

# Governance Rules

<b>Approval Body:</b>	<i>Council</i>
<b>Date Endorsed by Council:</b>	18 August 2020
<b>Date of Operation:</b>	<p>These Governance Rules:</p> <ul style="list-style-type: none"> <li>a) comes into operation on 1 September 2020</li> <li>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>.</li> </ul>
<b>Current Version:</b>	<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 Council's Website to ensure that you have the current version. Alternatively, you may contact Customer Service on 9705 5200.</i></p>
<b>Council Plan Reference:</b>	Nil
<b>Compulsory Review Cycle:</b>	4 years
<b>Review Date:</b>	<p>31 August 2024</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>
<b>Responsible Department:</b>	Governance
<b>Relevant Legislation:</b>	<i>Local Government Act 2020</i>
<b>Relevant Council Documents:</b>	Governance and Integrity Framework Governance Strategy
<b>ECM ID:</b>	14131224

## Introduction

### 1. Nature of the Rules and Authorising Provision

The City of Casey 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*:
  - The Governance and Integrity Framework
  - The Governance Strategy
  - *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	Council Meeting Procedures Part A: Meeting Roles Part B: Meetings Procedure <ul style="list-style-type: none"> <li>○ Division 1 - Notices of Meetings and Delivery of Agendas</li> <li>○ Division 2 - Quorums</li> <li>○ Division 3 - Business of Meetings</li> <li>○ Division 4 - Motions and Debate</li> <li>○ Division 5 - Procedural Motions</li> <li>○ Division 6 - Recission Motions</li> <li>○ Division 7 - Points of Order</li> <li>○ Division 8 - Petitions</li> <li>○ Division 9 - Public Question Time</li> <li>○ Division 10 - Voting</li> <li>○ Division 11 - Minutes</li> <li>○ Division 12 - Miscellaneous</li> </ul>
Chapter 4	Delegated Committee Meeting Conduct
Chapter 5	Asset Committee Meeting Conduct

Chapter 6	Joint Council Meeting Conduct
Chapter 7	Disclosure of Conflict of Interest Procedure
Chapter 8	Election Period Policy
Chapter 9	Other Matters

**4. Definitions**

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

<b>Key term</b>	<b>Definition</b>
<i>Act</i>	means the <i>Local Government Act 2020</i>
<i>Agenda</i>	means a document containing the date, time and place of a <i>Meeting</i> and a list of business to be transacted at the <i>Meeting</i>
<i>Agreement of Council</i>	means indicative agreement of all of 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 any room where the Council holds a Council Meeting</i>
<i>Chief Executive Officer</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Committee Meeting</i>	means a meeting of a <i>Delegated Committee</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 <i>Meeting</i> 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 <i>Director</i> or another position (however designated) which reports directly to the <i>Chief Executive Officer</i>
<i>Disorder</i>	means any disorderly conduct of a member of the Gallery or a <i>Councillor</i> and includes: <ul style="list-style-type: none"> <li>• interjecting when another person is speaking, except, in the case of where a <i>Councillor</i> is raising a <i>Point of Order</i></li> <li>• making comments that are defamatory, malicious, abusive or offensive</li> <li>• refusing to leave the <i>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</li> <li>• engaging in any other conduct which prevents the orderly conduct of the <i>Meeting</i></li> </ul>
<i>Donation Period</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<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>
<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: 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>	means major amendments are different to administrative amendments. They include: <ul style="list-style-type: none"> <li>• Changes to the intent or impact of the document</li> <li>• Additions or subtractions of content</li> </ul>
<i>Mayor</i>	has the same meaning as in the <i>Local Government Act 2020</i>
<i>Member</i>	means a member of any committee to which these governance rules apply
<i>Minister</i>	means the Minister for Local Government
<i>Minutes</i>	means the official record of the proceedings and decisions of a <i>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>Meeting</i> is being conducted), not involving the substance of a matter before a <i>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>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 Ordinary <i>Council Meetings</i> set by <i>Council</i>
VEC	Victorian Electoral Commission

## 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 *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 a workforce plan
  - 3.2.6 being responsible for all staffing matters, including appointing, directing, managing and dismissing members of *Council* staff
  - 3.2.7 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
  - 3.2.8 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 City of Casey 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:
    - 6.1.4 perform any duties or functions or exercise any powers conferred on a *Council* by or under the *Local Government Act 2020* or any other Act; and
    - 6.1.5 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 the *Mayor* and *Councillors* 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 18 and 19 apply to the *Mayor*
  - 6.4.2 20A applies to Deputy *Mayor*
  - 6.4.3 20B applies to the Acting *Mayor*
  - 6.4.4 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 To appoint a *Councillor* to be the *Chair* of a delegated committee;
  - 7.3.2 To 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 To require the *Chief Executive Officer* to report to the *Council* on the implementation of a *Council* decision.
- 7.4 An appointment under subsection (1)(a) 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 City Casey *Council* by reviewing and advising *Council* on the standard of its financial control, risk management and corporate governance systems.
- 9.3 The Governance Rules will apply to the Audit and Risk Committee established by *Council* unless otherwise provided in the Audit and Risk Charter.
- 9.4 *Council* may resolve, in establishing an Audit and Risk Committee that the meeting procedure Chapter of these Governance Rules does not apply.
- 9.5 An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable *Council Meeting*.
- 9.6 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 ELT 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 City of Casey the *Councillors* and ELT 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 – COUNCIL MEETING PROCEDURES

#### 13. Purpose

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

#### 14. The Purpose of *Council Meetings*

- 14.1 *Council* holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of *Council*.
- 14.2 *Council* is committed to transparency in decision making and, in accordance with the *Act*, *Council* and Delegated Committee 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 Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

### PART A – MEETING ROLES

#### 15. Chair and Members

- 15.1 The *Chair*, *Councillors* and members of Delegated Committees will ensure good decision-making by endeavouring to ensure that:
  - 15.1.1 Decision making is transparent to members and observers.
  - 15.1.2 Meeting members have sufficient information to make good decisions.
  - 15.1.3 Every member is supported to contribute to decisions.
  - 15.1.4 Any person whose rights are affected has their interests considered.
  - 15.1.5 Debate and discussion is focused on the issues at hand.

