



Governance Rules

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Table of Contents

Part A: Introduction	7
1. Title	7
2. Objectives of these Governance Rules.....	7
3. Authorising Provision	7
4. Scope of the Governance Rules	7
5. Definitions and Notes	7
Part B: Election of the Mayor and Deputy Mayor, Appointment of Acting Mayor	10
6. Determining the Election of the Mayor	10
7. Determining the Election of any Deputy Mayor.....	12
8. Determining the Appointment of any Acting Mayor	12
Part C: Meetings Procedure	13
Division 1 - Notices of Meetings and Delivery of Agendas	13
9. Council meetings.....	13
10. Agendas.....	14
Division 2 – Quorums	14
11. Inability to gain a Quorum.....	14
12. Inability to maintain a Quorum	15
13. Inability to achieve or maintain a Quorum due to Conflicts of Interest of Councillors	15
14. Adjourning or postponing a meeting.....	16
Division 3 – Business of Meetings	16
15. The Order of Business	16
16. Change to Order of Business	16
17. Urgent Business	17
Division 4 – Motions and Debate	17
18. Councillors may propose Notices of Motion.....	17

19.	Notice of motion.....	17
20.	Chair’s Duty.....	19
21.	Motion Procedure	20
22.	Right of Reply	20
23.	Determining a Motion	21
24.	Moving an Amendment	21
25.	How many Amendments may be Proposed	22
26.	Who may debate an amendment	22
27.	An Amendment Once Carried.....	22
28.	Withdrawal of Motions and Amendments.....	22
29.	Separation of Motions and Amendments	22
30.	Chair may Separate or Aggregate Motions and Amendments	22
31.	Foreshadowing Motions.....	23
32.	Motions and Amendments in Writing.....	23
33.	Repeating Motion or Amendment.....	23
34.	Debate must be relevant to the Motion	23
35.	Priority of address	24
36.	Speaking Times.....	24
37.	Extension of Speaking Times	24
38.	Addressing the Meeting	24
39.	Right to Ask Questions	24
	Division 5 – Procedural Motions	25
40.	Procedural Motions	25
	Division 6 – Rescission Motions	29
41.	Notice of Rescission.....	29
42.	When a rescission Motion is Lost	30
43.	If Not Moved	30
44.	May be Moved by any Councillor	30
	Division 7 – Points of Order.....	30

45.	Chair to Decide	30
46.	Chair may Adjourn to Consider	31
47.	Dissent from Chair’s Ruling.....	31
48.	Procedure for Point of Order	31
49.	Valid Points of Order	32
Division 8 – Minutes		32
50.	Confirmation of Minutes.....	32
51.	Content of the Minutes	33
52.	Recording and broadcasting Meetings.....	34
Division 9 – Behaviour		34
53.	Public Addressing the Meeting.....	34
54.	Chair May Remove.....	35
55.	Suspensions	35
56.	Removal from Chamber	35
Division 10 – Miscellaneous		35
57.	Matters Not Provided For	35
Division 11 – Suspension of Standing Orders		35
58.	Suspension of Standing Orders	35
Division 12 – Public Engagement		36
59.	Community Participation.....	36
60.	Requirements for Councillors whilst speaking	36
61.	Acknowledgments	36
62.	Streaming Council Meetings.....	37
63.	Petitions.....	37
64.	Written Submissions	39
65.	Speaking at a Council Meeting	39
66.	Public Question Time	40
67.	Privacy	42

Part D: Other Matters	44
Division 1 – Committees	44
68. Delegated Committees	44
69. Community Asset Committees	44
Division 2 – Election Period Policy	45
70. Council’s Election Period Policy	45
Division 3 – Conflict of Interest	45
71. Obligations with regard to Conflict of Interest	45
72. Councillors and Members of Delegated Committees	46
73. Procedure at a Council or Delegated Committee Meeting	46
74. Procedure at other meetings organised, hosted or supported by Council	47
75. Council Staff	47
76. Procedure for disclosures of conflicts of interest by Council Staff	48
Division 4 – Joint Council Meetings	48
77. Procedure for Joint Council Meetings	48
Appendix One: Petition Template	49
Appendix Two: Public Question Time	50

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 and Delegated 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 68-69.

