



**Borough of Queenscliffe**

# **Governance Rules**

Adopted by Council:

## Introduction

### 1. Nature of Rules

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

### 2. Date of Commencement

These Governance Rules commence on [Insert date].

### 3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name	Page
Chapter 1	Governance Framework	3
Chapter 2	Meeting Procedure for Council Meetings	4
Chapter 3	Meeting Procedure for Delegated Committees	37
Chapter 4	Meeting Procedure for Community Asset Committees	38
Chapter 5	Disclosure of Conflicts of Interest	39
Chapter 6	Miscellaneous	43
Chapter 7	Election Period Policy	44

### 4. Definitions

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

**Act** means the *Local Government Act 2020*.

**attend, attending and in attendance** include attend, attending or in attendance by electronic means.

**Chief Executive Officer** means the person appointed by a Council to be its Chief Executive Officer or any person acting in that position

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

**Council** means Borough of Queenscliffe Council.

**Council meeting** has the same meaning as in the *Act*

.

**Election Period** has the same meaning as in the *Act*.

**Mayor** means the Mayor of *Council*, and includes any Councillor acting as Mayor

**these Rules** means these Governance Rules.

Note: further definitions particularly relevant to meeting procedures are contained in Chapter 2

## Chapter 1 – Governance Framework

### 1. 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 following documents adopted or approved by *Council*:
  - (i) Council Plan; and
  - (ii) Councillor Code of Conduct

### 2. 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 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).
- (c) Without limiting anything in paragraph (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 or persons have been provided with an opportunity to communicate their views and have their interests considered;
  - (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 or persons have been provided with an opportunity to communicate their views and have their interests considered; and
  - (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

## Chapter 2 – Meeting Procedure for Council Meetings

### Contents

<b>CHAPTER 2 - PART 1 - PRELIMINARY .....</b>	<b>8</b>
1.    TITLE .....	8
2.    PURPOSE OF THIS CHAPTER.....	8
3.    DEFINITIONS.....	8
4.    LIMITATIONS.....	10
<b>PART 2 – ELECTION OF MAYOR .....</b>	<b>11</b>
5.    PURPOSE.....	11
6.    CALLING OF MEETING.....	11
7.    WHO WILL PRESIDE .....	11
8.    NOMINATION PROCEDURE.....	11
9.    ELECTION PROCEDURE.....	11
10.   MAYOR TO TAKE CHAIR.....	12
<b>PART 3 – COUNCIL MEETINGS .....</b>	<b>13</b>
DIVISION 1 - AGENDAS .....	13
11.   DATES AND TIMES OF MEETINGS .....	13
12.   COUNCIL MAY ALTER MEETING DATES.....	13
13.   SPECIAL COUNCIL MEETING.....	13
14.   MEETINGS NOT FIXED BY COUNCIL.....	13
15.   AGENDA OF MEETING .....	13
16.   LEAVE OF ABSENCE.....	14
17.   CONVENING OR CANCELLATION OF A COUNCIL MEETING .....	14
DIVISION 2 – QUORUMS .....	14
18.   COUNCIL MEETINGS .....	14
19.   COMMITTEE MEETINGS.....	14
20.   INABILITY TO GAIN A QUORUM .....	14
21.   INABILITY TO MAINTAIN A QUORUM.....	15
22.   NOTICE OF ADJOURNED MEETING .....	15
<b>PART 4 – MINUTES OF COUNCIL MEETINGS AND COMMITTEE MEETINGS... 16</b>	
23.   KEEPING OF MINUTES .....	16
24.   NO DEBATE ON CONFIRMATION OF MINUTES.....	16
25.   OBJECTION TO CONFIRMATION OF MINUTES .....	16
26.   DEFERRAL OF CONFIRMATION OF MINUTES.....	16
27.   CONTENTS OF MINUTES.....	16