15.1.6 Meetings are conducted in an orderly manner.

15.1.7 Decisions should be made on the merits of the matter.

**16. Mayor to take the *Chair***

16.1 When attending *Council Meetings*, the *Mayor* must *Chair*.

16.2 An acting *Chair* is to be elected if the *Mayor* is:

16.2.1 absent or

16.2.2 incapable of acting or

16.2.3 is not present within 15 minutes of the scheduled commencement time of a Meeting.

16.3 Where a Deputy *Mayor* is present, they will be the acting *Chair* without the need for a vote.

16.4 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 meeting by resolution.

**17. Delegated Committee *Chair***

17.1 When *Council* establishes a delegated committee it must also appoint a *Chair* at the same time.

17.2 The *Chair* of a delegated committee must be a *Councillor*.

**18. The *Chair's* Duties and Discretions**

In addition to these Rules, the *Chair*:

18.1 must allow the *Chief Executive Officer* the opportunity to correct factual errors or incorrect assertions that arise during the meeting;

18.2 must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of *Council*;

18.3 may direct that a vote be recounted to be satisfied of the result; and

18.4 must decide on all points of order.

**19. Chief Executive Officer**

19.1 The *Chief Executive Officer*, or delegate, may participate in the meeting to provide support to the *Chair*.

19.2 The *Chief Executive Officer* should:

19.2.1 Immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;

19.2.2 Advise if there are operational, financial or risk implications arising from a proposed resolution;

19.2.3 Help clarify the intent of any unclear resolution to facilitate implementation;

19.2.4 On request, assist with procedural issues that may arise.

**20. Community Attendance**

20.1 *Council Meetings* are decision making forums and it is important that they are open to the community to attend and/or view proceedings.

20.2 Community members may only participate in *Council Meetings* in accordance with these Governance rules:

- 20.2.1 A visitor or person in the public gallery must not interject or take part in the debate of a Meeting.
- 20.2.2 Silence must be preserved in the public gallery during any Meeting.
- 20.3 Community members may seek to inform individual *Councillors* of their views by contacting them directly in advance of Meetings.
- 20.4 If a meeting is closed in accordance with s.66(2)(b-c) of the Act, the meeting will continue to be livestreamed.

## **\PART B – MEETINGS PROCEDURE**

### *Division 1 – Notices of Meetings and Delivery of Agendas*

#### **21. Dates and Times of Meetings Fixed by Council**

- 21.1 At or before the last *Council Meeting* each calendar year, *Council* must fix by resolution the date, time and place of all *Council Meetings* and any *Delegated Committee Meetings* for the following calendar year.
- 21.2 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:
  - 21.2.1 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
  - 21.2.2 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.
- 21.3 Notice of *Council Meetings* will be publicised through notices in local newspapers and on *Council's* website, at least seven days prior to the Meeting date, unless If urgent or extraordinary circumstances prevented it from complying with Rule 21.3, *Council* must:
  - 21.3.1 give such public notice as is practicable; and
  - 21.3.2 specify the urgent or extraordinary circumstances which prevented the *Council* from complying with Rule 21.3 in the minutes of the Meeting.

#### **22. Fixed Council Meetings May be Altered**

*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.

#### **23. Calling Unscheduled Meetings**

Unscheduled meetings can be called:

- 23.1 in writing by the *Mayor*; or
- 23.2 in writing by at least 3 *Councillors*; or
- 23.3 by the *Chief Executive Officer* following consultation with the *Mayor*.

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

- 23.4 the urgency of the business to be transacted
- 23.5 the availability of *Councillors*
- 23.6 a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.

- 23.7 The date and time of the unscheduled 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 meeting consistent with Rule 21.

The Unscheduled Meeting Procedure

- 23.8 The *Chief Executive Officer* must convene the *Council* meeting as specified in the notice.
- 23.9 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*.

## 24. Adjourned Meetings

- 24.1 *Council* or a Delegated Committee or Advisory Committee may resolve from time to time to adjourn the Meeting to a specific time and date.
- 24.2 *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.
- 24.3 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.
- 24.4 If it is *impracticable* for the notice given under Rule 31.3 to be in *writing*, the *Chief Executive Officer* must give notice to each *Councillor* by telephone or in person.
- 24.5 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 Meeting, even though business could not be transacted at that Meeting:
- 24.5.1 The absence of a quorum.
  - 24.5.2 The abandonment of the Meeting and the time of the abandonment; and
  - 24.5.3 The names of the *Councillors* present at the time of the abandonment
- 24.6 If a *Council Meeting* is abandoned, the *Mayor* –
- 24.6.1 Within 14 days after the abandonment of the Meeting, is to convene another *Council Meeting* to deal with the business that was to be dealt with at the abandoned Meeting and
  - 24.6.2 Provide notice of the new Meeting in accordance with Rule 21.

## 25. Meeting Cancellation or Postponement

- 25.1 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.
- 25.2 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 Ordinary Meeting.
- 25.3 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by Rule 33.

## 26. Delivery and Circulation of Agendas and notices

- 26.1 Each *Councillor* or Member must advise the *Chief Executive Officer* (or his delegate) in writing of their address for the delivery of *Council* business papers.
- 26.2 An Agenda for each *Council Meeting*, that is not an unscheduled Meeting, will be made available on *Council's* website no less than 48 hours before the *Council Meeting*.

