



# LATROBE CITY COUNCIL

## AGENDA FOR THE SPECIAL COUNCIL MEETING

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM  
CORPORATE HEADQUARTERS, MORWELL  
AT 6PM ON  
20 NOVEMBER 2020**

**SM556**

***Please note:***

*Pursuant to s66(2)(b) and s66(2)(c), this Council Meeting will not be open to the public to attend in person. Instead participation may occur by video link and the Meeting may be viewed live on the internet from Council's website or Facebook page.*

*Opinions expressed or statements made by participants are the opinions or statements of those individuals and do not imply any form of endorsement by Council.*

*By attending a Council Meeting via audio-visual link those present will be recorded or their image captured. When participating in the meeting, consent is automatically given for those participating to be recorded and have images captured.*

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## **COUNCILLOR AND PUBLIC ATTENDANCE**

### **PLEASE NOTE**

The Victorian Government's COVID-19 Omnibus (Emergency Measures) Act 2020 has introduced into the Local Government Act 2020 new mechanisms that allow for virtual Council Meetings to ensure local government decision-making can continue during the coronavirus pandemic.

Pursuant to section 394 of the *COVID-19 Omnibus (Emergency Measures) Act 2020*, a Councillor may attend this Council Meeting remotely by electronic means of communication; and

Pursuant to section 395 *COVID-19 Omnibus (Emergency Measures) Act 2020* this Council Meeting may be closed to the attendance by members of the public by making available access to a live stream of the Meeting on the Council's internet site.

### **1. OPENING PRAYER**

*Our Father who art in Heaven, hallowed be thy name. Thy kingdom come, thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us, and lead us not into temptation but deliver us from evil. For the kingdom, the power, and the glory are yours now and forever. Amen.*

### **2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**

*I would like to acknowledge that we are meeting here today on the traditional land of the Braiakaulung people of the Gunaikurnai nation and I pay respect to their elders past and present.*

*If there are other Elders present I would also like to acknowledge them.*

### **3. APOLOGIES OF ABSENCE**

### **4. DECLARATION OF INTERESTS**

### **5. PUBLIC PARTICIPATION**

#### **Attend as an observer**

The Victorian Government's COVID-19 Omnibus (Emergency Measures) Act 2020 has introduced into the Local Government Act 2020 new mechanisms that allow for virtual Council Meetings and allow for Council Meetings to be closed to the public.

The safety of Councillors, Council staff and our community is at the forefront of our decisions therefore this Meeting will be closed to physical participation by members of the public. To meet our legislated obligations and in the spirit of

open, accessible and transparent governance, this Council Meeting is livestreamed and can be viewed by using the link on Council's website or Facebook page.

# **ORDER OF EVENTS**

**6. ORDER OF EVENTS**

**Agenda Item:** 6.1

**Agenda Item:** Outgoing Mayor Speech

**Sponsor:** Chief Executive Office

**Council Plan Objective:** Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.

**Status:** For Information

An opportunity will be provided for the outgoing Mayor from the 2019/2020 Mayoral term to speak and reflect on their Mayoral term at the meeting.

**Agenda Item: 6.2**

**Agenda Item: Election of the Mayor**

**Sponsor: Chief Executive Office**

**Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.**

**Status: For Decision**

**Proposed Resolution:**

**That Council proceed to elect the Mayor in accordance with the Governance Rules for one year to serve for the 2020/2021 Mayoral term.**

**Executive Summary:**

After the Local Government election on 24 October 2020, Council is required to elect a Mayor. Mayoral terms in Latrobe City Council have historically been for one year however, pursuant to subsection 26(3) of the *Local Government Act 2020*, Council must determine by resolution whether the Mayor is to be elected for a one year or a two year term.

In summary, the process for the election of the Mayor in accordance with the Governance Rules (attached) is as follows:

Election of the Mayor

- The Chief Executive Officer (CEO) will preside during the election of the Mayor.
- The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- Councillors may nominate themselves but each nomination must be seconded.
- If there is only one nomination, the candidate nominated is declared elected. If a Councillor nominates himself or herself and they are the only Councillor nominated, then that Councillor is elected even if the nomination is not seconded.
- If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.
- The voting must be carried out in accordance with the procedure in the Governance Rules, having regard to the *Local Government Act 2020*. *It should be noted that the Local Government Act 2020 requires that the*

*Mayor is elected by an absolute majority. An absolute majority is defined as the number of Councillors which is greater than half the total number of Councillors of a Council.*

- Once appointed the newly elected Mayor assumes the Chair for the remainder of the meeting.

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil

**Attachments**

1 [↓](#).  Governance Rules



## **6.2**

### **Election of the Mayor**

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# Governance Rules

Version 1

Approval Date: 7 September 2020

Review Date: August 2024



## Governance Rules

### DOCUMENT CONTROL

Responsible GM	Greg Drumm	
Division	Organisational Performance	
Last Updated (who & when)	Council Solicitor	2020
<b>DOCUMENT HISTORY</b>		
Authority	Date	Description of change
Council	07/09/2020	Adoption of Rules
References	<p style="text-align: center;"><i>Election Period Policy</i></p> <p style="text-align: center;"><i>Citizen Confidentiality and Privacy Policy</i></p> <p style="text-align: center;"><i>Civic, Ceremonial Functions and Honours Policy</i></p> <p style="text-align: center;"><i>Employee Code of Conduct</i></p> <p style="text-align: center;"><i>Local Government Act 2020</i></p> <p style="text-align: center;"><i>Local Government Act 1989</i></p> <p style="text-align: center;"><i>Planning and Environment Act 1987</i></p> <p style="text-align: center;"><i>Privacy and Data Protection Act 2014</i></p>	
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## Governance Rules

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## Governance Rules

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### Part A: Introduction

#### 1. Title

This is the Latrobe City Council Governance Rules which will be known as the "Governance Rules".

#### 2. Objectives of these Governance Rules

The objectives of these Governance Rules are to:

- 2.1. prescribe the procedures governing the conduct of Council meetings, Delegated Committee meetings and Community Asset Committee meetings;
- 2.2. prescribe the form and availability of meeting records;
- 2.3. prescribe the processes for the election of the Mayor and Deputy Mayor, and the appointment of an Acting Mayor;
- 2.4. prescribe Council's Election Period Policy;
- 2.5. prescribe the procedures for disclosure of a conflict of interest by a:
  - 2.5.1 Councillor or a member of a Delegated Committee under section 130 of the *Local Government Act 2020*;
  - 2.5.2 Councillor under section 131 of the *Local Government Act 2020*; and
  - 2.5.3 Member of Council staff when providing information in respect of a matter within the meaning of section 126(1) of the *Local Government Act 2020*;and
- 2.6. provide opportunities for community participation in Council's decision making processes.

#### 3. Authorising Provision

These Governance Rules are made under section 60 of the *Local Government Act 2020*.

#### 4. Scope of the Governance Rules

- 4.1 These Governance Rules apply to all Council meetings.
- 4.2 These Governance Rules apply to all meetings of:
  - 4.2.1 Delegated Committees appointed by the Council;
  - 4.2.2 Community Asset Committees appointed by the Council;
 insofar as is set out at Rules 71-72.
- 4.3 The Governance Rules are not intended to revoke Local Law No 1 – 2017 however insofar as there is any inconsistency between the Governance Rules and the Local Law, these Governance Rules shall prevail.





