

January 2024

Governance Rules



Mildura Rural City Council

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Chapter 1 – Preliminary

1. Introduction

These Governance Rules are adopted in accordance with Section 60 of the *Local Government Act 2020*.

2. Purpose

The purpose of the Governance Rules is to:

- a) Ensure Council and Delegated Committees consider and make decisions on any matter fairly and on their merits;
- b) Institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered;
- c) Regulate proceedings at all Ordinary and Unscheduled Meetings of Council, and Meetings of Delegated Committees;
- d) Detail the form and availability of Meeting records;
- e) Regulate proceedings for the election of Mayor and Deputy Mayor, and chairpersons of Delegated Committees;
- f) Outline the process to be followed to determine the appointment of an Acting Mayor;
- g) Provide for the administration of Council powers and functions;
- h) Outline the procedures to be applied by Council during the election period;
- i) Outline the procedures for the disclosure of a conflict of interest by a Councillor or a member of a Delegated Committee; and
- j) Outline the procedures for the disclosure of a conflict of interest by Council staff when providing information in respect of a matter within the meaning of Section 126(1) of the *Local Government Act 2020* (the Act).

3. Authorising Provision

These Governance rules are made under Part 3, Section 60 of the *Local Government Act 2020*.

4. Commencement and Document Control

Title	Governance Rules			
Description	Document Control			
Created By	Governance & Performance Branch			
Date Created	1 September, 2020			
Maintained By	Governance & Performance Branch			
Version Number	Modified By	Modifications Made	Date Modified	Status
V2		Addition of Governance Framework; Order of Business; Framing of Mayoral Election; Councillor Reports; Councillor Questions	April, 2022	Resolved
V3		Requirements for virtual Meeting	September, 2022	Resolved
V4		Clearer process for community questions; correction typographical errors including consistency of capitalised letters on Council Meeting and sub rule alignment;	January 2024	

		changes to position titles to align with Organisational Structure Review; expansion of title in sub rule 32 and 33; clearer process for submitting Petitions		
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5. Revision

- a) In developing or amending these Governance Rules, Council will undertake a process of community engagement in accordance with all relevant Policies.
- b) In accordance with Section 87(3) of the Act, where a change to the Governance Rules involves the adopting or amendment of a rule that only adopts a good practice guideline issued by the Minister under Section 87(1) of the Act, a process of community engagement is not required to be undertaken.

6. Definitions

Unless a contrary intention appears in the Governance Rules, the following words and phrases are defined for the purposes of the Governance Rules:

Absolute Majority	means the number of members which is greater than half the total number of elected Councillors, or members of a Delegated Committee
Act	means the <i>Local Government Act 2020</i> (the Act), as amended from time to time means a committee established by the Council, that provides advice to: <ol style="list-style-type: none">a) the Council; orb) a member of Council staff who has been delegated a power, duty or function of the Council; that is not a Delegated Committee
Advisory Committee	
Agenda	means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting
Agreement of Council	means indicative agreement of all of the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote
Audit and Risk Committee	means the Committee established by Council under Section 53 of the Act
Authorised Officer	has the same meaning as in the 1989 Act or any other Act
Chairperson	means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson
Chief Executive Officer	means the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer
Councillor Code of Conduct	means the Councillor Code of Conduct developed by a Council under section 139 of the Act
Committee Meeting	means a Meeting of a Delegated Committee
Community Engagement	has the same meaning as defined within the 'Community Engagement Policy'
Council	means Mildura Rural City Council

Council Auspiced Meeting	means a Meeting of an advisory committee where at least one Councillor is present; or a planned or scheduled Meeting that includes at least half the Councillors and at least one Council officer; and the Meeting is to consider matters intended or likely to be the subject of a decision of the Council; or duty or power delegated by Council to a person or Committee
Council Meeting	means a Meeting of the Council convened in accordance with these Governance Rules and includes a Meeting at which the Mayor is elected, an Ordinary Meeting and an Unscheduled Meeting of Council
Councillor	means a Councillor of Council
Councillor Questions	means questions asked of Council Officers by a Councillor, in writing, before a Council Meeting that may be answered verbally within that Meeting or in writing at the next Ordinary Meeting of Council
Delegate	means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation
Delegated Committee	means a Delegated Committee established by Council under Section 63 of the Act
Deputation	means a group of three or more people that have formally requested an opportunity to address Council on a matter under consideration within an Agenda
Deputy Mayor	means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor
Disorder	<p>means any disorderly conduct of a member of the Gallery or a Councillor and includes:</p> <ul style="list-style-type: none"> • interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order; or • making comments that are defamatory, malicious, abusive or offensive; or • refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; or • engaging in any other conduct which prevents the orderly conduct of the Meeting
Employee Code of Conduct	means the Code of Conduct developed by the Chief Executive Officer under Section 49 of the Act
Executive Officer	means a senior member of Council staff holding the position of General Manager
Foreshadowed Item	means a matter raised in the relevant Section of the Council Meeting that a Councillor intends to submit a Notice of Motion for the next Council Meeting
Majority of the Votes	means a majority of Councillors present at the time of a vote voting in favour of a matter

Mayor	means the Mayor of Council and any person appointed by Council to be acting as Mayor
Meeting	means an Ordinary or an Unscheduled Meeting of Council or a Delegated Committee
Member	means a member of any committee to which these Governance Rules apply
Minister	means the Minister for Local Government
Minutes	means the official record of the proceedings and decisions of a Meeting
Motion	means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted
Notice of Motion	means a notice setting out the text of Motion which a Councillor proposes to move at a Council Meeting
Notice of Rescission	means a Notice of Motion to rescind a resolution made by Council
Officer	means a member of Council staff
On Notice	means held or deferred to enable preparations of a response
Petition	means a joint letter or document which is addressed to, or is obviously intended for, the Council and is signed by three or more people
Point of Order	means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting
Procedural Motion	means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure
Rule or Sub-rule	means a rule or sub-rule included in these Governance Rules
Unscheduled Meeting	means a Meeting convened for a particular purpose that cannot be effectively dealt with in the schedule of Ordinary Council Meetings set by Council
Urgent Business	means a matter that relates to or arises out of a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next Meeting
Written	includes duplicated, lithographed, photocopied, photographed, emailed, printed and typed

Chapter 2 – Governance Framework

7. Key Principles

Mildura Rural City Council (MRCC) places a strong emphasis on good governance, ensuring good decisions are made consistently in an open, accountable, and effective way for our community. *These rules* should be considered under these principles to ensure the elected Councillors make decisions based on proper processes and systems, and staff are carrying out those decisions appropriately.

8. Context

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

- a) the overarching governance principles specified in section 9(2) of the Act; and
- b) the MRCC Governance Framework as adopted or approved by Council:

9. Decision Making

- a) In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and make a decision:
 - i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- b) Council must, when making any decision, commit to the use of sound information made available to them through decision making processes and systems and avoid using information based on hearsay
- c) 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).
- d) Without limiting anything in paragraph 9 (b) of this sub-rule:
 - i) 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;
 - ii) 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; and
 - iii) 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.

Chapter 3 – Election of the Mayor

10. When is a Mayor to be Elected?

- a) The Meeting to fill the vacancy of Mayor will be held:
 - i) No later than one month after the date of a General Election held in accordance with Section 257 of the Act; or
 - ii) Within one month after any vacancy in the office of Mayor occurs.
- b) Before the election of the Mayor, Council must resolve whether the Mayor is to be elected for a 1 year or a 2 year term;
 - i) If the Mayor is elected for a 1-year term, the next election of the Mayor must be held on a day to be determined by the Council, as close to the end of the 1 year term as is reasonably practicable.
 - ii) If the Mayor is elected for a 2-year term, the next election of the Mayor must be held on a day to be determined by the Council, as close to the end of the 2 year term as is reasonably practicable.
- c) A Councillor elected to fill a vacancy in the office of Mayor (caused other than by the expiration of the elected term), will serve the remaining period of the previous Mayor's term.

11. Chief Executive Officer to Set Time and Date for Election of Mayor

- a) The Chief Executive Officer will determine the most appropriate date and time for the Election of Mayor, except that the election of the Mayor must be held in accordance with sub-rule 10.

12. Role and Election of Deputy Mayor

- a) At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- b) If the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the Chair.
- c) The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- d) If the Council has not resolved to establish the position of Deputy Mayor, any provisions in these Governance Rules relating to the Deputy Mayor have no effect.