- 26.3 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.
- 26.4 An Agenda for an unscheduled *Council Meeting* will be made available on *Council's* website no less than 24 hours before the *Council Meeting*.

## 27. Document requests

- 27.1 At a *Council Meeting*, a *Councillor* may request the production of any of the documents of *Council* relevant to a *Motion* under consideration.
- 27.2 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*.
- 27.3 If the document relates to business which the *Council Meeting* has been specifically convened to deal with, the Meeting cannot be deferred.

## 28. 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.

## 29. Addressing the Meeting

- 29.1 If the *Chair* so determines:
- 29.1.1 any person addressing the *Chair* should refer to the *Chair* as:
- *Mayor*; or
  - *Chair*
- 29.1.2 all *Councillors*, other than the *Mayor*, must be addressed as Cr (surname); and
- 29.1.3 all *Council* staff, should be addressed by their official title.
- 29.2 Except for the *Chair* and *Chief Executive Officer*, any person who addresses the Meeting *must* direct all remarks through the *Chair* by standing or by an agreed alternative method.
- 29.3 *The Chair* may permit any *Councillor* or person to remain seated while addressing the *Chair*.

## 30. Apologies and absences

- 30.1 *Councillors* and members of Delegated Committees who are unable to attend a meeting may submit an apology:
- 30.1.1 In writing to the *Chair*, who will advise the meeting: or
- 30.1.2 By seeking another *Councillor* or member of the Delegated Committee to submit it at the meeting on their behalf.
- 30.2 An apology submitted to a meeting will be recorded in the minutes.
- 30.3 A *Councillor* intending to take a leave of absence must submit it in writing to the *Mayor* the following information:
- 30.3.1 Dates for which leave of absence is requested
- 30.3.2 Why the leave of absence is required
- 30.3.3 Any supporting documents if appropriate
- 30.4 If a *Councillor* is required to take leave of absence the *Councillor*—
- 30.4.1 may continue to be a *Councillor* but must not perform the duties or functions of a *Councillor* during the period of leave;

- 30.4.2 remains entitled to receive a Councillor allowance unless this Act otherwise provides;
- 30.4.3 is not entitled to be reimbursed for out of pocket expenses during the period of leave;
- 30.4.4 must return all Council equipment and materials to the Council for the period of leave if the Council requires.
- 30.4.5 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
- 30.5 The *Mayor* will seek to have any leave of absence requests included in the agenda of the next *Council Meeting*.
- 30.6 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.
- 30.7 *Council* will not unreasonably withhold its approval of a leave of absence request.
- 30.8 A *Councillor* who has not submitted an apology or had a leave of absence approved who is not in attendance at a *Council* or Delegated Committee meeting will be recorded as absent.
- 30.9 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.

### **31. Time Limits for Meetings**

- 31.1 A Meeting must not continue after three hours from the time it commences unless an extension is resolved in accordance with this Rule.
- 31.2 Extensions of a Meeting will be in block periods of 30 minutes.
- 31.3 A Meeting may only be continued for a maximum of two 30-minute extensions.
- 31.4 In the absence of such extensions or in the event there is further business to be transacted at the completion of two extensions, the Meeting must stand adjourned to the following day.
- 31.5 Notwithstanding Rule 31.4, the *Chair* may seek the Agreement of *Council* not to adjourn the Meeting to the following day, if the *Chair* reasonably believes the remaining business will take less than 10 minutes to transact.
- 31.6 The *Chair* may adjourn a Meeting for a 10-minute break, at an appropriate point in proceedings after two hours has elapsed.
- 31.7 Notwithstanding Rule 31.6, the *Chair* may seek the Agreement of *Council* not to adjourn the Meeting if the *Chair* reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

## *Division 2 - Quorums*

### **32. Council Meeting Quorum**

- 32.1 S.61(4) of *the Act* defines a quorum at a Council meeting as an absolute majority.
- 32.2 If after 30 minutes from the scheduled starting time of any *Council* meeting, a quorum cannot be obtained:
  - 32.2.1 the meeting will be deemed to have lapsed;
  - 32.2.2 the *Mayor* must reschedule the *Council* meeting, the agenda for which will be identical to the agenda for the lapsed meeting; and



32.2.3 the *Chief Executive Officer* must give all *Councillors* written notice of the meeting convened by the *Mayor*.

### 33. Inability To Maintain A Quorum

- 33.1 If during any meeting, a quorum cannot be maintained then the following persons may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment:
- 33.1.1 the *Chair*; or
  - 33.1.2 if the *Chair* is not present, those *Councillors* present; or
  - 33.1.3 if there are no *Councillors* present, the *Chief Executive Officer or delegate*
- 33.2 If, during any 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*.
- 33.3 If a quorum cannot be maintained due to the majority of *Councillors* having a conflict of interest in the matter to be considered, Rule 33.233.1 does not apply. *Council* may decide to:
- 33.3.1 consider the item in separate parts, if a quorum can be maintained for each separate part; or
  - 33.3.2 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.
- 33.4 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:
- 33.4.1 the *Chief Executive Officer*; or
  - 33.4.2 a Delegated Committee, established for the purpose of determining the matter, comprised of all the *Councillors* who have not disclosed a conflict of interest and any other person(s) the *Council* considers suitable.
- 33.5 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*

**34. Agenda**

- 34.1 The *Chief Executive Officer* may include any matter on the Agenda for a *Council Meeting* which they believe should be considered at the Meeting.
- 34.2 Councillors may ensure that an issue is listed on an agenda by lodging a Notice of Motion.
- 34.3 *Council Delegates* can present a report to *Council* on matters arising from Meetings at which they represent *Council's* interest.
- 34.4 No business can be dealt with at a Meeting unless it is contained on the Agenda.
- 34.5 The Order of Business for a Meeting shall be set out in the agenda papers unless varied by Resolution of *Council*.
- 34.6 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*

