unscheduled *Council Meeting* consistent with Rule 25.

The Unscheduled *Council Meeting* Procedure

- 27.8 The *Chief Executive Officer* must convene the *Council Meeting* as specified in the notice.
- 27.9 Unless all *Councillors* are present and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Council Meeting*.

28. Adjourned Meetings

- 28.1 *Council* may resolve from time to time to adjourn the *Council Meeting* to a specific time and date.

- 28.2 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any *Councillor* or member of *Council* staff adjourn a meeting in session to another place.
- 28.3 The *Chief Executive Officer* must give *written* notice to each *Councillor* of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 28.4 If it is *impracticable* for the notice given under Rule 28.3 to be in *writing*, the *Chief Executive Officer* must give notice to each *Councillor* by telephone or in person.
- 28.5 If a *Council Meeting* is abandoned because of the lack of a quorum, the *Chief Executive Officer* is to record the following details as the minutes of that *Council Meeting*, even though business could not be transacted at that *Council Meeting*:
 - 28.5.1 The absence of a quorum.
 - 28.5.2 The abandonment of the *Council Meeting* and the time of the abandonment; and
 - 28.5.3 The names of the *Councillors* present at the time of the abandonment
- 28.6 If a *Council Meeting* is abandoned, the *Mayor* –
 - 28.6.1 Within 14 days after the abandonment of the *Council Meeting*, is to convene another *Council Meeting* to deal with the business that was to be dealt with at the abandoned *Council Meeting* and
 - 28.6.2 Provide notice of the new *Council Meeting* in accordance with Rule 25.

29. Meeting Cancellation or Postponement

- 29.1 In the case of an emergency, the *Chief Executive Officer* or Delegate, may postpone a *Council Meeting*, provided every reasonable attempt is made to notify every *Councillor* of the postponement.
- 29.2 The *Chief Executive Officer* or Delegate must submit a full *written* report of the circumstances requiring his or her action in respect of the emergency postponement at the next *Council Meeting*.
- 29.3 The *Chief Executive Officer* must present to the immediately following *Council Meeting* a *written* report on any exercise of the power conferred by Rule 38.

30. Delivery and Circulation of Agendas and notices

- 30.1 Each *Councillor* must advise the *Chief Executive Officer* (or his delegate) in writing of their address for the delivery of *Council* business papers.
- 30.2 An Agenda for each *Council Meeting*, that is not an unscheduled *Council Meeting*, will be made available on *Council's* website no less than 48 hours before the *Council Meeting*.
- 30.3 An Agenda for an unscheduled *Council Meeting* must be made available electronically to every *Councillor* at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- 30.4 An Agenda for an unscheduled *Council Meeting* will be made available on *Council's* website no less than 24 hours before the unscheduled *Council Meeting*.

31. Document requests

- 31.1 At a *Council Meeting*, a *Councillor* may request the production of any of the documents of *Council* relevant to a *Motion* under consideration.
- 31.2 If a document is not immediately available, *Council* may defer consideration of an item of business to later in the *Council Meeting* or the next appropriate *Council Meeting*.
- 31.3 If the document relates to business which the *Council Meeting* has been specifically convened to deal with, the *Council Meeting* cannot be deferred.

32. **Councillor allowed to speak uninterrupted**

A *Councillor* who has the floor must not be interrupted unless called to order, or given notice by the *Chair* their speaking time has elapsed or is about to elapse, when they must sit down and remain silent until the *Councillor* raising the *Point of Order* has been heard and the *Point of Order* dealt with.

33. **Addressing the Meeting**

33.1 If the Chair so determines:

33.1.1 any person addressing the Chair should refer to the Chair as:

- *Mayor*; or
- *Chair*

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

33.1.3 all Council staff, should be addressed by their official title.

33.2 Except for the Chair and Chief Executive Officer, any person who addresses the Council Meeting must direct all remarks through the Chair by standing or by an agreed alternative method.

33.3 The Chair may permit any Councillor or person to remain seated while addressing the Chair.

34. **Apologies and absences**

34.1 *Councillors* who are unable to attend a *Council Meeting* may submit an apology:

34.1.1 In writing to the *Chair*, who will advise those in attendance: or

34.1.2 By seeking another *Councillor* to submit it at the *Council Meeting* on their behalf.

34.2 An apology submitted to a *Council Meeting* will be recorded in the minutes for that *Council Meeting*.

34.3 A *Councillor* intending to take a leave of absence must submit in writing to the *Mayor* the following information:

34.3.1 Dates for which leave of absence is requested

34.3.2 Why the leave of absence is required

34.3.3 Any supporting documents if appropriate

34.4 If a *Councillor* is required to take leave of absence, the *Councillor*—

34.4.1 may continue to be a *Councillor* but must not perform the duties or functions of a Councillor during the period of leave;

34.4.2 remains entitled to receive a *Councillor* allowance unless the Act otherwise provides;

34.4.3 is not entitled to be reimbursed for out-of-pocket expenses during the period of leave;

34.4.4 must return all *Council* equipment and materials to the *Council* for the period of leave if the *Council* requires;

34.4.5 If a *Mayor* is required to take a leave of absence, the *Mayor* is, for the duration of the leave, to be considered as incapable of acting.

34.5 The *Mayor* will seek to have any leave of absence requests included in the agenda of the next *Council Meeting*.

34.6 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.

- 34.7 *Council* will not unreasonably withhold its approval of a leave of absence request.
- 34.8 If a *Councillor* is not in attendance at a *Council Meeting*, and they have not submitted an apology or have had a leave of absence approved at a *Council Meeting*, then they will be recorded as absent in the *Council Meeting* minutes.
- 34.9 S. 35(1)(e) of *the Act* states that *Councillors* cease to hold office if they are absent from *Council Meetings* for a period of 4 consecutive months without obtaining leave of absence from the *Council*.

35. Attendance by electronic means

- 35.1 *Councillors* who wish to attend a *Council Meeting* via *electronic means* may submit a *written* request or make a verbal request to the *Mayor*.
- 35.2 *Councillors* in their *written* or verbal request, must specify the reasons why they are unable or do not wish to attend the *Council Meeting* in person.
- 35.3 The *written* or verbal request must be made by no later than 12noon on the day of the *Council Meeting*.
- 35.4 The *Mayor* will confirm in writing or verbally by no later than 3pm of the request for the *Councillor(s)* to attend by *electronic means* and must inform the rest of the *Councillors* of their decision.
- 35.5 The *Mayor* must also make it known at the commencement of the relevant *Council Meeting* of which *Councillor* or *Councillors* are attending by *electronic means*.
- 35.6 *Councillors* who attend via *electronic means* is responsible for ensuring that they are able to access such equipment and are present in such an environment that facilitates participation in the *Council Meeting*.
- 35.7 Without detracting from anything said in Rule 35.6, a *Councillor* who is attending a *Council Meeting* by *electronic means* must be able to:
 - 35.7.1 hear the proceedings;
 - 35.7.2 see all *Councillors* and members of *Council* staff who are also attending the *Council Meeting*, at least while a *Councillor* or member of *Council* staff is speaking;
 - 35.7.3 be seen by all *Councillors*, members of *Council* staff and members of the public who are physically present at the *Council Meeting*; and
 - 35.7.4 be heard when they speak.
- 35.8 If during the *Council Meeting*, the *Chair*, *Councillor* or *Chief Executive Officer* loses connection whilst attending via *electronic means*, they will be noted in the minutes as being absent for the duration they are not in attendance.
- 35.9 If the *Mayor* is attending via *electronic means* and during the *Council Meeting* loses connection, the *Deputy Mayor* will assume the role as *Chair* until the *Mayor* returns to the meeting.
- 35.10 If both the *Mayor* and *Deputy Mayor* lose connection during the *Council Meeting*, then *Councillors* will need to appoint a *temporary Chair* until the *Mayor* returns to the meeting.