<b>PART 5 – PROCEDURE AT COUNCIL MEETINGS .....</b>	<b>18</b>
DIVISION 1 – ORDER OF BUSINESS .....	18
28. CHIEF EXECUTIVE OFFICER MAY INCLUDE ITEMS ON AN AGENDA..	18
29. THE PROCEDURE AND ORDER OF BUSINESS.....	18
30. CHANGE TO ORDER OF BUSINESS .....	18
31. DISCLOSURE OF INTERESTS .....	18
32. LEAVE OF ABSENCE .....	18
DIVISION 2 – VOTING .....	19
33. HOW DETERMINED .....	19
34. CHAIRPERSON MAY VOTE.....	19
35. WHEN A DIVISION IS PERMITTED .....	19
36. PROCEDURE FOR DIVISION .....	19
37. NO DISCUSSION ONCE DECLARED .....	19
DIVISION 3 – CONDUCT .....	20
38. ADDRESSING THE COUNCIL .....	20
39. PRIORITY OF ADDRESS .....	20
40. CHAIRPERSON'S DUTY TO REJECT .....	20
41. ORDER WITHDRAWAL OF REMARK.....	21
42. VISITORS.....	21
43. CALL TO ORDER .....	21
44. REMOVAL FOR DISRUPTION .....	21
45. CHAIRPERSON'S EXERCISE OF AUTHORITY .....	21
46. INTERRUPTION, INTERJECTIONS AND RELEVANCE .....	21
DIVISION 4 - MOTIONS .....	21
47. CHAIRPERSON'S DUTY .....	21
48. MOVING A MOTION .....	22
49. RIGHT OF REPLY .....	22
50. NO RIGHT OF REPLY FOR AMENDMENTS .....	22
51. MOVING AN AMENDMENT .....	22
52. WHO MAY PROPOSE AN AMENDMENT .....	23
53. WHO MAY DEBATE AN AMENDMENT.....	23
54. HOW MANY AMENDMENTS MAY BE PROPOSED .....	23
55. AN AMENDMENT ONCE CARRIED .....	23
56. FORESHADOWING MOTIONS .....	23
57. WITHDRAWAL OF MOTIONS .....	23
58. SEPARATION OF MOTIONS.....	23

59.	CHAIRPERSON MAY SEPARATE MOTIONS.....	23
60.	MOTIONS IN WRITING.....	24
61.	DEBATE MUST BE RELEVANT TO THE MOTION.....	24
62.	SPEAKING TIMES.....	24
DIVISION 5–EXTENSION OF SPEAKING TIME.....		25
63.	GRANTED BY THE CHAIRPERSON.....	25
64.	NO EXTENSION AFTER NEXT SPEAKER COMMENCED .....	25
65.	LENGTH OF EXTENSION .....	25
DIVISION 6 - POINTS OF ORDER AND PROCEDURAL MOTIONS.....		25
66.	CHAIRPERSON TO DECIDE.....	25
67.	CHAIRPERSON MAY ADJOURN TO CONSIDER .....	25
68.	FINAL RULING ON A POINT OF ORDER .....	25
69.	PROCEDURE FOR POINT OF ORDER .....	25
70.	VALID POINTS OF ORDER.....	26
71.	CONTRADICTION OF OPINION .....	26
72.	ADJOURNMENT AND RESUMPTION OF MEETING .....	26
73.	FORMAL MOTIONS.....	26
74.	LAYING THE QUESTION ON THE TABLE.....	26
75.	PROCEEDING TO THE NEXT BUSINESS.....	27
76.	THE PREVIOUS QUESTION.....	27
77.	THE CLOSURE.....	27
78.	ADJOURNING THE DEBATE .....	28
DIVISION 7–NOTICE OF MOTION .....		28
79.	NOTICES OF MOTION.....	28
DIVISION 8 – NOTICE OF AMENDMENT OR RESCISSION .....		29
80.	PROCEDURE .....	29
81.	LISTING NOTICE ON AGENDA .....	30
82.	CRITERIA TO AMEND OR RESCIND A MOTION.....	30
83.	IF LOST.....	30
84.	IF NOT MOVED .....	30
85.	MAY BE MOVED BY ANY COUNCILLOR .....	30
86.	WHEN NOT REQUIRED.....	30
87.	REGISTER OF NOTICES .....	30
88.	URGENT BUSINESS.....	30
DIVISION 9– QUESTIONS, PETITIONS, AND DEPUTATIONS .....		31
89.	QUESTIONS WITH NOTICE.....	31
90.	QUESTIONS WITHOUT NOTICE .....	31