**35. Notice of Motion**

- 35.1 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 Meeting at which it is intended to be considered.
- 35.2 A *Notice of Motion* must relate to the objectives, role and functions of *Council* as outlined in *the Act*.
- 35.3 All *Notice of Motions* will be numbered, dated and entered in the *Notice of Motion* register in the order in which they were received.
- 35.4 The *Chief Executive Officer* may arrange for comments of members of *Council* staff to be provided to *Councillors* prior to the *Notice of Motion* being published in the Agenda for the relevant *Council Meeting*.
- 35.5 The *Chief Executive Officer* may reject any *notice of Motion* which:
  - 35.5.1 is vague or unclear in intention
  - 35.5.2 it is beyond *Council's* power to pass
  - 35.5.3 substantially affect the levels of *Council* service
  - 35.5.4 commit *Council* to significant expenditure not included in the adopted budget
  - 35.5.5 establish or amend *Council* Policy
  - 35.5.6 commit *Council* to any contractual arrangement
  - 35.5.7 relates to a matter that can be addressed through the operational service request process
  - 35.5.8 relates to a matter that has been previously resolved by *Council* or is acted upon.
  - 35.5.9 slanderous may be prejudicial to any person or *Council*
  - 35.5.10 is objectionable in language or nature
  - 35.5.11 is submitted during Election Period
  - 35.5.12 if passed would result in *Council* otherwise acting invalidly
- 35.6 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 Meeting at which it is intended to be considered. The *Councillor* may submit a revised *Motion* within 24 hours.

- 35.7 The full text of any *Notice of Motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.
- 35.8 The *Notice of Motion* moved must not be substantially different to the *Notice of Motion* published in the *Agenda*, however, may be amended by resolution of the *Council*.
- 35.9 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.
- 35.10 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.
- 35.11 If a *Councillor* who has given a *Notice of Motion* is absent from the meeting or fails to move the *Motion* when called upon by the *Chair*, any other *Councillor* may move the *Motion*.
- 35.12 If a *Notice of Motion* is not moved at the *Council meeting* at which it is listed, it lapses.
- 35.13 A *Notice of Motion* should call for a *Council* report if the *Notice of Motion* proposes any action that:
  - 35.13.1 impacts the levels of *Council* service
  - 35.13.2 commits *Council* to expenditure that is not included in the adopted *Council* Budget
  - 35.13.3 proposes to establish, amend, or extend *Council* policy
  - 35.13.4 proposes to impact the rights of any person who has not had the opportunity to contribute their views
  - 35.13.5 commits *Council* to any contractual arrangement; or
  - 35.13.6 concerns any litigation in respect of which *Council* is a party.

### **36. Chair's Duty**

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

- 36.1 slanderous/objectionable in language or nature;
- 36.2 vague or unclear in intention;
- 36.3 outside the powers of *Council*; or
- 36.4 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*.

### **37. Introducing a Report**

37.1 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:

- 37.1.1 its background; or
- 37.1.2 the reasons for any recommendation which appears.

### **38. Moving a Motion**

- 38.1 The mover of a *Motion* must state the nature of the *Motion* without providing further detail.
- 38.2 The *Chair* must call for a seconder.
- 38.3 If there is no seconder, the *Motion* lapses.
- 38.4 If there is a seconder, the *Chair* must ascertain whether the *Motion* is opposed.

- 38.5 If no member indicates opposition, the *Chair* must:
- 38.5.1 Invite the mover to introduce the *Motion* if they wish;
  - 38.5.2 If the mover does not elect to introduce the *Motion*, declare the *Motion* to be carried without the *Motion* being voted on;
  - 38.5.3 If the mover does elect to introduce the *Motion*, ask 'Is the *Motion* opposed?' at the conclusion of the mover's introduction; and
  - 38.5.4 If no member then indicates opposition, declare the *Motion* to be carried without the *Motion* being voted on.
- 38.6 A *Motion* carried under this Rule must be treated as having been passed unanimously, unless there is a Member who indicates that he or she would have abstained if the *Motion* had been put to a vote, and, if the Member requests, the intended abstention will be recorded in the minutes of the Meeting.
- 38.7 A Member may speak once on a *Motion* and once on any Amendment.
- 38.8 A *Motion* can only cover one item of business.

### 39. Further Motions

- 39.1 A *Councillor* may move a *Motion* which relates to the subject matter of any report or Notice of *Motion* which is before an Ordinary Meeting ("Further *Motion*").
- 39.2 Each *Councillor* may move only one Further *Motion* with respect to the subject matter of any report or Notice of *Motion*.
- 39.3 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 45.

### 40. Right of Reply

- 40.1 The mover of a *Motion*, including an amendment, has a right of reply to matters raised during debate.
- 40.2 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.

### 41. Moving an Amendment

- 41.1 Subject to Rule 3841.2 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*.
- 41.2 A *Motion* to confirm a previous resolution of *Council* cannot be amended.
- 41.3 An amendment must not be directly opposite to the *Motion*.
- 41.4 If a *Councillor* proposes an amendment to which either the mover or seconder does not agree, the following will apply:
- 41.4.1 the amendment must be moved and seconded
  - 41.4.2 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
  - 41.4.3 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
  - 41.4.4 if the amendment is carried, the *Motion* as amended then becomes the *Motion* before the Meeting (known as the 'substantive *Motion*')
  - 41.4.5 the mover of an amendment does not have right of reply.

**42. Who May Propose An Amendment**

42.1 An amendment may be proposed or seconded by any *Councillor*, except the mover or seconder of the original *Motion*.

42.2 Any one *Councillor* cannot move more than two amendments in succession.

**43. How Many Amendments May Be Proposed**

43.1 Any number of amendments may be proposed to a *Motion* but only one amendment may be accepted by the *Chair* at any one time.