36. Time Limits for Meetings

- 36.1 A *Council Meeting* must not continue after three hours from the time it commences unless an extension is resolved in accordance with this Rule.
- 36.2 Extensions of a *Council Meeting* will be in block periods of 30 minutes.
- 36.3 A *Council Meeting* may only be continued for a maximum of two 30-minute extensions.

- 36.4 In the absence of such extensions or in the event there is further business to be transacted at the completion of two extensions, the *Council Meeting* must stand adjourned to the following day.
- 36.5 Notwithstanding Rule 36.4, the *Chair* may seek the Agreement of *Council* not to adjourn the *Council Meeting* to the following day, if the *Chair* reasonably believes the remaining business will take less than 10 minutes to transact.
- 36.6 The *Chair* may adjourn a *Council Meeting* for a 10-minute break, at an appropriate point in proceedings after two hours has elapsed.
- 36.7 Notwithstanding Rule 36.6, the *Chair* may seek the Agreement of *Council* not to adjourn the *Council Meeting* if the *Chair* reasonably believes the remaining business of the *Council Meeting* will take less than 30 minutes to transact.

Division 2 - Quorums

37. Council Meeting Quorum

- 37.1 S.61(4) of the *Act* defines a quorum at a *Council Meeting* as an absolute majority.
- 37.2 If after 30 minutes from the scheduled starting time of any *Council Meeting*, a quorum cannot be obtained:
 - 37.2.1 the *Council Meeting* will be deemed to have lapsed;
 - 37.2.2 the *Mayor* or *Chair* must reschedule the *Council Meeting*, the agenda for which will be identical to the agenda for the lapsed meeting; and
 - 37.2.3 the *Chief Executive Officer* must give all *Councillors* written notice of the *Council Meeting* convened by the *Mayor*.

38. Inability To Maintain A Quorum

- 38.1 If during any *Council Meeting*, a quorum cannot be maintained, then the following persons may adjourn the *Council Meeting* for a period not exceeding seven days from the date of the adjournment:
 - 38.1.1 the *Chair*, or
 - 38.1.2 if the *Chair* is not present, those *Councillors* present; or
 - 38.1.3 if there are no *Councillors* present, the *Chief Executive Officer* or delegate
- 38.2 If, during any *Council Meeting* a quorum cannot be maintained, the *Chair* 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*.
- 38.3 If a quorum cannot be maintained due to the majority of *Councillors* having a conflict of interest in the matter to be considered, Rule 38.2 does not apply. *Council* may decide to:
 - 38.3.1 consider the item in separate parts, if a quorum can be maintained for each separate part; or
 - 38.3.2 make decisions on separate parts of the matter at a meeting where quorum can be maintained, before deciding on the whole matter at a meeting for which quorum can be maintained.
- 38.4 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 by:
 - 38.4.1 the *Chief Executive Officer*, or

- 38.4.2 a Delegated Committee, established for the purpose of determining the matter, comprising of all the *Councillors* who have not disclosed a conflict of interest and any other person(s) the *Council* considers suitable.
- 38.5 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*.

Division 3 – Business of Meetings

39. Agenda

- 39.1 The *Chief Executive Officer* may include any matter on the Agenda for a *Council Meeting* which they believe should be considered at the *Council Meeting*.
- 39.2 *Councillors* may ensure that an issue is listed on an agenda by lodging a Notice of Motion.
- 39.3 *Council Delegates* can present a report to *Council* on matters arising from meetings at which they represent *Council's* interest.
- 39.4 No business can be dealt with at a *Council Meeting* unless it is contained on the Agenda.
- 39.5 The Order of Business for a *Council Meeting* shall be set out in the agenda papers unless varied by Resolution of *Council*.
- 39.6 Where a member of the public has a query regarding items on the *Council Meeting* agenda, queries can be submitted via the Casey Conversations page or by contacting *Council's* customer service department. At the discretion of the *Chair*, the query may be raised at the *Council Meeting*, otherwise queries will be responded to by the relevant *Council Officer*.

Division 4 – Motions and Debate

40. Notice of Motion

- 40.1 A *Notice of Motion* must be in *writing* signed by a *Councillor* and be lodged with the *Chief Executive Officer* or delegate no later than 12 noon 10 business days before the *Council Meeting* at which it is intended to be considered.
- 40.2 A maximum of two *Notice of Motions* may be submitted at each *Council Meeting*.
- 40.3 A *Notice of Motion* must relate to the objectives, role and functions of *Council* as outlined in the *Act*.
- 40.4 All *Notice of Motions* will be numbered, dated and entered in the *Notice of Motion* register in the order in which they were received.
- 40.5 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 *Council Meeting* Agenda for the relevant *Council Meeting*.
- 40.6 The *Chief Executive Officer* may reject any *notice of Motion* which:
 - 40.6.1 is vague or unclear in intention
 - 40.6.2 it is beyond *Council's* power to pass
 - 40.6.3 substantially affect the levels of *Council* service
 - 40.6.4 commit *Council* to significant expenditure not included in the adopted budget
 - 40.6.5 establish or amend *Council* Policy
 - 40.6.6 commit *Council* to any contractual arrangement
 - 40.6.7 relates to a matter that can be addressed through the operational service request process
 - 40.6.8 relates to a matter that has been previously resolved by *Council* or is acted upon.
 - 40.6.9 slanderous may be prejudicial to any person or *Council*
 - 40.6.10 is objectionable in language or nature

- 40.6.11 is submitted during Election Period
- 40.6.12 if passed would result in *Council* otherwise acting invalidly
- 40.7 If rejecting a *Notice of Motion*, the *Chief Executive Officer* must inform the *Councillor* who lodged it of that rejection and the reasons for the rejection no later than nine business days before the *Council Meeting* at which it is intended to be considered. The *Councillor* may submit a revised *Notice of Motion* within 24 hours.
- 40.8 The full text of any *Notice of Motion* accepted by the *Chief Executive Officer* must be included in the *Council Meeting agenda*.
- 40.9 The *Notice of Motion* moved must not be substantially different to the *Notice of Motion* published in the *Council Meeting Agenda*, however, may be amended by resolution of the *Council*.
- 40.10 Once the *Notice of Motion* has been moved and seconded, the mover cannot amend it.
- 40.11 If a *Notice of Motion* is lost, it cannot be resubmitted for three months.
- 40.12 The *Chief Executive Officer* may designate a *Notice of Motion* to be confidential in accordance with relevant grounds as contained in *the Act*, in which case, the *Notice of Motion* will be considered in the part of the relevant *Council Meeting* that is closed to members of the public.
- 40.13 Except by leave of *Council*, each *Notice of Motion* will be considered in the order in which they were entered in the *Notice of Motion* register.
- 40.14 If a *Councillor* who has given a *Notice of Motion* is absent from the meeting or fails to move the *Notice of Motion* when called upon by the *Chair*, any other *Councillor* may move the *Notice of Motion*
- 40.15 If a *Notice of Motion* is not moved at the *Council Meeting* at which it is listed, it lapses.
- 40.16 A *Notice of Motion* should call for a *Council* report if the *Notice of Motion* proposes any action that:
 - 40.16.1 impacts the levels of *Council* service
 - 40.16.2 commits *Council* to expenditure that is not included in the adopted *Council Budget*
 - 40.16.3 proposes to establish, amend, or extend *Council* policy
 - 40.16.4 proposes to impact the rights of any person who has not had the opportunity to contribute their views
 - 40.16.5 commits *Council* to any contractual arrangement; or
 - 40.16.6 concerns any litigation in respect of which *Council* is a party.