91. OTHER QUESTIONS.....	31
92. QUESTIONS FROM THE PUBLIC.....	31
93. PETITIONS AND JOINT LETTERS .....	33
94. SIGNING PETITIONS .....	33
95. COUNCILLOR PRESENTING a PETITION - OBLIGATIONS.....	34
96. INVITATION TO ADDRESS MEETING (DEPUTATION) .....	35
<b>PART 6 – MISCELLANEOUS .....</b>	<b>35</b>
97. PHYSICAL AND REMOTE ATTENDANCE.....	35
98. MEETINGS CONDUCTED REMOTELY .....	36
99. CRITICISM OF MEMBERS OF COUNCIL STAFF.....	36
<b>SCHEDULE 1 .....</b>	<b>36</b>
PUBLIC QUESTION TIME.....	37
CHAPTER 2 – MEETING PROCEDURE FOR DELEGATED COMMITTEES..	38
CHAPTER 3 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES .....	39
CHAPTER 4 – DISCLOSURE OF CONFLICTS OF INTEREST .....	40
CHAPTER 5 – MISCELLANEOUS.....	45
CHAPTER 6 – ELECTION PERIOD POLICY .....	46

## CHAPTER 2 - PART 1 - PRELIMINARY

### 1. TITLE

This Chapter will be known as the "Meeting Procedure Chapter".

### 2. PURPOSE OF THIS CHAPTER

The purpose of this Chapter is to:

- (a) provide for the election of Mayor and any Deputy Mayor;
- (b) provide for the appointment of any Acting Mayor;
- (c) facilitate the orderly conduct of meetings of Council and special committees;
- (d) provide for procedures governing the conduct of meetings including:
  - (i) the notice required for meetings;
  - (ii) the keeping of minutes.
- (e) promote and encourage community participation in the system of local government by providing mechanisms for the Council to ascertain the community's views and expectations;

### 3. DEFINITIONS

- (1) Expressions used in this Chapter have the same meaning as in the Local Government Act 2020 as defined in section 3 of that Act including Chief Executive Officer and municipal district.
- (2) In addition to the definitions contained in the Introduction of these Governance Rules the following definitions apply to meeting procedures, unless the context otherwise requires:-

Absolute Majority	means a number of votes greater than one-half of the total number of votes cast.
Agenda	means the notice of a meeting setting out the business to be transacted at the meeting
Authorised Officer	means a Council Officer authorised by the Council to act on its behalf.
Chairperson	means the person who chairs a meeting of the Council or an Asset or Delegated Committee of the Council.
Committee	means an advisory committee or special committee elected or nominated by the Council for the purpose of advising and making recommendations to Council.



Councillor	means a person who is an elected member of the Council who has taken the oath of office in accordance with Section 30 of the Act.
Council Meeting	has the same meaning contained in the introduction of these Governance Rules and includes a meeting at which the Mayor is elected, an Ordinary meeting and a Special meeting of the Council.
Deliver	means to hand over in person or mail to a recipient, and includes transmission by email or electronic means including via Council's website.
Division	means a formal count of those for and those against a motion generally to remove any doubt as to whether the motion is supported or opposed.
Formal Motion	means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.
Gallery	means the area set aside in the meeting room for the public.
Leave of Absence	means being absent from 3 consecutive Ordinary meetings of Council.
Member	refers to a person who is entitled to vote at a meeting of the Council or a Special Committee of the Council.
Municipal District	means the district under the local government of a Council.
Quorum	means the minimum number of members of a Council or of a Special Committee of Council required by these Governance Rules to be present in order to constitute a valid meeting of the Council or the Special Committee respectively.
Reasonable Notice	will depend on the circumstances but a minimum notice of 48 hours prior to a Council Meeting will always be provided
Suspension of Standing Orders	means the suspension of the provisions of this Chapter to facilitate full discussion on an issue without formal constraints.

Urgent Business

is described at clause 88.

Vote

means an expression of opinion by a physical indication of voting intention (for example by a show of raising a hand), either in person or by virtual attendance.

#### 4. LIMITATIONS

Where a situation has not been provided for under this Chapter, the Council may determine the matter by resolution.

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## PART 2 – ELECTION OF MAYOR

### 5. PURPOSE

The purpose of this Part is to regulate the proceedings for the election of the Mayor in accordance with the Act, and if the Council so decides, a Deputy Mayor.

### 6. CALLING OF MEETING

The meeting to elect the Mayor shall be held as soon as possible after any vacancy in the office of Mayor occurs, but not later than is required by the Act.

### 7. WHO WILL PRESIDE

At any meeting to elect the Mayor, the Chief Executive Officer shall be appointed as a temporary Chairperson to preside over:

- (a) determination of term of office of the Mayor;
- (b) the receipt of nominations for the election of Mayor;
- (c) the election of the Mayor; and
- (d) if the meeting so decides, the receipt of nominations for and the election of a Deputy Mayor.