## Governance Rules

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### 5. Definitions and Notes

In these Governance Rules:

Act	means the <i>Local Government Act 2020</i>
Agenda	means a document containing the date, time and place of a meeting and a list of business to be transacted at the meeting
Audit and Risk Committee	means the Audit and Risk Committee established by a Council under section 53 of the Act
Authorised Officer	means a member of Council staff who is authorised by Council or the Chief Executive Officer under delegation to carry out specific functions under these Governance Rules
Chair	means the Chairperson of a meeting and includes an acting, temporary and substitute Chairperson
Chamber	means any room where the Council holds a Council meeting
Chief Executive Officer	means the Chief Executive Officer of Council
Community Asset Committee	means a Community Asset Committee established by Council under section 65 of the Act
Council	means Latrobe City Council
Council meeting	means a meeting of the Council convened in accordance with these Governance Rules and includes scheduled meetings and unscheduled meetings
Delegated Committee	means a Delegated Committee established by Council under section 63 of the Act
Delegated Committee meeting	means a meeting of a Delegated Committee
Deputy Mayor	means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor
Disorder/Disorderly	means any disorderly conduct of a member of the gallery or a Councillor and includes: <ul style="list-style-type: none"> <li>• interjecting when another person is speaking, except, in the case of where a Councillor is raising</li> </ul>



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	<p>a Point of Order;</p> <ul style="list-style-type: none"> <li>• making comments that are defamatory, malicious, abusive or offensive;</li> <li>• refusing to leave the meeting when requested, ordered or directed to do so by the Chair in accordance with the Act and the Governance Rules; and</li> </ul> <p>engaging in any other conduct which prevents the orderly conduct of the meeting.</p>
Division	means a formal count and recording in the minutes of the meeting of those Councillors for and against a motion
Election Period	has the same meaning as in the <i>Local Government Act 2020</i>
Mayor	means the Mayor of Council and any person appointed by Council to be acting as Mayor
Motion	means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted
Notice of Motion	means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting
Notice of rescission	means a notice of motion to rescind or amend a resolution made by Council
Point of Order	means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a meeting
Procedural Motion	means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure
Quorum	means the majority of members of the Council, a Delegated Committee or Community Asset Committee
Rescind	means to repeal or amend a resolution and 'rescinded'



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	includes 'amended'
Rule or Sub-Rule	means <i>Rule or Sub-Rule</i> means a rule or sub-rule included in these Governance Rules
Senior Officer	has the same meaning as in the <i>Local Government Act 1989</i>
Significant expenditure	means one (1) percent or more of general rate income of the Council
Urgent business	means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot reasonably or conveniently be deferred until the next meeting



## Governance Rules

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### **Part B: Election of the Mayor and Deputy Mayor Appointment of Acting Mayor**

Summary: This Part complements sections 25 to 27 of the Act and sets out the process to be followed for the election of the Mayor and any Deputy Mayor, and the appointment of an Acting Mayor.

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

- 6.1. The Chief Executive Officer will preside during the election of the Mayor.
- 6.2. The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- 6.3. Councillors may nominate themselves but each nomination must be seconded.
- 6.4. If there is only one nomination, the candidate nominated is declared elected. If a Councillor nominates himself or herself and they are the only Councillor nominated, then that Councillor is elected even if the nomination is not seconded.
- 6.5. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.
  - 6.5.1. If a candidate receives a majority of the votes, that candidate is declared to have been elected;
  - 6.5.2. If no candidate receives a majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates.
  - 6.5.3. If one of the remaining candidates receives a majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
  - 6.5.4. If two or more candidates have an equality of votes and one of them has to be declared, the declaration will be determined by lot.



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- 6.5.5. If the lot is conducted, the Chief Executive Officer or a Senior Officer appointed by the Chief Executive Officer will conduct the lot and the following provisions will apply:
- 6.5.5.1. each candidate will draw one lot;
  - 6.5.5.2. the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
  - 6.5.5.3. as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a container. If the lot is being conducted to determine which is a defeated candidate, the word "Defeated" will be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it will be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates). Where there are only 2 candidates remaining and the lot is being conducted to determine which candidate is to be duly elected, the word "Elected" must be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Elected" written on it must be declared to have been duly elected.
- 6.5.6. The procedure provided for in this Rule also applies to the election of a temporary Chair.
- 6.6. Immediately following the election, the Mayor is to take the chair.

### ***Explanatory Note***

As an example, if 4 candidates are nominated and candidate A receives 3 votes and candidates B, C and D each receive 2 votes, a lot must be used to determine which of candidates B, C or D is considered defeated. This is because candidate A did not receive a majority of the votes (having received only 3 of a possible 9 votes).

In this instance, a lot is used to determine which of the 3 candidates is defeated and then the vote is re-taken for all candidates to determine if a candidate receives an absolute majority.

If the vote is taken and 2 candidates each receive equal votes, a lot is used to determine which candidate is elected. In this instance, the word "Elected" is written on the paper and the person who draws that piece of paper is elected.



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### **7. Determining the Election of any Deputy Mayor**

If Council resolves that there will be an office of Deputy Mayor, the Deputy Mayor is to be elected in the manner provided for in Rule 6 except that:

- 7.1. the Mayor is to chair the election of the Deputy Mayor; and
- 7.2. any reference to the Mayor in that Sub-Rule is to be taken as a reference to the Deputy Mayor.

### **8. Determining the Appointment of any Acting Mayor**

If Council resolves in accordance with section 20B of the Act that an Acting Mayor is to be appointed, the Acting Mayor is to be appointed in the manner provided for in Rule 6 except that:

- 8.1. the Chief Executive Officer is to chair the appointment of the Acting Mayor; and
- 8.2. any reference to the Mayor in that Sub-Rule is to be taken as a reference to the Acting Mayor.





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### Part C: Meetings Procedure

**Summary:** This Part complements requirements in the Act applying to all meetings of Council and deals with procedural elements of Council meetings. Voting is also conducted in accordance with the Act.

#### Division 1 - Notices of Meetings and Delivery of Agendas

##### 9. Council meetings

- 9.1. The dates, times and places Council meetings are to be held will be determined by Council.
- 9.2. At or before the last meeting each calendar year, Council must fix the date, time and place of all Council meetings for the following calendar year.
- 9.3. An unscheduled Council meeting may be called by:
  - 9.3.1 Council resolution;
  - 9.3.2 Written notice by the Mayor or three Councillors
- 9.4. In addition to the requirements in the Act about the notice to be given for Council meetings, reasonable notice, including on the Council's website, must be given when Council has changed a meeting date, time or place.
- 9.5. A Council meeting must not go longer than three hours, unless a majority of Councillors present vote in favour of it continuing. If the Councillors present vote against the meeting continuing, the meeting is adjourned to a time, date and place to be determined by the Chair.

##### 10. Agendas

- 10.1. For all scheduled meetings of Council, the Chief Executive Officer must provide notice of the meeting and a meeting agenda, which includes a motion to adopt the attached or previously distributed minutes of the previous meeting, to every Councillor at least three working days before the meeting.
- 10.2. For any unscheduled meeting of Council, the Chief Executive Officer must provide notice of the meeting and a meeting agenda to every Councillor within a reasonable time of the special meeting being called but not less than 24 hours prior to the meeting unless there are urgent or exceptional circumstances.
- 10.3. The requirements to provide notice and an agenda under Sub-Rules 10.1 and 10.2 do not apply to a Councillor who has been granted leave of absence and who has advised the Chief Executive Officer in writing not to provide the notice and agenda.