13. Method of Voting

- a) The election of the Mayor and Deputy Mayor must be carried out by a show of hands.

14. Determining the Election of Mayor / Deputy Mayor

- a) The Chief Executive Officer must preside during the election of the Mayor.
- b) The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- c) Any Councillor is eligible for election or re-election to the office of Mayor.
- d) All candidates must be moved and seconded.
- e) The election of Mayor will be carried out by a show of hands.
- f) All Councillors shall vote once for the candidate of their choice.
- g) Candidates will be voted for in the order of nominations received.

- h) Where in an election for the Mayor:
 - i) only one candidate has been nominated, that candidate must be declared elected;
 - ii) when more than one candidates are nominated, the Councillor with the absolute majority of votes cast will be declared elected;
 - iii) in the event that no candidate receives an absolute majority of votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the Meeting must then vote for one of the remaining candidates;
 - iv) if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected.
 - v) where there are three or more nominations and all votes cast are equally divided between the candidates, the Council may resolve to conduct a new election at a later specified time and date;
- i) If there is a vacancy in the Office of Mayor or the Mayor is absent, incapable of acting, or refusing to act, unless a Deputy Mayor has been elected, the Council must resolve to appoint one of the Councillors to be the acting Mayor.
- j) Any election by Council of a Deputy Mayor will follow the same procedure as that for an election of the Mayor, however the Mayor will preside over such proceedings.

15. Ceremonial Mayoral Speech

- a) Upon being elected, the Mayor may make a ceremonial speech.
- b) The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead based on the adopted Council and Community Plan.

Chapter 4 – Meeting Procedures

Part 1 – Purpose of Meetings

16. Purpose of Council Meetings

- a) Council holds scheduled Meetings and, when required, Unscheduled Meetings to conduct the business of Council.
- b) 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.
- c) Council, or a Delegated Committee may however, resolve that its Meeting be closed to members of the public to discuss the following;
 - i) Council business information that would prejudice the Council's position in commercial negotiations if prematurely released; or
 - ii) Security information, that if released is likely to endanger the security of Council property or the safety of any person; or
 - iii) Land use planning information that if prematurely released is likely to encourage speculation in land values; or
 - iv) Law enforcement information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person; or
 - v) Personal information, which if released would result in the unreasonable disclosure of information about any person or their personal affairs; or
 - vi) Private commercial information provided by a business, commercial or financial undertaking that-
 - a. relates to trade secrets; or
 - b. if released would unreasonably expose the business, commercial or financial undertaking to disadvantage; or
 - vii) Confidential Meeting information, being the records of Meetings closed to the public under Section 66(2)(a) of the Act; or
 - viii) Internal arbitration information as specified in Section 145 of the Act; or
 - ix) Councillor Conduct Panel confidential information as specified in Section 169 of the Act; or
 - x) Information prescribed by the regulations to be confidential information; or
 - xi) Information that was confidential information for the purposes of Section 77 of the *Local Government Act 1989*.
- d) Council, or a Delegated Committee may also resolve that its Meeting be closed to members of the public:
 - i) for security reasons; or
 - ii) it is necessary to do so to enable the Meeting to proceed in an orderly manner.
- e) Where a Meeting is closed for the reasons specified in sub-rule 16(d)(i) or (ii), the proceedings of the Meeting must be able to be viewed by members of the public on the internet or on closed circuit television as the Meeting is being held.

17. Council Meetings Conducted Remotely

- a) Where a Councillor attends a Council Meeting conducted remotely by electronic means of communication, the Councillor must be able to:
 - i) hear the proceedings of the Council Meeting; and
 - ii) see all Councillors and members of Council staff also attending the Council Meeting, at least while the Councillor or member of Council staff is speaking; and
 - iii) be seen by all time by all Councillors, members of Council staff and members of the public also attending the Council Meeting; and
 - iv) be heard when they speak; and
 - v) ensure their remote environment is sufficiently private for any resolutions of Council made under sub-rule 16 (c)
- b) If the conditions of sub-rule 17 (a) cannot be met by one or more Councillors attending a Council Meeting conducted remotely by electronic means of communication, whether because of technical difficulties or otherwise, but a quorum is still present, the:
 - i) Council Meeting will proceed; and
 - ii) Councillor (or Councillors) will be treated as being absent from the Council Meeting unless the Council meeting is adjourned in accordance with these Rules.
- c) Nothing in this rule 17 prevents a Councillor from joining (or re-joining) a Council Meeting conducted remotely by electronic means of communication at the time that they achieve compliance with sub-rule 17 (a), even if that Council Meeting has already commenced or continued in their absence.
- d) The Chief Executive Officer must ensure that a Council Meeting conducted remotely is broadcast live continuously on Council's website.
- e) Nothing in sub-rule 17 (d) requires any portion of a Council Meeting conducted remotely that is closed to the public under section 66(1) of the Act to be broadcast live on Council's website.
- f) If the live broadcast of a Council Meeting conducted remotely is interrupted for any reason, the Chief Executive Officer must immediately inform the Council Meeting and the Council Meeting is adjourned and, except for a resolution of Council made under sub-rule 16 (c), and no further business can be conducted until:
 - i) the live broadcast can be reinstated; or
 - ii) such later date and time fixed by resolution of Council, in which case rule 38 applies

18. Notification of attendance at Council Meetings conducted remotely by electronic means

- a) A Councillor who wishes to attend a Council Meeting by electronic means of communication must notify the Mayor and/or Chief Executive Officer as soon as practicable prior to the Meeting. The Mayor and/or Chief Executive Officer will notify all Councillors.
- b) Should the Mayor and/or Chief Executive Officer receive notice from two or more Councillors of their wish to attend by electronic means of communication in accordance with sub-rule 18 (a), public notice will be provided that the Meeting will be held entirely by electronic means of communication and the methods of viewing and participation.

19. Other matters not provided for

The Chair may, with the consent of the Meeting, modify the application of any of the Rules to facilitate the more efficient and effective transaction of the business of the Meeting.

Part 2 – Meeting Roles

20. Chairperson and Members

- a) The Chairperson, Councillors and members of Delegated Committees will ensure good Council decision-making by endeavouring to ensure:
 - i) decision making is transparent to members and observers;
 - ii) Meeting members have sufficient information to make good decisions;
 - iii) every member is supported to contribute to decisions;
 - iv) any person whose rights are affected has their interests considered;
 - v) debate and discussion is focussed on the issues at hand;
 - vi) Meetings are conducted in an orderly manner; and
 - vii) decisions are made on the merits of the matter.

21. Mayor to take the Chair

- a) The Mayor must take the Chair at all Council Meetings at which he/she is present.
- b) If the Mayor is unable to attend a Council Meeting for any reason:
 - i) the Deputy Mayor will be acting Chair;
 - ii) if the Deputy Mayor is not present, an acting Chair must be elected by resolution.

22. Delegated Committee Chairperson

- a) At the Meeting at which Council establishes a Delegated Committee it must also appoint a Chairperson.
- b) The Chair of a Delegated Committee must be a Councillor.
- c) For the avoidance of doubt, sub-rule 10(a) does not intend to limit the powers of the Mayor provided in the Act.

23. Chairperson's Duties and Discretions

- a) In addition to the duties and discretions provided in these Governance Rules, the Chairperson:
 - i) must not accept any Motion, question or statement which is:
 - a. vague or ambiguous;
 - b. defamatory, malicious, abusive or objectionable in language or substance; or
 - c. outside the powers of Council
 - ii) must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the Meeting;
 - iii) may direct that a vote be recounted to be satisfied of the result;
 - iv) may decide to put any Motion to the vote in separate parts;
 - v) must decide on all points of order, except where sub-rule 80(e) applies;
 - vi) must call to order any person who is disruptive or unruly during any Meeting;
 - vii) must allow a personal explanation to be made by a Councillor of any statement wherever made affecting him or her as a Councillor;
 - viii) shall not allow a personal explanation to be debated except upon a Motion to censure the Councillor who made the statement;

- ix) may require a Councillor to withdraw any remark which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language or substance;
 - x) may require a Councillor to withdraw a remark immediately, without qualification or explanation;
 - xi) may suspend from the Meeting or for the balance of the Meeting, any Councillor whose actions have disrupted the business of the Council or Delegated Committee, and impeded its orderly conduct; and
 - xii) may nominate any officer or member of Victoria Police to remove from the Meeting any person whether Councillor, officer or member of the public, who has failed to comply with these Governance Rules.
- b) If the Chairperson is of the opinion that disorder at the Council or Committee Meeting table, or in the case of an open Meeting, in the public gallery that makes it desirable to adjourn the Meeting, he or she may adjourn the Meeting to a later time on the same day or to a later day.
 - c) Nothing herein shall affect or abrogate the rights or remedies available at law to Council in respect of proceedings against any Councillor, officer or visitor under these Governance Rules.