### 8. NOMINATION PROCEDURE

- (1) The person presiding must call for nominations and a seconder of each nomination.
- (2) Any Councillor may move or second a nomination for a Councillor for the office of Mayor or Deputy Mayor.
- (3) Upon the nomination of a Councillor being moved and seconded, that Councillor must either accept or decline the nomination. If the nomination is accepted, the Councillor becomes a candidate.

### 9. ELECTION PROCEDURE

- (1) The election of the Mayor and Deputy Mayor will be carried out by vote (subject to 9(2) below).
- (2) In determining the election of the Mayor or Deputy Mayor, the following will apply:
  - (a) where only one nomination is received, that Councillor must be declared elected;
  - (b) where two nominations are received, the Councillor with the majority of votes cast will be declared elected;
  - (c) if an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
- (3) If the meeting resolves to appoint a Deputy Mayor, the provisions contained in this Part for the election of Mayor will apply to the election of a Deputy Mayor.

**10. MAYOR TO TAKE CHAIR**

- (1) Upon completion of matters set out in 9 above, the Mayor must take the Chair.
- (2) The Mayor must take the Chair at all Council meetings at which they are present unless precluded from doing so because of a conflict of interest.
- (3) In the absence of the Mayor, the Deputy Mayor shall take the Chair and shall also where required be the 'acting Mayor' within the meaning of the Act.
- (4) If Council has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:
  - (a) resolving that a specified Councillor be so appointed; or
  - (b) following the procedure in clauses 8 and 9 (inclusive) of this Chapter at its discretion.

## **PART 3 – COUNCIL MEETINGS**

### **DIVISION 1 - AGENDAS**

**Introduction:** This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, and when and how business may be transacted at a meeting.

#### **11. DATES AND TIMES OF MEETINGS**

- (1) Council shall determine the date, time and place of all Council meetings.
- (2) The Chief Executive Officer must ensure that reasonable notice is provided to the public of any Council meeting.

#### **12. COUNCIL MAY ALTER MEETING DATES**

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

#### **13. SPECIAL COUNCIL MEETING**

- (1) The notice necessary to call a meeting will be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to Councillors.
- (2) In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken and shall provide the Chief Executive Officer with notice at least 72 hours prior to a proposed Special Council meeting.

#### **14. MEETINGS NOT FIXED BY COUNCIL**

- (1) The Mayor or at least 3 Councillors may by a written notice call a Council meeting.
- (2) The notice must specify the date and time of the Council meeting and the business to be transacted.
- (3) The Chief Executive Officer must convene the Council meeting as specified in the notice.
- (4) Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council meeting.

#### **15. AGENDA OF MEETING**

- (1) The Agenda for any meeting must state:
  - (a) the date, time and place of the meeting; and
  - (b) the business to be dealt with at the meeting.
- (2) An Agenda of meeting specifying the business to be dealt with must be served on every Councillor (subject to 18 below):

- (a) For an ordinary meeting at least 72 hours before the meeting; and
  - (b) For a special meeting at least 48 hours before the meeting; and
  - (c) For a Committee meeting at least 48 hours before the meeting.
- (3) The Agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be delivered to each Councillors' place of residence or usual place of business (if applicable) or as otherwise specified by the Councillors.
  - (4) An Agenda will be distributed to a Councillor by any means, including via electronic means.
  - (5) The Agenda for any meeting which has been served on every Councillor in accordance with clause 18(2) must be made available to the public at least 48 hours before the meeting except where that meeting is to be closed or confidential.

## **16. LEAVE OF ABSENCE**

It will not be necessary for a notice of meeting or agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.

## **17. CONVENING OR CANCELLATION OF A COUNCIL MEETING**

- (1) In the case of an emergency or in other justifiable circumstances, following reasonable attempts to consult with the Mayor, the Chief Executive Officer may call or postpone a meeting of the Council, without the necessity to comply with Clause 14 provided reasonable attempts are made to notify every Councillor.
- (2) The Chief Executive Officer must submit a full written report of the circumstances requiring this action to the next ordinary meeting of the Council.

## **DIVISION 2 – QUORUMS**

### **18. COUNCIL MEETINGS**

The quorum required for all Council meetings will be a majority of the Councillors elected, i.e. three (3) Councillors.

### **19. COMMITTEE MEETINGS**

The quorum for all Committee meetings will be not less than a majority of the members appointed to that Committee.