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### Division 2 – Quorums

#### 11. Inability to gain a Quorum

If, after 30 minutes from the scheduled starting time of any Ordinary or Special Meeting, a quorum cannot be obtained:

- 11.1. those Councillors present; or
- 11.2. if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a senior officer appointed as a member of Council's Executive Team,

must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

#### 12. Inability to maintain a Quorum

If, during any Council meeting or any adjournment of the meeting, a quorum cannot be maintained:

- 12.1. those Councillors present; or
- 12.2. if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a senior officer appointed as a member of Council's Executive Team,

must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

#### 13. Inability to achieve or maintain a Quorum due to Conflicts of Interest of Councillors

- 13.1 The Chair may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an agenda for a future Council meeting.
- 13.2 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, Council will:
  - 13.2.1 Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
  - 13.2.2 Determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained.
- 13.3 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be





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separated into component parts or prior decisions made, Council will delegate the decision to be made:

- 13.3.1 By the Chief Executive Officer; or
  - 13.3.2 By a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.
- 13.4 A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council meeting.

### **14. Adjourning or postponing a meeting**

- 14.1. Council may adjourn any meeting.
- 14.2. If the Chair is of the opinion that the conduct of those present at the meeting is obstructing the progress of business at the meeting, the Chair may adjourn the meeting to a later time on the same day or to a day that he or she considers appropriate.
- 14.3. The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining.
- 14.4. If there is an emergency, the Chief Executive Officer or his or her delegate may postpone a Council meeting provided reasonable attempts are made to notify every Councillor.
- 14.5. The Chief Executive Officer must provide a report to the next meeting of the Council of the circumstances causing the postponement of the Council meeting.
- 14.6. The Chief Executive Officer must provide written notice of a meeting adjourned under Rules 11, 12 or 13 but where this is not practicable because time does not permit that to occur, then, provided every reasonable attempt is made to contact every Councillor, notice by telephone, facsimile, email, in person or by some other means is sufficient.

### **Division 3 – Business of Meetings**

#### **15. The Order of Business**

The order of business to be included in an agenda for a scheduled Council meeting will be determined by the Chief Executive Officer and the Mayor having regard to the principles of open, efficient and effective processes of government.



## Governance Rules

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### 16. Change to Order of Business

Once an agenda has been sent to Councillors, the order of business for that meeting may be altered with the consent of the Mayor prior to the commencement of the meeting.

### 17. Urgent Business

Business which has not been listed on the agenda must not be admitted as urgent business other than by resolution of Council and only then if it:

- 17.1. relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 17.2. cannot reasonably or conveniently be deferred until the next Council meeting.

### Division 4 – Motions and Debate

#### 18. Councillors may propose Notices of Motion

- 18.1. A Councillor may submit a notice of motion to the Chief Executive Officer for a matter to be listed on a meeting agenda.
- 18.2. A notice of motion cannot be accepted by the Chair, unless it has been listed on the agenda for the meeting at which it was proposed to be moved or unless it is accepted by Council as urgent business.

#### 19. Notice of motion

- 19.1. A notice of motion must:
  - 19.1.1. be in writing;
  - 19.1.2. signed and dated by the Councillor proposing the notice of motion; and
  - 19.1.3. lodged with the Chief Executive Officer by 10:00 am five business days before the next scheduled Council meeting to allow inclusion in the agenda in accordance with Sub-Rule 10.1;
  - 19.1.4. a Councillor lodging a notice of motion in accordance with this Sub-Rule must also provide an outline of the proposed motion to all other Councillors by 5.00pm five business days before the next scheduled Council meeting.
- 19.2. The Chief Executive Officer must reject a notice of motion which:
  - 19.2.1. is vague;
  - 19.2.2. is identical or substantially similar to a notice of motion or a rescission motion that has been considered by the Council and lost in the preceding six months;
  - 19.2.3. is defamatory;



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- 19.2.4. may be prejudicial to any person or Council;
  - 19.2.5. is objectionable in language or nature;
  - 19.2.6. is outside the powers of Council;
  - 19.2.7. is a notice of motion submitted during the Election period; or
  - 19.2.8. is a matter subject to a Council decision making process which has commenced but is not yet complete.
- 19.3. If the Chief Executive Officer rejects a notice of motion under Sub-Rule 19.2, he or she will inform the Councillor who lodged the notice of motion of that rejection and the reasons for it. The Councillor will be provided with an opportunity to amend the proposed notice of motion provided that the Council meeting at which the notice of motion is to be considered is more than 24 hours from the time of rejection.
- 19.4. The Chief Executive Officer may reject and refer any notice of motion to the Council's operational service request process if it relates to a matter that he or she determines is more appropriately addressed that way.
- 19.5. Subject to Sub-Rule 19.6 a notice of motion must call for a Council report if the notice of motion:
- 19.5.1. substantially affects the level of Council services;
  - 19.5.2. commits the Council to expenditure in excess of \$5,000 and that has not been included in the adopted budget;
  - 19.5.3. establishes or amends a Council policy; or
  - 19.5.4. commits the Council to any contractual arrangement, as determined by the Chief Executive Officer.
- 19.6. Where a notice of motion is likely to commit Council to significant expenditure not included in the adopted budget then the notice of motion must only call for referral to and for Council's consideration as part of its future year's annual budget and public submission process.
- 19.7. The Chief Executive Officer may designate a notice of motion to be confidential in accordance with the Act, in which case the notice of motion will be confidential unless the Council resolves otherwise.
- 19.8. The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.
- 19.9. The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they are received.



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19.10. Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register under Sub-Rule 19.9.

19.11. If a Councillor who has given a notice of motion is absent from the meeting, or fails to move the motion when called upon to do so by the Chair, any other Councillor may move the motion.

19.12. If a notice of motion is not moved at the meeting at which it is listed, it lapses.

### **20. Chair's Duty**

The Chair must not accept any motion or amendment which he or she considers to be:

- 20.1. defamatory;
- 20.2. objectionable in language or nature;
- 20.3. vague or unclear in intention;
- 20.4. outside the powers of Council;
- 20.5. irrelevant to the item of business on the agenda and which has not been admitted as urgent business; or
- 20.6. an amendment that is contrary to Sub-Rule 23.3.

### **21. Motion Procedure**

The procedure for moving any motion is:

- 21.1. The mover must state the motion without speaking to it.
- 21.2. The motion must be seconded by a Councillor other than the mover.
- 21.3. The motion will lapse if it is not seconded.
- 21.4. If the motion is seconded, the Chair must ask: "Is the motion opposed?"
- 21.5. If the motion is not opposed the Chair must ask: "Does any Councillor wish to speak in favour of the motion?"
- 21.6. If no Councillor opposes the motion, or wishes to speak on the motion, the Chair must declare the motion carried.
- 21.7. If a Councillor opposes the motion, the Chair must ask the mover to address the Council on the motion.
- 21.8. The Chair must ask the seconder to address the Council on the motion who may reserve his or her address until later in debate.
- 21.9. The Chair will then invite any Councillor opposed to the motion to debate it and then must provide an opportunity for any Councillor to speak in favour of the motion, allowing any other Councillors wanting to speak in favour or against the motion to speak in turn.



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21.10. If no further Councillor wishes to speak for or against the motion, the Chair must ask the mover if they wish to exercise their right of reply in accordance with Rule 22 prior to the motion being put to the vote.

21.11. To determine a motion before a meeting, the Chair will:

21.11.1. First call for those in favour of the motion;

21.11.2. Then those opposed to the motion; and

then declares the result to the meeting.

### **22. Right of Reply**

22.1. The mover of a motion, including an amendment, has a right of reply to matters raised during debate.

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

### **23. Moving an Amendment**

23.1. A motion which has been moved and seconded but not put to the vote may be amended.

23.2. An amendment may be proposed and seconded by any Councillor, except the mover or seconder of the motion.

23.3. A proposed amendment must:

23.3.1. be relevant to the subject of the motion;

23.3.2. not be in opposition to the motion; and

23.3.3. not contradict the form or substance of the motion.