24. Chief Executive Officer

- a) The Chief Executive Officer should:
 - i) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
 - ii) advise if there are operational, financial or risk implications arising from a proposed resolution;
 - iii) help clarify the intent of any unclear resolution to facilitate implementation; and
 - iv) on request, assist with procedural issues that may arise.

25. Councillors and Members of Delegated Committees

- a) Councillors and members of Delegated Committees contribute to good governance and decision making by:
 - i) seeking views of community members and reading the Agenda prior to the Meeting;
 - ii) demonstrating due respect and consideration to community views and the professional/expert advice provided in the Agenda papers;
 - iii) attending Meetings and participating in debate and discussion;
 - iv) demonstrating respect for the role of the Chairperson and the rights of other Councillors or members of Delegated Committees to contribute to the decision-making; and
 - v) being courteous and orderly.

26. Manager Governance

- a) The Manager Governance shall attend all Council Meetings for the purpose of providing advice to the Chief Executive Officer, or Chairperson in relation to Meeting procedure.
- b) The Manager Governance will act as the formal minute taker at all Council Meetings, and will ensure the accuracy of the official minutes of such Meetings.

27. Community

- a) Council Meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings.
- b) Community members may only participate in Council Meetings in accordance with Part 6 of these Governance Rules.
- c) Community members are encouraged to participate in Council's engagement activities in accordance with the Community Engagement Policy.
- d) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

28. Apologies and Absences

- a) Councillors and members of Delegated Committees who are unable to attend a Meeting may submit an apology:
 - i) in writing to the Chairperson, who will advise the Meeting; or
 - ii) by seeking another Councillor or member of the Delegated Committee to submit it at the Meeting on their behalf.
- b) An apology submitted to a Meeting will be recorded in the minutes.
- c) A Councillor intending to take a leave of absence should submit it in writing to the Mayor.
- d) The Mayor will seek to have any leave of absence request received included in the Agenda of the next Council Meeting.
- e) 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.
- f) Council will not unreasonably withhold its approval of a leave of absence request.
- g) 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.

Part 3 – Notice of Meetings & Agenda Availability

29. Date, Time and Place of Meetings

- a) At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year.
- b) Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Meeting which has been fixed and must provide notice of the change to the public as soon as practicable.

30. Postponement of Meetings

- a) In the case of an emergency, the Chief Executive Officer or, in his or her absence, an Executive Officer, may postpone a Meeting of the Council, provided reasonable attempts are made to notify every Councillor.
- b) The Chief Executive Officer or Executive Officer must submit a full written report of the circumstances requiring his or her action in respect of the emergency postponement to the next Ordinary Meeting.

31. Unscheduled (Special) Meetings

- a) Council may by resolution call an Unscheduled Meeting of the Council.
- b) The Mayor or at least three Councillors may by written notice call an Unscheduled Meeting of the Council.
- c) In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.
- d) The Chief Executive Officer, following consultation with the Mayor, may call an Unscheduled Meeting.
- e) A written notice to call an Unscheduled Meeting must:
 - i) specify the business to be transacted; and
 - ii) must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to Councillors
- f) The Chief Executive Officer must determine the time and date for the Unscheduled Meeting, giving consideration to:
 - i) the urgency of the business to be transacted;
 - ii) the availability of Councillors; and
 - iii) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
- g) The Chief Executive Officer must arrange for notice of the Meeting on Council's website and in accordance with sub-rule 32, unless in urgent or exceptional circumstances.
- h) Any resolution of Council to call an Unscheduled Meeting must specify the date and time of the Unscheduled Meeting and the business to be transacted. The date and time of the Unscheduled Meeting must not be prior to 5:30pm on the day following the Council Meeting at which the resolution was made.
- i) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice or resolution is to be transacted.

- j) Subject to any resolution providing otherwise, the order of business of any Unscheduled Meeting must be the order in which such business stands in the Agenda for the Meeting.

32. Notice of Meeting and Agenda Availability - Public

- a) Notice of seven days must be provided to the public for all Scheduled and Unscheduled Council & Delegated Committee Meetings, unless in urgent or extraordinary circumstances.
- b) Notices will be published in local print media, however where this is not possible notice will be provided on Council's website.
- c) In the case of an Unscheduled Meeting of Council or Delegated Committee, the purpose of the Meeting by reference to the report title must be included in the notice.
- d) Where it is necessary to close an Unscheduled Meeting to the public to consider confidential information, the ground or grounds for determining to close the Meeting to the public by reference to the grounds specified in the definition of 'confidential information' in Section 3(1) of the Act, will be included in the notice.
- e) The agenda will be made available to the public on Council website as soon as possible, but at least 48 hours before the Meeting.

33. Notice of Meeting and Agenda Availability – Councillors and Delegated Committee Members

- a) A notice of Meeting incorporating or accompanied by an Agenda of the business to be dealt with must be provided to every Councillor and member of a Delegated Committee.
 - i) For an Ordinary Meeting of Council or a Delegated Committee, at least five days before the Meeting;
 - ii) Supplementary Agendas may be provided to Councillors up to 48 hours before an Ordinary Meeting of Council or a Delegated Committee; and
 - iii) For an Unscheduled Meeting of Council or a Delegated Committee at least 24 hours before the Meeting.
- b) The notice or Agenda of any Meeting must state the date, time and place of the Meeting and the business to be dealt with and must be provided electronically, by post, or otherwise delivered to each members place of residence or usual place of business (if applicable) or as otherwise specified by the members.
- c) A notice may be handed personally to a member in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant member is held by the Chief Executive Officer.

Part 4 – Quorum

34. Quorum Requirements

- a) The quorum required for Council and Delegated Committee Meetings is the Absolute Majority of voting members.

35. Inability to Gain a Quorum

- a) If a quorum is not present within 30 minutes of the time appointed for the commencement of a Meeting, the Meeting shall be deemed to have lapsed.
- b) If a Meeting lapses, the Chairperson must convene another Meeting and ensure that the Agenda for such Meeting is identical to the Agenda for the Meeting which is deemed to have lapsed.
- c) The Chief Executive Officer must give all members notice of the Meeting convened by the Chairperson.

36. Inability to Maintain a Quorum

- a) If, during any Meeting, a quorum cannot be achieved and maintained, those members present, or if there are no members present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, an Executive officer, must adjourn the Meeting for a period not exceeding seven days from the date of the adjournment.

37. Inability to Achieve or Maintain a Quorum due to Conflicts of Interest

- a) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Council Meeting.
- b) If during any Meeting a quorum cannot be achieved or maintained due to the number of declaration of conflicts of interests by members, the Council or Delegated Committee must consider whether the decision can be made in an alternative manner including:
 - i) Resolving to split the matter into two or more separate parts, so that a quorum can be maintained for each separate part; or
 - ii) Making prior decisions on component parts of the matter at a Meeting for which a quorum can be maintained, before deciding the overall matter at a Meeting for which a quorum can be maintained.
- c) 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 a Delegated Committee, established for the purpose of determining the matter, comprised of all Councillors who have not disclosed a conflict of interest in regard to the matter and any other person or persons that the Council considers suitable.
- d) 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.

38. Notice of Adjourned Meeting

- a) The Chief Executive Officer must provide written notice, including by electronic means, to each Councillor of any Council Meeting adjourned to another date or time due to an inability to achieve or maintain a quorum.

- b) Where this is not practicable, reasonable attempts must be made to contact each member by telephone, in person, electronically or by some other means and this will be deemed sufficient.
- c) Notice of an adjournment to another date or time must be published on Council's website as soon as practical.

Part 5 – Business of Meetings

39. Business at Meetings

- a) The Chief Executive Officer may include any matter on the Agenda for a Council Meeting which he or she thinks should be considered at the Meeting to which the Agenda relates.
- b) No business can be dealt with at a Meeting unless it is:
 - i) contained on the Agenda; or
 - ii) admitted as Urgent Business in accordance with sub-rule 42.

