

# LODDON SHIRE COUNCIL

## GOVERNANCE RULES



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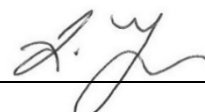
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Signed by Chief Executive Officer

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## ACKNOWLEDGEMENT OF COUNTRY

**Loddon Shire Council acknowledges the Traditional Custodians of the land comprising the Loddon Shire Council area. Council would like to pay respect to their Elders both past and present.**

# CONTENTS

<b>PART 1 – PRELIMINARY .....</b>	<b>1</b>
1. Purpose .....	1
2. Authority and operation .....	1
3. Definitions.....	1
<b>PART 2 – ELECTION OF MAYOR .....</b>	<b>4</b>
4. Meeting to conduct an election of Mayor.....	4
5. Method of voting .....	4
6. Determining the election of the Mayor.....	4
7. Election if there are three or more candidates.....	4
8. Election if there are two candidates.....	5
9. Election if there is only one candidate .....	5
10. Electing a Deputy Mayor .....	5
11. Appointment of Acting Mayor .....	5
<b>PART 3 – MEETING PREPARATION .....</b>	<b>6</b>
Division 1 – Calling Council meetings .....	6
12. Types of Council meetings .....	6
13. Calling meetings.....	6
14. Public notice .....	6
15. Agenda notice.....	6
16. Adjourned meeting notices .....	7
Division 2 – Notices of motion .....	7
17. Giving a notice of motion .....	7
18. Notice may be rejected.....	7
19. Notice must be listed on the agenda .....	8
Division 3 – Notice of rescission.....	8
20. Giving a notice of rescission.....	8
21. Notice may be rejected.....	8
22. Affected persons to be notified .....	9
23. Notice must be listed on the agenda .....	9
<b>Part 4 – ROLES AND CONDUCT.....</b>	<b>10</b>
Division 1 – Roles of Mayor, Councillors and CEO in Council meetings.....	10
24. Role of the Mayor .....	10
25. Absence of the Mayor.....	10
26. Good decision making principles.....	10
27. Role of a Councillor .....	10

28. Role of the Chief Executive Officer.....	11
Division 2 – Standards of conduct.....	11
29. Good conduct.....	11
30. Addressing the meeting.....	11
31. Mayor may call a Councillor to order.....	11
32. Mayor may remove a member of the public.....	12
33. Mayor may call a temporary adjournment.....	12
<b>Part 5 – CONFLICTS OF INTEREST .....</b>	<b>13</b>
Division 1 – Conflict of interest generally.....	13
34. Conflict of interest definitions.....	13
35. Recording of Conflict of Interest Disclosures.....	13
Division 2 – Councillor conflict of interest disclosures.....	13
36. General duty of disclosure by a Councillor.....	13
37. Disclosure in a Council meeting.....	14
38. Disclosure in a delegated committee Meeting.....	14
39. Disclosure in a meeting conducted under the auspices of Council.....	14
40. Disclosure in a community asset committee meeting.....	15
41. Disclosure in general gatherings.....	15
Division 3 – Staff conflict of interest disclosures.....	15
42. Staff disclosure for a Council meeting matter.....	15
43. Disclosure in delegated committee.....	15
44. Disclosure in community asset committee.....	15
45. Disclosure when exercising a delegation or statutory power.....	16
Division 4 – Disclosures by committee members.....	16
46. Disclosure by a delegated committee member.....	16
47. Disclosure by community asset committee member.....	16
<b>PART 6 – GENERAL CONDUCT OF MEETINGS.....</b>	<b>17</b>
Division 1 – General lack of a quorum.....	17
48. What is a quorum?.....	17
49. Inability to obtain or maintain a quorum.....	17
Division 2 – Loss of quorum due to conflicts of interest.....	17
50. Application of this Division.....	17
51. Mayor to take action.....	17
52. Alternative manners to resolve quorum.....	18
53. Delegated committee to decide matter.....	18
Division 3 – Business of meetings.....	18
54. Business of scheduled meetings.....	18

55. Order of business .....	19
56. Urgent business.....	19
Division 4 – Procedural meeting determinations .....	19
57. Matters not provided for.....	19
58. Determination of procedural matters .....	19
59. Dissent from a Mayor’s ruling .....	20
60. Arrangements when standing orders suspended .....	20
61. Closing a meeting to members of the public .....	20
62. Adjourning a meeting.....	20
Division 5 – Point of order .....	20
63. Points of order .....	20
Division 6 – Public participation.....	21
64. Addressing meetings .....	21
65. Public question time .....	21
66. Petitions and joint letters .....	22
Division 7 – Minutes and recordings .....	22
67. Keeping of minutes.....	22
68. Confirmation of minutes.....	23
69. Recording of Council meetings.....	23
Division 8 – Attendance by electronic means.....	24
70. Requesting and approving attendance by electronic means.....	24
<b>PART 7 – CONDUCT OF DEBATE .....</b>	<b>25</b>
Division 1 – General debate matters .....	25
71. Preparation for debate.....	25
72. Speaking times .....	25
Division 2 – Motions and amendments .....	25
73. Order of motions and amendments .....	25
74. Rejecting a motion or amendment.....	25
75. Moving a motion .....	26
76. Debating the motion .....	26
77. Right of reply .....	26
78. Amendments .....	27
79. Lapsed motion or amendment.....	27
80. Foreshadowing motions or amendments .....	27
81. Withdrawal of motion or amendment.....	28
82. Separation of motions.....	28
Division 3 – Voting.....	28

83. Voting process.....	28
84. Division.....	29
Division 4 – Rescission .....	29
85. Motion to rescind .....	29
86. Deciding a rescission.....	29
Division 5 – Procedural motions.....	30
87. Procedural motions.....	30
<b>Part 8 – Delegated Committees .....</b>	<b>34</b>
88. Council may establish delegated committees .....	34
89. Application of Governance Rules .....	34
<b>Part 9 – Election Period Policy .....</b>	<b>35</b>
Division 1 – General election period matters.....	35
90. Election period.....	35
Division 2 – Council decisions in election period.....	35
91. Prohibited decisions .....	35
92. Chief Executive Officer scrutiny.....	35
93. Election Period Statements .....	36
Division 3 – Use of Council resources.....	36
94. Council resources.....	36
95. Council staff.....	36
96. Expenses claims.....	36
Division 4 – Communication and events .....	37
97. Publication of electoral material.....	37
98. Access to Council information .....	37
99. Public consultation.....	37
100. Council events.....	37
<b>APPENDIX 1 – Confidential Information.....</b>	<b>39</b>

# PART 1 – PRELIMINARY

## 1. Purpose

The Governance Rules specify the principal governance procedures for the Loddon Shire Council, including:

- (a) the election the Mayor;
- (b) the conduct of Council meetings;
- (c) public participation in Council meetings;
- (d) disclosing conflicts of interest;
- (e) records of Council meetings;
- (f) the Council's election period policy.

## 2. Authority and operation

- (1) Governance Rules are adopted by the Council in accordance with section 60 of the *Local Government Act 2020* (the Act).
- (2) These Governance Rules:
  - (a) come into operation on the day after they are adopted by resolution of Council;
  - (b) may be amended from time to time by resolution of Council following community engagement; and
  - (c) cease to operate the day after they are repealed or replaced by resolution of Council.

## 3. Definitions

In these Governance Rules unless inconsistent with the context:

Absolute majority	means the number of Councillors which is greater than half the total number of the Councillors of a Council.
Act	means the <i>Local Government Act 2020</i> .
Broadcast	means the visual or aural transmission of proceedings on any medium, including radio, television or the internet.
Carried	means that the relevant motion or amendment is determined in the affirmative.
Chair	means the chair of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the Act.