23.4. If a proposed amendment is a simple alteration that:

23.4.1. adds a word or deletes a word from the motion; or

23.4.2. corrects an incorrect reference or typographical error –

the mover and seconder of the motion may agree to accept the changes in which case they will be incorporated into the motion without the need for the agreed changes to be recorded in the minutes of the meeting as an amendment.

23.5. If an amendment is more complex than that proposed under Sub-Rule 23.4, then the Chair will follow the process in Rule 24.

23.6. Any debate arising from an amendment to a motion must be confined to the terms of the amendment.

23.7. A motion to confirm a previous resolution of Council cannot be amended.





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### **24. How many Amendments may be Proposed**

- 24.1. Only one amendment may be accepted by the Chair at any one time.
- 24.2. No second or subsequent amendment may be taken into consideration until the previous amendment has been dealt with.

### **25. 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.

### **26. An Amendment Once Carried**

- 26.1. If the amendment is carried:
  - 26.1.1. the motion as amended becomes the substantive motion before the meeting; and
  - 26.1.2. the mover and seconder of the amendment are deemed to be the mover and seconder of the amended motion before the meeting; and
  - 26.1.3. the amended motion can then be further amended.
- 26.2. If the amendment is not carried, the debate returns to the motion, or a further amendment may be proposed.

### **27. Withdrawal of Motions and Amendments**

- 27.1. Before any motion or amendment is put to the vote, it may be withdrawn by the mover and seconder with leave of Council.

### **28. Separation of Motions and Amendments**

Where a motion or amendment contains more than one part, a Councillor may request the Chair before any vote is taken on the matter, to put the motion to the vote in separate parts.

### **29. Chair may Separate or Aggregate Motions and Amendments**

The Chair may decide to put any motion to the vote in:

- 29.1. several parts; or
- 29.2. its aggregate form.

### **30. Foreshadowing Motions**

- 30.1. At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 30.2. A foreshadowed motion must substantially relate to an item already listed on the agenda of the Ordinary Meeting, otherwise it can only be accepted by



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Council as urgent business and subject to the urgent business restrictions under Rule 17.

- 30.3. A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 30.4. Upon a motion being foreshadowed, the Chair may request the Councillor who foreshadowed it to move that motion immediately or after the business currently before the meeting is disposed of provided that a foreshadowed motion cannot be moved whilst a motion or amendment is being considered by the meeting.
- 30.5. The minutes of the meeting do not have to record a foreshadowed motion until the foreshadowed motion is formally moved.

### **31. Motions and Amendments in Writing**

- 31.1. The Chair must require that a complex or detailed motion or amendment be in writing and may adjourn the meeting while the motion or amendment is being written.
- 31.2. The Chair may defer a matter until a motion has been written, allowing the meeting to proceed uninterrupted.

### **32. Repeating Motion or Amendment**

The Chair may request the Chief Executive Officer or the person taking the minutes to read the motion or amendment to the meeting before the vote is taken.

### **33. Debate must be relevant to the Motion**

- 33.1. Debate must always be relevant to the motion before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion.
- 33.2. If the speaker continues to debate irrelevant matters after being requested to confine debate to the motion before the Chair, the Chair may direct the speaker not to speak any further.
- 33.3. A speaker to whom a direction has been given under Sub-Rule 33.2 must comply with that direction. If the speaker fails to comply with the Chair's direction, the Chair may require the speaker to leave the chamber until the motion has been put to the vote and the speaker must comply with that requirement.

### **34. Priority of address**

In the case of competition for the right to speak, the Chair will determine the order in which the Councillors concerned will be heard.



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### 35. Speaking Times

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:

- 35.1. the mover of a motion or an amendment which has been opposed or where a Councillor has asked to speak in favour of the motion under Rule 21 - 3 minutes;
- 35.2. any other Councillor – 3 minutes; and
- 35.3. the mover of a motion exercising a right of reply – 3 minutes.

### 36. Extension of Speaking Times

- 36.1. An extension of speaking time may be granted by resolution of Council at any time before, during or immediately after debate, but only one extension is permitted for each speaker on any question and the extension cannot be granted for longer than 3 minutes.
- 36.2. A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced participation in the debate.

### 37. Addressing the Meeting

A Councillor, member of Council staff or a member of the public present at a Council meeting should extend appropriate courtesy to each other when they are addressing the meeting and respect the processes under which Council operates.

### 38. Right to Ask Questions

- 38.1. A Councillor may, at any time when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
- 38.2. The Chair has the discretion to restrict the number of questions asked and answered to allow for the orderly flow of the meeting.

## Division 5 – Procedural Motions

### 39. Procedural Motions

- 39.1. Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- 39.2. Procedural motions require a seconder.
- 39.3. Procedural motions do not need to be recorded in the minutes of the meeting, unless requested by the Chair.
- 39.4. Notwithstanding any other provision in these Governance Rules , procedural motions must be dealt with in accordance with the following table:



**PROCEDURAL MOTIONS TABLE**

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and Seconder</b>	<b>When Motion Prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted on Motion</b>
1. Deferral of debate to later hour and/or date	That Council defers consideration of this matter to the XX Council meeting.	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a Chair; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. The closure	That the motion be now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	During nominations for Chair	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

## Division 6 – Rescission Motions

### 40. Notice of Rescission

- 40.1. A Councillor may propose a notice of rescission provided:
- 40.1.1. the resolution proposed to be rescinded has not been acted on; and
  - 40.1.2. the notice of rescission is provided to the Chief Executive Officer setting out:
    - 40.1.2.1. the resolution to be rescinded; and
    - 40.1.2.2. the meeting and date when the resolution was made.

#### Explanatory Note

A notice of rescission is a form of notice of motion. Accordingly, all provisions in these Governance Rules regulating notices of motion equally apply to notices of rescission.

When the notice of rescission is before the meeting, it is like any other form of motion. It is referred to as a "rescission motion".

- 40.2. A resolution will be deemed to have been acted on if:
- 40.2.1. its contents or substance has been formally communicated to a person whose interests are materially affected by it; or
  - 40.2.2. a statutory process or work has been commenced, so as to vest enforceable rights in or obligations on Council or any other person.
- 40.3. The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
- 40.3.1. has not been acted on; and
  - 40.3.2. is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with Rule 40.1,
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy or in the Chief Executive Officer's opinion, place the Council at significant legal, financial or other risk.

#### Explanatory Note

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Thursday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being after the day



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on which the planning appeal is to be heard).

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

Rule 40.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

### **41. When a rescission Motion is Lost**

- 41.1. If a rescission motion is lost, a similar motion may not be put before Council for at least six months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.
- 41.2. If a rescission motion is lost, the Chief Executive Officer or an appropriate member of Council staff is not prevented from acting upon the resolution even if a subsequent notice of rescission has been listed for a Council meeting at least six months subsequent to when the motion for rescission was lost.

### **Explanatory Note**

By way of example, assume that Council resolves to write a letter to a Minister relating to a planning matter. Immediately after the resolution is made, a Councillor lodges a notice of motion to rescind that resolution at the next Council meeting. The notice of rescission is subsequently lost. Assume that the Councillor seeks to lodge a further notice of rescission to be heard in not less than six months' time.

Rule 41.2 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the original resolution rather than deferring implementation of it until after the further notice of rescission.

### **42. If Not Moved**

If a rescission motion is not moved at the meeting at which it is listed, it lapses and cannot be put before Council for at least six months from the date it lapsed.

### **43. May be Moved by any Councillor**

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



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### Division 7 – Points of Order

#### 44. Chair to Decide

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

#### 45. Chair may Adjourn to Consider

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

45.2. All other proceedings before Council are suspended until the point of order is decided.

#### 46. Dissent from Chair's Ruling

46.1. A Councillor may move that the Council disagree with the Chair's ruling on a point of order, by moving:

"That the Chair's ruling [setting out that ruling or part of that ruling] be dissented from".