40. Order of Business for Council Meetings

- a) The order of business has been determined by the Chief Executive Officer as follows:
 - Present
 - Apologies and Absences
 - Disclosures of Conflicts of Interest
 - Confirmation of Minutes
 - Confirmation of Council Auspiced Meetings
 - Notification of Absence
 - Mayoral Report
 - Councillor Reports
 - Responses to Councillor Questions
 - Questions from Councillors
 - Notices of Motion
 - Petitions, Joint Letters and Deputations
 - Management Reports
 - Urgent Business
 - Community Questions
 - Confidential Business

41. Change to Order of Business

- a) Once an Agenda has been sent to Councillors, the order of business for that Meeting may only be altered by resolution.

42. Urgent Business

- a) Urgent Business may only be admitted to any Meeting if it:
 - i) relates to or arises out of a matter which has arisen since distribution of the Agenda;
 - ii) cannot be addressed through an operational service request process; or
 - iii) cannot safely or conveniently be deferred until the next Ordinary Meeting.
- b) Subject to sub-rule 42(a) an item of Urgent Business may only be admitted to any Ordinary Meeting by resolution.

- c) Subject to sub-rule 42(a) an item of Urgent Business may only be admitted to an Unscheduled Meeting by a unanimous resolution of all Councillors present.
- d) The Chief Executive Officer may identify and determine a matter appropriate for Council to consider admitting as Urgent Business and will advise the Chairperson as soon as practical.
- e) A Councillor proposing that a matter be admitted as Urgent Business to an Ordinary Meeting, must lodge it in writing to the Chief Executive Officer no later than 30 minutes prior to commencement of the Meeting.

43. Time Limits for Meetings

- a) Items on the Agenda must not be read in full at any Meeting unless resolved otherwise.
- b) A Meeting must not continue after 11pm unless a majority of members present vote in favour to continue.
- c) In the event there is further business to be transacted, the Meeting must stand adjourned, and the time, date and place of its continuance must be decided by the Chairperson at the Meeting.
- d) The Chief Executive Officer must give notice to each member of the date, time and place to which the Meeting stands adjourned and of the business remaining to be considered.

44. Chairperson may Temporarily Adjourn a Meeting Exceeding Two Hours

- a) The Chairperson may adjourn a Meeting for a 10-minute break, at an appropriate point in proceedings after two hours has elapsed.
- b) Notwithstanding sub-rule 44(a), the Chairperson may seek the Agreement of Council not to adjourn the Meeting if the Chairperson reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

Part 6 – Community Questions

45. Community Questions of Council

- a) Unless Council resolves to the contrary, there shall be a Community Question time at every Council Meeting to allow members of the public to submit written questions to Council.
- b) Members of the public are permitted to prepare and submit up to two questions at a Council Meeting on any Council matter subject to sub-rule 45 (e).
- c) Community Questions submitted to Council must be:
 - i) in written form;
 - ii) contain the name, address and/or email or contact telephone number of the person submitting the question;
 - iii) in a form approved or permitted by the Council (Template available on Council's website);
 - iv) addressed to the Chief Executive Officer; and
 - v) submitted no later than 4:00pm on the day prior to the next Meeting by:
 - letter to the Chief Executive Officer, PO Box 105 Mildura, Victoria 3502 (letter must be with Council by 4:00pm on the day prior to the Council Meeting); or
 - email to governance@mildura.vic.gov.au; or
 - hand delivered to the Council's Office at: 108 Madden Avenue, Mildura.
 - vi) If providing a question in writing and or in English unreasonably prevents or hinders participation in Community Question time, assistance with submitting questions is available from Council via an interpreter service.
- d) Alternatively, Community Questions, may be submitted in writing on the provided template during the Meeting with the following conditions:
 - i) they are submitted prior to the end of Section 15 'Management Reports';
 - ii) they relate to an item listed on the Agenda for that current Meeting;
 - iii) the person asking the question is present on the night.
- e) Any Community questions may not be accepted if it:
 - i) relates to a matter beyond or outside the Council's responsibilities; or
 - ii) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance; or
 - iii) relates to confidential information as defined under the Act; or
 - iv) relates to the personal hardship of any resident or ratepayer; or
 - v) contains statements or is considered more appropriately to be processed as a complaint; or
 - vi) repetitive of a question already answered (whether at tonight's meeting or an earlier one); or
 - vii) relates to any other matter which the Council or the Chief Executive Officer considers would prejudice the Council or any person.
- f) The Chair will have the right to determine the amount of time allocated to Community Questions time.
- g) As per sub-rule 45 (b), should a submitter ask more than two questions, it is at the discretion of the Chief Executive Officer or General Manager Corporate Performance to advise which two (2) questions will be asked. Similar questions may be grouped together and a single answer provided.
- h) Where the Chief Executive Officer or General Manager Corporate Performance does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.

- i) If a question is not accepted on the basis that is considered a complaint, the submitter will be contacted to advise that it is being processed as a complaint, noting that further information may be required at that time.
- j) A submission or question submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer or General Manager Corporate Performance will be provided to any Councillor on request.

46. Response

- a) Where possible, Community Questions will be responded to during the Meeting by the Chief Executive Officer or relevant Council Officer.
- b) Where this is not possible, a written response will be provided within ten working days.
- c) All Community questions and verbal responses provided will be documented in the minutes of the Meeting.
- d) Debate during the Meeting is limited to Council decisions and therefore no debate on questions asked or answers given is permitted.

47. Petitions, Joint Letters and Deputations

- a) Every petition submitted to Council must:
 - i) be legible and in permanent writing;
 - ii) be clear and on each page the matter and action sought from Council is stated;
 - iii) not be derogatory, defamatory or objectionable in language or nature;
 - iv) not relate to matters outside the powers or responsibilities of Council; and
 - v) include the names, addresses and original signatures of at least three people.
- b) All petitions will be presented to the next available Ordinary Meeting for noting.
- c) A subsequent report in response to the petition will then be presented to Council outlining recommended actions to address the petition.
- d) If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
- e) If a petition relates to a 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).
- f) The Chief Executive Officer may determine that an electronic or online petition will be submitted to a Council Meeting.
- g) An electronic petition must include the names and addresses of at least three signatories.
- h) The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.
- i) An online or electronic petition will not be presented to a Council Meeting if it contains signatures that are false or misleading.
- j) Where a petition does not meet the requirements of these Rules, reasonable efforts will be made to contact the petitioner or other nominated person as appropriate.
- k) Any person wishing to make a submission / deputation to address the Council on a specific Agenda item, must make a written request to the Chief Executive Officer not less than 24 hours prior to the date of the relevant Meeting in order that the request may be determined.
- l) The Chief Executive Officer, in consultation with the Mayor will determine whether to hear a submission / deputation.
- m) Not more than two speakers may talk to a submission and each speaker shall be allowed five minutes to speak.
- n) The Mayor reserves the right to cease a submission if he or she deems the submission inappropriate.

48. Chairperson May Remove

- a) Members of the public present at a Council Meeting must not interject during the Council Meeting.
- b) If a person, other than a Councillor, interjects or is gesticulating offensively during the Council Meeting, the Chairperson may direct:
 - i) The person to stop interjecting or gesticulating offensively; and
 - ii) If the person continues to interject or gesticulate offensively, the removal of the person.

Part 7 – Councillor Reports and Questions

49. Councillor Reports

- a) At the relevant section of the Agenda, Councillors may provide a verbal report not exceeding three minutes.
- b) The report must be in relation to matters of civic leadership and community representation, including acknowledgement of community groups and individuals, information arising from internal Committees, advocacy on behalf of constituents and other topics of significance.