Chief Executive Officer	means the Chief Executive Officer or any person acting in the position of Chief Executive Officer.
Community asset committee	means a committee established by the Council under section 65 of the Act for the purpose of managing a community asset in the municipal district.
Council	means the Loddon Shire Council.
Councillor	means a Councillor of the Council.
Council Meeting	means a meeting of the Council as defined in section 61 of the Act and includes a meeting held, either fully or in part, by electronic means of communication.  It is a meeting at which all the Councillors are entitled to attend and vote and where decisions of the Council are made by formal resolution.
Delegated committee	means a committee established by the Council under section 63 of the Act or a joint delegated committee established under section 64 of the Act.
Electoral material	has the meaning described in section 3(1) of the Act.  It includes any advertisement, handbill, pamphlet or notice that contains information that is intended or likely to affect voting in an election, including matter that refers to the election, a candidate or an election issue, excluding material produced by or on behalf of the election manager for conducting an election, or a newspaper advertisement only announcing the holding of a meeting.
Mayor	means the Mayor of Council, any person appointed by Council to be the Acting Mayor and, in the context of a meeting, any Councillor who is a temporary Chair.
Meeting conducted under the auspices of Council	means a meeting of the kind described in section 131(1) of the Act and includes a meeting which: <ul style="list-style-type: none"> <li>(a) is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;</li> <li>(b) is attended by a majority of Councillors</li> <li>(c) is attended by at least one member of Council staff; and</li> <li>(d) is not a Council meeting or delegated committee meeting.</li> </ul>
Minister	means the Minister responsible for administering the Act.
Notice of motion	means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting.
Notice of rescission	means a notice of motion to rescind a decision of Council.



Lapsed	means the relevant motion or amendment was not put to the meeting either because it was not moved or it was not seconded.
Lost	means the relevant motion or amendment is not carried and is determined in the negative.
Recording	means a recording of proceedings made using any device that is capable of recording speech or actions, including a tape recorder, video camera or mobile device.

## **PART 2 – ELECTION OF MAYOR**

### **4. Meeting to conduct an election of Mayor**

- (1) An election to fill a vacancy in the office of Mayor must be conducted under this Part when required under section 26 of the Act.
- (2) At any meeting to elect the Mayor the Chief Executive Officer must open the meeting and chair the election as required under section 25 of the Act.
- (3) At the conclusion of an election under this Part, the Councillor elected to be Mayor must take the chair.

### **5. Method of voting**

The election of the Mayor must be carried out by a show of hands or by such other means as the Chief Executive Officer lawfully permits.

### **6. Determining the election of the Mayor**

- (1) The Chief Executive Officer invites nominations for the office of Mayor.
- (2) The following provisions apply to nominations:
  - (a) any Councillor may propose a nomination;
  - (b) a Councillor may decline a nomination; and
  - (c) nominations do not require a seconder and are not motions.
- (3) Once nominations for the office of Mayor have been received, the Chief Executive Officer must confirm that no further nominations can be accepted. At that point, nominees become candidates for election.
- (4) Each candidate must be provided up to three minutes to address Council, in the order in which their nominations were received.

### **7. Election if there are three or more candidates**

- (1) If there are three or more candidates (or three or more remaining candidates after the completion of the process in this Rule) for the office of Mayor, the following provisions will govern the election of the Mayor:
  - (a) the Councillors present at the meeting must vote for one of the candidates;
  - (b) in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
  - (c) if no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared defeated; and
  - (d) if two or more candidates have an equal lowest number of votes the defeated candidate is determined by lot in accordance with the following provisions:
    - i. the name of each candidate is placed in a receptacle;
    - ii. the Chief Executive Officer draws one name from the receptacle; and
    - iii. the candidate whose name is drawn is declared defeated.

- (2) Following the declaration of a candidate as a defeated candidate, all previous votes are declared void, and the process returns to this Rule 7 or Rule 8 (as applicable) with all remaining candidates.

## **8. Election if there are two candidates**

If there are two candidates for the office of Mayor (or two remaining candidates after the completion of the process in Rule 7), the following provisions will govern the election of the Mayor:

- (a) the Councillors present at the meeting must vote for one of the candidates;
- (b) in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
- (c) if there are two candidates remaining and neither candidate receives an absolute majority of votes, the votes are declared void and a further round of voting is conducted immediately; and
- (d) if, after a second round of voting, neither candidate receives an absolute majority of votes, the election is declared void and the Council must resolve to:
  - i. conduct a further election immediately; or
  - ii. conduct a further election at a later time or date as soon as practicable but no later than seven days after the current meeting.

## **9. Election if there is only one candidate**

If there is only one candidate for the office of Mayor, that candidate must be declared to be duly elected.

## **10. Electing a Deputy Mayor**

- (1) The Council may resolve to elect a Deputy Mayor.
- (2) A Deputy Mayor is elected in the same way as the Mayor to the extent that is reasonably applicable.
- (3) The Mayor must chair a meeting to elect a Deputy Mayor but must not cast a second vote if there is a tie.

## **11. Appointment of Acting Mayor**

Any appointment of an Acting Mayor will be in accordance with sections 20B and 61(3) of the Act.

# **PART 3 – MEETING PREPARATION**

## **Division 1 – Calling Council meetings**

### **12. Types of Council meetings**

A Council meeting must be:

- (a) a “scheduled meeting” where the normal business of Council is conducted;
- (b) a “special meeting” called for a particular purpose or purposes; or
- (c) an “urgent meeting” called to address a single urgent matter.

### **13. Calling meetings**

- (1) The dates, times and places of scheduled meetings will be fixed by the Council from time to time.
- (2) Subject to public notice requirements, a special meeting may be called:
  - (a) by resolution of the Council; or
  - (b) by the Chief Executive Officer in consultation with the Mayor and Councillors.
- (3) Subject to public notice requirements, the date, time or place of a scheduled meeting or a special meeting may be altered by the Chief Executive Officer in consultation with the Mayor and Councillors.
- (4) An urgent meeting may be called with less than five (5) business days’ notice by the Chief Executive Officer in consultation with the Mayor and Councillors.

### **14. Public notice**

- (1) Reasonable notice of each Council meeting will be provided to the public. Council may do this by publishing details of the meeting on its website and local print media as soon as practicable after the meeting has been scheduled.
- (2) Before an urgent meeting, the Chief Executive Officer will provide as much notice to the public as is practicable and the reasons for calling an urgent meeting will be specified in the notice.

### **15. Agenda notice**

- (1) At least five (5) business days before a meeting is to occur, a notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered or sent electronically to every Councillor for all Council meetings.
- (2) At least three (3) business days before a meeting is to occur, a notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be published on Council’s website.
- (3) An agenda notice must include:
  - (a) the date, time and place of the meeting;
  - (b) the matter or matters to be considered at the meeting; and
  - (d) reports prepared for consideration at the meeting.

- (4) If it is not possible to comply with Sub-Rules (1) or (2) for any reason, the Chief Executive Officer must ensure delivery and publication as soon as is reasonably possible.
- (5) If a Councillor has been granted leave of absence, it will not be necessary for an agenda notice to be delivered to the Councillor unless the Councillor requests delivery.

## **16. Adjourned meeting notices**

If a Council meeting is adjourned to another day for any reason, this Division applies to the adjourned meeting to the extent that is reasonably practicable.