46.2. When a motion in accordance with this Rule is moved and seconded, the Chair must invite the mover to state the reasons for his or her dissent and the Chair may then reply.

46.3. The Chair must put the motion in the following form:

"That the Chair's ruling be dissented from."

46.4. The Chair must remain in the Chair during the motion of dissent and he or she maintains their right to a second vote.

46.5. If the vote is in the negative, the meeting proceeds.

46.6. If the vote is in the affirmative, the Chair must reverse or vary (as the case may be) his or her previous ruling and proceed.

46.7. The defeat of the Chair's ruling is in no way a motion of censure or non-confidence in the Chair, and should not be so regarded by the meeting.

#### 47. Procedure for Point of Order

47.1. A Councillor raising a point of order must:

47.1.1. state the point of order; and

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



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47.2. Any Councillor interrupted by another Councillor raising a point of order must remain silent until the Councillor raising the point of order has been heard and determined by the Chair.

### 48. Valid Points of Order

A point of order may be raised in relation to:

- 48.1. a motion, which, under Rule 20, or a question which, under Rule 38, should not be accepted by the Chair;
- 48.2. a question of procedure; or
- 48.3. any act of disorder.

#### Explanatory Note

Rising to express a difference of opinion or to contradict a speaker is not a point of order.

Raising issues irrelevant to the motion before the meeting can be considered a basis of a valid point of order.

Making defamatory remarks or verbally personally attacking another Councillor would be considered a basis for a valid point of order.

### Division 8 – Divisions

#### 49. Procedure for a Division

- 49.1. Immediately after any motion or amendment is put to a vote and before the next item of business has commenced, a Councillor may call for a division.
- 49.2. No Councillor is prevented from changing his or her original vote when voting on the division.
- 49.3. When a division is called for, the Chair must:
  - 49.3.1. first call for a show of hands from those Councillors voting in favour of the motion, then call for a show of hands from those Councillors voting against the motion; and
  - 49.3.2. declare the result to the meeting.
- 49.4. The outcome of the vote on the division will determine Council's decision on the matter.

#### 50. No Discussion Once Declared

- 50.1. Once a vote on a motion or amendment has been taken, no further discussion relating to the motion or amendment is allowed unless the discussion involves:



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- 50.1.1. a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 50.1.2. foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

### Explanatory Note

For example, Rule 50.1.2 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 50.1.2 would permit discussion about a matter which would otherwise be left in unresolved because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left unresolved; hence the reference in Rule 50.1.2 to discussion about a positive motion where a resolution has just been rescinded.

### Division 9 – Minutes

#### 51. Confirmation of Minutes

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

#### 52. Process for confirming the Minutes

- 52.1 If no Councillor indicates opposition to the minutes, the Chair must declare the minutes confirmed.
- 52.2 If a Councillor indicates opposition to the minutes he or she must specify the particular matter in the minutes concerned and may, after asking any questions to clarify the matter, move a motion to correct the inaccuracy.
- 52.3 Once the minutes are confirmed the Chair of the meeting at which they are confirmed, must sign them.

#### 53. Content of the Minutes

- 53.1. The Chief Executive Officer must ensure that minutes of each Council meeting are kept and those minutes include:
  - 53.1.1. The date, place, time and nature of the meeting;





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- 53.1.2. The names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
- 53.1.3. The names of the members of Council staff present;
- 53.1.4. Any disclosure of the existence and type (and, where appropriate, nature) of a conflict of interest made by a Councillor, and when such disclosure occurred;
- 53.1.5. Arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- 53.1.6. Each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
- 53.1.7. The vote cast by each Councillor;
- 53.1.8. The vote cast by each Councillor upon a division;
- 53.1.9. The vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
- 53.1.10. Questions upon notice;
- 53.1.11. The failure of a quorum;
- 53.1.12. The date and time the meeting was commenced, adjourned, resumed and concluded;
- 53.1.13. Any adjournment of the meeting and the reasons for that adjournment; and
- 53.1.14. The time at which standing orders were suspended and resumed; and
- 53.1.15. Any other matter that the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.

### **54. Recording and broadcasting Meetings**

Except for a member of staff authorised by the Chief Executive Officer, a person must not record or broadcast, or any part of a Council meeting, without first obtaining the consent of Council or the Chair (as the case may be). Such consent may at any time during the course of such meeting be revoked by Council or the Chair (as the case may be).



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### Division 10 – Behaviour

#### 55. Public Addressing the Meeting

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

#### 56. Chair May Remove

The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction.

#### 57. Suspensions

Council may by resolution suspend from a portion of the meeting, or for the balance of the meeting, any Councillor whose actions have disrupted the business of Council at that meeting, and have impeded its orderly conduct.

#### 58. Removal from Chamber

The Chair, or Council in the case of a suspension, may ask a member of the Victoria Police to remove from the Chamber any person who acts in breach of these Governance Rules and whom the Chair has ordered to be removed from the gallery under Rule 56 of these Governance Rules or whom Council has suspended under Rule 57.

### Division 11 – Miscellaneous

#### 59. Matters Not Provided For

Where a situation has not been provided for under these Governance Rules, the Council may determine the matter by resolution.

### Division 12 – Suspension of Standing Orders

#### 60. Suspension of Standing Orders

60.1. To expedite the business of a meeting, Council may suspend standing orders.

##### **Explanatory Note**

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

Its purpose is to enable the formalities of meeting procedures to be temporarily disposed of while an issue is discussed.





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60.2. The suspension of standing orders should not be used purely to dispense with the processes and protocol of the governance of Council. An appropriate motion would be:

"That standing orders be suspended to enable discussion on....."

60.3. Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

### Division 13 – Public Engagement

#### 61. Community Participation

61.1 Latrobe City Council will consider where possible, the inclusion of community members to engage in the meetings that have not been closed to the public, or to a forum where Council decides that these Governance Rules will apply.

61.2 Where community members or organisations, including businesses, wish to make arrangements to address Council on a topic at a time other than at a Council Meeting, requests can be submitted electronically to [egovernance@latrobe.vic.gov.au](mailto:egovernance@latrobe.vic.gov.au).

#### 62. Requirements for Councillors whilst speaking

There is no requirement for a Councillor to stand whilst speaking. However, Councillors must ensure that they utilise the supplied microphone (or any other specific device to enable clarity of speaking), to enable that all members of the public in attendance (including hearing loop or streaming services) may hear the debate and decision making of the Council.

#### 63. Acknowledgments

63.1 At times it will be appropriate for the Council to acknowledge, or recognise achievements of individuals or groups, or the passing of a person who is closely associated with the Council or the community at an Ordinary Council Meeting. Where formal honours are applicable, the *Civic, Ceremonial Functions and Honours Policy* must be followed.

63.2 At a Council Meeting, the following may occur:

- a Councillor speaking on the matter (in accordance with the debate timeframes outlined in these Governance Rules) noting the details of the achievements or passing of a person;
- a presentation of a certificate or plaque; or
- a minute's silence recognising the passing of a person.

63.3 A Council resolution is not required to note the details of the achievements or the passing of a person (or send correspondence as such), however, one will



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be required if further action is required and cannot override provisions outlined within the *Civic, Ceremonial Functions and Honours Policy*.