50. Questions from Councillors

- a) At the relevant section of the Agenda, Councillors may ask questions of Executive Officers.
- b) Questions at the Council Meeting must be submitted in writing 48 hours prior to the Meeting. (*This would mean currently they have to be registered by 5pm Tuesday*).
- c) Questions must meet the following criteria
 - i) Be of strategic importance & relevance
 - ii) Be relevant to a significant number of community members (i.e: not individually generated)
 - iii) Be of a policy nature
 - iv) Be something that is within the Council's remit and powers
- d) All questions need to be approved by the Mayor. The Mayor reserves the right not to allow the questions for any reason she/he deems with particular reference to 50 (c) and 50 (e).
- e) Questions from Councillors must not:
 - i) Be presented as a report; or
 - ii) Include statements;
 - iii) Relate to operational matters of Council or have budgetary impact; or
 - iv) The subject matter has already been asked or answered; or
 - v) Breach the Councillor Code of Conduct (such as aimed at or intimidate or prejudice Councillor or Council staff)
- f) Where possible, a verbal response will be provided at the Meeting by the Portfolio Councillor in the first instance and/or referred to the Chief Executive Officer, or relevant Executive Officer if further information is required.
- g) Where this is not possible, the question will be taken on notice and:
 - i) a written response will be provided to all Councillors as soon as practicable; and
 - ii) a summary of the response will be included in the Agenda of the following Ordinary Meeting of Council.
- h) Councillors will be given an opportunity at the end of their time to indicate whether the question has been responded to adequately
- i) All Questions from Councillors will be recorded in the Minutes of the Meeting, with a summary of the response provided.

- j) Questions pertaining to confidential information within the meaning of the Act should not be asked in open Council, and should be directed to the Chairperson or Chief Executive Officer in the first instance.

Part 8 – Voting

51. How a Matter is Determined

- a) To determine a Motion at a Meeting, the Chairperson must first call for those in favour of the Motion and then those opposed to the Motion, and must then declare the result to the Meeting.
- b) Subject to Section 61(5)(d) of the Act, if there is an equal division of votes upon any Motion, the Chairperson shall, in addition to his or her own vote as a member, have a second or casting vote.
- c) In accordance with Section 61(5)(e) of the Act, a member present at the Meeting who does not vote will be taken to have voted against the Motion, and will be recorded in the minutes.
- d) Sub-rule 51(b) will not apply in the case of:
 - i) any election of the Mayor or a Deputy Mayor; or
 - ii) a vote to declare the office of Mayor or Deputy Mayor vacant.

52. Vote to be Taken in Silence

- a) Except that a member may demand a division, members must remain seated in silence while a vote is being taken.
- b) Voting must be by a show of hands.

53. Recount of Vote

- a) The Chairperson may direct that the vote be re-counted for him or her to satisfy himself or herself of the result.

54. Division

- a) A division may be requested by any Councillor on any vote.
- b) The request must be made to the Chairperson 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.
- c) When a division is called for, the Chairperson must:
 - i) first ask each Councillor wishing to vote in the favour of the Motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
 - ii) then ask each Councillor wishing to vote against the Motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
 - iii) next, ask each Councillor abstaining from voting to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes; and
 - iv) finally, declare the result of the division.
- d) Where a division is requested after the original vote has been taken, the Motion is decided on the division, and the fact that there may be a difference between the result obtained when the original vote was taken and the result obtained on the division must be disregarded.

55. Declaration of Vote

- a) The Chairperson must declare the result of the vote or division as soon as it is taken.

56. No Discussion once a Vote has Been Declared

- a) Once a vote on a Motion has been declared carried or lost by the Chairperson, no further discussion relating to the Motion is allowed, unless the discussion:
 - i) 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 sub-rule 54; or
 - ii) 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.

57. Recording of Support or Opposition to Resolution

- a) Any member wishing to record their vote of support or opposition to a resolution must clearly request this through the Chair immediately following the declaration of the vote.
- b) It must then be recorded in the minutes of the Meeting.

Part 9 – Addressing the Meeting

58. Chairperson

- a) The Chairperson may address a Meeting upon any matter under discussion.

59. Councillor Allowed to Speak Uninterrupted

- a) A Councillor who has the floor must not be interrupted unless called to order, or given notice by the Chairperson that his or her speaking time has elapsed or is about to elapse, when he or she must remain silent until the Councillor raising the Point of Order has been heard, and the Point of Order dealt with.

60. Addressing the Meeting

- a) Except for the Chairperson, any person who addresses the Meeting must direct all remarks through the Chair.
- b) Any person addressing the Chairperson must refer to the Chairperson as:
 - i) Mayor; or
 - ii) Chairperson.
- c) All Councillors, other than the Mayor, should be addressed as Councillor(surname);
- d) All Council Officers should be addressed by their official title.

Part 10 – Motions

61. Chairperson's Duty

- a) The Chairperson must not accept any Motion which:
 - i) is defamatory; or
 - ii) is objectionable in language or nature; or
 - iii) is vague or unclear in its intention; or
 - iv) is outside the powers of Council; or
 - v) is not relevant to an item of business on the Agenda and has not been admitted as urgent business; or
 - vi) purports to be an amendment but is not.

62. Motions

- a) The procedure for moving any Motion is:
 - i) the Chairperson shall present the report by reading or summarising the recommendation and calling for a mover;
 - ii) the Chairperson will then call for a seconder, the Motion must be seconded by a Councillor other than the mover;
 - iii) before any debate is entered into, a Councillor may ask a question to clarify the motion;
 - iv) if a Motion is not seconded, the Motion lapses for want of a seconder;
 - v) if there is a seconder, then the Chairperson must ask if the Motion is opposed;
 - vi) questions may only be asked through the Chair during a debate to seek clarification on a point made;
 - vii) if any Councillor indicates opposition, the Motion is open to debate in accordance with sub-rule 63;
 - viii) Unless sub-rule 62(b) applies, where there is no opposition, the Motion must immediately be put to the vote.
- b) Where there is no opposition and a Councillor wishes to speak to the Motion:
 - i) they will be given three minutes to address the Meeting;
 - ii) there is no right of reply and no new information can be included;
 - iii) each Councillor will then be provided with the opportunity to address the Meeting;
 - iv) the Motion must immediately be put to the vote without any further discussion or debate.

63. Debating a Motion

- a) The Chairperson shall not enter the debate unless at the time of calling for a Mover and a Secunder, the Chairperson indicates their intention to make a statement not exceeding three minutes. The statement must be made either:
 - i) before any debate commences; or
 - ii) after the declaration of the vote.
- b) Where a Councillor indicates opposition to a Motion, the Mover must address Council upon it.

- c) After the Mover has spoken, the Secunder may address the Council upon it. The Seconders right of address cannot be deferred.
- d) After the Mover and Secunder have spoken to the Motion, the Chairperson must call on any Councillor who wishes to speak against the Motion, then on any Councillor who wishes to speak for the Motion, until all Councillors wishing to speak for or against the Motion have spoken.
- e) Once debate has been exhausted, the mover of a Motion which has not been amended may, exercise a right of reply to matters raised during the debate. No new matter may be raised in the right of reply.
- f) After the right of reply has been exercised, the Motion must immediately be put to the vote without any further discussion or debate.

64. Moving an Amendment

- a) A Motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the Motion.
- b) No notice need be given of any amendment.
- c) An amendment may be proposed or seconded by any Councillor, except the mover and secunder of the original Motion.
- d) If a Councillor proposes an amendment and the original mover and secunder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote.
- e) If a Councillor proposes an amendment to which either the mover or secunder does not agree, the following will apply:
 - i) the amendment must be moved and seconded;
 - ii) 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;
 - iii) any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the Chairperson 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;
 - iv) if the amendment is carried, the Motion as amended then becomes the Motion before the Meeting (known as the 'substantive Motion'); and
 - v) the mover of an amendment does not have right of reply.
- f) A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of.
- g) A member cannot move more than two amendments in succession on the same matter being debated.

65. Foreshadowing Motions

- a) At any time during debate a Councillor may Foreshadow a Motion so as to inform Council of his or her intention to move a Motion at a later stage in the Meeting, but this does not extend any special right to the Foreshadowed Motion.
- b) A Motion Foreshadowed may be prefaced with a statement that, in the event of a particular Motion before the Meeting being resolved in a certain way, a Councillor intends to move an alternative or additional Motion.

- c) A Motion Foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting.
- d) The Minutes of the Meeting will not include Foreshadowed Motions unless the Foreshadowed Motion is subsequently formally moved as a Motion.

66. Withdrawal of Motion

- a) A Motion or amendment cannot be withdrawn without the agreement of Council.

67. Repeating Motion

- a) Before any matter is put to the vote, a member may require that the question, Motion or amendment be read again.
- b) The Chairperson without being so requested may direct the Chief Executive Officer (or other person authorised by the Chief Executive Officer to record the minutes) to read the question, Motion or amendment to the Meeting before the vote is taken.

68. Separation of Motions

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

69. Motions Moved in a Block

- a) The Chairperson may allow like Motions to be moved, or request Councillors to move like items, in a block (en bloc), only if the Motions note actions already taken and will not commit Council to further action, spending or changes to policy.