### **20. INABILITY TO GAIN A QUORUM**

If a quorum is not present within thirty (30) minutes of the scheduled starting time of a meeting:

- (a) the meeting shall be deemed to have lapsed;

- (b) the Chairperson must convene another Council or Committee meeting as the case may be within a period not exceeding seven days from the date of adjournment and ensure that the agenda for such meeting is identical to the agenda for the meeting that was deemed to have lapsed; and
- (c) the Chief Executive Officer must give all Councillors or Committee members as the circumstances require notice of the meeting convened by the Chairperson.

## **21. INABILITY TO MAINTAIN A QUORUM**

- (1) If a quorum cannot be maintained after a Council meeting has begun due to Councillors having to leave the meeting, the meeting lapses.
- (2) If the meeting lapses, the undisposed business must be included in the agenda for the next Council meeting.
- (3) If a quorum cannot be maintained because of the number of Councillors who have a conflict of interest in a matter, in accordance with section 67 of the Act, the Council must consider whether the decision can be made by an alternative manner including:
  - (a) Resolving to split the matter into two or more separate parts so that a quorum can be maintained; or
  - (b) 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.
- (4) If unable to establish a quorum using an alternative manner, the Council must, in accordance with section 67(4) of the Act, establish a delegated committee to make the decision in regard to the matter. The delegated committee must consist of:
  - (a) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
  - (b) any other person or persons the Council considers suitable.

## **22. NOTICE OF ADJOURNED MEETING**

The Chief Executive Officer may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur then, provided a reasonable attempt is made to contact each member, notice by telephone, email, in person or by some other means will be sufficient, provided such attempts are recorded in writing.

## **PART 4 – MINUTES OF COUNCIL MEETINGS AND COMMITTEE MEETINGS**

### **23. KEEPING OF MINUTES**

The Chief Executive Officer is responsible for arranging the keeping of minutes on behalf of the Council for all Council meetings.

### **24. NO DEBATE ON CONFIRMATION OF MINUTES**

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.

### **25. OBJECTION TO CONFIRMATION OF MINUTES**

If a Councillor is dissatisfied with the accuracy of the minutes of a Council meeting, then they must:

- (a) state the item or items with which they are dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

### **26. DEFERRAL OF CONFIRMATION OF MINUTES**

Where an objection is raised under 25 above, Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

### **27. CONTENTS OF MINUTES**

- (1) In keeping the minutes of any meeting, the Chief Executive Officer, or in the case of a Committee meeting any other nominated person, must arrange the recording of minutes so as to show (as relevant in the circumstances):
  - (a) the names of Councillors and whether they are PRESENT, an APOLOGY, or LEAVE OF ABSENCE;
  - (b) the names of Officers IN ATTENDANCE with their organisational title;
  - (c) all declarations of direct and indirect interests by Councillors, members of Special Committees or Officers in relation to matters on the agenda of the meeting;
  - (d) every motion and amendment moved, including the mover of any motion or amendment;
  - (e) the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, CARRIED UNANIMOUSLY, WITHDRAWN, LAPSED, AMENDED
  - (f) where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
  - (g) when requested by a Councillor, a record of that Councillor's support or opposition for any motion;



- (h) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
  - (i) details of any question directed or taken upon notice;
  - (j) details of any deputations made to the Council;
  - (k) the time and reason for any adjournment of the meeting or suspension of standing orders; and
  - (l) any other matter which the Chief Executive Officer, or in the case of Committee meetings other relevant person, thinks should be recorded to clarify the intention of the meeting or the reading of the Minutes or which is required by the Act.
- (2) In addition, the Minutes should:
- (a) bear the date, time and place the meeting was commenced, adjourned, resumed and concluded;
  - (b) be consecutively page numbered; and
  - (c) contain consecutive item numbers which are clearly headed with a subject titles and where appropriate sub-titles and file references.
- (3) Every minute and the item that it relates to be indexed through a central indexing system established and maintained by the direction of the Chief Executive Officer.
- (4) The Chairperson must sign the minutes when they have been confirmed.
- (5) Minutes of the meeting, unconfirmed, must be made available to the public within 14 days after the meeting (save for minutes of any closed or confidential meeting).
- (6) Video recordings of the meeting, where available, will be published on Council's website.