43.2 No second or subsequent amendment, whether to the *Motion* or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

**44. An Amendment Once Carried**

44.1 If the amendment is carried, the *Motion* as amended then becomes the *Motion* before the meeting, and the amended *Motion* must then be put.

44.2 The mover of the original *Motion* retains the right of reply to that *Motion*.

**45. Foreshadowing Motions**

45.1 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*.

45.2 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*.

45.3 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.

45.4 The *Chair* is not obliged to accept foreshadowed *Motions*.

**46. 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.

**47. Withdrawal of Motions**

47.1 Before any *Motion* is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.

47.2 If the majority of *Councillors* objects to the withdrawal of the *Motion*, it may not be withdrawn.

**48. Motions In Writing**

48.1 The *Chair* may require that a complex or detailed *Motion* be in writing.

48.2 *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.

**49. Formal Motions**

49.1 Formal *Motions* are *Motions* regarding:

49.1.1 adjournment of the Meeting or debate to later hour and/or date;

49.1.2 the closure of the matter;

49.1.3 putting aside a question in order to deal with an urgent matter;

49.1.4 the previous question to be put; and

49.1.5 proceeding to the next business.

- 49.2 Unless otherwise prohibited by a division, a formal *Motion* may be moved at any time and must be dealt with immediately by the *Chair*.
- 49.3 A formal *Motion* cannot be moved by the *Chair*.
- 49.4 Debate on a formal *Motion* is not permitted and the mover does not have a right of reply.
- 49.5 A formal *Motion* cannot be amended.

**50. Debate Must Be Relevant to the Motion**

- 50.1 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*.
- 50.2 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*.
- 50.3 A speaker to whom a direction has been given under clause 50.2 must comply with that direction.
- 50.4 A Member of a Delegated Committee must address the *Chair* to move a *Motion* or an Amendment, or to take part in debate.
- 50.5 A Member, when speaking, must direct his or her attention primarily towards the *Chair*.
- 50.6 Once acknowledged by the *Chair*, a Member has the floor and must not be interrupted, unless called to order, or if his or her time has expired.
- 50.7 If two or more Members rise to speak at the same time, the *Chair* must decide who is entitled to speak first.

**51. Adequate and sufficient debate**

- 51.1 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.
- 51.2 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.
- 51.3 Once the views put are representative of the views of all *Councillors* or Members the debate would be regarded as sufficient.

**52. Right to Ask Questions**

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

**53. Time Limits for Motions**

- 53.1 Unless a *Motion* for an extension of speaking time has been carried, the maximum speaking times are:
  - 53.1.1 the mover of a *Motion* or amendment - 5 minutes;
  - 53.1.2 the mover of a *Motion* when exercising his or her right of reply - 3 minutes; and
  - 53.1.3 any other speaker – 2 minutes.
- 53.2 A *Motion* for an extension of speaking time must be proposed before the initial speaking time, for that speaker, expires.
- 53.3 A *Motion* for an extension of speaking time must not be accepted by the *Chair* if another *Councillor* has commenced speaking.
- 53.4 Only one extension of speaking time is permitted for each speaker.
- 53.5 Any extension of speaking time must not be more than two minutes.

- 53.6 Delegated Committees and Advisory Committees may set time limits for Members.
- 53.7 A Member may be permitted by the *Chair* or by resolution of the Meeting to speak more than once to explain that the Member has been misrepresented or misunderstood.
- 53.8 A Member calling the attention of the *Chair* to a Point of Order is not regarded as speaking to a *Motion* or an Amendment.
- 53.9 A Member may be permitted by the *Chair* to ask questions.

**54. Actioning of Council Resolutions**

- 54.1.1 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*

**55. Procedural Motions**

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

<b>Procedural Motion</b>	<b>Mover &amp; Seconder</b>	<b>When Motion Prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted on Motion</b>	
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 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 matter is one in respect of which a call of the <i>Council</i> has been made for that meeting in accordance with section 85 of the Act; or (d) 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
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*

**56. Notice of Rescission**

56.1 A *Councillor* may propose a *notice of rescission* provided:

- 56.1.1 it has been signed and dated by at least three *Councillors*;
- 56.1.2 the resolution proposed to be rescinded has not been acted on; and
- 56.1.3 the notice of rescission is delivered to the *Chief Executive Officer* prior to 8am the second day following the meeting
- 56.1.4 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.*

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

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

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

56.3.1 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 56. 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 56.3 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.*

**57. 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.

**58. If Not Moved**

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

**59. 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.

**60. When Not Required**

60.1 Unless Rule 60.2 applies, a *Motion* for rescission is not required where *Council* wishes to change policy.

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

60.2.1 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

60.2.2 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*

**61. Chair To Decide**

61.1 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.

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

61.2.1 a matter that is contrary to *These Rules*;

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

61.2.3 a matter that is irrelevant; or

61.2.4 an error of fact.

61.3 Member raising a point of order must:

61.3.1 state the Point of Order; and

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

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

**62. Chair May Adjourn To Consider**

62.1 The *Chair* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

62.2 All other questions before the meeting are suspended until the point of order is decided.

**63. Procedure For Point Of Order**

A *Councillor* raising a point of order must:

63.1 state the point of order; and

63.2 state any section, Rule, paragraph or provision relevant to the point of order

before resuming his or her seat.