41. Chair's Duty

Any *Motion* which is determined by the *Chair* to be:

- 41.1 slanderous or objectionable in language or nature;
 - 41.2 vague or unclear in intention;
 - 41.3 outside the powers of *Council*; or
 - 41.4 irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not,
- must not be accepted by the *Chair*.

42. Introducing a Report

- 42.1 Before a *written* report is considered by *Council*, a member of *Council* staff may introduce the report by indicating in not more than 2 minutes:
 - 42.1.1 its background; or

42.1.2 the reasons for any recommendation which appears.

43. Moving a Motion

43.1 The mover of a *Motion* must state the nature of the *Motion* without providing further detail.

43.2 The *Chair* must call for a seconder.

43.3 If there is no seconder, the *Motion* lapses.

43.4 If there is a seconder, the *Chair* must ascertain whether the *Motion* is opposed.

43.5 If no member indicates opposition, the *Chair* must:

43.5.1 Invite the mover to introduce the *Motion* if they wish;

43.5.2 If the mover does not elect to introduce the *Motion*, declare the *Motion* to be carried without the *Motion* being voted on;

43.5.3 If the mover does elect to introduce the *Motion*, ask 'Is the *Motion* opposed?' at the conclusion of the mover's introduction; and

43.5.4 If no member then indicates opposition, declare the *Motion* to be carried without the *Motion* being voted on.

43.6 A *Motion* carried under this Rule must be treated as having been passed unanimously, unless there is a *Councillor* who wishes to abstain and does not vote and therefore, is to be taken as having voted against the *Motion*. This will be recorded in the minutes of the *Council Meeting*.

43.7 A *Councillor* may speak once on a *Motion* and once on any Amendment.

43.8 A *Motion* can only cover one item of business.

44. Further Motions

44.1 A *Councillor* may move a *Motion* which relates to the subject matter of any report or *Notice of Motion* which is before a *Council Meeting* ("Further *Motion*").

44.2 Each *Councillor* may move only one Further *Motion* with respect to the subject matter of any report or *Notice of Motion*.

44.3 Any Further *Motion* must be considered after the consideration of the report or *Notice of Motion* from which it has arisen but may be foreshadowed in accordance with Rule 48.

45. Right of Reply

45.1 The mover of a *Motion*, including an amendment, has a right of reply to matters raised during debate.

45.2 After the right of reply has been taken but subject to any *Councillor* exercising his or her right to ask any question concerning or arising out of the *Motion*, the *Motion* must immediately be put to the vote without any further discussion or debate.

46. Moving an Amendment

46.1 Subject to Rule 43.4 a *Motion* which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the *Motion*.

46.2 A *Motion* to confirm a previous resolution of *Council* cannot be amended.

46.3 An amendment must not be directly opposite to the *Motion*.

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

46.4.1 the amendment must be moved and seconded

- 46.4.2 a *Councillor* may speak on any amendment once, whether or not he or she has spoken to the *Motion*, but debate must be confined to the terms of the amendment
- 46.4.3 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 *Motion* or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on
- 46.4.4 if the amendment is carried, the *Motion* as amended then becomes the *Motion* before the *Council Meeting* (known as the 'substantive *Motion*')
- 46.4.5 the mover of an amendment does not have right of reply.

47. Who May Propose An Amendment

- 47.1 An amendment may be proposed or seconded by any *Councillor*, except the mover or seconder of the original *Motion*.
- 47.2 Any one *Councillor* cannot move more than two amendments in succession.

48. Foreshadowing Motions

- 48.1 At any time during debate a *Councillor* may foreshadow a *Motion* so as to inform *Council* of his or her intention to move a *Motion* at a later stage in the meeting, but this does not extend any special right to the foreshadowed *Motion*.
- 48.2 A *Motion* foreshadowed may be prefaced with a statement that in the event of a particular *Motion* before the *Chair* being resolved in a certain way, a *Councillor* intends to move an alternative or additional *Motion*.
- 48.3 The *Chief Executive Officer* or person taking the minutes of the meeting is not expected to record foreshadowed *Motions* in the minutes until the foreshadowed *Motion* is formally moved.
- 48.4 The *Chair* is not obliged to accept foreshadowed *Motions*.

49. Priority of address

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

50. Withdrawal of Motions

- 50.1 Before any *Motion* is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.
- 50.2 If the majority of *Councillors* objects to the withdrawal of the *Motion*, it may not be withdrawn.

51. Motions In Writing

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

52. Formal Motions

- 52.1 Formal *Motions* are *Motions* regarding:
 - 52.1.1 adjournment of the *Council Meeting* or debate to later hour and/or date;
 - 52.1.2 the closure of the matter;
 - 52.1.3 putting aside a question in order to deal with an urgent matter;
 - 52.1.4 the previous question to be put; and
 - 52.1.5 proceeding to the next business.
- 52.2 Unless otherwise prohibited by a division, a formal *Motion* may be moved at any time and must be dealt with immediately by the *Chair*.

52.3 A formal *Motion* cannot be moved by the *Chair*.

52.4 Debate on a formal *Motion* is not permitted and the mover does not have a right of reply.

52.5 A formal *Motion* cannot be amended.

53. Debate Must Be Relevant to the Motion

53.1 Debate must always be relevant to the *Motion* before the *Chair*, and, if not, the *Chair* must request the speaker to confine debate to the *Motion*.

53.2 If after being requested to confine debate to the *Motion* before the *Chair*, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the *Motion* then before the *Chair*.

53.3 A speaker to whom a direction has been given under clause 53.2 must comply with that direction.

53.4 A *Councillor* must address the *Chair* to move a *Motion* or an Amendment, or to take part in debate.

53.5 A *Councillor*, when speaking, must direct his or her attention primarily towards the *Chair*.

53.6 Once acknowledged by the *Chair*, a *Councillor* has the floor and must not be interrupted, unless called to order, or if his or her time has expired.

53.7 If two or more *Councillors* rise to speak at the same time, the *Chair* must decide who is entitled to speak first.

54. Adequate and sufficient debate

54.1 Adequate debate is required where a matter is contentious in nature. In such a case, every *Councillor* should be given an opportunity to participate in the debate.

54.2 A *Motion* has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.

54.3 Once the views put are representative of the views of all *Councillors* the debate would be regarded as sufficient.

55. Right to Ask Questions

55.1 A *Councillor* may, when no other *Councillor* is speaking, ask any question concerning or arising out of the *Motion* or amendment before the *Chair*.