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
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"> • interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order; • making comments that are defamatory, malicious, abusive or offensive; • 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 • engaging in any other conduct which prevents the orderly conduct of the meeting.

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 or a Delegated Committee
Rescind	means to repeal or amend a resolution and 'rescinded' includes 'amended'
Rule or Sub-Rule	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

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 an absolute majority of the votes, that candidate is declared to have been elected;
 - 6.5.2. If no candidate receives an absolute 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 an absolute majority of the votes, that candidate 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. Where there are three or more candidates remaining with two or more of those candidates having an equality of votes and one of them has to be declared, the declaration of a defeated candidate will be determined by lot.

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. 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).

6.5.6. If there are two remaining candidates and they have an equality of votes, a second vote will be conducted;

6.5.6.1. where, after a second vote, the two candidates still have an equality of votes, the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held the following day at such time as is considered appropriate.

6.6. Upon being elected, the Mayor may make a ceremonial speech.

6.7. 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.

As the Mayor must be elected by absolute majority of the Councillors under section 25 of the Act, a lot cannot be conducted where there are only 2 candidates remaining.

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.
 - 9.2.1 A schedule of Council meetings will be published on Council's website and be available from Council's customer service centres.
- 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 specifying the business to be transacted and delivered to the Chief Executive Officer.
- 9.4. The Chief Executive Officer must determine a time and date for the meeting within 3 business days, unless exceptional circumstances apply.
- 9.5. Notice of an Unscheduled meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.
- 9.6. Only the business specified in the Council resolution, or written notice, may be considered at an Unscheduled meeting, unless all Council, by unanimous resolution determine to admit another matter.
- 9.7. Reasonable notice, including on the Council's website, must be given when Council has changed a meeting date, time or place.
- 9.8. 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.
- 9.9. Councillors who are unable to attend a Meeting may submit an apology:
 - 9.9.1. In writing to the Chair, who will advise the meeting; or
 - 9.9.2. By seeking another Councillor to submit it at the meeting on their behalf.
- 9.10. An apology submitted to a meeting will be recorded in the minutes.

- 9.11. A Councillor intending to take a leave of absence should submit it in writing to the Mayor:
- 9.11.1. The Mayor will seek to have any leave of absence request received included in the agenda of the next Council Meeting;
 - 9.11.2. A leave of absence not included in a Council Meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting;
 - 9.11.3. Council will not unreasonably withhold its approval of a leave of absence request.
- 9.12. A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council meeting will be recorded as absent.

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 business 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.
- 10.4. An agenda for each Council meeting:
- 10.4.1. that is not an Unscheduled meeting, will be made available on Council's website no less than 2 business days before the Council meeting;
 - 10.4.2. that is an Unscheduled meeting, will be made available on Council's website no less than 1 business day before the Council meeting unless exceptional circumstances apply in which case it will be made available as soon as practicable.

Division 2 – Quorums

11. Inability to gain a Quorum

If, after 30 minutes from the scheduled starting time of any Council 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 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. On advice from the Chief Executive Officer or his or her delegate that there is evidence the required meeting notice was incorrect or inconsistent and this information led to a councillor(s) not attending the meeting, the Chair may adjourn a meeting.
- 14.3. 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, whether a short adjournment of less than an hour or a longer period as necessary, or to another day that the Chair considers appropriate.
- 14.4. 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.
- 14.5. 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.
- 14.6. 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.
- 14.7. 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. Business at Meetings and Order of Business

- 15.1 No business can be dealt with at a Council meeting unless it is contained on the agenda or admitted as urgent business in accordance with Rule 17;
- 15.2 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.