**64. Valid Points Of Order**

A point of order may be raised in relation to:

- 64.1 a *Motion* or a question which, under Rule 36, should not be accepted by the *Chair*;
- 64.2 a question of procedure; or
- 64.3 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*

**65. 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.

**66. Requirements of a valid petition**

66.1 The petition must:

- 66.1.1 be legible and in permanent writing (i.e. no pencil)
- 66.1.2 be addressed to the *Chief Executive Officer*, the *Mayor*, or a *Councillor*, containing a request for action to be taken by *Council*
- 66.1.3 not be indecent, abusive or objectionable in language or content
- 66.1.4 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*
- 66.1.5 include the names and residential addresses of all persons who signed the petition
- 66.1.6 be original signatures, not photocopied or scanned copies and be sent to *Council* in a hardcopy format
- 66.1.7 every page of a petition, including signatories to the petition must be on an original piece of paper and not pasted, stapled, or otherwise affixed to any other piece of paper.

66.2 At the discretion of *Councillors*, E-Petitions may be accepted. E-Petitions should include the names and residential addresses of all persons who signed the petition and meet all other requirements listed in *these Rules*. Where a petition complies with all the above requirements, it will be tabled at a *Council Meeting*. A template petition is found in Attachment A of *these Rules*.

**67. Submitting a Petition to Council**

67.1 Members of the community can submit a petition to *Council* via two methods:

- 67.1.1 Submitting a petition to a *Councillor*
- 67.1.2 A valid petition submitted to a *Councillor* will be tabled at a *Council Meeting* for consideration. If a petition with notice is addressed to a specific *Councillor*, that *Councillor* may read the petition out at a *Council Meeting* without debate.

67.1.3 Submitting a petition to the *Council* A valid petition submitted to a *Councillor* will be tabled at a *Council* Meeting for consideration.

67.2 Petitions can be forwarded by mail to:

City of Casey

PO Box 1000

Narre Warren, Vic, 3805

or

delivered in person to any sitting *Councillor*

or

delivered in person to any Customer Service Centre

or

emailed to [caseycc@casey.vic.gov.au](mailto:caseycc@casey.vic.gov.au)

## 68. Submissions for Petitions

68.1 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.

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

## 69. Petition Resolution

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

69.2 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.

## 70. Petitions and Your Privacy

70.1 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 petitions tabled at *Council* will be included in the minutes of the *Council* Meeting and will show the subject of the petition, the number of signatures and the head petitioner's name. The agenda and minutes are printed and available for the general public and appear on *Council's* website. As part of *Council's* operations, any document incorporated into a *Council* agenda must be made publicly available, including any petitions which are tabled. To view a petition tabled at *Council* please contact *Council's* Governance Department. *Council* will not provide copies of any petitions to protect the privacy of signatories. This means that any personal details, including names, addresses and signatories will be publicly available. On request *Council* will provide the contact details of the head petitioner to the media or members of parliament.

70.2 Petitions relating to a Planning Permit are 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*

**71. Public Question Time**

- 71.1 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:
- 71.1.1 Public question time is an opportunity for the general public to submit questions prior to the *Council Meeting* and receive a response from *Council*.
  - 71.1.2 Public question time is recorded and broadcasted to the public.
  - 71.1.3 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*.
  - 71.1.4 Questions submitted for public question time must be deemed valid as per Rule 73.

**72. Submissions for inclusion in Public Question Time**

- 72.1 Questions to be considered at a *Council Meeting* must be submitted by 10 am on the first business day prior to the Meeting.
- 72.2 Questions for consideration at *Council Meetings* must be submitted electronically to [questiontime@casey.vic.gov.au](mailto:questiontime@casey.vic.gov.au) or via the *Council Website's* online form.
- 72.3 Persons without access to a computer should contact *Council's* Governance department in advance if they wish to submit questions in hardcopy format.
- 72.4 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.

**73. Requirements for a valid submission for public question time**

- 73.1 No more than two questions will be accepted from any person at any one meeting.
- 73.2 Questions must:
  - 73.2.1 make sense and include the person's name and address
  - 73.2.2 not exceed 80 words in length
  - 73.2.3 must focus on an issue
- 73.3 Questions must not:
  - 73.3.1 relate to a matter outside the duties, functions and powers of *Council*;
  - 73.3.2 include content which, if it were included in a *Council* report, would be likely to be considered in Closed *Council*;
  - 73.3.3 relate to trivial matters or make unsubstantiated allegations;
  - 73.3.4 not name, allude to, or focus on individuals, be vexatious or aim to embarrass or offend
  - 73.3.5 include content which a reasonable person may find to be indecent, abusive, offensive, irrelevant or objectionable
  - 73.3.6 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;
  - 73.3.7 appear to be aimed at embarrassing a *Councillor* or a *Council Officer*
  - 73.3.8 comprise in a large part a statement or quote.

**74. Submissions for Public Question Time Not Meeting the Requirements**

- 74.1 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.
- 74.2 Where a question is resubmitted, the question, if meeting the requirements of *these Rules*, will be answered at the next Public Question Time.
- 74.3 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.
- 74.4 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*

**75. How a *Motion* is determined**

- 75.1 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 Meeting.
- 75.2 In the event of a tied vote, the *Chair* must, unless the *Act* provides otherwise, exercise the casting vote.

**76. Silence**

Voting must take place in silence.

**77. Recount**

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

**78. Voting Method**

- 78.1 Members must vote by a show of hands or by an agreed alternative method.
- 78.2 A *Motion* is carried if a majority of the Members present at the Meeting vote in the affirmative.
- 78.3 A motion pertaining to a Notice of Rescission is carried when an absolute majority vote in the affirmative.
- 78.4 If the number of votes is evenly split, the *Chair* may exercise a second vote, in accordance with s. 61 of the *Act*.
- 78.5 Division 10 does not apply to the election of the *Mayor*.

**79. Voting must be seen**

- 79.1 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.
- 79.2 In the absence of a *Council* resolving an alternative method, voting on any matter is by show of hands or an agreed alternative method.