55.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

56. Time Limits for Motions

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

56.1.1 the mover of a *Motion* or amendment - 5 minutes;

56.1.2 the mover of a *Motion* when exercising his or her right of reply - 3 minutes; and

56.1.3 any other speaker – 2 minutes.

56.2 A *Motion* for an extension of speaking time must be proposed before the initial speaking time, for that speaker, expires.

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

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

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

56.6 A *Councillor* may be permitted by the *Chair* or by resolution of the *Council Meeting* to speak more than once to explain that the *Councillor* has been misrepresented or misunderstood.

57. Actioning of Council Resolutions

- 57.1 Subject to any resolution of the *Council* to the contrary, a *Council* resolution will not be acted upon until 8.00am on the second day following the *Council Meeting* at which the resolution was made.

Division 5 – Procedural Motions

58. Procedural Motions

- 58.1 Unless otherwise prohibited, a procedural *Motion* may be moved at any time and must be dealt with immediately by the *Chair*.
- 58.2 Procedural *Motions* require a seconder.
- 58.3 Notwithstanding any other provision in this Chapter, procedural *Motions* must be dealt with in accordance with the following table:

Procedural <i>Motion</i>	Mover & Second	When <i>Motion</i> Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on <i>Motion</i>
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any <i>Councillor</i> who has not moved or seconded the original <i>Motion</i> or otherwise spoken to the original <i>Motion</i>	(a) During the election of a <i>Chair</i> ; (b) When another <i>Councillor</i> is speaking	<i>Motion</i> and any amendment is postponed to the stated time and/or date	Debate continues unaffected Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any <i>Councillor</i> who has not moved or seconded the original <i>Motion</i> or otherwise spoken to the original <i>Motion</i>	(a) During the election of a <i>Chair</i> ; (b) When another <i>Councillor</i> is speaking; (c) When the <i>Motion</i> would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	<i>Motion</i> and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected Yes

Procedural <i>Motion</i>		Mover & Seconder	When <i>Motion</i> Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on <i>Motion</i>
3. The closure	That the <i>Motion</i> be now put	Any <i>Councillor</i> who has not moved or seconded the original <i>Motion</i> or otherwise spoken to the original <i>Motion</i>	During nominations for <i>Chair</i>	<i>Motion</i> or amendment in respect of which the closure is carried is put to the vote immediately without debate of this <i>Motion</i> , subject to any <i>Councillor</i> exercising his or her right to ask any question concerning or arising out of the <i>Motion</i>	Debate continues unaffected	No

Division 6 – Rescission Motions

59. Notice of Rescission

59.1 A *Councillor* may propose a *Notice of Rescission* provided:

- 59.1.1 it has been signed and dated by at least three *Councillors*;
- 59.1.2 the resolution proposed to be rescinded has not been acted on; and
- 59.1.3 the *Notice of Rescission* is delivered to the *Chief Executive Officer* prior to 8am the second day following the meeting
- 59.1.4 The *Notice of Rescission* should set out:
 - a. the resolution to be rescinded; and
 - b. the meeting and date when the resolution was carried.

It should be remembered that a Notice of Rescission is a form of notice of Motion. Accordingly, all provisions in this Chapter regulating notices of Motion equally apply to notices of rescission.

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

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

59.3 The *Chief Executive Officer* or an appropriate member of *Council* staff must defer implementing a resolution which:

- 59.3.1 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 59.1 unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

Scenario:

Council resolves to have legal representation at a planning appeal to be held at 9am on the following Tuesday.

Immediately after that resolution is made, a Councillor lodges a notice of Motion to rescind that resolution.

The Notice of Rescission would not be dealt with until after 6pm on the same day as the planning appeal.

This would mean the decision would be made after the event, and the legal representation would not be able to attend the planning appeal.

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the Notice of Rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the Notice of Rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Rule 59.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

60. If Lost

If a *Motion* for rescission is lost, a similar *Motion* may not be put before *Council* for at least three months from the date it was last lost, unless *Council* resolves that the *Notice of Motion* be re-listed at a future meeting.

61. If Not Moved

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

62. May Be Moved By Any Councillor

A *Motion* for rescission listed on an *agenda* may be moved by any *Councillor* present but may not be amended.

63. When Not Required

63.1 Unless Rule 63.2 applies, a *Motion* for rescission is not required where *Council* wishes to change policy.

63.2 The following standards apply if *Council* wishes to change policy:

63.2.1 if the policy has been in force in its original or amended form for less than 12 months, a *Notice of Rescission* must be presented to *Council*; and

63.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 - Points of Order

64. Chair To Decide

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

64.2 A Point of Order may be raised in relation to -

64.2.1 a matter that is contrary to *these Rules*;

64.2.2 a matter that is outside the function of *Council*;

64.2.3 a matter that is irrelevant; or

64.2.4 an error of fact.

64.3 Member raising a Point of Order must:

64.3.1 state the Point of Order; and

64.3.2 state the provision in *these Rules*, or law, rule, practice or precedent, relied upon as founding the Point of Order,

64.3.3 allow the person subject to the Point of Order to have a right of reply.

65. Chair May Adjourn To Consider

65.1 The *Chair* may adjourn the meeting to consider a Point of Order but otherwise must rule on it as soon as it is raised.

65.2 All other questions before the meeting are suspended until the Point of Order is decided.

66. Procedure For Point Of Order

A *Councillor* raising a Point of Order must:

66.1 state the Point of Order; and

66.2 state any section, Rule, paragraph or provision relevant to the Point of Order

before resuming his or her seat.

67. Valid Points Of Order

A Point of Order may be raised in relation to:

67.1 a *Motion* or a question which, under Rule 41, should not be accepted by the *Chair*;

67.2 a question of procedure; or

67.3 any act of disorder.

Rising to express a difference of opinion or to contradict a speaker is not a Point of Order.

Division 8 - Petitions

68. Petitions

Petitions are requests made by five or more signatories. The ability for members of the public to collect and submit petitions ensures that the rights of the community to lobby local government are met. Petitions are a fundamental and important part of local democracy.

69. Requirements of a valid petition

69.1 If a petition is submitted in writing, the petition must:

69.1.1 be legible and in permanent writing (i.e. no pencil)

69.1.2 be addressed to the *Chief Executive Officer*, the *Mayor*, or a *Councillor*, containing a request for action to be taken by *Council*

69.1.3 not be indecent, abusive or objectionable in language or content

69.1.4 repeat the full wording of the petition as contained on the first page of the petition. Any signature appearing upon a page which does not bear the whole of the petition or request will not be considered by *Council*

69.1.5 include the names and residential addresses of all persons who signed the petition

69.1.6 be original signatures, not photocopied or scanned copies and be sent to *Council* in a hardcopy format

69.1.7 be a single piece of paper and not be posted, stapled, pinned or otherwise affixed or attached to any other piece of paper, other than another page of the petition.

69.2 At the discretion of *Councillors*, electronic or online petitions may be accepted and must include the names and email addresses of all persons who signed the petition, to meet all other requirements listed in *these Rules* and Council's Social Media Policy. Where a petition complies with all the above requirements, it will be tabled at a *Council Meeting*. A template petition can be found on the Council's website.