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 be:
 - 19.1.1. 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 four business days before the next scheduled Council meeting to allow inclusion in the agenda in accordance with Sub-Rule 10.1;
- 19.2. A notice of motion lodged in accordance with Sub-Rule 19.1 must have been raised for discussion at a Councillor Briefing Session by the Councillor who is proposing to move it, at least 7 days prior to the Council meeting at which it is proposed to be moved.
- 19.3. Once lodged with the Chief Executive Officer a notice of motion may be withdrawn by, no later than 2 business days before the meeting at which it was to be considered, the Councillor who lodged the notice of motion submitting written advice to the Chief Executive Officer that it is to be withdrawn.
- 19.4. The Chief Executive Officer must reject a notice of motion which:
 - 19.4.1. is vague;
 - 19.4.2. 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;
 - 19.4.3. relates to a matter already included in the agenda circulated to Councillors in accordance with Rule 10;

- 19.4.4. is defamatory;
 - 19.4.5. may be prejudicial to any person or Council;
 - 19.4.6. is objectionable in language or nature;
 - 19.4.7. is outside the powers of Council;
 - 19.4.8. is a notice of motion submitted during the Election period; or
 - 19.4.9. is a matter subject to a Council decision making process which has commenced but is not yet complete.
- 19.5. If the Chief Executive Officer rejects a notice of motion under Sub-Rule 19.4, the Chief Executive Officer will inform the Councillor who lodged the notice of motion of that rejection and the reasons for it within 1 working day of receiving the notice of motion. The Councillor will be provided with an opportunity to amend the proposed notice of motion provided that the amended notice of motion is lodged with the Chief Executive Officer within 1 working day of being informed of the rejection.
- 19.6. 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 the Chief Executive Officer determines is more appropriately addressed that way.
- 19.7. Subject to Sub-Rule 19.8 a notice of motion must call for a Council report if the notice of motion:
- 19.7.1. substantially affects the level of Council services;
 - 19.7.2. commits the Council to expenditure in excess of \$5,000 and that has not been included in the adopted budget;
 - 19.7.3. establishes or amends a Council policy; or
 - 19.7.4. commits the Council to any contractual arrangement, as determined by the Chief Executive Officer.
- 19.8. 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.
- 19.9. 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.
- 19.10. The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.
- 19.11. 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.

- 19.12. 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 19.11.
- 19.13. The motion moved must not be substantially different to the motion published in the agenda, however, it may be amended by resolution of the Council.
- 19.14. 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.
- 19.15. If a notice of motion is not moved at the meeting at which it is listed, it lapses.

20. Chair's Duty

- 20.1. The Chair must not accept any motion or amendment which the Chair considers to be:
- 20.1.1. defamatory;
 - 20.1.2. objectionable in language or nature;
 - 20.1.3. vague or unclear in intention;
 - 20.1.4. outside the powers of Council;
 - 20.1.5. irrelevant to the item of business on the agenda and which has not been admitted as urgent business; or
 - 20.1.6. an amendment that is contrary to Sub-Rule 24.3.
- 20.2. The Chair must:
- 20.2.1. conduct the meeting impartially;
 - 20.2.2. maintain a neutral position on an item under debate;
 - 20.2.2.1. after a motion has been determined, the Chair may make comments related to conducting the debate, for example thanking Councillors for their contribution, but keeping in mind the primacy of the chairing role and the importance of maintaining neutrality;
 - 20.2.3. refrain from debate on a motion;
 - 20.2.3.1. where the Chair wishes to move or second a motion, they must temporarily vacate the Chair before the motion is considered by Council. The Chair will be temporarily filled in accordance with Rule 47.2 until the relevant Motion is determined.
 - 20.2.4. allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
 - 20.2.5. call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council.

21. Motion Procedure

The procedure for moving any motion is:

- 21.1. The Chair will state the item number and title on the agenda in full, then ask “Councillors, do I have a motion?”;
- 21.2. The mover must state the motion without speaking to it:
 - 21.2.1. if the motion being moved is identical to the officer recommendation in the report, the mover may state the motion to be as per that recommendation;
 - 21.2.2. if the motion being moved is not identical to the officer recommendation in the report, the mover must state the content of the motion in full.
- 21.3. The motion must be seconded by a Councillor other than the mover.
- 21.4. The motion will lapse if it is not seconded.
- 21.5. If the motion is seconded, the Chair must ask: “Is the motion opposed?”
- 21.6. If the motion is not opposed the Chair must ask: “Does any Councillor wish to speak in favour of the motion?”
- 21.7. If no Councillor opposes the motion, or wishes to speak on the motion, the Chair must declare the motion carried.
- 21.8. If a Councillor opposes the motion, the Chair must ask the mover to address the Council on the motion.
- 21.9. The Chair must ask the seconder to address the Council on the motion who may reserve his or her address until later in debate.
- 21.10. 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.
- 21.11. 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.