## **PART 5 – PROCEDURE AT COUNCIL MEETINGS**

### **DIVISION 1 – ORDER OF BUSINESS**

#### **28. CHIEF EXECUTIVE OFFICER MAY INCLUDE ITEMS ON AN AGENDA**

The Chief Executive Officer may include any matter on an agenda which they think should be considered by the meeting, noting that section 18(h) of the Act provides that one role of the Mayor is to provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings.

#### **29. THE PROCEDURE AND ORDER OF BUSINESS**

- (1) The procedure and order of business of Council meetings will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- (2) Although preparation should aim at consistent agendas from meeting to meeting, this should not preclude altering the order of business to enhance the fluent and open process of government of the Council, to meet identified needs of Council or to take advantage of opportunities which may arise from time to time.
- (3) In determining the agenda, the Chief Executive Officer should consider:
  - (a) the general attitude of the Council;
  - (b) convenience to the community and interested community groups particularly in relation to the administration of the municipal district;
  - (c) the sensitivity of issues;
  - (d) the interest of the community and community groups; and
  - (e) any other relevant factor which may impact on the fluent and open processes of the government of the Council.

#### **30. CHANGE TO ORDER OF BUSINESS**

Once an agenda has been sent to Councillors, the order of business for that meeting may only be altered by resolution of the Council.

#### **31. DISCLOSURE OF INTERESTS**

- (1) All Councillors shall comply with Division 2 of Part 6 of the Act by disclosing any direct or indirect conflicts of interest.
- (2) Council Officers shall comply with Division 2 of Part 6 of the Act by disclosing any direct or indirect conflicts of interest.

#### **32. LEAVE OF ABSENCE**

Any Councillor seeking leave of absence from Council duties must do so in writing addressed to the Chief Executive Officer. Applications for leave shall be listed for consideration at the next Ordinary Meeting of Council.

## **DIVISION 2 – VOTING**

### **33. HOW DETERMINED**

- (1) In determining a question before a meeting of Council, the Chairperson will first call for those in favour of the matter before Council and then those opposed to the matter before Council.
- (2) Unless otherwise prohibited by the *Act*, each Councillor or member of the special committee present must vote.
- (3) Voting on any matter will be by show of hands.
- (4) The Chairperson shall declare the result of any vote as soon as it has been taken.

### **34. CHAIRPERSON MAY VOTE**

- (1) The Chairperson is entitled to cast a vote.
- (2) In the event there is an equality of votes and subject to section 61 of the *Act*, the Chairperson shall have a second vote.

### **35. WHEN A DIVISION IS PERMITTED**

- (1) A division may be requested by any Councillor on any matter.
- (2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.
- (3) A Councillor is not prevented from changing their original vote at the voting on the division.
- (4) The voting by division will determine the Council's resolution on the issue.

### **36. PROCEDURE FOR DIVISION**

- (1) When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the motion or amendment.
- (2) Once a division has been requested the Chairperson will call for a show of hands by those Councillors voting in the affirmative and then those Councillors voting in the negative.
- (3) The Chairperson shall state, and the Chief Executive Officer (or the Officer authorised to attend the meeting and take the minutes of the meeting) must record the names of those Councillors voting in the affirmative and those voting in the negative.
- (4) The Chairperson must then declare the result of the vote or division as soon as it is taken.

### **37. NO DISCUSSION ONCE DECLARED**

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is:

- (a) for a Councillor to request that their opposition to the motion be recorded in the minutes; or
- (b) where a subsequent notice of motion follows a rescission motion.

### **DIVISION 3 – CONDUCT**

#### **38. ADDRESSING THE COUNCIL**

- (1) Except for the Chairperson, any Councillor or person who addresses a Council meeting may stand and must direct all remarks through the Chairperson unless granted an exemption by the Chairperson.
- (2) Any person addressing the Chairperson should refer to the Chairperson as:
  - (a) Mayor or Deputy Mayor; or
  - (b) Chairperson.
- (3) All Councillors, other than the Mayor, should be addressed as Councillor and then the Councillor's surname.
- (4) All Officers should be addressed as the Officer's first name except the Chief Executive Officer who shall be addressed by their title.

#### **39. PRIORITY OF ADDRESS**

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

#### **40. CHAIRPERSON'S DUTY TO REJECT**

- (1) Any motion, question, statement or amendment which:
  - (a) is defamatory of any Councillor, Council Officer or member of the public; or
  - (b) is objectionable in language or nature; or
  - (c) is outside the powers of the Council; or
  - (d) is not relevant to the item of business on the Agenda and has not been admitted as Urgent Business; or
  - (e) purports to be an amendment but is not;must not be accepted by the Chairperson.
- (2) The Chairperson must call to order any person who:
  - (a) contravenes sub-clause 1; or

(c) is disruptive or unruly during a meeting.