70. Submitting a Petition to Council

70.1 Members of the community can submit a petition to *Council* via three methods:

70.1.1 Submitting a petition directly to any sitting *Councillor*, submitting a petition at any of Council's Customer Service Centres addressed to the *Chief Executive Officer* or submitting a petition via email to the Office of Council.

70.1.2 A valid petition submitted to a *Councillor* will be tabled at the next practicable *Council Meeting* for consideration.

70.1.3 If a petition with notice is addressed to a specific *Councillor*, that *Councillor* may read the petition out at a *Council Meeting* without debate.

70.2 Petitions can be forwarded by mail to:

Casey City Council

PO Box 1000

Narre Warren, Vic, 3805

or

delivered in person to any sitting *Councillor*

or

delivered in person to any Customer Service Centre addressed to the *Chief Executive Officer*

or

emailed to OfficeofCouncil@casey.vic.gov.au.

71. Submissions for Petitions

71.1 Where a petition does not meet the requirements of *these Rules*, reasonable efforts will be made to contact the head petitioner or other nominated person as appropriate.

71.2 Where a petition is resubmitted, the petition, if meeting the requirements of *these Rules*, will be considered at the next *Council Meeting*.

72. Petition Resolution

72.1 The petition and a summary of the answer provided will be included in the minutes of the *Council Meeting*.

72.2 The head petitioner will be advised on receipt of the petition and will be provided with the outcome of the request contained in the petition within a reasonable timeframe.

73. Petitions and Your Privacy

73.1 To comply with the *Privacy and Data Protection Act 2014 (Vic)*, personal information provided as part of the petition will only be used for the primary purpose for which it was provided – that is, to consider the petition. Any petition tabled at *Council* will be noted in the minutes of the *Council Meeting* and will include the subject of the petition and the number of signatures received. As part of *Council's* operations, any document incorporated into a *Council* agenda is to be made publicly available, including any petitions, unless it is confidential in nature. The petition request, name of the head petitioner and names of the signatories will be included in the *Council* agenda. Details, such as addresses and signatures will be removed to protect the privacy of signatories. On request, *Council* will provide the contact details of the head petitioner to the media or members of parliament.

73.2 Any petition relating to a Planning Permit will be treated as a formal objection.. Formal objections to a Planning Permit can be submitted via the form on *Council's* website. These objections must comply with s. 57 of the *Planning and Environment Act 1987 (Vic)*.

Division 9 – Public Question Time

74. Public Question Time

74.1 Public Question Time is a section of the Agenda of a *Council Meeting*. This section allows members of the public to submit questions to be answered by the *Council*. It is not designed to take the place of contacting a *Councillor* or *Councillors* directly to discuss an issue, or to replace contacting *Council's* Customer Services for assistance. Rather, it is designed to allow for clarification of issues of public interest. Public question time is not a legislative requirement and is subject to the Governance Rules being:

74.1.1 Public question time is an opportunity for the general public to submit questions prior to the *Council Meeting* and receive a response from *Council*.

74.1.2 Public question time is recorded and broadcasted to the public.

74.1.3 Public question time will not apply during any period when the *Council* has resolved to close the meeting in respect of a matter under s. 66 of *the Act*.

74.1.4 Questions submitted for public question time must be deemed valid as per Rule 76.

75. Submissions for inclusion in Public Question Time

75.1 Questions to be considered at a *Council Meeting* must be submitted by 10 am on the first business day prior to the *Council Meeting*.

75.2 Questions for consideration at *Council Meetings* must be submitted electronically to questiontime@casey.vic.gov.au or via the *Council Website's* online form.

75.3 Persons without access to a computer should contact *Council's* Corporate Governance department in advance if they wish to submit questions in hardcopy format.

75.4 If the questioner's conduct with *Council* is being managed under *Council's* Managing Unreasonable Complainant Conduct Policy, please submit the question via the notified communication channel.

76. Requirements for a valid submission for public question time

76.1 No more than two questions will be accepted from any person at any one *Council Meeting*.

76.2 Questions must:

76.2.1 make sense and include the person's name and address

76.2.2 not exceed 80 words in length

76.2.3 must focus on an issue

76.3 Questions must not:

76.3.1 relate to a matter outside the duties, functions and powers of *Council*;

76.3.2 include content which, if it were included in a *Council* report, would be likely to be considered in Closed *Council*;

76.3.3 relate to trivial matters or make unsubstantiated allegations;

76.3.4 not name, allude to, or focus on individuals, be vexatious or aim to embarrass or offend

76.3.5 include content which a reasonable person may find to be indecent, abusive, offensive, irrelevant or objectionable

76.3.6 deal with a subject matter already answered at a previous Public Question Time; If such questions are received, the question will be answered at the *Chair's* discretion;

76.3.7 appear to be aimed at embarrassing a *Councillor* or a *Council Officer*

76.3.8 comprise in a large part a statement or quote.

77. Submissions for Public Question Time Not Meeting the Requirements

- 77.1 Where a question does not meet the requirements of *these Rules*, reasonable efforts will be made to contact the submitter prior to the *Council Meeting* to provide the opportunity to amend their question or else advise that the question will not be read out and answered during Public Question Time.
- 77.2 Where a question is resubmitted, the question, if meeting the requirements of *these Rules*, will be answered at the next Public Question Time.
- 77.3 Where the *Chief Executive Officer* does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- 77.4 A submission or question submitted in writing by a member of the public, which has been disallowed by the *Chief Executive Officer* will be provided to any *Councillor* on request.

Division 10 - Voting

78. How a *Motion* is determined

- 78.1 The *Chair* must first call for those in favour of the *Motion* and then those opposed to the *Motion* and must then declare the result to the *Council Meeting*.
- 78.2 In the event of a tied vote, the *Chair* must, unless the *Act* provides otherwise, exercise the casting vote.

79. Silence

Voting must take place in silence.

80. Recount

The *Chair* may direct that a vote be recounted to satisfy themselves of the result.

81. Voting Method

- 81.1 *Councillors* must vote by a show of hands or such other visible or audible means as the *Chair* determines.
- 81.2 A *Motion* is carried if a majority of the *Councillors* present at the *Council Meeting* vote in the affirmative.
- 81.3 A motion pertaining to a *Notice of Rescission* is carried when an absolute majority vote in the affirmative.
- 81.4 Division 10 does not apply to the election of the *Mayor*.

82. Voting must be seen

- 82.1 Voting may be conducted by an agreed method that enables those in attendance and those watching a livestream broadcast to clearly see which way a *Council* has voted at the time a vote is taken.
- 82.2 In the absence of a *Council* resolving an alternative method, voting on any matter is by show of hands or an agreed alternative method.

83. When a division is permitted

- 83.1 A division may be requested by any *Councillor* on any vote.
- 83.2 The request must be made to the *Chair* either immediately prior to, or immediately after, the vote has been taken, and may not be made after the *Council Meeting* has moved to the next item of business.
- 83.3 When a division is called for, the *Chair* must:

- 83.3.1 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;
- 83.3.2 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;
- 83.3.3 next, note that a *Councillor* that has abstained from voting will be taken as having voted against the *Motion* and the *Chair* must then state the names of those *Councillors* to be recorded in the Minutes; and
- 83.3.4 finally, declare the result of the division.
- 83.4 Once a vote on a *Motion* has been declared carried or lost by the *Chair*, no further discussion relating to the *Motion* is allowed, unless the discussion:
 - 83.4.1 involves a *Councillor* requesting that his or her opposition to a resolution be recorded in the Minutes or calling for a division in accordance with rule 83.3; or
 - 83.4.2 is 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.