**80. When a division is permitted**

- 80.1 A division may be requested by any *Councillor* on any vote.
- 80.2 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 Meeting has moved to the next item of business.
- 80.3 When a division is called for, the *Chair* must:

- 80.3.1 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;
  - 80.3.2 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;
  - 80.3.3 next, ask each *Councillor* abstaining from voting to indicate their vote and the *Chair* must then state the names of those *Councillors* to be recorded in the Minutes; and
  - 80.3.4 finally, declare the result of the division.
- 80.4 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:
- 80.4.1 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 80.3; or
  - 80.4.2 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 80.4 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 80.4 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 80.4.2, to discussion about a positive Motion were a resolution has just been rescinded.*

## Division 11 – Minutes

### 81. Written Records (Minutes)

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

- 81.1 the date, place, time and nature of the *Council* Meeting;
- 81.2 the names of *Councillors* and whether they are present, an apology, on leave of absence, etc.;
- 81.3 the titles of the members of *Council* staff present who are not part of the gallery;
- 81.4 the disclosure of a conflict of interest made by a *Councillor* in accordance with the Act;
- 81.5 the arrivals and departures of *Councillors*, during the course of the Meeting (including any temporary departures or arrivals);
- 81.6 every *Motion* and amendment moved (including procedural *Motions*),
- 81.7 the outcome of every *Motion* moved;
- 81.8 where a division is called, the names of every *Councillor* and the way their vote was cast (and if they abstained);

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

## 82. Minutes approval

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

- 82.1 a copy of the minutes must be delivered to each *Councillor* no later than 48 hours before the meeting;
- 82.2 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 .....Meeting held on ..... 20.....be confirmed.';
- 82.3 if a *Councillor* indicates opposition to the minutes:
  - 82.3.1 he or she must specify the item(s) to which he or she objects;
  - 82.3.2 the objected item(s) must be considered separately and in the order in which they appear in the minutes;
  - 82.3.3 the *Councillor* objecting must move accordingly without speaking to the *Motion*;
  - 82.3.4 the *Motion* must be seconded;
  - 82.3.5 the *Chair* must ask:
    - 82.3.6 "Is the *Motion* opposed?"
  - 82.3.7 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 82.3;
  - 82.3.8 if a *Councillor* indicates opposition, then the *Chair* must call on the mover to address the meeting;
  - 82.3.9 after the mover has addressed the meeting, the seconder may address the meeting;
  - 82.3.10 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*;
  - 82.3.11 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
  - 82.3.12 the *Chair* must, after all objections have been dealt with, ultimately ask:
    - 82.3.13 "The question is that the minutes be confirmed" or
    - 82.3.14 "The question is that the minutes, as amended, be confirmed",
  - 82.3.15 and he or she must put the question to the vote accordingly;



- 82.4 a resolution of *Council* must confirm the minutes and the minutes must be signed by the Chair
- 82.5 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*.

**83. 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.

**84. Deferral Of Confirmation Of Minutes**

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

**85. Minutes availability**

- 85.1 The proposed Minutes will be made available on Council's website within 2 business days of the *Council Meeting* they relate to.
- 85.2 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).....'.
- 85.3 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;
- 85.4 once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the *Chair* of the Meeting at which they have been confirmed; and
- 85.5 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*

**86. Public Addressing the Meeting**

- 86.1 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.
- 86.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 86.3 A member of the public present at a *Council* meeting must not disrupt the meeting.

**87. 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 86.2.

*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.*

**88. 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 meeting to a later time on the same day or to some later day . In that event, the provisions of Rule 24 apply.

**89. Removal from Chamber**

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 87.

**90. The Chair's Duties And Discretions**

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

- 90.1 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
- 90.2 must call to order any person who is disruptive or unruly during any meeting.

**91. Meetings Conducted Remotely**

If:

- 91.1 by law a meeting may be conducted electronically; and
- 91.2 *Council* decides that a meeting is to be conducted electronically,

the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

**92. Voice recordings**

- 92.1 A media representative may be permitted to record part of the proceedings with approval by *Council*. Any application for the consent of *Council* must be made, in writing, to the responsible Manager or any other member of *Council* staff nominated by the *Chief Executive Officer*, at least 24 hours prior to the Meeting to which the application applies. The consent to record may be revoked at any time by Resolution.
- 92.2 Subject to the above, a person (including a media representative) who is not employed by the *Council*, must not operate recording equipment of any type at any Meeting. A person who operates recording equipment of any type at a Meeting contrary to this Rule is guilty of an offence.

**93. Live Stream recordings**

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

**94. 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).

**95. Criticism of members of Council staff**

- 95.1 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.
- 95.2 A statement under Rule 95.1 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 4 –DELEGATED COMMITTEE MEETING CONDUCT**

**96. Meeting Procedure Generally**

If *Council* establishes a *Delegated Committee*:

- 96.1 all of the provisions of Chapter 3 apply to meetings of the Delegated Committee; and
- 96.2 any reference in Chapter 3 to:
- 96.2.1 a *Council* meeting is to be read as a reference to a Delegated Committee meeting;
  - 96.2.2 a *Councillor* is to be read as a reference to a member of the Delegated Committee; and
  - 96.2.3 the *Mayor* is to be read as a reference to the *Chair* of the Delegated Committee.

**97. Meeting Procedure Can Be Varied**

Notwithstanding Rule 108, if *Council* establishes a *Delegated Committee* that is not composed solely of *Councillors*:

- 97.1 *Council* may; or
- 97.2 the Delegated Committee may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 3 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 5 –ASSET COMMITTEE MEETING CONDUCT**

**98. 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 6 – JOINT COUNCIL MEETING CONDUCT**

**99. Joint Council Meeting Participation**

- 99.1 Under s. 62 of the *Act*, *Council* may resolve to participate in a *Joint Council Meeting*.
- 99.2 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*.
- 99.3 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*
- 99.4 At a majority of *Councillors* will be appointed to represent *Council* at a *Joint Council Meeting*.
- 99.5 Consistent information will be provided to *Councillors* prior to any *Joint Meeting* and every endeavour will be made by the *Chief Executive Officer* to facilitate a joint briefing.
- 99.6 A joint briefing arranged in accordance with clause 99.5 may be held electronically.