### **64. Streaming Council Meetings**

- 64.1 In the spirit of open, accessible and transparent governance, Latrobe City Council will consider streaming Council meetings, either in part or in whole, in accordance with requirements provided for in these Governance Rules.
- 64.2 By attending a Council meeting those present may be recorded or image captured. Where participating in the meeting, consent is automatically given for those participating to being recorded and images captured. Notices of this effect will be on display at the meeting, although all care is to be taken to maintain a person's privacy as an attendee in the gallery.
- 64.3 Recordings are used to enable the community who are unable to attend the meeting to view the meeting and for the preparation of the official minutes. Recordings may be retained for viewing by the public for up to 30 days, and then will be erased.

### **65. Behaviour Expectations in the Meeting for Visitors**

- 65.1 All present at a meeting are required to behave in accordance with the Governance Rules to allow the meeting to proceed without disruption.
- 65.2 Appropriate behaviour includes:
- Be quiet during proceedings;
  - Not create a nuisance within the meeting;
  - Be respectful of the protocols of the meeting;
  - Not harass those attending the meeting, including Councillors, officers and other visitors;
  - Not bring in any placards, posters or materials other than personal effects unless prior permission has been sought and granted from the Mayor/Chair;
  - Not display any physical violence or verbal abuse to anyone or anything within the meeting;
  - Not record meeting proceedings without the consent of the Mayor/Chair via photography, filming or audio unless consent has been given in accordance with Rule 54 of these Governance Rules.
  - Have mobile devices switched off or on silent.
- 65.3 Members of the public who do not behave appropriately will be warned, and if poor behaviour continues, will be required to leave in accordance with Rules 56 and 58 of these Governance Rules.

### **66. Petitions**

The community has the right to lobby Council, and can do so through petitioning.



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### 66.1 Requirements for a Valid Petition

For a petition from the community to be accepted and presented to a Council meeting on its own merits, the following requirements must be met:

- A petition must be:
  - in the prescribed template format (attached to these Governance Rules at Appendix One);
  - addressed to Latrobe City Council;
  - refer to a matter on which Latrobe City Council has the power to act;
  - state the reasons for petitioning Latrobe City Council;
  - contain a request for action by Latrobe City Council;
  - be signed by at least ten people (must not be in pencil);
  - not relate to a matter under consideration through a current submission/objection process (e.g. through the Act or the *Planning and Environment Act 1987*).
- The terms of the petition must:
  - be placed at the top of every page;
  - not contain any alterations;
  - not exceed 250 words;
  - not be illegal and must not promote illegal acts; and
  - language must not be objectionable or inflammatory in nature.
- Only paper-based petitions (in the prescribed format) or e-petitions that are submitted through an approved Council e-petition facility that meet the above criteria will be accepted.

### 66.2 Submitting your petition

66.2.1 Paper-based petitions should be forwarded by mail with the details of the head petitioner or other nominated person for follow up, to:

Latrobe City Council

PO Box 264

Morwell VIC 3840

or delivered in person to any Latrobe City Council customer service centre during business hours.

66.2.2 E-petitions can be forwarded in accordance with the criteria specified by Council for that facility.

### 66.3 Assessment of the petition

66.3.1 Once received, officers will provide written acknowledgement of receipt, and undertake an initial assessment against the criteria specified in this policy to ensure that it complies prior to being presented to the next available Council meeting.



## Governance Rules

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66.3.2 Where the petition does not meet the specified criteria, the following will apply:

- If the subject matter relates to a current submission process (e.g. through the Act or the *Planning and Environment Act 1987*), the petition will be considered as a submission/objection to that process;
- Any other matter it will be considered as general correspondence and not presented to Council

and the head petitioner or other nominated person notified accordingly.

### 66.4 Tabling at a Council meeting

A petition that meets the criteria will be listed for tabling at the next available Council meeting with the following information:

- The terms of the petition
- The number of signatures

### 66.5 No Discussion or Debate of Petition

No discussion or debate will be entered into when a petition is being tabled, however, if the petition relates to an operational matter, Council must refer the petition to the Chief Executive Officer for consideration. If this occurs, a further report to Council is not required.

### 66.6 Follow up of Petition

66.6.1 Once tabled, the petition is forwarded to the appropriate Divisional General Manager for action. A report is then presented to a subsequent Ordinary Council Meeting, which will include officers' recommended response for Councils consideration.

66.6.2 Officers may contact the head petitioner or other nominated person as appropriate to clarify any of the issues raised in the petition.

66.6.3 The head petitioner will be advised in writing of the outcome of the request contained in the petition within a reasonable timeframe.

66.6.4 It is the responsibility of the head signatory to advise other signatories of the outcome.

## 67. Written Submissions

67.1 Council will invite submissions in accordance with its policies from time to time. Written submissions can form part of an officer report being presented to Council, however there are no other opportunities for written submissions or correspondence to be listed as an agenda item.

67.2 This policy does not override the provisions of the Act, or change the opportunities or obligations in relation to people wishing to lodge submissions/objections to planning applications or proposed planning scheme amendments.

67.3 Where the submission does relate to a statutory submission process under the Act or the *Planning and Environment Act 1987*, Council will ensure that those





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procedures are followed, including any notifications required to those who have made a submission as specified in the applicable statutory processes.

### 68. Speaking at a Council meeting

#### 68.1 Requirements for a valid request to speak at a Council meeting

For a member of the public to be able to speak at a Council meeting, the following requirements must be met:

- 68.1.1 The request to speak must be relevant to an item that is on the agenda for that meeting, and that does not relate to a matter for which the meeting would normally be closed (section 66 of the Act);
- 68.1.2 Requests must be received no later than midday on the day of the meeting via contacting the Governance Officer by telephone or via the form available on Councils website;
- 68.1.3 The person requesting to speak must provide their name, address, contact number, who they represent (and must also provide written approval to do so) and the item they wish to speak on;
- 68.1.4 Where a person wishes for another person to speak on their behalf, they must provide written approval to do so (either in their written submission for any submission being heard under section 223 of the *Local Government Act 1989* or under separate advice to Council prior to the meeting);
- 68.1.5 The Mayor has the discretion to limit the full time of any one person to speak to a maximum of three minutes, regardless of how many persons (or organisations) they are speaking on behalf of;
- 68.1.6 The person requesting to speak acknowledges that consent is automatically given to being recorded (if the meeting is to be streamed);
- 68.1.7 Organisations are required to select one spokesperson to address Council on their behalf. If an organisation wishes to select more than one spokesperson, it may do so if its request is granted by the Chair prior to the commencement of the meeting;
- 68.1.8 Speaking at Council meeting opportunities is not to be used to present petitions, letters or ask questions (these can be done through alternative mechanisms available as outlined in this policy);
- 68.1.9 During a declared State of Emergency public participation at Council meetings may be undertaken via tele or video conferencing as determined by Council.

#### 68.2 Procedural matters for managing speakers

The following procedural matters apply:

- 68.2.1 The order of speakers will be as follows:
  - Aligns with the order of reports on the agenda;
  - Then in order of receipt of the request to speak



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or as otherwise instructed by the Mayor/Chair.

- 68.2.2 There is no requirement for standing orders of the meeting to be suspended or resumed to allow members of the public to speak to an item on the agenda.

### 68.3 Requirements for speaking at a Council meeting

The following requirements for addressing a Council meeting apply:

- 68.3.1 When addressing the meeting, persons are asked to address the meeting facing the Mayor/Chair at the microphone provided;
- 68.3.2 Speakers are requested to keep their address brief and to the main issues of concern;
- 68.3.3 The time limit allowed for each speaker is three minutes. Only one extension of not more than three minutes can be granted regardless of how many items are being addressed.
- 68.3.4 Councillors may ask questions of the speaker to clarify a point, however, no debate or commentary is to be provided at this time.