## **Division 2 – Notices of motion**

### **17. Giving a notice of motion**

- (1) A Councillor may give a notice of motion if the Councillor wishes to move a motion on a matter at a forthcoming Council meeting.
- (2) A notice of motion:
  - (a) must include the text of the proposed motion; and
  - (b) may include a brief written explanation for the proposed motion.
- (3) A notice of motion must be given in writing to the Chief Executive Officer no later than ten (10) business days before the meeting at which it is to be proposed.
- (4) A notice of motion must call for a Council report if the notice of motion proposes any action that:
  - (a) impacts the levels of Council service; or
  - (b) commits the Council to expenditure that is not included in the adopted Council Budget; or
  - (c) proposes to establish, amend or extend Council policy.

### **18. Notice may be rejected**

- (1) The Chief Executive Officer must reject a notice of motion if:
  - (a) it appears to be contrary to the Act or any other law;
  - (b) it appears contrary to the Council's election period policy;
  - (c) it is vague or unclear in its intention; or
  - (d) it is not lodged in accordance with this Division.
- (2) If the Chief Executive Officer rejects a notice of motion, the Chief Executive Officer must:
  - (a) notify the Councillor within seven (7) business days before the meeting at which it is intended to be considered and give the reason/s for the rejection; and
  - (b) if reasonably possible before the agenda notice is delivered, give the Councillor an opportunity to amend the notice of motion.

## **19. Notice must be listed on the agenda**

- (1) A notice of motion must be included on the agenda for the next scheduled meeting, unless:
  - (a) it has been rejected under Rule 18; or
  - (b) the Councillor lodging the notice of motion has requested it be listed for a different scheduled meeting.
- (2) If more than one Notice of Motion is received, the notices must be listed on the agenda in the order they were received.
- (3) If a brief written explanation of the notice of motion has been provided, it must be included in the agenda notice.
- (4) A Council meeting Agenda report addressing a notice of motion may include information provided by Council officers, including resourcing impacts and risk factors.
- (5) A Council meeting agenda report addressing a notice of motion is introduced to the meeting by the Councillor who has given the notice.

## **Division 3 – Notice of rescission**

### **20. Giving a notice of rescission**

- (1) A Councillor may give notice of a motion to rescind a decision of the Council provided that the decision has not been substantially commenced or implemented.
- (2) A decision will be deemed to have been substantially commenced or implemented once its details have been communicated to persons affected by or reliant upon the decision or where a statutory procedure has been carried out.
- (3) A notice of rescission must:
  - (a) specify the decision that it proposes to rescind;
  - (b) be clear in its intent;
  - (c) be in writing;
  - (d) be given to the Chief Executive Officer within two (2) business days of the decision of the Council; and
  - (e) include the written endorsement of at least one other Councillor.

### **21. Notice may be rejected**

- (1) The Chief Executive Officer must reject a notice of rescission that does not comply with this Division.
- (2) If the Chief Executive Officer rejects a notice of rescission, the Chief Executive Officer must:
  - (a) notify the Councillor at least seven (7) business days before the meeting at which it is intended to be considered and give the reason/s for the rejection; and
  - (b) advise the Mayor and Councillors of the reason/s for the rejection at the earliest opportunity.

## **22. Affected persons to be notified**

Unless a notice of rescission is rejected under Rule 21, the Chief Executive Officer must ensure that:

- (a) no further action is taken to implement the decision; and
- (b) any person directly affected by the proposed rescission is notified without delay.

## **23. Notice must be listed on the agenda**

- (1) Unless a notice of rescission has been rejected under Rule 21 it must be included on the agenda for the next scheduled meeting of the Council.
- (2) If more than one notice of rescission is received in regard to a particular matter, the notices must be listed on the agenda in the order they were received.

# PART 4 – ROLES AND CONDUCT

## Division 1 – Roles of Mayor, Councillors and CEO in Council meetings

### 24. Role of the Mayor

The principle roles of the Mayor in Council meetings are to:

- (a) chair the meeting; and
- (b) promote good decision making by the Council.

### 25. Absence of the Mayor

- (1) If the Mayor is absent or otherwise unable to chair a Council meeting and the Council has elected a Deputy Mayor, the Deputy Mayor must chair the meeting.
- (2) If neither the Mayor nor the Deputy Mayor is in attendance and able to chair the Council meeting, or a Deputy Mayor has not been elected, the Council must, by resolution and in accordance with sections 20B and 61(3) of the Act, appoint an Acting Mayor for the purpose of chairing the meeting.
- (3) If neither the Mayor nor Deputy Mayor are able to chair part of the meeting, the Council must, by resolution and in accordance with sections 20B and 61(3) of the Act, appoint an Acting Mayor for the purpose of chairing that part of the meeting.

### 26. Good decision making principles

Good decision making is decision making done in accordance with the following principles:

- (a) Decisions will be made in a transparent and accountable manner.
- (b) Councillors will have sufficient information to make good decisions.
- (c) Councillors will be enabled to contribute to decisions.
- (d) People whose rights are affected will be entitled to a fair hearing.
- (e) Decisions will be made fairly and on the merits of the matter.
- (f) Debate and discussion will be focussed on the issue at hand.
- (g) Meetings will be conducted in an orderly manner.

### 27. Role of a Councillor

The role of a Councillor in Council meetings includes:

- (a) participating in decision making;
- (b) abiding by the good decision making principles;
- (c) acknowledging and respecting the role of the Mayor;
- (d) respecting the rights and responsibilities of other Councillors; and
- (e) being courteous and behaving in an orderly manner.



## **28. Role of the Chief Executive Officer**

The Chief Executive Officer's role in Council meetings is to support good decision making by the Mayor and Councillors by:

- (a) ensuring information is provided to enable good decisions;
- (b) advising of any legal or administrative impediments to decisions;
- (c) assisting with any proposed resolution that has unclear application; and
- (d) ensuring general support for procedural and administrative matters.

## **Division 2 – Standards of conduct**

### **29. Good conduct**

Councillors, participants and observers at a Council meeting must:

- (a) treat all persons at the meeting with due courtesy;
- (b) respect the roles of the Mayor, the Councillors and the Council staff; and
- (c) avoid behaviour that is disorderly or that prevents the Council from performing its functions.

### **30. Addressing the meeting**

- (1) Any person addressing the Mayor should refer to the Mayor as Mayor ... [surname].
- (2) All Councillors, other than the Mayor, should be addressed as Cr .... [surname].
- (3) All officers should be addressed as Officer ... [surname] or by their official title.

### **31. Mayor may call a Councillor to order**

- (1) The Mayor may call to order any Councillor:
  - (a) who is disruptive or acting unruly during a meeting; or
  - (b) who makes a statement that is offensive, insulting or defamatory.
- (2) Without detracting from Sub-Rule (1), the Mayor may call to order any Councillor who is acting contrary to the Councillor Code of Conduct in a meeting.
- (3) If the Mayor calls a Councillor to order, the Mayor may direct the Councillor:
  - (a) to cease the actions for which they have been called to order; or
  - (b) to retract or apologise for a statement or action.
- (4) If a Councillor fails to comply with a direction under Sub-Rule (3), the Mayor may direct the Councillor to leave the meeting for a specified time.
- (5) The direction by the Mayor under Sub-Rule (4) may be overruled by a resolution of the meeting to dissent from the Mayor's ruling.

### **32. Mayor may remove a member of the public**

- (1) The Mayor may direct a member of the public to leave a meeting if, in the opinion of the Mayor, the person is disrupting the orderly conduct of the meeting.
- (2) A person directed to leave a meeting under Sub-Rule (1) must not return to the meeting unless authorised by the Mayor.