#### **41. ORDER WITHDRAWAL OF REMARK**

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

#### **42. VISITORS**

- (1) Visitors must not interject or take part in debate.
- (2) Silence shall be preserved in the gallery at all times.
- (3) If any visitor is called to order by the Chairperson and again acts in breach of this Chapter, the Chairperson may order that person to be removed from the gallery.

#### **43. CALL TO ORDER**

A person who has been called to order including any Councillor must comply with the Chairperson's direction.

#### **44. REMOVAL FOR DISRUPTION**

The Chairperson has discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction under the provisions of this Chapter.

#### **45. CHAIRPERSON'S EXERCISE OF AUTHORITY**

The Chairperson shall exercise the authority vested in them under this Chapter in a manner, which is judicious and consistent with the purposes of this Chapter.

#### **46. INTERRUPTION, INTERJECTIONS AND RELEVANCE**

- (1) A Councillor must not be interrupted except by the Chairperson or upon a point of order.
- (2) If a Councillor is interrupted by the Chairperson or upon a point of order, they, must remain silent and be seated until the Chairperson has ceased speaking or the point of order has been determined.
- (3) A Councillor shall not digress from the subject matter of the motion or business under discussion.

### **DIVISION 4 - MOTIONS**

#### **47. CHAIRPERSON'S DUTY**

Any motion or amendment which-

- (a) is defamatory; or

- (b) is objectionable in language or nature; or
  - (c) is outside the powers of the Council; or
  - (d) is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or
  - (e) purports to be an amendment but is not,
- must not be accepted by the Chairperson.

#### **48. MOVING A MOTION**

The procedure for any motion is-

- (a) the mover must state the motion without speaking to it;
- (b) unless the motion is a formal motion, it must be seconded by a Councillor other than the mover;
- (d) if a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- (d) if the motion is seconded, the Chairperson must ask, "Does the mover wish to speak to the motion", and if so ask:
  - (i) the mover to address the meeting on the motion, and then ask,
  - (ii) the seconder to address the meeting on the motion, who may, without speaking on the motion, reserve their address until later in the debate:
- (e) Following the address of the mover and/or the seconder the Chairperson must ask, "Is the motion opposed";
- (f) If no Councillor indicates opposition, the motion must be immediately put to the vote without any further discussion or debate.
- (g) If a Councillor indicates opposition, the Chairperson must request any other Councillor for and against the motion to speak in turn.

#### **49. RIGHT OF REPLY**

- (1) The mover of an original motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.
- (2) After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

#### **50. NO RIGHT OF REPLY FOR AMENDMENTS**

No right of reply is available where an amendment is before the Council.

#### **51. MOVING AN AMENDMENT**

A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.

## **52. WHO MAY PROPOSE AN AMENDMENT**

An amendment may be proposed or seconded by any Councillor, other than the mover of the original motion.

## **53. WHO MAY DEBATE AN AMENDMENT**

A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.

## **54. HOW MANY AMENDMENTS MAY BE PROPOSED**

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 original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.

## **55. AN AMENDMENT ONCE CARRIED**

If the amended motion is carried, it then becomes the question before the Chairperson.

## **56. FORESHADOWING MOTIONS**

- (1) At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, if a particular motion before the Chairperson is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- (4) The Chief Executive Officer is not required to have foreshadowed motions recorded in the Minutes until the foreshadowed motion is formally moved, but may do if it is thought appropriate.

## **57. WITHDRAWAL OF MOTIONS**

Before any motion is put to the vote, it may be withdrawn with leave of the Council.

## **58. SEPARATION OF MOTIONS**

Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.

## **59. CHAIRPERSON MAY SEPARATE MOTIONS**

The Chairperson may decide to put any motion to the vote in separate parts.

**60. MOTIONS IN WRITING**

- (1) The Chairperson may require any motion to be submitted in writing where it is lengthy, unclear or for any other reason.
- (2) The Chairperson may suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

**61. DEBATE MUST BE RELEVANT TO THE MOTION**

- (1) Debate must always be relevant to the question before the Chairperson, and if not, the Chairperson may request the speaker to confine debate to the subject motion.
- (2) If after being requested to confine debate to the motion before the Chairperson, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chairperson.