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. No new matters may be raised in the right of reply.
- 22.3. If no Councillor has spoken against a Motion, there will be no right of reply.
- 22.4. 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. Determining a Motion

- 23.1. To determine a motion before a Council meeting, the Chair will:
 - 23.1.1. First call for those in favour of the motion;
 - 23.1.2. Then those opposed to the motion; andthen declares the result to the meeting.
- 23.2. Each Councillor present at a meeting who is entitled to vote must vote. Any Councillor who is present and does not vote will be taken to have voted against the motion in line with section 61(5)(e) of the Act.
- 23.3. Voting may be by any method resolved by Council that enables those in attendance and, where applicable, those watching a livestream broadcast, to clearly see which way a Council has voted at the time a vote is taken.
- 23.4. In the absence of Council resolving an alternative method, voting on any matter is by show of hands.
- 23.5. Voting at a meeting must not be in secret, but if the meeting is closed to the public, a Councillor is not required to divulge their vote to the public.
- 23.6. The vote cast by each Councillor will be recorded in the minutes of the meeting.
- 23.7. 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 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 23.7 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.

24. Moving an Amendment

- 24.1. A motion which has been moved and seconded but not put to the vote may be amended.
- 24.2. An amendment may be proposed and seconded by any Councillor, except the mover or seconder of the motion.
- 24.3. A proposed amendment must:
 - 24.3.1. be relevant to the subject of the motion;
 - 24.3.2. not be in opposition to the motion; and

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

24.4. The Chair will follow the procedure in Rules 21 to 23 for consideration of the motion.

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

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

25. How many Amendments may be Proposed

25.1. Only one amendment may be accepted by the Chair at any one time.

25.2. No second or subsequent amendment may be taken into consideration until the previous amendment has been dealt with.

26. 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.

27. An Amendment Once Carried

27.1. If the amendment is carried:

27.1.1. the motion as amended becomes the substantive motion before the meeting; and

27.1.2. the mover and seconder of the amendment are deemed to be the mover and seconder of the amended motion before the meeting; and

27.1.3. the amended motion can then be further amended.

27.2. If the amendment is not carried, the debate returns to the motion, or a further amendment may be proposed.

28. Withdrawal of Motions and Amendments

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

29. 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.

30. Chair may Separate or Aggregate Motions and Amendments

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

30.1. several parts; or

30.2. its aggregate form.

31. Foreshadowing Motions

- 31.1. 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.
- 31.2. A foreshadowed motion must substantially relate to an item already listed on the agenda of the meeting, otherwise it can only be accepted by Council as urgent business and subject to the urgent business restrictions under Rule 17.
- 31.3. 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 motion.
- 31.4. If the substantive motion in relation to which a Councillor foreshadowed a motion is:
 - 31.4.1. not moved or seconded; or
 - 31.4.2. moved, seconded and lost;the Chair may call on that Councillor to move their foreshadowed motion immediately.
- 31.5. The minutes of the meeting will not record a foreshadowed motion until the foreshadowed motion is formally moved.

32. Motions and Amendments in Writing

- 32.1. 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.
- 32.2. The Chair may defer a matter until a motion has been written, allowing the meeting to proceed uninterrupted.

33. 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.

34. Debate must be relevant to the Motion

- 34.1. 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.
- 34.2. 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.
- 34.3. A speaker to whom a direction has been given under Sub-Rule 34.2 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.

35. 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.

36. Speaking Times

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

- 36.1. 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;
- 36.2. any other Councillor – 3 minutes; and
- 36.3. the mover of a motion exercising a right of reply – 3 minutes.

37. Extension of Speaking Times

- 37.1. An extension of speaking time may be granted by the Chair 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.
- 37.2. The Chair must not grant an extension of speaking time if another speaker has commenced participation in the debate.

38. 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.