### **33. Mayor may call a temporary adjournment**

- (1) The Mayor may call a temporary adjournment at any time during the meeting, including if a disruption is preventing the Council from conducting its business in an orderly manner.
- (2) Unless otherwise specified by the Mayor, a temporary adjournment under Sub-Rule (1) will be for a period of 15 minutes.
- (3) The meeting must not dissent from a ruling to call a temporary adjournment.

# **PART 5 – CONFLICTS OF INTEREST**

## **Division 1 – Conflict of interest generally**

### **34. Conflict of interest definitions**

- (1) Part 6 Division 2 of the Act requires relevant persons to disclose conflicts of interest.
- (2) “Relevant persons” for whom the provisions of the Act apply are:
  - (a) Councillors;
  - (b) members of Council staff; and
  - (c) members of delegated committees (if any).
- (3) Conflict of interest is defined in Part 6 Division 2 of the Act to include:
  - (a) material conflicts of interest; and
  - (b) general conflicts of interest.
- (4) A “Material conflict of interest” exists when a relevant person or an “affected person” with whom they are connected, as defined in the Act, would gain a benefit or suffer a loss depending on the outcome of the matter.
- (5) A “General conflict of interest” exists where an impartial, fair-minded person would consider that a relevant person's private interests could result in them acting in a manner that is contrary to their public duty.

### **35. Recording of Conflict of Interest Disclosures**

- (1) All conflict of interest disclosures relating to Rules 36 – 45 will be recorded in meeting minutes and a register, available to the public in accordance with Council’s Public Transparency Policy.
- (2) A record of meetings conducted under the auspices of Council will be presented to the next available scheduled Council meeting for confirmation and must include:
  - (a) a record of which Councillors and officers attended the meeting;
  - (b) a summary of the matters considered in the meeting; and
  - (c) a record of any conflicts of interest disclosed by Councillors and officers and any Councillors or officers that left the meeting whilst a matter that their conflict of interest related to was being discussed.

## **Division 2 – Councillor conflict of interest disclosures**

### **36. General duty of disclosure by a Councillor**

A conflict of interest must be disclosed by a Councillor in any Council meeting or any other meeting conducted under the auspices of the Council.

### **37. Disclosure in a Council meeting**

- (1) If a Councillor has a conflict of interest in a matter considered in a Council meeting, the Councillor must:
  - (a) disclose the conflict of interest in accordance with Sub-Rule (2); and
  - (b) exclude themselves from the decision making process in accordance with Sub-Rule (5).
- (2) A Councillor who has a conflict of interest and is attending the meeting of the Council must make a full disclosure of that interest by either advising:
  - (a) the Council at the meeting immediately before the matter is considered; or
  - (b) the Chief Executive Officer in writing before the meeting –  
whether the conflict of interest is a general conflict of interest or a material conflict of interest; and the nature of the interest.
- (3) If the Councillor advised the Chief Executive Officer of the details under Sub-Rule (2)(b), the Councillor must make a disclosure of the class of interest only to the meeting, immediately before the matter is considered.
- (4) The Chief Executive Officer must –
  - (a) keep written disclosures received under this division in a secure place for three years after the date the Councillor who made the written disclosure ceases to be a Councillor; and
  - (b) destroy the written disclosure when the three year period referred to in Sub-Rule (4)(a) has expired.
- (5) A Councillor excluding themselves from the decision making process:
  - (a) must leave the room where the meeting is being held and wait in a place where they cannot see or hear the meeting; and
  - (b) may return to the meeting before the next matter is considered.
- (6) The Mayor must ensure the meeting does not proceed to the next matter until a reasonable attempt has been made to notify any Councillor affected by this rule.

### **38. Disclosure in a delegated committee Meeting**

If the Council has established a delegated committee, Councillors who are members of the delegated committee must comply with Rule 37 as if they are in a Council meeting.

### **39. Disclosure in a meeting conducted under the auspices of Council**

- (1) A Councillor who has a conflict of interest in a matter being considered by a meeting conducted under the auspices of Council at which they are present must:
  - (a) before the matter is considered, or as soon as they become aware, disclose the conflict of interest in accordance with Rule 37(2); and
  - (b) absent themselves from any discussion of the matter.

#### **40. Disclosure in a community asset committee meeting**

A Councillor who is a Council delegated member of a community asset committee must comply with Rule 39 as if the committee meeting was a meeting conducted under the auspices of Council.

#### **41. Disclosure in general gatherings**

- (1) This Rule applies to meetings or gatherings that are not directly connected with Council decisions on specific matters. This includes:
  - (a) forums for general community engagement; and
  - (b) social and ceremonial functions.
- (2) If a Councillor has a conflict of interest in a matter that arises in a meeting or gathering under this Rule, the Councillor must:
  - (a) disclose that they have a conflict of interest in an appropriate manner; and
  - (b) exercise their own discretion to act in a responsible manner.

### **Division 3 – Staff conflict of interest disclosures**

#### **42. Staff disclosure for a Council meeting matter**

- (1) If a member of Council staff has a conflict of interest in a matter to be considered in a Council meeting and is likely to be involved in providing advice on the matter, the member of Council staff:
  - (a) must notify their manager or director and the Chief Executive Officer; and
  - (b) must not provide advice to Council unless authorised by the Chief Executive Officer.
- (2) If a member of Council staff has a conflict of interest in a matter in which they are providing advice to Council:
  - (a) if the advice is included in a report, the report must disclose the conflict of interest; and
  - (b) if the officer is speaking in the Council meeting, the officer must disclose the conflict of interest before speaking on the matter.

#### **43. Disclosure in delegated committee**

A member of Council staff who is a member of a delegated committee must comply with Rule 37 as if they are a Councillor in a Council meeting.

#### **44. Disclosure in community asset committee**

- A member of Council staff who is representing Council on a community asset committee must:
- (a) disclose any conflict of interest in a matter before the committee;
  - (b) leave the meeting while the matter is considered; and
  - (c) comply with any relevant procedure specified by the Chief Executive Officer for that committee.

#### **45. Disclosure when exercising a delegation or statutory power**

- (1) This Rule applies to a member of Council staff who exercises a power of delegation or a statutory function under any Act.
- (2) If the member of Council staff has a conflict of interest in the exercise of the delegation or the statutory function the staff member must:
  - (a) immediately notify their manager or director;
  - (b) not exercise the delegated power or statutory function; and
  - (c) comply with any relevant procedures in the staff code of conduct.
- (3) A manager or director who has been notified of a conflict of interest under this Rule must:
  - (a) make a record of the disclosure;
  - (b) provide for the power or function to be exercised by another person; and
  - (c) notify the Chief Executive Officer of the disclosure and the action taken.

### **Division 4 – Disclosures by committee members**

#### **46. Disclosure by a delegated committee member**

A member of a delegated committee who is not a Councillor or a member of Council staff must comply with Rule 37 as if they are a Councillor in a Council meeting.

#### **47. Disclosure by community asset committee member**

A member of a community asset committee who is not a Councillor or a member of Council staff must:

- (a) disclose any conflict of interest in a matter being considered by the committee; and
- (b) comply with any terms and conditions specified by the Chief Executive Officer for that committee under section 47 of the Act.

# **PART 6 – GENERAL CONDUCT OF MEETINGS**

## **Division 1 – General lack of a quorum**

### **48. What is a quorum?**

A quorum for a Council meeting is an absolute majority of the Councillors.

### **49. Inability to obtain or maintain a quorum**

- (1) If a quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of any meeting or adjournment, the meeting may be adjourned for a period not exceeding five (5) business days by:
  - (a) those Councillors present; or
  - (b) if there are no Councillors present, the Chief Executive Officer.
- (2) If a quorum cannot be maintained in a meeting for any reason, other than a result of conflicts of interest, Sub-Rule (1) will apply.