### 68.4 Protocol for addressing the meeting

The following protocol applies when addressing a Council meeting:

- 68.4.1 Any person addressing the Chair must refer to the Chair as:

- Madam Mayor; or
- Mr Mayor; or
- Madam Chair; or
- Mr Chair

as the case may be.

- 68.4.1.1 All Councillors, other than the Mayor, must be addressed as Councillor (*name*).

- 68.4.1.2 All members of staff in attendance must be addressed as Mr or Ms (*name*) as appropriate or by their official title.

## 69. Public Question Time

Public question time is a section of the agenda of a Council meeting during which Council may answer questions submitted by members of the public.

It is not designed to take the place of contacting a Councillor or Councillors directly to discuss an issue, or to replace contacting Council's Customer Services for assistance. Rather, it is designed to allow for clarification of issues of public interest.

### 69.1 Requirements for a valid question

For a question to be considered at a Council meeting, the following requirements must be met:

- 69.1.1 The person submitting the question must include their name, address and contact number;





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- 69.1.2 A question must not exceed 50 words in length;
- 69.1.3 A question must focus on an issue within Councils powers to act;
- 69.1.4 A question must not name, allude to, or focus on an individual
- 69.1.5 No more than two questions (including questions asked in parts) are able to be submitted per person for any one Council meeting.
- 69.2 Questions that meet one of the following criteria will not be answered at a Council Meeting:
- 69.2.1 Repetitive or has already been answered (either previously by officers in writing or at a Council meeting);
- 69.2.2 Relates to a matter for which the meeting would normally be closed (section 66 of the Act);
- 69.2.3 Is prejudicial to the Council or any other person if answered;
- 69.2.4 Relates to the personal views or actions of an individual Councillor or Officer;
- 69.2.5 Relates to a matter that is the subject of negotiation, litigation or commercial interest/advantage;
- 69.2.6 Is defamatory, indecent, abusive, irrelevant, trivial or objectionable in language or nature;
- 69.2.7 Is considered trivial or vexatious or it is more appropriate to direct to officers of the Council during normal business hours.
- 69.3 Submitting your question
- 69.3.1 Questions for consideration at a Council meeting can be submitted:
- electronically to [egovernance@latrobe.vic.gov.au](mailto:egovernance@latrobe.vic.gov.au);
  - via an online form available on Council's website; or
  - via a form available in Councils' customer service centres (attached to these Governance Rules at Appendix Two).
- 69.3.2 Questions must be received by midday on the day of the Council meeting. Any questions received after this deadline that meets the criteria will be held until the next scheduled Council meeting for response.
- 69.4 Response at a Council Meeting
- 69.4.1 The Mayor/Chair will ask the Chief Executive Officer to conduct the public question time session.
- 69.4.2 The Chief Executive Officer will ascertain if the person asking the question is present in the gallery, and if so, will read the question or summarise its contents, and read the response to the question. The Chief Executive Officer can nominate another Senior Staff member to read the response to the question, if they deem it suitable.



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- 69.4.3 If the person asking the question is not present in the gallery, the question and the response is not required to be read out. However the details will be included in the minutes of the meeting and a copy distributed to the person to their nominated address.
- 69.4.4 During a declared State of Emergency public participation at Council meetings may be undertaken via tele or video conferencing as determined by Council.
- 69.4.5 Council has the discretion to seek clarification to the question if deemed necessary. Otherwise the person asking the question is not permitted to enter into debate or discussion during this session.

### 70. Privacy

- 70.1 To comply with the Victorian *Privacy and Data Protection Act 2014*, personal information provided as part of any provision detailed in this policy will only be used for the primary purpose for which it was provided – (e.g. to consider the petition, question or submission).
- 70.2 Processes will comply with Council's *Citizen Confidentiality and Privacy Policy* where applicable.
- 70.3 As part of Council's operations, any document incorporated into a Council agenda must be made publically available, including any petitions which are tabled.
- 70.4 The agenda and minutes are printed and available for the general public, and appear on Council's website. Attachments such as full submissions and petitions will be made available to Councillors; however will only be available for viewing at Council Headquarters via appointment for members of the public. A summary of the submissions, including name (unless specifically requested in writing to remain anonymous), will be made available in the agenda and minutes.
- 70.5 The following details as outlined in the table below will be published in the minutes.



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<b>Section</b>	<b>What personal information is published in the minutes and can be published in agenda papers</b>	<b>Further information accessible through other means</b>
Acknowledgements	Name of the person who is being acknowledged and the reason for acknowledgement.	Not applicable
Petitions	Name of the person who has presented the petition (with the number of signatures and the terms of the petition)	Full copies of petitions may be viewed only by contacting Council.  A copy is provided to Councillors for their decision making processes.
Written Submissions	Name of the person, (with a summary of the submission).	Full copies of submissions can be viewed in accordance with the provisions applicable under legislation.  If nothing is prescribed, then a copy of a submission may be viewed by contacting Council.
Speaking at a Council meeting	Name of the person who has spoken (with the details of which item on the agenda).	Not applicable.  Other information that is collected is only collected in order to contact the person if there are any actions to be followed up by officers.



## Governance Rules

Section	What personal information is published in the minutes and can be published in agenda papers	Further information accessible through other means
Public Question Time	Name of the person, (with the question and the response provided).	Not applicable. Other information that is collected is only collected in order to contact the person if there are any actions to be followed up by officers (for example, if the person is not in attendance, to provide a copy of the response).

### Part D: Other Matters

#### Division 1 – Committees

##### 71. Delegated Committees

71.1 If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.

71.2 For the purpose of Sub-Rule 71.1:

71.2.1 a Council Meeting is to be read as a reference to a Delegated Committee Meeting;

71.2.2 a Councillor is to be read as a reference to a Member of the Delegated Committee; and

71.2.3 a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.

71.3 If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules do not apply to that Committee.

##### 72. Community Asset Committees

72.1 The Governance Rules may apply to any Community Asset Committee established by Council.

72.2 Council may resolve, in establishing a Community Asset Committee which chapters of the Governance Rules apply but as a minimum must include Division 9 (Minutes) of Part C.

72.3 A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.



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- 72.4 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

### Division 2 – Election Period Policy

#### 73. Council's Election Period Policy

- 73.1 Council will have in place an Election Period Policy that:
- 73.1.1 Governs decision making during a local government election period, including what may be considered at a Council meeting;
  - 73.1.2 Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
  - 73.1.3 Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and Civic events;
  - 73.1.4 Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
  - 73.1.5 Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period;
  - 73.1.6 Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- 73.2 At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its Election Period Policy.
- 73.3 The Election Period Policy forms part of these Governance Rules.
- 73.4 Any outstanding Delegate's Reports may still be reported to a Meeting of Council during this period.
- 73.5 Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.





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### Division 3 – Conflict of Interest

#### 74. Obligations with regard to Conflict of Interest

74.1 Councillors, Members of Delegated Committees and Council staff are required to:

74.1.3 Avoid all situations which may give rise to conflicts of interest;

74.1.4 Identify any conflicts of interest; and

74.1.5 Disclose or declare all conflicts of interest.

#### 75. Councillors and Members of Delegated Committees

75.1 May not participate in discussion or decision-making on a matter in which they have a conflict of interest.

75.2 All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee meeting.

#### 76. Procedure at a Council or Delegated Committee Meeting

76.1 A Councillor or Member of a Delegated Committee who has a conflict of interest and is attending the Council or Delegated Committee meeting must make a full disclosure of that interest:

76.1.1 by either:

(a) advising the meeting of the details required under Sub-Rules 76.1.2 and 76.1.3 at the time in the agenda for disclosures of conflicts of interest; or

(b) advising the Chief Executive Officer in writing of the details required under Sub-Rules 76.1.2 and 76.1.3 before the meeting; and

76.1.2 classifying the type of interest that has been given rise to the conflict as either:

(a) a general interest; or

(b) a material interest; and

76.1.3 describing the nature of the interest; and

76.1.4 if the Councillor or Member advised the Chief Executive Officer of the details under Sub-Rule 76.1.1(b), the Councillor or Member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.