For example, Rule 83.4 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a Notice of Rescission to rescind that resolution.

Equally, Rule 83.4 would permit discussion about a matter which would otherwise be left in limbo because a Notice of Rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in Rule 83.4.2, to discussion about a positive Motion were a resolution has just been rescinded.

Division 11 – Minutes

84. Written Records (Minutes)

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

- 84.1 the date, place, time and nature of the *Council Meeting*;
- 84.2 the names of *Councillors* and whether they are present, an apology, on leave of absence, etc.;
- 84.3 the titles of the members of *Council* staff present who are not part of the gallery;
- 84.4 the disclosure of a conflict of interest made by a *Councillor*, including the explanation given by the *Councillor*, in accordance with the Act and Chapter 8;
- 84.5 the arrivals and departures of *Councillors*, during the course of the *Council Meeting* (including any temporary departures or arrivals);
- 84.6 every *Motion* and amendment moved (including procedural *Motions*),
- 84.7 the outcome of every *Motion* moved;
- 84.8 where a division is called, the names of every *Councillor* and the way their vote was cast;

- 84.9 when requested by a *Councillor*, a record of their support of or opposition to, any *Motion*, noting that under s. 61(5) of the *Act*, that a *Councillor* present at the *Council Meeting* who does not vote is taken to have voted against the *Motion*;
- 84.10 details of any failure to achieve or maintain a quorum;
- 84.11 a summary of any question asked and the response provided as part of public question time;
- 84.12 details of any petitions made to *Council*;
- 84.13 the time and reason for any adjournment of the *Council Meeting* or suspension of standing orders;
- 84.14 any other matter, which the *Chief Executive Officer* or Delegate thinks should be recorded to clarify the intention of the *Council Meeting* or assist in the reading of the Minutes; and
- 84.15 the time the *Council Meeting* was opened and closed, including any part of the *Council Meeting* that was closed to members of the public.

85. Minutes approval

At every *Council Meeting* the minutes of the preceding *Council Meeting(s)* must be dealt with as follows:

- 85.1 a copy of the minutes must be delivered to each *Councillor* no later than 48 hours before the *Council Meeting*;
- 85.2 if no *Councillor* indicates opposition, the minutes must be declared to be confirmed by moving a *Motion* with the following terms: 'That the Minutes of the *Council Meeting* held on 20.....be confirmed.';
- 85.3 if a *Councillor* indicates opposition to the minutes:
 - 85.3.1 he or she must specify the item(s) to which he or she objects;
 - 85.3.2 the objected item(s) must be considered separately and in the order in which they appear in the minutes;
 - 85.3.3 the *Councillor* objecting must move accordingly without speaking to the *Motion*;
 - 85.3.4 the *Motion* must be seconded;
 - 85.3.5 the *Chair* must ask:
 - 85.3.6 "Is the *Motion* opposed?"
 - 85.3.7 if no *Councillor* indicates opposition, then the *Chair* must declare the *Motion* carried without discussion and then ask the second of the questions described in Rule 85.3;
 - 85.3.8 if a *Councillor* indicates opposition, then the *Chair* must call on the mover to address the meeting;
 - 85.3.9 after the mover has addressed the meeting, the seconder may address the meeting;
 - 85.3.10 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite debate by calling on any *Councillor* who wishes to speak to the *Motion*, providing an opportunity to alternate between those wishing to speak against the *Motion* and those wishing to speak for the *Motion*;
 - 85.3.11 if, after the mover has addressed the meeting, the *Chair* invites debate and no *Councillor* speaks to the *Motion*, the *Chair* must put the *Motion*; and
 - 85.3.12 the *Chair* must, after all objections have been dealt with, ultimately ask:
 - 85.3.13 "The question is that the minutes be confirmed" or
 - 85.3.14 "The question is that the minutes, as amended, be confirmed",

85.3.15 and he or she must put the question to the vote accordingly;

85.4 a resolution of *Council* must confirm the minutes and the minutes must be signed by the *Chair*

85.5 unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

86. No Debate on Confirmation Of Minutes

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

87. Deferral Of Confirmation Of Minutes

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

88. Minutes availability

88.1 The proposed Minutes will be made available on Council's website within 2 business days of the *Council Meeting* they relate to.

88.2 At every *Council Meeting* the Minutes of the preceding *Council Meeting(s)* must be dealt with as follows:

- (a) 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).....'.

88.3 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;

88.4 once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the *Chair* of the *Council Meeting* at which they have been confirmed; and

88.5 the minutes must be stored in *Council's* electronic information management system in accordance with the requirements outlined in the *Public Records of Victoria Act 1973 (Vic)*.

Division 12 – Miscellaneous

89. Public Addressing the Meeting

89.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.

89.2 Members of the public who address *Council* must adhere to Council's policy, procedure or guideline, adopted from time to time.

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

89.4 A member of the public present at a *Council Meeting* must not disrupt the meeting.

90. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a *Councillor*, who disrupts any meeting or fails to comply with a direction given under Rule 89.33 and Rule 24.

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in Chairing the meeting.

91. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, they may adjourn the *Council Meeting* to a later time on the same day or to some later day. In that event, the provisions of Rule 28 apply.

92. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or Delegate or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 8.

93. The Chair's Duties And Discretions

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

- 93.1 must not accept any *Motion*, question or statement which is derogatory, or slanderous of any *Councillor*, member of *Council* staff, or member of the community; and
- 93.2 must call to order any person who is disruptive or unruly during any *Council Meeting*.

94. Meetings Conducted Remotely

If a *Council Meeting* is conducted wholly or partially by *electronic means*, the *Chair* may, with the consent of the *Councillors* present at the *Council Meeting*, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the *Council Meeting*.

95. Voice recordings

A person (including a media representative) who is not employed by the *Council*, must not operate recording equipment of any type at any *Council Meeting*. A person who operates recording equipment of any type at a *Council Meeting* contrary to this Rule is guilty of an offence. Media representatives must contact the Communications and Marketing Department with any requests.

96. Live Stream recordings

- 96.1 *Council* livestreams *Council Meetings*. The links to the recordings will be published on the *Council* website with the minutes of the *Council Meeting*.
- 96.2 In the event a livestream is not available, the meeting may be adjourned, or alternatively a recording of the meeting may be made available on *Council* website.

97. Procedure not provided in this Chapter

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

98. Criticism of members of Council staff

- 98.1 The *Chief Executive Officer* may make a brief statement at a *Council Meeting* in respect of any statement by a *Councillor* made at the *Council Meeting* criticising any member of *Council* staff.
- 98.2 A statement under Rule 98.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the *Councillor* who made the statement has resumed his or her seat.

CHAPTER 5 –DELEGATED COMMITTEE MEETING CONDUCT

99. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

99.1 all of the provisions of Chapter 4 apply to meetings of the *Delegated Committee*; and

99.2 any reference in Chapter 4 to:

99.2.1 a *Council* meeting is to be read as a reference to a *Delegated Committee* meeting;

99.2.2 a *Councillor* is to be read as a reference to a member of the *Delegated Committee*; and

99.2.3 the *Mayor* is to be read as a reference to the *Chair* of the *Delegated Committee*.