**62. SPEAKING TIMES**

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

- (a) the mover of a motion – five minutes;
- (b) the mover of a motion when exercising their right of reply – three minutes;
- (c) any other Councillor – three minutes.



**DIVISION 5–EXTENSION OF SPEAKING TIME****63. GRANTED BY THE CHAIRPERSON**

An extension of speaking time may be granted by the Chairperson.

**64. NO EXTENSION AFTER NEXT SPEAKER COMMENCED**

A request of an extension of speaking time cannot be accepted by the Chairperson if another speaker has commenced their debate.

**65. LENGTH OF EXTENSION**

Any extension of speaking time must not exceed three minutes, without the authority of the Chairperson.

**DIVISION 6 - POINTS OF ORDER AND PROCEDURAL MOTIONS****66. CHAIRPERSON TO DECIDE**

The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

**67. CHAIRPERSON MAY ADJOURN TO CONSIDER**

- (1) The Chairperson may adjourn the meeting to consider a point of order otherwise they must rule on it as soon as it is raised.
- (2) All other matters before the Council are to be suspended until the point of order is decided.

**68. FINAL RULING ON A POINT OF ORDER**

- (1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present move a motion of dissent.
- (2) A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the Chairperson's ruling.
- (3) A motion of dissent in relation to a point of order is not a motion of dissent in the Chairperson and the Chairperson must at all times remain in the Chair and they will maintain their right to a second vote.
- (4) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Chairperson.

**69. PROCEDURE FOR POINT OF ORDER**

A Councillor raising a point of order must:

- (a) state the point of order; and

- (b) the clause, paragraph or provision constituting the point of order.

#### **70. VALID POINTS OF ORDER**

A point of order may be raised in relation to:

- (a) a procedural matter;
- (b) a Councillor who is or appears to be out of order; or
- (c) any act of disorder.

#### **71. CONTRADICTION OF OPINION**

Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

#### **72. ADJOURNMENT AND RESUMPTION OF MEETING**

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

#### **73. FORMAL MOTIONS**

- (1) Unless otherwise prohibited, a formal motion, if seconded, may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) The mover of a formal motion must not have moved, seconded or spoken to the question before the Chairperson or any amendment of it.
- (3) A formal motion cannot be moved by the Chairperson.
- (4) Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- (5) Unless otherwise provided, a formal motion cannot be amended.

#### **74. LAYING THE QUESTION ON THE TABLE**

- (1) A motion may be moved "That the (question, letter, document, report etc.) lay on the table"-
- (2) The motion in sub-clause (1):
  - (a) is a formal motion which may be debated and, if carried, has the effect of adjourning any further debate on the matter currently before the Council until such time (if any) as the Council resolves to take the question from the table; and
  - (b) if carried in respect to an amendment, has the effect that both the original motion and the amendment will be adjourned; and

- (c) prevents debate on the matter currently before the Council proceeding until a motion to take the question from the table is passed.

#### **75. PROCEEDING TO THE NEXT BUSINESS**

- (1) A motion may be moved "That the meeting proceed to the next business"-
- (2) The motion in sub-clause (1):
  - (a) is a formal motion which cannot be moved during the election of Chairperson; and
  - (b) if carried in respect to an original motion, requires the Chairperson to direct the meeting to the next item of business; and
  - (c) if carried in respect to a formal motion, disposes of the formal motion immediately and permits debate upon the original motion to proceed; and
  - (d) if carried in respect to an amendment, disposes of the amendment immediately and permits debate upon the original motion to proceed but no similar amendment may be moved at that meeting or any adjournment of it.

#### **76. THE PREVIOUS QUESTION**

- (1) A motion may be moved "That the question be NOT now put"-
- (2) The motion in sub-clause (1):
  - (a) is a formal motion which cannot be moved while there is an amendment before the Chairperson or during the election of a Chairperson; and
  - (b) if carried, prevents the original motion to which it relates being dealt with at that meeting or any adjournment of it; and
  - (c) if lost, requires that the original or substantive motion to which it relates be put to the vote immediately without any further debate or amendment.
- (3) The Chairperson has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated.
- (4) Adequate debate arises when every Councillor who wishes to put a view has had an opportunity to do so.

#### **77. THE CLOSURE**

- (1) A motion "That the motion be now put"-
- (2) The motion in sub-clause (1):
  - (a) is a formal motion which if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment; and



















