70. Motions in Writing

- a) All Motions, except procedural Motions, must be submitted in writing if requested by the Chairperson.
- b) The Chairperson may adjourn a Meeting while a Motion is being written or may request Council to defer the matter until the Motion has been written, allowing the Meeting to proceed uninterrupted.

71. Debate must be Relevant to the Motion

- a) Debate must always be relevant to the Motion before the Meeting, and, if not, the Chairperson must request the speaker to confine debate to the Motion.
- b) If, after being requested by the Chairperson to confine debate to the Motion before the Meeting, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to not speak further in respect of the Motion before the Chairperson. The speaker must immediately comply with any such direction.

72. Adequate and Sufficient Debate

- a) 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.
- b) 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.
- c) Once the views put are representative of the views of all Councillors or Members the debate would be regarded as sufficient.

73. Resumption of Adjourned Debate

- a) If a debate is adjourned by Motion, the member moving the adjournment has the right to be the first speaker upon the resumption of debate unless he or she has already spoken to the Motion or amendment.

74. Speaking Times

- a) A member must not speak longer than five minutes unless granted an extension by the Chairperson.
- b) Any extension of speaking time must not exceed five minutes.

75. Priority of Address

- a) In the case of competition for the right to speak, the Chairperson must decide the order in which the members concerned will be heard.
- b) Except that the mover of a Motion (other than a Motion amending another Motion) has the right of reply and that any member may take a point of order or offer a personal explanation, no member may speak more than once to the same Motion or amendment.

76. Interruptions, Interjections and Relevance

- a) A member must not be interrupted except by the Chairperson or upon a point of order or personal explanation.
- b) If a member is interrupted by the Chairperson or upon a point of order or personal explanation, he or she must remain silent until the Chairperson has ceased speaking, the point of order has been determined or the personal explanation has been given (as appropriate).
- c) A member must not digress from the subject matter of the Motion or business under discussion.
- d) The mover of a Motion must not introduce fresh information when exercising any right of reply.

77. Personal Explanation

- a) A member may, at a time convenient to Council, and as determined appropriate by the Chairperson, make a brief personal explanation in respect of any statement affecting him or her as a Councillor or member.
- b) A personal explanation arising out of a statement at a Meeting must be made as soon as possible after the statement is made and if occurring as part the debate in relation to a Motion before the Chair, must be undertaken prior to the vote on such matter.
- c) A personal explanation must not be debated except upon a Motion to censure the member who has made the statement the subject of the personal explanation.
- d) Any personal explanation can only be made once in relation to the matter at hand.

78. Ordering Withdrawal of Remark

- a) The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.
- b) A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

79. Criticism of Council Staff

- a) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may address a Meeting in respect of any statement made affecting a Council Officer where that comment is made at a Council or Delegated Committee Meeting, or in the media.

80. Procedural Motions

- a) The form and effect of Procedural Motions is set out in Schedule 1.
- b) Unless otherwise prohibited, a Procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.
- c) Procedural Motions require a seconder.
- d) The Chairperson may reject a Procedural Motion if he or she believes the Motion on which it is proposed has not been adequately or sufficiently debated.
- e) Procedural Motions may only be moved and seconded by members who have not moved, seconded or spoken to the original matter or Motion to be considered.
- f) A procedural Motion cannot be moved or seconded by the Chairperson.
- g) Debate on a Procedural Motion is not permitted and the mover does not have a right of reply.
- h) A Procedural Motion cannot be amended.
- i) The Chairperson may request that the mover of a Procedural Motion provide an explanation for the movement of the Procedural Motion in question.

81. Notices of Motion

- a) A Councillor can submit to the Chief Executive Officer a Notice of Motion for inclusion in the Agenda for a Meeting.
- b) A Notice of Motion must be in writing, signed by the Mover and Secunder (including by electronic means), and be lodged with the Chief Executive Officer no later than 12 noon 10 business days before the Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.
- c) The Chief Executive Officer must inform Councillors about the legal and cost implications of any proposed Notice of Motion. The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under these Governance Rules.
- d) A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- e) A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
 - i) impacts the levels of Council service;
 - ii) commits Council to expenditure that is not included in the adopted Council Budget;
 - iii) proposes to establish, amend or extend Council policy;
 - iv) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - v) commits Council to any contractual arrangement; or
 - vi) concerns any litigation in respect of which Council is a party.
- f) The Chief Executive Officer must reject any Notice of Motion which:
 - i) is too vague;

- ii) is defamatory;
 - iii) may be prejudicial to any person or Council;
 - iv) is objectionable in language or nature;
 - v) is outside the powers of Council;
 - vi) is submitted during Election Period.
- g) The Chief Executive Officer may reject a proposed Notice of Motion that:
- i) relates to a matter that can be addressed through the operational service request process; or
 - ii) relates to a matter that has been previously resolved by Council or is acted upon.
- h) 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.
- i) 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.
- j) The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda and outline the policy, financial and resourcing implications if the Notice of Motion is passed.
- k) 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.
- l) The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- m) Unless Council resolves otherwise, each Notice of Motion must be considered in the order in which they were received.
- n) The Motion moved must not be substantially different to the motion published in the Agenda, however, may be amended by resolution of the Council.
- o) If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chairperson to do so, any other Councillor may move the Motion.
- p) If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

82. Notices of Rescission

- a) A Notice of Rescission is a form of Notice of Motion. Accordingly, all provisions in these Governance Rules regulating Notices of Motion equally apply to Notices of Rescission.
- b) A Councillor may propose a Motion to rescind or alter a previous resolution of Council provided;
 - i) the original Motion has not already been materially effected;
 - ii) unless notice of the intention to propose such revocation or alteration is given to each of the members at least 48 hours before the Meeting at which the Motion will be considered setting out;
 - the relevant previous resolution to be rescinded or altered; and

- the Meeting and date when the relevant previous resolution was carried.
- c) The Chief Executive Officer, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the Meeting at which it was made. A resolution of Council will be deemed to have been acted on if:
- i) its contents or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the proposed Minutes of a Council Meeting on Council's website; or
 - ii) a statutory process has been commenced so as to vest enforceable rights or obligations on Council or any other person.
- d) Notwithstanding sub-rule 82(c), the Chief Executive Officer or member of Council staff must defer implementing a resolution which:
- i) has not been acted on; and
 - ii) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-rule 82(f)(ii), unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the Council at legal, financial or other risk.
- e) Motions to rescind or alter a previous resolution of Council can be made by:
- i) a notice of rescission delivered by a Councillor in accordance with sub-rule 82(f)(ii); or
 - ii) a recommendation contained in a Management report included in the Agenda.
- f) A Notice of Motion to rescind or alter a previous resolution:
- i) must be signed by a mover and seconder;
 - ii) must be given to the Chief Executive Officer in sufficient time to enable the Chief Executive Officer to give to all members at least 48 hours before the Meeting at which the Motion will be considered;
 - iii) shall be deemed to have been withdrawn if not moved at the next Meeting at which such business may be transacted;
 - iv) if it is a second or subsequent notice to revoke or alter an earlier resolution, it must not be accepted by the Chief Executive Officer until a period of one month has elapsed since the date of the Meeting at which the first or last Motion for revocation or alteration was dealt with; and
 - v) can occur prior to the Chief Executive Officer enacting a Motion.
- g) A notice of rescission listed on an Agenda may be moved by any Councillor present but be moved in the form it was listed and must not be amended.

83. Foreshadowed Items

- a) At the time designated in the Meeting Agenda, a Councillor may Foreshadow a Notice of Motion to be submitted for consideration at the next Meeting by indicating, when called on to do so by the Chair, the subject matter of the Foreshadowed Notice of Motion.
- b) The subject matter, as indicated by the Councillor, of a Foreshadowed Item will be recorded in the Minutes.
- c) No discussion or debate is allowed on a Foreshadowed Item.
- d) A Foreshadowed Item will have no further formal status at that Council Meeting.

- e) Foreshadowed Items are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council Meeting.
- f) If a Councillor does not submit a Notice of Motion for the next Council Meeting, no further action on a Foreshadowed Item will occur.

Part 11 – Points of Order

84. Valid Points of Order

- a) A Point of Order may be raised in relation to:
 - i) a Motion which has not been accepted by the Chairperson;
 - ii) a question of procedure;
 - iii) a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
 - iv) debate that is irrelevant to the matter under consideration;
 - v) a matter that is outside Council's legal powers; or
 - vi) any act of disorder.