## CHAPTER 7 – DISCLOSURE OF CONFLICT OF INTEREST PROCEDURE

### 100. Purpose

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

### 101. 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.

### 102. 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:

- 102.1 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
- 102.2 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.

### 103. 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:

- 103.1 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
- 103.2 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:
  - 103.2.1 advising of the conflict of interest;
  - 103.2.2 explaining the nature of the conflict of interest; and
  - 103.2.3 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.
- 103.3 The *Councillor* must, in either event, leave the *Committee Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

### 104. 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:

- 104.1 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;

- 104.2 absent himself or herself from any discussion of the matter; and
- 104.3 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.

**105. Disclosure by Members of Council Staff Preparing Reports for Meetings**

- 105.1 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:
  - 105.1.1 *Council* meeting;
  - 105.1.2 *Delegated Committee* meeting;
  - 105.1.3 *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.
- 105.2 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.
- 105.3 If the member of *Council* staff referred to in Rule 105.1 is the *Chief Executive Officer*:
  - 105.3.1 the written notice referred to in Rule 105.1 must be given to the *Mayor*; and
  - 105.3.2 the obligation imposed by Rule 105 may be discharged by any other member of *Council* staff responsible for the preparation of the Report.

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

- 106.1 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.
- 106.2 If the member of *Council* staff referred to in Rule 106.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

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

- 107.1 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.
- 107.2 If the member of *Council* staff referred to in Rule 107.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

**CHAPTER 8 – ELECTION PERIOD POLICY**

**108. Purpose**

The purpose of this Chapter is to:

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

**109. 11 Council decisions during the Local Government Election Period**

- 109.1 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:
- 109.1.1 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
  - 109.1.2 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
  - 109.1.3 the *Council* considers could be reasonably deferred until the next *Council* is in place; or
  - 109.1.4 the *Council* considers should not be made during an election period.
  - 109.1.5 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.
  - 109.1.6 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.

**110. Published material**

- 110.1 Council will not print, publish, distribute or authorise to be printed, published or distributed, material which contains electoral material.
- 110.2 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.
- 110.3 Publications which require certification include:
- 110.3.1 Brochures, pamphlets, handbills, flyers, magazines and books;
  - 110.3.2 Council newsletters;
  - 110.3.3 Advertisements, and public notices;
  - 110.3.4 Media releases;
  - 110.3.5 Mass mail outs or letters sent to large number of people by or on behalf of Council;
  - 110.3.6 emails to multiple addresses, used for broad communication with the community;
  - 110.3.7 New website material;
  - 110.3.8 Social media publications

**111. Certification by Chief Executive Officer**

- 111.1 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.

**112. Council agendas and reports**

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

- 113.1 *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.
- 113.2 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.

**114. Social Media**

- 114.1 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.
- 114.2 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.
- 114.3 Information published prior to Election Period on *Council's* social media and website is not subject to *Chief Executive Officer* certification.

**115. Media Releases & Advice**

- 115.1 *Council's* Communication team undertake the promotion of *Council* activities and initiatives.
- 115.2 During the election period this team's services must not be used in any way that might promote a *Councillor* as an election candidate.
- 115.3 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.
- 115.4 *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.
- 115.5 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*.
- 115.6 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*.

**116. Public Consultation**

- 116.1 *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.
- 116.2 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.
- 116.3 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

116.4 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*.

#### **117. Attendance at functions and events**

- 117.1 During the election period, current *Councillors* may continue to attend functions and events.
- 117.2 *Council* run events will be scheduled to ensure only those essential to the operations of *Council* are run during the Election Period.
- 117.3 No election material or active campaigning is to be conducted at *Council* sponsored events or displayed in/on any *Council* building.

#### **118. 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.

#### **119. 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.

#### **120. Candidate's access to information**

- 120.1 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.
- 120.2 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.

#### **121. 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.

#### **122. Candidate's Assistance**

- 122.1 Candidates will be provided with a *Councillor* Candidate Information Kit to assist them in running and nominating for *Council*.
- 122.2 *Council* will run or facilitate information sessions prior to the elections, highlighting to candidates the roles and responsibilities of being a *Councillor*.

#### **123. 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.



**124. Functions and Events**

- 124.1 *Councillors*, including those standing as candidates, may continue to attend functions and events.
- 124.2 During this time, the *Mayor* will not delegate to any *Councillor* who is standing as a candidate any responsibility to represent him or her.

**125. Media Advice and Releases**

- 125.1 No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves *Councillors* standing as candidates.
- 125.2 Media releases will not refer to specific *Councillors* in their capacity as candidates.
- 125.3 *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.
- 125.4 *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.
- 125.5 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.

**126. 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.

**127. Advocacy by Council**

- 127.1 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.
- 127.2 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.

**128. Councillor/Officer protocols**

- 128.1 Communication protocols will apply. Where required, the *Chief Executive Officer* will review if any additional provisions are required.
- 128.2 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.
- 128.3 *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.

**129. Leave of Absence**

- 129.1 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.

**130. 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 9 – OTHER MATTERS

### 131. Informal Meetings of Councillors

131.1 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

131.2 *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.

131.3 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

### 132. Confidential Information

132.1 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.

132.2 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.

### 133. Change of Council Policy

133.1 *Council* reviews its policies to ensure they are current and continue to reflect community expectations and the position held by *Council*.

133.2 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.

133.3 Documents previously endorsed by *Council* that require major changes, must be approved by *Council*.

133.4 If *Council* wishes to change a *Council* policy, a formal notice of rescission is not required.

133.5 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.

### 134. Document History

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