## **Division 2 – Loss of quorum due to conflicts of interest**

### **50. Application of this Division**

- (1) This division applies in a Council meeting where the Council is unable to maintain a quorum because of the number of Councillors with conflicts of interest.
- (2) This division does not apply to meetings conducted under the auspices of Council or committee meetings.

### **51. Mayor to take action**

- (1) If the Council will be unable to maintain a quorum because of the number of Councillors with conflicts of interest in a matter, the Mayor must invite all Councillors to remain in the meeting until the quorum matter is addressed.
- (2) Actions to be taken under this Rule by the Mayor where feasible, in order of priority, are:
  - (a) if there are Councillors absent from the meeting who may not have conflicts of interest, defer the matter to a later time;
  - (b) propose that the motion be dealt with in an alternative manner under Rule 52; or
  - (c) propose that the Council appoint a delegated committee under Rule 53.
- (3) The Mayor may seek advice from the Chief Executive Officer when determining the feasibility of alternative actions under this Rule.

## 52. Alternative manners to resolve quorum

- (1) Section 67 of the Act specifies two alternative manners in which a matter may be considered by Council to avoid the loss of a quorum:
  - (a) resolving to split the matter into 2 or more separate parts; 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.
- (2) Where a matter can be split into 2 or more separate parts to avoid the loss of a quorum:
  - (a) the Chair may put the parts to the Council as separate motions; and
  - (b) a Councillor who has a conflict of interest in any separate motion must disclose a conflict of interest in that motion under Rule 37.
- (3) Where a matter cannot be reasonably split, but component parts may be considered prior to deciding the overall matter, such as may apply to the Council Plan or the budget:
  - (a) each affected component part may be put to a vote for inclusion in the final motion;
  - (b) a Councillor who has a conflict of interest in a component part must disclose the conflict of interest under Rule 37 when that part is considered;
  - (c) a resolution to adopt the final motion may then be put to the meeting, subject to any amendments arising from the votes on component parts; and
  - (d) a Councillor may vote on the final motion if they have previously disclosed a conflict of interest in any component in which they have a conflict of interest.

## 53. Delegated committee to decide matter

- (1) Under section 67 of the Act, the Council must establish a delegated committee to determine a matter that cannot be resolved by an alternative manner after the loss of a quorum because of conflicts of interest.
- (2) A delegated committee to determine a matter under this Rule:
  - (a) must include all Councillors who have not disclosed a conflict of interest in regard to the matter;
  - (b) may include any other person the Council considers suitable; and
  - (c) must be chaired by a Councillor unless there are no Councillor members.

## Division 3 – Business of meetings

### 54. Business of scheduled meetings

- (1) The Business of a scheduled Council meeting must include the following where applicable:
  - (a) confirmation of the minutes of the previous Council meeting or meetings;
  - (b) confirmation of records of meetings conducted under the auspices of Council;
  - (c) reports provided by the Audit and Risk Committee;
  - (d) reports provided by the Chief Executive Officer;
  - (e) notices of motion given under Rule 17; and
  - (f) notices of rescission given under Rule 20.



## **55. Order of business**

- (1) Subject to Rule 54 and these Governance Rules, the order of business of a Council meeting will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- (2) Subject to these Governance Rules, the Chief Executive Officer may include any matter on an agenda of a scheduled meeting for consideration by the meeting.
- (3) Once an agenda notice has been issued, the order of business for the meeting may only be altered by the Mayor in the meeting or by resolution of the Councillors at the meeting.

## **56. Urgent business**

- (1) At a scheduled or special meeting of Council, business that is not included in the agenda notice must only be considered if no more than one Councillor is absent and the Council resolves that the matter is urgent because:
  - (a) it relates to, or arises out of a matter which has arisen since compilation of the agenda; and
  - (b) a timeline requires it to be determined prior to the next Council meeting.
- (2) A Councillor may propose a matter be admitted as urgent business provided they have advised the Chief Executive Officer in writing no later than three hours prior to the commencement of the scheduled or special meeting.
- (3) Items of urgent business must be circulated to all Councillors prior to the meeting.
- (4) At an urgent meeting of Council, business that is not included in the agenda notice must only be considered if all Councillors are present and unanimously resolve that the matter is urgent.
- (5) Despite Sub-Rules (1) - (4), a matter that is not included in the agenda notice must not be considered at a Council meeting if it will:
  - (a) directly and significantly affect the exercise of a person's rights;
  - (b) alter the Council Plan or the budget; or
  - (c) commit the Council to expenditure exceeding \$20,000.

## **Division 4 – Procedural meeting determinations**

### **57. Matters not provided for**

Where a matter has not been provided for under the Act or in these Governance Rules, it must be determined as a procedural matter under this Division.

### **58. Determination of procedural matters**

- (1) Unless otherwise specified in these Governance Rules, procedural matters relating to the conduct of a Council meeting shall be determined:
  - (a) by a ruling of the Chair; or
  - (b) by a resolution of the Council.

## **59. Dissent from a Mayor's ruling**

- (1) A ruling of the Mayor under this Part may be negated by a resolution of the Council to dissent from the Mayor's ruling.
- (2) A motion of dissent in the ruling is not a motion of dissent in the Mayor. The Mayor remains in the chair and may exercise a second vote if exactly half the Councillors vote in favour of the motion of dissent.

## **60. Arrangements when standing orders suspended**

- (1) During a period when standing orders are suspended, no decision, motion or other formal proceeding must be allowed, other than:
  - (a) the raising of a point of order; or
  - (b) a motion to resume standing orders.
- (2) The minutes of a meeting will not include an account of matters considered during a period when standing orders are suspended.

## **61. Closing a meeting to members of the public**

- (1) A Council meeting must be closed to members of the public only if:
  - (a) the meeting is to consider confidential information (see Appendix 1); or
  - (b) it is necessary to close the meeting for security reasons or to enable the meeting to proceed in an orderly manner.
- (2) The Council must only close the meeting for the purpose listed in Sub-Rule (1)(b) if arrangements have been put in place to allow remote public viewing of the meeting as specified in section 66 of the Act.

## **62. Adjourning a meeting**

A motion to adjourn the meeting may specify when the meeting will resume, which may be:

- (a) at a specific time, date and place;
- (b) at the conclusion of another scheduled meeting; or
- (c) at a time to be determined by the Chief Executive Officer.

## **Division 5 – Point of order**

### **63. Points of order**

- (1) A Councillor may raise a point of order at any time if the Councillor considers that the Act or these Governance Rules are not being complied with due to a statement or behaviour which is:
  - (a) Irrelevant, meaning it does not relate to the matter under consideration or is outside the powers of Council;
  - (b) Improper, meaning it constitutes improper behaviour or is offensive;
  - (c) Misleading, meaning it is an untrue or false assertion or statement;
  - (d) Disorderly, being an act that disrupts or distracts from the orderly operation of the meeting; or
  - (e) Contrary to these Rules, meaning it is contrary to the provisions set out in this part.

- (2) A Councillor raising a point of order must state:
  - (a) the point of order; and
  - (b) the reason for the point of order.
- (3) A Councillor raising a point of order is not deemed to be speaking to a motion or amendment before the meeting.
- (4) All other matters before the Council are suspended until the point of order is decided.
- (5) The Mayor may call a temporary adjournment to consider a point of order or otherwise rule on it as soon as it is raised.
- (6) The Mayor must rule on all points of order without entering into discussion or debate and the Mayor's ruling is final unless the meeting dissents from that ruling under Rule 59.