85. Contradiction or Opinion

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

86. Points of Order

- a) A point of order is an objection raised by any member that the motion, amendment or statement made is any of the following:
 - i) contrary to the Governance Rules;
 - ii) defamatory or disloyal;
 - iii) irrelevant, irreverent or obscene; or
 - iv) outside Council's legal powers.
- b) If called on a point of order, a member must remain silent until the point of order is decided unless he or she is requested by the Chairperson to provide an explanation.
- c) The Chairperson may adjourn the Meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
- d) The Chairperson must when ruling on a point of order give reasons for the ruling. The Chairperson's ruling shall be final.
- e) Where a point of order is called by a member on the Chairperson of the Meeting, the Chairperson shall vacate the chair, and:
 - i) If the Chairperson is the Mayor, the Deputy Mayor will take the Chair and rule on the point of order; or
 - ii) If the Deputy Mayor is not present, an acting Chair must be elected by resolution.
 - iii) If the Chairperson is not the Mayor, an acting Chair must be elected by resolution.

87. Dissent in Chairperson's Ruling

- a) A Motion of dissent in the Chairperson's ruling must, if seconded, be given priority to all other items of business and the Deputy Mayor must preside while the Motion is being considered.
- b) If the Deputy Mayor is not present, a substitute Chairperson must be elected.
- c) The substitute Chairperson must put questions relative to the ruling to the Chairperson first, and then to the mover of the Motion.

- d) The substitute Chairperson must conduct a debate on the Chairperson's ruling, and the matter must be decided by a majority vote.
- e) The Chairperson must then resume the Chair for the remainder of the Meeting.

88. Disorderly Conduct

- a) The conduct of Councillors and members at Meetings is governed by the Act, these Governance Rules and the Councillor Code of Conduct.

89. Chairperson May Adjourn Disorderly Meeting

- a) The Chairperson may adjourn a Meeting for either a short time, or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.
- b) Where an adjourned Meeting is subsequently closed to members of the public to enable the Meeting to proceed in an orderly manner, the proceedings of the Meeting must be able to be viewed by members of the public on the internet or on closed circuit television as the Meeting is being held.
- c) Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
 - i) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
 - ii) The Mayor, under Section 19 of the Act, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the Meeting for a period of time or the balance of the Meeting.
- d) Where Council suspends a Councillor under sub- rule 89(c)(i), or the Mayor directs a Councillor to leave the Meeting under sub-rule 89(c)(ii) the Councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
- e) If a Councillor has been suspended from a Meeting or directed to leave in accordance with sub-rule 88(c) the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.

Part 12 – Meeting Records

90. Keeping of Minutes

The Chief Executive Officer, or a person authorised by the Chief Executive Officer, must record minutes of each Meeting, and those minutes shall include;

- a) The date, place, time and nature of the Meeting;
- b) The names of all Councillors and whether they are present, an apology, absent or on leave of absence;
- c) The name of all Council Officers present in an official capacity;
- d) The confirmation of previous minutes (if applicable);
- e) Questions from Councillors asked in section 11 of the Agenda, and the responses provided. Where a question is taken on notice, the response will be provided in the Agenda for the next Ordinary Meeting of Council;
- f) The disclosure of interests made by a Councillor, and at what point in time they left the room including if they were present and took part in any debate or vote on the matter prior to declaring any conflict of interest;
- g) The time the member returned to the room;
- h) Arrivals and departures (including temporary departures) of Councillors during the course of the Meeting;
- i) Each Motion and amendment moved;
- j) The outcome of every Motion moved;
- k) Where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
- l) When requested by a Councillor, a record of their support or opposition to any motion;
- m) Any abstention from voting as specified in sub-rule 51(c);
- n) A summary of any question asked and the response provided as part of Community question time;
- o) Details of any failure to achieve or maintain a quorum;
- p) Details of any petitions made to Council;
- q) The time and reason for any adjournment of the Meeting or suspension of standing orders;
- r) 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
- s) The time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public, including:
 - i) the reasons for determining to close the Meeting by reference to the definitions of 'confidential information' as specified in Section 3(1) of the Act; and
 - ii) an explanation of why the specified reasons applied.

91. Confirmation of Minutes

- a) The Minutes as recorded by the Chief Executive Officer, or Delegate, will be made available as the draft Minutes to:
 - i) Councillors, within 7 business days;

- ii) Members of the public, by publishing them on Council's website, within 9 business days of the Council Meeting they relate to.
- b) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the Meeting to which they relate is questioned.
- c) Minutes are to be confirmed at the next practicable Meeting, unless there is a Motion to the contrary.
- d) Once the minutes are confirmed they will be signed by the Chairperson.
- e) The minutes of Confidential Meetings of Council shall be confirmed in open Council.
- f) The minutes for open Meetings shall be available for inspection at all reasonable times by any person free of charge at Council Service Centres and Libraries and are also available for viewing on Council's website.

92. Objection to Confirmation of Minutes

- a) If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:
 - i) state the item or items with which he or she is dissatisfied; and
 - ii) propose a Motion clearly outlining the alternative wording to amend the minutes.

93. Deferral of Confirmation of Minutes

- a) The Council or Delegated Committee may by resolution, defer the confirmation of minutes until later in the Meeting or until the next Meeting as appropriate.

94. Agendas & Minutes of Council and Delegated Committees

- a) The records of Council and Delegated Committees which are open to the public will be made available on Council's website as soon as practicable.
- b) Hard copies will be made available for collection at a Customer Service Centre on request.

95. Recording of Proceedings & Live Streaming

- a) At the discretion of the Chair or Chief Executive Officer (unless required under rule 17), a Meeting of Council or Delegated Committee may be live streamed on Council website in accordance with the 'Live Streaming and Published Recordings of Council Meetings' Policy.
- b) Where a Meeting is closed to the public in accordance with Section 66(2)(b) or 66(2)(c) of the Act, arrangements will be in place to enable members of the public to view the proceedings of the Meeting through a live stream on Council website.
- c) A person authorised by the Chief Executive Officer may record on suitable audio recording equipment, all open proceedings of a Council or Delegated Committee Meeting.
- d) Subject to sub-rule 95(a), a person must not operate audio tape or other recording equipment at any Council or Delegated Committee Meeting without first obtaining the consent of the Chief Executive Officer, Mayor or Chairperson (as the case may be). Such consent may at any time during the course of such Meeting be revoked by the Chief Executive Officer, Mayor or Chairperson (as the case may be).
- e) Members will be notified if permission is given for the use of audio recording equipment.

Part 13 – Suspension of Standing Orders

96. Suspension of Standing Orders

- a) The provisions of these Governance Rules may be suspended for a particular purpose by resolution of the Council or Delegated Committee.
- b) The suspension of such provisions (standing orders) should be used to enable full discussion of any issue without the constraints of formal Meeting procedure.
- c) The purpose is to enable the formalities of Meeting procedures to be temporarily disposed of while an issue is discussed.
- d) It should not be used purely to dispense with the processes and protocol of the government of the Council or Delegated Committee.
- e) Once the discussion has taken place and before any Motions can be put, the resumption of standing orders will be necessary.

97. No Motions may be accepted during Suspension of Standing Orders

- a) No Motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders other than the Motion for resumption of standing orders.

Part 13 – Delegated Committees

98. Rules to Apply to Delegated Committees

- a) If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.
- b) For the purpose of sub-rule 98(a):
 - i) a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
 - ii) a Councillor is to be read as a reference to a Member of the Delegated Committee;
and
 - iii) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- c) If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules do not apply to that Committee.

Part 15 – Community Asset Committees

99. Council to Establish a Community Asset Committee

- a) The Governance Rules may apply to any Community Asset Committee established by Council.
- b) Council may resolve, in establishing a Community Asset Committee which parts of the Governance Rules apply, but as a minimum must include Part 8, sub-rule 51.
- c) A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council Meeting.
- d) A Community Asset Committee must act in accordance with its Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

Part 16 – Audit and Risk Committee

100. Audit and Risk Committee Oversight

- a) The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.
- b) Council may resolve, in establishing an Audit and Risk Committee that the Meeting procedure chapter of these Governance Rules does not apply.
- c) An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council Meeting.
- d) An Audit and Risk Committee must act in accordance with its Charter as adopted by Council.