100. Meeting Procedure Can Be Varied

Notwithstanding Rule 99, if *Council* establishes a *Delegated Committee* that is not composed solely of *Councillors*:

100.1 *Council* may; or

100.2 the *Delegated Committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 4 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.

CHAPTER 6 –COMMUNITY ASSET COMMITTEE MEETING CONDUCT

101. Meeting Procedure

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

CHAPTER 7 – JOINT COUNCIL MEETING CONDUCT

102. Joint *Council* Meeting Participation

102.1 Under s. 62 of the *Act*, *Council* may resolve to participate in a *Joint Council Meeting*.

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

102.3 Where Casey City Council is the lead *Council* on a matter to be brought for consideration at a *Joint Council Meeting*, the *Mayor* will be nominated to *Chair* the *Joint Council Meeting*

102.4 At a majority of *Councillors* will be appointed to represent *Council* at a *Joint Council Meeting*.

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

102.6 A joint briefing arranged in accordance with clause 104.5 may be held electronically.

CHAPTER 8 – DISCLOSURE OF CONFLICT OF INTEREST PROCEDURE

103. Purpose

The purpose of this Chapter is to meet *the Act* requirements under s. 130 and 131

104. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed. At the time of writing these rules, Division 1A is expected to be repealed on 24 October 2020.

105. Disclosure of a Conflict of Interest at a Meeting

Councillors and *Delegated Committee members* who have a conflict of interest in a matter being considered at a *Council meeting* or a *Delegated Committee meeting* at which he or she:

- 105.1 is present, must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *meeting* immediately before the matter is considered
- 105.2 The *Councillor* must, leave the *meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

106. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A *Councillor* who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which he or she:

- 106.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or
- 106.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a *written* notice:
 - 106.2.1 advising of the conflict of interest;
 - 106.2.2 explaining the nature of the conflict of interest; and
 - 106.2.3 detailing, if the nature of the conflict of interest involves a member of a *Councillor's* relationship with or a gift from another person the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (c) nature of that other person's interest in the matter
 and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a *written* notice has been given to the *Chief Executive Officer* under this clause.
- 106.3 The *Councillor* must, in either event, leave the *Community Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

107. Disclosure at a Meeting Conducted Under the Auspices of Council

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

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

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

- 108.1 A member of *Council* staff who, in his or her capacity as a member of *Council* staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:
- 108.1.1 *Council* meeting;
 - 108.1.2 *Delegated Committee* meeting; or
 - 108.1.3 *Community Asset Committee* meeting
- must, immediately upon becoming aware of the conflict of interest, provide a *written* notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest.
- 108.2 The *Chief Executive Officer* must ensure that the Report records the fact that a member of *Council* staff disclosed a conflict of interest in the subject-matter of the Report.
- 108.3 If the member of *Council* staff referred to in Rule 108.1 is the *Chief Executive Officer*:
- 108.3.1 the *written* notice referred to in Rule 108.1 must be given to the *Mayor*; and
 - 108.3.2 the obligation imposed by Rule 108 may be discharged by any other member of *Council* staff responsible for the preparation of the Report.

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

- 109.1 A member of *Council* staff who has a conflict of interest in a matter requiring a decision to be made by the member of *Council* staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a *written* notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.
- 109.2 If the member of *Council* staff referred to in Rule 109.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

110. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

- 110.1 A member of *Council* staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of *Council* staff must, upon becoming aware of the conflict of interest, immediately provide a *written* notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.
- 110.2 If the member of *Council* staff referred to in Rule 110.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

CHAPTER 9 – ELECTION PERIOD POLICY

111. Purpose

The purpose of this Chapter is to:

- 111.1 create an Election Period Policy in accordance with s. 69 of the *Act*
- 111.2 outline the *Council* decisions prohibited during the Local Government Election Period

112. [Error! Reference source not found.](#)[Error! Reference source not found.](#) Council decisions during the Local Government Election Period

- 112.1 In accordance with s. 69 of *the Act*, the Election Period Policy requires the prohibition of any *Council* Decisions during the election period for a general election that:
- 112.1.1 relates to the appointment or remuneration of the *Chief Executive Officer* but not to the appointment or remuneration of an Acting *Chief Executive Officer*; or

- 112.1.2 commits the *Council* to expenditure exceeding one per cent of the *Council's* income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- 112.1.3 the *Council* considers could be reasonably deferred until the next *Council* is in place; or
- 112.1.4 the *Council* considers should not be made during an election period.
- 112.1.5 any *Council* decision during the election period for a general election or a by-election that would enable the use of *Council's* resources in a way that is intended to influence, or is likely to influence, voting at the election.
- 112.1.6 The CEO will ensure that prohibited decisions are either considered by Council prior to the election period or are scheduled for decision by the incoming Council.

113. Published material

- 113.1 Council will not print, publish, distribute or authorise to be printed, published or distributed, material which contains electoral material.
- 113.2 During the election period, all publications are required to be certified by the *Chief Executive Officer or delegate*, stating they do not contain any electoral material.
- 113.3 Publications which require certification include:
 - 113.3.1 Brochures, pamphlets, handbills, flyers, magazines and books;
 - 113.3.2 Council newsletters;
 - 113.3.3 Advertisements, and public notices;
 - 113.3.4 Media releases;
 - 113.3.5 Mass mail outs or letters sent to large number of people by or on behalf of Council;
 - 113.3.6 emails to multiple addresses, used for broad communication with the community;
 - 113.3.7 New website material;
 - 113.3.8 Social media publications

114. Certification by Chief Executive Officer

- 114.1 In considering whether to certify/give approval for the publication of material during the Election Period, the *Chief Executive Officer* in accordance with the provisions of *the Act*:
 - (a) Must not permit any materials to be published which include reference to the following:
 - the election
 - a candidate in the election
 - a current *Councillor*, or
 - an issue before the voters in connection with the election.
 - (b) May approve publication of material which only contains information about:
 - the election process itself; or
 - *Council* information that does not include any reference to a current *Councillor* otherwise precluded by this policy.

115. Council agendas and reports

116. The *Council* agenda, reports and minutes do not require *Chief Executive Officer* certification.
Annual Report

- 116.1 *Council* is required to produce and place on public display its annual report. When a report is to be published during the Election Period it will not include information about individual *Councillors* which may be regarded as electioneering.
- 116.2 The annual report does not require *Chief Executive Officer* certification; however any publication of an extract or summary of the Annual Report will require certification.

117. Social Media

- 117.1 Any publication on social media sites, including Facebook, Twitter, and blogs during the election period must be certified by the *Chief Executive Officer*. At the commencement of the election period, *Council* will advise social media subscribers that comments containing electoral matter will be deleted.
- 117.2 Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted.
- 117.3 Information published prior to Election Period on *Council's* social media and website is not subject to *Chief Executive Officer* certification.