## **Division 6 – Public participation**

### **64. Addressing meetings**

- (1) At a Council meeting, standing orders may be suspended to enable a member of the public to address the meeting.
- (2) A member of the public addressing the Council must extend due courtesy and respect to the Council and must take direction from the Mayor.
- (3) Unless this procedure is varied under Rule 87, the maximum speaking time for a member of the public addressing the Council is three (3) minutes.

### **65. Public question time**

- (1) Up to 30 minutes may be allocated in the early part of a scheduled Council meeting for members of the public to put questions to Councillors.
- (2) Sub-Rule (1) does not apply during any period when Council has resolved to close the meeting in respect of a matter under section 61 of the Act.
- (3) A limit of two questions per person applies, with a time allocation for each not exceeding three minutes.
- (4) Question put by members of the public:
  - (a) must be in writing;
  - (b) must relate to a matter of business on the meeting agenda;
  - (c) must not relate to subject matter previously responded to by Council;
  - (d) must not be offensive or defamatory or designed to embarrass a councillor or member of Council staff; and
  - (e) must be received by the Chief Executive Officer or the delegated officer no later than 12.00pm on the business day prior to the meeting day.
- (5) If the Council has received a question from the public under this Rule, the Council must suspend standing orders at an appropriate time for the question to be put.

- (6) The CEO must reject a question:
  - (a) that does not comply with Sub-Rule (4); or
  - (b) where answering the question would require the disclosure of confidential information.
- (7) Unless rejected under Sub-Rule (6) each question:
  - (a) will be read by the person who submitted it, or if absent from the meeting, the Mayor or CEO; and
  - (b) will be responded to by a Councillor or Council officer.
- (8) If a question cannot be dealt with adequately or appropriately during public question time in accordance with Sub-Rule (7)(b), the Mayor may request the Chief Executive Officer to provide a written response to the question in accordance with Council's Customer Service Charter.

## **66. Petitions and joint letters**

- (1) A member of the public may give a petition or a joint letter to a Councillor, the Chief Executive Officer or the delegated officer.
- (2) A petition or joint letter must:
  - (a) state the name of the person forwarding the petition or joint letter and an address to which notice of Council's response may be forwarded;
  - (b) contain at least ten (10) signatures and include the name and address of each signatory to the petition or joint letter;
  - (c) clearly state the request or describe the action that the Council is asked to do on each page of the petition or in the joint letter (whichever is applicable);
  - (d) not include any statement that is offensive, defamatory or disrespectful to Council;
  - (e) be legible;
  - (f) not contain alterations; and
  - (g) not have any letters or other documents attached to it.
- (3) A petition or joint letter that complies with Sub-Rule (2) must be tabled at a scheduled Council meeting at the first reasonable opportunity.
- (4) A petition or joint letter may be tabled by any Councillor or by the Chief Executive Officer. It does not have to be tabled by the person to whom it was given.
- (5) A petition or joint letter tabled at a Council meeting must lay on the table until the next scheduled meeting of the Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson unless the Council resolves to deal with it earlier.

## **Division 7 – Minutes and recordings**

### **67. Keeping of minutes**

- (1) The Chief Executive Officer must ensure that minutes of Council meetings are kept.

- (2) The minutes must be an accurate record of the meeting, including:
  - (a) the date, place, and nature of the meeting;
  - (b) the time the meeting opened;
  - (c) the name of each Councillor in attendance;
  - (d) any Councillor apology or leave of absence;
  - (e) every conflict of interest disclosure made, including the type of conflict;
  - (f) arrivals and departures during the meeting by Councillors;
  - (g) the name and title of each staff member attending and not in the gallery;
  - (h) all matters considered for decision;
  - (i) the name of any member of the public who spoke on a matter;
  - (j) all motions put to the meeting and the outcome of each motion;
  - (k) the result of any division; and
  - (l) the time the meeting closed.
- (3) The following must be published on the Council's website as soon as practicable after the conclusion of a Council meeting:
  - (a) the draft (unconfirmed) minutes of the Council meeting;
  - (b) any resolutions carried in a part of a meeting closed to consider a confidential matter.
- (4) The detailed records of any part of a meeting that was closed to the public to consider a confidential matter must not be published on the internet.

## **68. Confirmation of minutes**

- (1) The Chief Executive Officer must ensure the draft minutes are submitted to the next applicable meeting of the Council for confirmation.
- (2) 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.
- (3) If a Councillor is dissatisfied with the accuracy of the minutes, then the Councillor must propose a motion specifying the alternative wording to amend the minutes.
- (4) The confirmed minutes, excluding the detailed records of any part of a meeting that was closed to the public to consider confidential information, must be published on the Council's website in place of the draft minutes as soon as practicable.

## **69. Recording of Council meetings**

- (1) Council meeting proceedings will be livestreamed for real-time or on demand access via a Council social media channel.
- (2) If a meeting, or part of a meeting is closed to the public due to circumstances described in section 66(2)(b) or 66(2)(c) of the Act and the livestream is not able to be broadcast to a Council social media channel, the meeting may be adjourned, or a recording of the proceedings made available on social media as soon as practicable after the meeting.
- (3) If a meeting, or part of a meeting is open to the public and the livestream is not able to be broadcast to a Council social media channel, the meeting will continue, and a recording of the proceedings may be made available on a social media page as soon as practicable after the meeting.

## **Division 8 – Attendance by electronic means**

### **70. Requesting and approving attendance by electronic means**

- (1) Councillors who wish to attend a meeting via electronic means may submit a request to the Chief Executive Officer.
- (2) The request must be made in writing or verbally stating the reason for the request.
- (3) The request must be made no later than 9:00am on the day of the meeting that will be attended via electronic means.
- (4) The request must consider any criteria that the Council has set for consideration of approval for a method of attendance.
- (5) The Chief Executive Officer will provide a response to the request no later than 1 hour prior to the meeting and notify all Councillors of this decision.
- (6) It is the responsibility of the Councillor attending electronically to ensure that they have the required access and environment suitable for electronic communications.

# PART 7 – CONDUCT OF DEBATE

## Division 1 – General debate matters

### 71. Preparation for debate

Before any motion is put on a matter:

- (a) the Mayor will introduce the officer report and invite a member of the Management Executive Group to summarise the report, including the recommendation; and
- (b) the Mayor may ask if any Councillors require final clarification of the report before seeking a motion.

### 72. Speaking times

Unless varied under Rule 87, the maximum speaking time for a Councillor will be three (3) minutes when:

- (a) speaking to a motion or amendment; or
- (b) exercising a right of reply on a motion.

## Division 2 – Motions and amendments

### 73. Order of motions and amendments

During consideration of a matter in a Council meeting:

- (a) only one motion may be considered by a meeting at a particular time;
- (b) only one amendment may be considered by a meeting at a particular time; and
- (c) a motion must not be voted upon until a decision has been made on any amendment to that motion which has been moved and seconded.

### 74. Rejecting a motion or amendment

- (1) The Mayor must reject any motion or amendment which is:
  - (a) offensive or defamatory;
  - (b) outside the powers of the Council or otherwise contrary to the Council's legal obligations;
  - (c) contrary the Council's election period policy;
  - (d) 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 would have the effect of negating the principle intent of the motion it seeks to amend.
- (2) If it appears to the Chief Executive Officer that a proposed motion or amendment is contrary to the Council's legal obligations, the Chief Executive Officer must advise the Mayor in a timely manner.