Part 17 – Election Period Policy

101. Council to have in place an Election Period Policy

- a) Council will have in place an election period policy that:
 - i) Governs decision making during a local government election period, including what may be considered at a Council Meeting;
 - ii) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - iii) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committees established by Council;
 - iv) Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
 - v) Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period;
 - vi) Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- b) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- c) The Election Period Policy forms part of these Governance Rules.
- d) The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- e) Any outstanding Delegate's Reports may still be reported to an Ordinary Meeting during this period.
- f) Council Committees shall resume Meeting following the election and the appointment by the incoming Council of Councillors to each committee.

Part 18 – Disclosure of Conflicts of Interest

Conflict of Interest is about ensuring transparency in the decision-making process. Councillors and staff hold positions of public trust and should work to serve the interests of the community.

102. Obligations with Regard to Conflict of Interest

- a) Councillors, members of Delegated Committees and Council staff are required to:
 - i) Avoid - all situations which may give rise to conflicts of interest;
 - ii) Identify - any conflicts of interest; and
 - iii) Disclose – or declare all conflicts of interest.

103. Councillors and Members of Delegated Committees

- a) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- b) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- c) All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.
- d) Council will maintain a Conflict of Interest Register which will be made available on Council's website.

104. Council Staff

- a) Council staff must act in accordance with the Employee Code of Conduct.
- b) Council staff must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- c) Council staff may be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at sub-rule 99 and the Employee Code of Conduct.

105. When Must a Disclosure be Made

- a) A Conflict of Interest disclosure must be made by a relevant person in respect of a matter:
 - i) to be considered at a Meeting of Council; or
 - ii) to be considered at a Meeting of a delegated committee; or
 - iii) to be considered at a Meeting of a community asset committee; or
 - iv) that arises in the course of the exercise of a power of delegation by a member of Council staff; or
 - v) that arises in the course of the exercise of a statutory function under any Act.
- b) A disclosure must be made by any Councillor who has a conflict of interest in respect of any matter at any Council Auspiced Meeting.
- c) A disclosure must be made by a member of Council staff when providing information in respect of any matter with which a Council, Delegated Committee, Community Asset Committee is concerned, and that will require:
 - i) a power to be exercised, or a duty or function to be performed, or a decision to be made by the Council, Delegated Committee or Community Asset Committee in respect of the matter; or

- ii) a power to be exercised, or a duty or function to be performed, or a decision to be made by a member of Council staff in respect of the matter.

106. Procedures for Disclosures at a Council or Delegated Committee Meeting

- a) A Councillor with a conflict of interest in an item on the Agenda must make a verbal declaration in respect of each matter that includes:
 - i) whether their conflict of interest is general or material; and
 - ii) an explanation of the nature of the interest.
- b) Following a verbal declaration, in accordance with Section 130(2) of the Act, the Councillor must immediately exclude themselves from:
 - i) the decision making process in relation to the matter;
 - ii) any discussion or vote on the matter at a Council or Delegated Committee Meeting; and
 - iii) any action in relation to the matter.
- c) A Councillor who has made a disclosure, is required to complete and sign a Conflict of Interest Declaration Form that must include:
 - i) the type of interest as defined within Section 126(2) of the Act;
 - ii) an explanation of the nature of the interest;
 - iii) details of the matter in respect of which the disclosure is made; and
 - iv) the date on which the disclosure is being made.
- d) A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Meeting must not communicate with any participants in the Meetings while the decision is being made.

107. Procedures for Disclosures at Council Auspiced Meetings

- a) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- b) At the time indicated on the Agenda, a Councillor with a conflict of interest must indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- c) If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon as the matter arises.
- d) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the Meeting for the duration of the discussion.
- e) The existence of a conflict of interest will be recorded in the minutes of the Meeting.
- f) If there are no minutes kept of the Meeting, the conflict of interest will be recorded in a Meeting record and provided to Governance for recording in the register of Conflicts of Interest.
- g) The Meeting minutes or record will also record the duration of the discussion and whether the Councillor left the Meeting.

108. Procedure for Disclosures by Council Staff

- a) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.

- b) All conflicts of interest disclosed by Council staff will be provided to Governance for recording in the register of Conflicts of Interest.
- c) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
 - i) the number and qualifications of other people providing advice regarding the same matter is equal or greater; or
 - ii) the staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
 - iii) the staff member's General Manager determines that the conflict of interest has not influenced the advice provided; and
 - iv) the existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

109. Failure to Comply – Statutory Penalties

- a) Any person who fails to comply with the requirements of Part 18 of these Governance Rules, will be subject to the actions and or penalties as prescribed within Sections 130 and 131 of the Act as amended from time to time.

Part 19 – Joint Council Meetings

110. Regional Collaboration

- a) Council may resolve to participate in a Joint Council Meeting to consider:
 - i) Matters subject to discussion between participating Council's; or
 - ii) Collaborative projects; or
 - iii) Collaborative procurement; or
 - iv) Emergency Response.
- b) The total number of Councillors required to constitute a Joint Council Meeting shall be:
 - i) determined by the Councils holding the Joint Council Meeting; and
 - ii) at least three Councillors from each of the participating Councils.
- c) Where Mildura Rural 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.
- d) 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.
- e) A quorum at a Joint Council Meeting will be an absolute majority of the total number of Councillors as determined at sub-rule 110(b).
- f) Consistent information will be provided to Councillors prior to any Joint Council Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- g) A joint briefing arranged in accordance with sub-rule 110(f) may be held electronically.

Part 20 – Councillor Code of Conduct

Council's Councillor Code of Conduct Policy (CP051) is to be applied in the conduct of Meetings held in accordance with Council's Governance Rules.

In carrying out their role, Councillors will:

- act with integrity; exercising their responsibilities impartially in the interests of the local community;
- not make improper use of their position to advantage or disadvantage any person;
- avoid conflicts between their public duties as Councillors and their personal interests and obligations;
- act honestly and avoid making oral or written statements and avoid actions that may mislead a person;
- treat all persons with respect and will show due respect for the opinions, beliefs, rights and responsibilities of other Councillors, Council officers and other people;
- exercise reasonable care and diligence and they will submit to lawful scrutiny that is appropriate to their office;
- try to ensure that public resources are used prudently and solely in the public interest;
- act lawfully and in accordance with the trust placed in them as elected representatives of their community; and
- support and promote these principles by leadership and example so as to ensure the public has confidence in the office of Councillor.

Councillors will treat Council information appropriately, by:

- not using information gained by virtue of the position of Councillor for any purpose than to exercise the role of Councillor;
- respecting the Council's policies in relation to public comments and communications with the media;
- not releasing information deemed 'confidential information' in accordance with Section 77 of the *Local Government Act 1989*, or Section 3 of the *Local Government Act 2020*; and
- recognising the requirements of the *Privacy and Data Protection Act 2014* regarding the access, use and release of personal information.

Part 21 – Council Auspiced Meetings

A Council Auspiced Meeting is a Meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority and is either of the following:

- a Meeting of an advisory committee where at least one Councillor is present; or
- a planned or scheduled Meeting that includes at least half the Councillors and at least one Council officer.

All boards and committees established by resolution of Council must complete a written record of the Meeting which includes:

- the names of all Councillors and Council officers attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor or Council officer; and
- whether a Councillor or Council officer who has disclosed a conflict of interest leaves the Meeting.

All records of Council Auspiced Meetings are to be reported to the next Ordinary Meeting of Council and confirmed in the minutes.

Schedule 1 – Procedural Motions

Motion	Form	Mover/ Secunder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future Meeting)	'That the debate on this matter be deferred until (insert Meeting/date) to allow (purpose of deferral) ...'	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a <i>Chairperson</i> ; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future Meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the motion now be put'	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a <i>Chairperson</i>	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same Meeting	Debate continues unaffected	No
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the Meeting	Items are considered in the order as listed in the <i>Agenda</i>	No
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the Meeting are temporarily suspended for the specific reason given in the motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The Meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the Meeting is removed	The Meeting cannot continue	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Consideration of confidential matter(s) (Close the Meeting to members of the public)	That, in accordance with Section 66(2)(a) of the <i>Local Government Act 2020</i> the Meeting be closed to members of the public for the consideration of item xx <i>is confidential as it relates to [insert reason]</i>	Any Councillor	During the election of the Mayor/Deputy Mayor	The Meeting is closed to members of the public	The Meeting Continues to be open to the public	Yes
Reopen the Meeting	'That the Meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The Meeting remains closed to the public	No