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- 76.2 Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- 76.3 A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a meeting must not communicate with any participants in the Meeting while the decision is being made.
- 76.4 The Chief Executive Officer must:
- 76.4.1 keep written disclosures given to him or her under this Rule in a secure place for 3 years after the date the Councillor or Member of a Delegated Committee who made the disclosure ceases to be a Councillor or Member of a Committee; and
  - 76.4.2 destroy the written disclosure when the 3 year period referred to in Sub-Rule 76.4.1 has expired.
- 77. Procedure at other meetings organised, hosted or supported by Council**
- 77.1 A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- 77.2 At the time indicated on the agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- 77.3 If there is no agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- 77.4 At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- 77.5 The existence of a conflict of interest will be recorded in the minutes of the meeting.
- 77.6 If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Chief Executive Officer to be retained pursuant to Sub-Rule 76.4.
- 77.7 The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- 77.8 Meeting records and reports will be presented to Council for noting and inclusion on the public record.



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### **78. Council Staff**

- 78.1 Must act in accordance with the Employee Code of Conduct.
- 78.2 Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- 78.3 May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 79 and the Employee Code of Conduct.

### **79. Procedure for disclosures of conflicts of interest by Council Staff**

- 79.1 Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- 79.2 A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
  - 79.2.1 The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
  - 79.2.2 The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
  - 79.2.3 The staff member's General Manager determines that the conflict of interest has not influenced the advice provided; and
  - 79.2.4 The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

## **Division 4 – Joint Council Meetings**

### **80. Procedure for Joint Council Meetings**

- 80.1 Council may resolve to participate in a Joint Council meeting to consider:
  - 80.1.1 Collaborative projects;
  - 80.1.2 Collaborative procurement;
  - 80.1.3 Emergency Response.
- 80.2 If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or Delegate) will agree on governance rules with the participating Councils.



## Governance Rules

- 80.3 Where Latrobe City Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting
- 80.4 A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- 80.5 Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- 80.6 A joint briefing arranged in accordance with Sub-Rule (5) may be held electronically.



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### Appendix One: Petition Template

#### Petition to the Latrobe City Council

**Insert subject heading: e.g. Support for New Development**

We, the undersigned (insert *residents, property owners, concerned citizens, club members etc.*) wish to inform the Latrobe City Council of (briefly *explain your concern.*)

We ask that the Latrobe City Council (explain the action you would like the Council to take).

	Name (Print)	Address (minimum of residential locality must be specified)	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			



# Governance Rules

## Appendix Two: Public Question Time

### Council Meeting Public Question Time Form

Council invites questions from members of the community at its scheduled Council Meetings. Questions must be received by midday on the day of the Council Meeting. Any questions received after this deadline that meets the criteria specified in the Latrobe City Council *Governance Rules* will be held until the next scheduled Council Meeting for response. Please refer to the Latrobe City Council *Governance Rules* for further information (an extract is attached over the page).

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Contact Phone Number: \_\_\_\_\_

Question Topic: .....

Question: .....  
 .....  
 .....  
 .....  
 .....

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

*The personal information requested on this form is being collected by Council for the purpose of processing your request to ask a question at a Latrobe City Council Council Meeting in accordance with the Governance Rules. The personal information will be used solely by Council for that primary purpose or directly related purposes.*

*If you choose not to provide this information, then we will be unable to process your request. The applicant understands that the personal information provided is for the reasons outlined above and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to the Privacy Officer at Latrobe City Council on 1300 367 700.*

**Customer Service Use Only:** Note, once this form has been received at reception, the Governance team must be immediately contacted and advised.

Date and Time Question Received: .....

Contacted Governance:  Yes  No





## Governance Rules

### Council Meeting Public Question Time Form

Latrobe City Council Governance Rules Extract (please refer to the full Rules for further information on public question time).

Public question time is a section of the agenda of a Council Meeting during which Council may answer questions submitted by members of the public.

It is not designed to take the place of contacting a Councillor or Councillors directly to discuss an issue, or to replace contacting Council's Customer Services for assistance. Rather, it is designed to allow for clarification of issues of public interest.

#### 69.1 Requirements for a valid question

For a question to be considered at a Council meeting, the following requirements must be met:

- 69.1.1 The person submitting the question must include their name, address and contact number;
- 69.1.2 A question must not exceed 50 words in length;
- 69.1.3 A question must focus on an issue within Council's powers to act;
- 69.1.4 A question must not name, allude to, or focus on an individual
- 69.1.5 No more than two questions (including questions asked in parts) are able to be submitted per person for any one Council meeting.

#### 69.2 Questions that meet one of the following criteria will not be answered at a Council Meeting:

- 69.2.1 Repetitive or has already been answered (either previously by officers in writing or at a Council meeting);
- 69.2.2 Relates to a matter for which the meeting would normally be closed (section 66 of the Act);
- 69.2.3 Is prejudicial to the Council or any other person if answered;
- 69.2.4 Relates to the personal views or actions of an individual Councillor or Officer;
- 69.2.5 Relates to a matter that is the subject of negotiation, litigation or commercial interest/advantage;
- 69.2.6 Is defamatory, indecent, abusive, irrelevant, trivial or objectionable in language or nature;
- 69.2.7 Is considered trivial or vexatious or it is more appropriate to direct to officers of the Council during normal business hours.

#### Governance Use Only:

Question compliant with Rules:  Yes  No Date of Meeting question to be submitted to: .....

Notes:





<b>Agenda Item:</b>	<b>6.3</b>
<b>Agenda Item:</b>	<b>Election of the Deputy Mayor</b>
<b>Sponsor:</b>	<b>Chief Executive Office</b>
<b>Council Plan Objective:</b>	<b>Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.</b>
<b>Status:</b>	<b>For Decision</b>

**Proposed Resolution:**

**That Council:**

- a) **Establish an office of Deputy Mayor for a 2020/2021 Deputy Mayoral term; and**
- b) **That Council proceed to elect the Deputy Mayor in accordance with the Governance Rules for one year to serve for the 2020/2021 Deputy Mayoral term.**

**Executive Summary:**

The role of a Deputy Mayor is not constituted in the same manner as that of the Mayor. In order for an office of Deputy Mayor to be in place, Council must first resolve that there is to be that position on Council.

Historically, Latrobe City Council has appointed a Deputy Mayor and it is recommended to continue with this arrangement as the position provides deputising functions to the Mayoral role and enhances the leadership of the Councillor group.

If Council resolves to elect a Deputy Mayor, the same procedure as outlined for the *Election of the Mayor* is to occur except that:

- the Mayor is to chair the election of the Deputy Mayor; and
- any reference to the Mayor in that Sub-Rule is to be taken as a reference to the Deputy Mayor.

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil.

**Attachments**

Nil

**Agenda Item:** 6.4

**Agenda Item:** Presentations

**Sponsor:** Chief Executive Office

**Council Plan Objective:** Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.

**Status:** For Information

An opportunity will be provided for the newly elected Mayor and Deputy Mayor to speak at the meeting on their incoming terms.

An opportunity for photos will be provided at the close of the meeting.

**Agenda Item: 6.5**

**Agenda Item: Meeting Close**

**Sponsor: Chief Executive Office**

**Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.**

**Status: For Information**

At the close of the meeting, the newly elected Mayor will thank those present for attending, including those who viewed the live stream of the meeting.