## **75. Moving a motion**

- (1) A Councillor proposing to move a motion must first indicate a wish to address the Mayor.
- (2) Once recognised by the Mayor, the mover must state the motion, and may briefly state its intent or the desired outcome if it is passed, but without speaking to it.
- (3) Where the mover intends to move a recommendation as it appears in the agenda report, they may do so in the following manner, 'I move the officer recommendation'.
- (4) Where the mover intends to move a motion other than a recommendation as it appears in the agenda report, they must state the motion in full.
- (5) The Mayor must call for a seconder (who must be a Councillor other than the mover).
  - (a) If a motion is not seconded, the motion lapses for want of a seconder.
  - (b) If there is a seconder, the Mayor must call on the mover to speak to the motion.
- (6) After the mover has spoken to the motion, the seconder may also speak to the motion or reserve their right to speak until later in the debate.

## **76. Debating the motion**

- (1) After the seconder has spoken to the motion (or after the mover has spoken to the motion if the seconder does not speak), the Mayor must ask 'Is the motion opposed?'.
- (2) If there is opposition, the Mayor must call on any Councillor who wishes to speak against the motion, then on any Councillor who wishes to speak for the motion, after waiting until all Councillors wishing to speak to the motion have spoken.
- (3) If no Councillor wishes to speak against the motion, then the Mayor may put the motion or call on any other Councillor to speak.
- (4) No Councillor may speak more than once in debating a motion, except where the mover of the motion has a right of reply.
- (5) Debate must always be relevant to the motion and the Mayor may:
  - (a) request a Councillor to confine debate to the subject motion; or
  - (b) direct a Councillor to cease speaking if the Councillor continues to debate irrelevant matters.

## **77. Right of reply**

- (1) Once the debate has been exhausted, the mover of the motion is entitled to exercise a right of reply but may not raise any new matter.
- (2) If an amendment to a motion has been carried, the mover of the original motion retains the right of reply to that motion.
- (3) If no Councillor has spoken against a motion, there will be no right of reply.
- (4) Immediately after the mover's right of reply, the Mayor must put the motion to a vote without further discussion or debate.



## **78. Amendments**

- (1) Any Councillor debating the motion, except the mover or seconder of the motion, may move an amendment to the motion.
- (2) There is no limit on the number of amendments that may be proposed to a motion. However, no amendment may be proposed while another amendment is being proposed or debated.
- (3) An amendment:
  - (a) must be relevant to the motion; and
  - (b) must not have the effect of negating the principal intent of the motion.
- (4) If the mover and the seconder of the motion accept the amendment, the motion must be altered to include the amendment, without debate or vote.
- (5) If Sub-Rule (4) does not apply, the amendment must be seconded by another Councillor. If the amendment is not seconded, it lapses.
- (6) If an amendment is seconded under Sub-Rule (5), the Mayor must invite the Councillors to debate the amendment in the same order and manner as a motion under Rule 76, except that the mover of an amendment does not have a right of reply.
- (7) A Councillor speaking to an amendment is not deemed to be speaking to the motion, so speaking to an amendment does not alter a Councillor's right to speak to the principal motion.
- (8) If an amendment is carried, the motion as amended then becomes the motion before the meeting (known as the 'substantive motion'), and may then be put or be subject to further amendment.
- (9) If an amendment is not carried then debate continues on the motion.

## **79. Lapsed motion or amendment**

- (1) If a motion or amendment lapses under these Governance Rules:
  - (a) the motion or amendment is no longer debated or voted upon at that meeting;
  - (b) if it is an amendment, debate on the principle motion resumes; and
  - (c) if it is a motion, the meeting proceeds to the next matter on the agenda.
- (2) Nothing in these Governance Rules prohibits a lapsed motion from being considered at a later Council meeting.

## **80. Foreshadowing motions or amendments**

- (1) At any time during debate, a Councillor may, without speaking to it, foreshadow a motion so as to inform 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, 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.
- (3) No discussion or debate is allowed on a foreshadowed motion unless and until the foreshadowed motion is subsequently formally moved as a motion.

- (4) A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting.
- (5) The minutes of the meeting will not include foreshadowed motions unless the foreshadowed motion is subsequently formally moved as a motion.

### **81. Withdrawal of motion or amendment**

Before any motion or amendment is put to the vote, it may be withdrawn by the mover with the agreement of Council.

### **82. Separation of motions**

Where a motion contains more than one part:

- (a) a Councillor may request the Mayor to put the motion to the vote in separate parts;  
or
- (b) the Mayor may decide to put the motion to the vote in separate parts.

## **Division 3 – Voting**

### **83. Voting process**

- (1) When putting a motion or amendment to a vote, the Mayor will first call for those in favour to vote and then those opposed to vote.
- (2) Voting:
  - (a) must not be in secret; and
  - (b) must be by show of hands unless the meeting resolves otherwise.
- (3) All Councillors are entitled to a single vote on each motion and each amendment.
- (4) If exactly half the Councillors in the meeting vote in favour of a motion or amendment, the Mayor may cast a second vote.
- (5) The Mayor must declare a motion or amendment carried if:
  - (a) a majority of the Councillors in the meeting vote in favour of the motion or amendment; or
  - (b) exactly half the Councillors in the meeting vote in favour of the motion or amendment and the Mayor casts a second vote in favour of the motion or amendment.
- (6) If neither Sub-Rule (5)(a) or (5)(b) apply, the Mayor must declare the motion or amendment lost.
- (7) Any Councillor may request that the way they voted on a motion or amendment be recorded in the minutes.
- (8) A Councillor is not required to divulge the way they voted on a matter considered in a meeting that was closed to the public to consider confidential information.

## **84. Division**

- (1) Any Councillor may request a division:
  - (a) immediately before a vote is taken; or
  - (b) immediately after a vote is taken.
- (2) A division must not be requested after the next item of business has commenced.
- (3) If a division is requested, the Mayor must conduct a vote and the names of Councillors voting for or against the motion or amendment must be recorded in the minutes.
- (4) When a division is requested, any vote already taken must be treated as set aside and the division will decide the question, motion or amendment, that is, a Councillor is not prevented from changing their original vote at the division.
- (5) Once a vote has been taken under a division, no further vote may be taken on the relevant motion or amendment in that meeting.

## **Division 4 – Rescission**

### **85. Motion to rescind**

- (1) If a notice of motion to rescind has been given under Rule 20:
  - (a) the motion must not be amended; and
  - (b) any Councillor in attendance at the meeting may move the motion.
- (2) If a notice of motion to rescind is not put at the meeting it lapses.
- (3) If a motion to rescind is lost, that motion or any similar motion must not be put before the Council for at least three months unless the Councillors resolve to relist the motion for a future meeting.

### **86. Deciding a rescission**

A motion to rescind a prior decision of the Council is not carried unless:

- (a) an absolute majority of Councillors vote in favour of the motion; or
- (b) exactly half the total number of all Councillors cast votes in favour of the motion at a Council meeting and the Mayor casts a second vote in favour of the motion.

## **Division 5 – Procedural motions**

### **87. Procedural motions**

- (1) A procedural motion must be dealt with immediately by the Mayor.
- (2) A procedural motion must not be moved or seconded by the Mayor.
- (3) A procedural motion is not required to be seconded.
- (4) The Mayor may reject a relevant procedural motion if they believe the Motion on which it is proposed has not been sufficiently debated.
- (5) Table 1 (on page 31 of these Governance Rules) outlines common procedural motions and their methodology, and if debate is permitted.