118. Media Releases & Advice

- 118.1 *Council's* Communication team undertake the promotion of *Council* activities and initiatives.
- 118.2 During the election period this team's services must not be used in any way that might promote a *Councillor* as an election candidate.
- 118.3 Media releases will not refer to specific *Councillors* during Election Period. Where a spokesperson is required, the *Chief Executive Officer* or delegate will determine the appropriate person.
- 118.4 *Councillors* will not use their position as an elected representative or their access to *Council* staff and other *Council* resources to gain media attention in support of an election campaign.
- 118.5 Any requests for media advice or assistance from *Councillors* during the election period will be channelled through the *Chief Executive Officer* or delegate. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific *Councillors*.
- 118.6 During the election period no *Council* employee will make public statements or discuss with the media items which relate to an election issue unless approval has been obtained from the *Chief Executive Officer*.

119. Public Consultation

- 119.1 *Council* will avoid public consultations during the Election Period and will not undertake public consultation on a contentious topic which is subject to election matter.
- 119.2 Where a public consultation is deemed necessary and approved by the *Chief Executive Officer*, results of such consultation will not be reported to *Council* until after the election.
- 119.3 Public consultation includes but is not limited to:
 - (a) Community forums
 - (b) Focus groups
 - (c) Postal or electronic surveys
 - (d) Web polls

(e) Social media forums

119.4 This Rule does not apply to public consultation required under the *Planning and Environment Act 1987* or matters subject to s.223 of the *Local Government Act 1989*.

120. Attendance at functions and events

120.1 During the election period, current *Councillors* may continue to attend functions and events.

120.2 *Council* run events will be scheduled to ensure only those essential to the operations of *Council* are run during the Election Period.

120.3 No election material or active campaigning is to be conducted at *Council* sponsored events or displayed in/on any *Council* building.

121. Council Resources

Council resources, including offices, mobile phones, IT equipment, vehicles, staff, hospitality, services, property, equipment and stationery must be used exclusively for normal *Council* business during the election period and must not be used in connection with any election campaign or issue.

122. Council branding

Council's logo, letterhead, official photographs or events or social media brand must not be used or linked to a candidate's electoral campaign.

123. Candidate's access to information

123.1 All election candidates have equal rights to access public information relevant to their election campaigns. Neither *Councillors* nor candidates will be provided information or advice from staff which might be perceived to support election campaigns.

123.2 Whilst it is important that continuing *Councillors* receive information necessary to fulfil their elected roles, information or briefing material prepared or coordinated by staff will not be provided to a *Councillor* if related to an election issue.

124. Information Request Register

Governance will maintain an Information Request Register during the election period. This Register will be a public document recording all requests relating to electoral matters and non-routine requests for information by a *Councillor* or candidate, and the response provided to those requests.

125. Candidate's Assistance

125.1 Candidates will be provided with a *Councillor* Candidate Information Kit to assist them in running and nominating for *Council*.

125.2 *Council* will run or facilitate information sessions prior to the elections, highlighting to candidates the roles and responsibilities of being a *Councillor*.

126. Councillor to declare their candidacy in a State or Federal election

As soon as practicable after becoming a candidate in an election, a *Councillor* must advise the *Chief Executive Officer* in writing. The *Chief Executive Officer* must advise all *Councillors* in writing as soon as practicable.

A *Councillor* who is a candidate for a State or Federal election should declare this at a meeting of the Council as soon as practicable after the formal nomination date.

127. Functions and Events

127.1 *Councillors*, including those standing as candidates, may continue to attend functions and events.

127.2 During this time, the *Mayor* will not delegate to any *Councillor* who is standing as a candidate any responsibility to represent him or her.

128. Media Advice and Releases

- 128.1 No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves *Councillors* standing as candidates.
- 128.2 Media releases will not refer to specific *Councillors* in their capacity as candidates.
- 128.3 *Councillors* standing as candidates are not eligible to be *Council's* official spokesperson on *Council's* advocacy priorities. *Council* will nominate an alternative *Councillor* to be *Council's* advocacy spokesperson where required.
- 128.4 *Councillors* will not use their position as an elected representative or their access to *Council* staff and other *Council* resources to gain media attention in support of an election campaign for a *Councillor* who is standing for election.
- 128.5 Photos of and references to *Councillors* standing as candidates will only feature in *Council's* publications where it is related to usual *Council* business, functions or events.

129. Councillor candidates commenting on Council issues

Where a *Councillor* comments on *Council* issues as a candidate in an election the *Councillor* should clearly identify this fact.

130. Advocacy by Council

- 130.1 It is recognised that the community expects that *Council* will advocate prior to a State or Federal election for actions and projects for the benefit of the Casey community.
- 130.2 In undertaking advocacy *Council* will avoid "party political" positions and will instead advocate in an apolitical manner, for the benefit of the Casey community. Refer to 5.5 for advice on advocacy spokespeople.

131. Councillor/Officer protocols

- 131.1 Communication protocols will apply. Where required, the *Chief Executive Officer* will review if any additional provisions are required.
- 131.2 Customer requests escalated from *Councillors* in their capacity as a candidate rather than *Councillor* must be referred to the *Chief Executive Officer* in writing for action.
- 131.3 *Council* resources, including officers and support staff, hospitality services, equipment, photographs taken at or for official *Council* business and stationery, should be used exclusively for normal *Council* business at all times, and must not be used in connection with an election campaign.

132. Leave of Absence

- 132.1 A *Councillor* standing as a candidate in state or federal elections is encouraged to take leave of absence from the formal nomination date until Election Day.

133. Breaches

S. 123 of *the Act* prohibit *Councillors* from misusing or inappropriately making use of their position. A breach of s. 123 attracts serious penalties, including possible imprisonment. Breaches under this policy will be subject to the *Councillor* Code of Conduct and provisions of *the Act*.

CHAPTER 10 – OTHER MATTERS

134. Informal Meetings of Councillors

- 134.1 If there is a meeting of *Councillors* that:
 - a) is scheduled or planned for the purpose of discussing the business of *Council* or briefing *Councillors*;
 - b) is attended by at least one member of *Council* staff; and

- c) is not a *Council meeting*, *Delegated Committee meeting* or *Community Asset Committee meeting*

A record of discussion should be completed

- 134.2 *Councillors* must record any meetings with external parties about discussions related to matters which may be considered at a *Council Meeting* by recording the details of the meeting on the Record of Discussion Form.
- 134.3 The *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:
 - a) tabled at the next convenient *Council meeting*; and
 - b) recorded in the minutes of that *Council meeting*.
 - c) handled under s. 130 of the *Act* – Disclosure of conflict of interest
 - d) handled under s. 131 of the *Act* – Disclosure of conflict of interest at other meetings

135. Confidential Information

- 135.1 If, after the repeal of s. 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, he or she may designate the information as confidential and advise *Councillors* and/or members of *Council* staff in writing accordingly.
- 135.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to *Councillors* and/or members of *Council* staff in writing accordingly, will be presumed to be confidential information.

136. Change of Council Policy

- 136.1 *Council* reviews its policies to ensure they are current and continue to reflect community expectations and the position held by *Council*.
- 136.2 It is good practice for *Council* to review policies at least once in each *Council* term (every 4 years) and such reviews may lead to change in policy position.
- 136.3 Documents previously endorsed by *Council* that require major changes, must be approved by *Council*.
- 136.4 If *Council* wishes to change a *Council* policy, a formal *Notice of Rescission* is not required.
- 136.5 If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comment sought, prior to the policy being changed.

137. Document History

Date approved	Change Type	Version	Next Review Date
18 August 2020	Document Initiation	1.0	18 August 2024