**Table 1 – Procedural Motions**

<b>Motion</b>	<b>Form</b>	<b>Mover/Seconder</b>	<b>When prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate permitted</b>
Adjournment of debate to a later time and/or date	‘That the debate on this matter be adjourned until (insert later time and/or 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 Chairperson; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
Adjournment of debate indefinitely	‘That the debate on this matter be adjourned until further notice’	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a Chair; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with section 85 of the Act; or (d)When the Motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	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 Chairperson	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

<b>Motion</b>	<b>Form</b>	<b>Mover/Second</b>	<b>When prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate permitted</b>
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
Extend a Councillor's speaking time	'That Cr x's speaking time be extended by 3 minutes'	Any Councillor who is not currently speaking	After another Councillor has commenced speaking	Cr x may continue speaking for up to 3 minutes	Cr x must cease speaking	No
Extend speaking time for a member of the public addressing the meeting	'That xxx's speaking time be extended by 3 minutes'	Any Councillor		Xxx may continue speaking for up to 3 minutes	Xx must cease speaking	No
Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed at 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 Agenda	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

<b>Motion</b>	<b>Form</b>	<b>Mover/Seconder</b>	<b>When prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate permitted</b>
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
Consideration of confidential matter(s) (Close the meeting to members of the public)	'That, in accordance with section 66(2)(a) of the Local Government Act 2020 the meeting be closed to members of the public for the consideration of item xx which is confidential as it relates to [insert reason]'	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

## **PART 8 – DELEGATED COMMITTEES**

### **88. Council may establish delegated committees**

- (1) The Council may establish one or more delegated committees to which it delegates specific powers.
- (2) Unless Rule 53 applies, a delegated committee:
  - (a) must include at least two Councillors; and
  - (b) must be chaired by a Councillor.

### **89. Application of Governance Rules**

Unless otherwise specified in the Act or in these Governance Rules, a delegated committee is subject to the Governance Rules to the extent reasonably applicable as if the committee were the Council and the members of the committee were the Councillors.



# **PART 9 – ELECTION PERIOD POLICY**

## **Division 1 – General election period matters**

### **90. Election period**

- (1) The Council's Election Period Policy is described in this Part.
- (2) The Election Period Policy applies during the "election period", which is defined in section 3 of the Act to mean the period that:
  - (a) starts at the time that nominations close on nomination day; and
  - (b) ends at 6pm on election day.
- (3) The Chief Executive Officer will notify Councillors and staff of their obligations under this Policy prior to the commencement of the election period for an election.

## **Division 2 – Council decisions in election period**

### **91. Prohibited decisions**

- (1) This policy prohibits any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- (2) This policy also prohibits any Council decision during the election period for a general election that:
  - (a) relates to the appointment or remuneration of the Chief Executive Officer but not the appointment or remuneration of an Acting Chief Executive Officer; or
  - (b) commits Council to expenditure exceeding one per cent of Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
  - (c) Council considers could be deferred until the next Council is in place; or
  - (d) Council considers should not be made during an election period.

### **92. Chief Executive Officer scrutiny**

- (1) The Chief Executive Officer must scrutinise the content of Council agendas during the election period to exclude matters described in Rule 91.
- (2) The Chief Executive Officer must reject any notice of motion if it appears contrary to Rule 91.
- (3) If a motion is moved in a Council meeting that appears to be conflict with Rule 91, the Chief Executive Officer must advise the Mayor of the conflict.

### **93. Election Period Statements**

- (1) In order to assist Council with its commitment to appropriate decision making during the Election Period, the Chief Executive Officer will ensure that an "Election Period Statement" is included in every officer's report submitted to the Council for a decision.
- (2) The "Election Period Statement" will describe the status of each item, specifically relating to section 69 of the Act.

## **Division 3 – Use of Council resources**

### **94. Council resources**

- (1) As specified in section 304 of the Act, a Councillor or a member of Council staff must not use Council resources in a way that is intended or likely to affect the result of a Council election.
- (2) A Councillor may use the following resources during an election period if and when required to perform their duties as a Councillor:
  - (a) mobile phones provided for Councillor use;
  - (b) computers provided for Councillor use; and
  - (c) the Mayoral vehicle.

### **95. Council staff**

- (1) A Councillor must not request or use a member of Council staff to support their election campaign.
- (2) This Rule does not prohibit a member of staff from providing support for an election campaign if the staff member:
  - (a) only provides support voluntarily and in their own private time;
  - (b) does not use Council resources in providing support;
  - (c) does not take any action that implies Council support for the campaign; and
  - (d) gives the Chief Executive Officer prior written notice of their intention to support the campaign.

### **96. Expenses claims**

- (1) A Councillor must not lodge a claim for reimbursement of expenses incurred in relation to an election campaign.
- (2) The Chief Executive Officer must reject any claim that is contrary to this Rule.

## **Division 4 – Communication and events**

### **97. Publication of electoral material**

- (1) As specified in section 304 of the Act, a Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required under an Act or regulation.
- (2) During an election period, the Chief Executive Officer must establish procedures to support compliance with this Rule, including procedures applying to:
  - (a) media comments and media releases;
  - (b) use of social media; and
  - (c) Council newsletters and publications.

### **98. Access to Council information**

- (1) Councillors will continue to access Council held documents during an election period, but only to the extent necessary for them to perform their duties as Councillors.
- (2) The Chief Executive Officer must ensure that information provided to candidates during an election period is made equally available to all candidates.
- (3) Sub-rule (2) does not apply to confidential information provided to Councillors under Sub-Rule (1).

### **99. Public consultation**

- (1) The Council must not conduct any public consultation process during the election period unless the consultation is:
  - (a) required under an Act or regulation; or
  - (b) essential for the Council to perform its functions.
- (2) Any public consultation that does proceed during the election period will be vetted for electoral matter and express or implicit links to the election.

### **100. Council events**

- (1) Normal Council events are not prohibited during the election period, however Council will keep these events to a minimum.
- (2) Any civic or ceremonial Council event held during the election period should meet one or more of the following criteria:
  - (a) it is a planned event endorsed by the current Council Plan;
  - (b) it is routinely held at the same time of year;
  - (c) it is a commemorative or anniversary event held on or near the anniversary date;
  - (d) it demonstrates a clear community benefit, or services an educational or welfare purpose; or
  - (e) it contributes to cultural development, social awareness or sense of community identify.

- (3) Where events occur and whether or not a Councillor is to make a speech, Councillors will be conscious of the fact that they are representing Council and are not to use the opportunity for electioneering.
- (4) Material printed or disseminated during the election period to publicise a function or event will be subject to a certification process.
- (5) Functions or events for the purpose of electioneering will not be resourced or publicised by Council.

## APPENDIX 1 – CONFIDENTIAL INFORMATION

Under section 3 of the Act, certain information is defined to be confidential information because its premature or improper release may cause harm to the Council or to other persons.

Confidential Information remains confidential unless it can lawfully be released, and the Council has determined that it should be publicly available.

If the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

The following table described the types of confidential information defined in the Act.

Type	Description
<b>Council business information</b>	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
<b>Security Information</b>	Information that is likely to endanger the security of Council property or the safety of any person if released.
<b>Land use planning information</b>	Information that is likely to encourage speculation in land values if prematurely released.
<b>Law enforcement information</b>	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
<b>Legal privileged information</b>	Information to which legal professional privilege or client legal privilege applies.
<b>Personal information</b>	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
<b>Private commercial information</b>	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
<b>Confidential meeting information</b>	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information.
<b>Internal arbitration information</b>	Confidential information relating internal arbitration about an alleged breach of the Councillor Code of Conduct.
<b>Councillor Conduct Panel confidential information</b>	Confidential information relating to a Councillor Conduct Panel matter.
<b>Confidential information under the 1989 Act</b>	Information that was previously made confidential under the <i>Local Government Act 1989</i> .