39. Right to Ask Questions

- 39.1. At an appropriate time during a debate, the Chair may allow questions from Councillors concerning or arising out of the motion or amendment before the Chair.
- 39.2. Questions may only be raised when no other Councillor is speaking..
- 39.3. All questions must be:
 - 39.3.1. directed through the Chair;
 - 39.3.2. relevant to the matter before Council;
 - 39.3.3. seeking genuine clarification of the matter; and
 - 39.3.4. limited to the facts of the matter.
- 39.4. 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

40. Procedural Motions

- 40.1. Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- 40.2. The Chair may reject a procedural motion if the Chair believes the Motion on which it is proposed has not been adequately or sufficiently debated.
- 40.3. Procedural motions require a seconder.
- 40.4. Procedural motions must be recorded in the minutes of the meeting.
- 40.5. Notwithstanding any other provision in these Governance Rules, procedural motions must be dealt with in accordance with the following table:

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PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover and Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
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 the Mayor/Deputy Mayor (b) During the election of a Chair; (c) When another Councillor is speaking	Motion and/or amendment is postponed to the stated date	Debate continues unaffected	Yes
The closure (of debate)	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 is put to the vote immediately without further debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

Procedural Motion	Form	Mover and Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
Pausing debate (laying the motion on the table)	That the motion be laid on the table	Any Councillor who has not spoken for/against the substantive motion	During the election of the Mayor/Deputy Mayor	Motion is not further discussed or voted on until Council resolves to take the motion from the table at the same meeting	Debate continues unaffected	No
Resuming debate (taking the motion from the table)	That the motion in relation to XX be taken from the table	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	That the item listed at XX on the agenda be considered before/after the item listed as YY	Any Councillor	(a) At a meeting to elect the Mayor; (b) During any debate	Alters the order of business for the meeting	Items are considered in the order listed on the agenda	No

Procedural Motion	Form	Mover and Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
Suspension of standing orders	That standing orders be suspended to enable discussion on XX	Any Councillor		<p>The rules of the meeting are temporarily suspended for the specific reason given in the motion.</p> <p>No debate or decision on any matter other than a decision to resume standing orders, is permitted</p>	The meeting continues unaffected	No
Resumption of standing orders	That standing orders be resumed	Any Councillor	When standing orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No

Division 6 – Rescission Motions

41. Notice of Rescission

- 41.1. A Councillor may propose a notice of rescission provided:
- 41.1.1. the resolution proposed to be rescinded has not been acted on; and
 - 41.1.2. the notice of rescission is provided to the Chief Executive Officer setting out:
 - 41.1.2.1. the resolution to be rescinded; and
 - 41.1.2.2. the meeting and date when the resolution was made.
- 41.2. A notice of rescission is a form of notice of motion and all provisions in these Governance Rules regulating notices of motion apply to notices of rescission.
- 41.3. A resolution will be deemed to have been acted on if the Chief Executive Officer has caused:
- 41.3.1. its contents or substance to be formally communicated to a person whose interests are materially affected by it, including by publishing the proposed minutes of the meeting on Council's website; or
 - 41.3.2. a statutory process or work to commence;
- so as to vest enforceable rights in or obligations on Council or any other person.
- 41.4. The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
- 41.4.1. has not been acted on; and
 - 41.4.2. is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with Rule 41.1;
- 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 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 41.4 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.

42. When a Rescission Motion is Lost

- 42.1. 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.
- 42.2. 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 42.2 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.

43. 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.

44. 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.

Division 7 – Points of Order

45. Chair to Decide

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

46. Chair may Adjourn to Consider

- 46.1. The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 46.2. All other proceedings before Council are suspended until the point of order is decided.

47. Dissent from Chair's Ruling

- 47.1. 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".
- 47.2. When a motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, a temporary Chair elected by the meeting) must take their place.
- 47.3. The Deputy Mayor or temporary Chair must invite the mover to state the reasons for their dissent and the Chair may then reply .
- 47.4. The temporary Chair must put the motion in the following form:
 - "That the Chair's ruling be dissented from."
- 47.5. The temporary Chair maintains a Chair's right to a second vote under section 61(5)(d).
- 47.6. If the vote is in the negative, the Chair resumes the Chair and the meeting proceeds.
- 47.7. If the vote is in the affirmative, the Chair must then resume the Chair, reverse or vary (as the case may be) the Chair's previous ruling and proceed.
- 47.8. The Chair must then resume the Chair for the remainder of the meeting.
- 47.9. 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.

48. Procedure for Point of Order

- 48.1. A Councillor raising a point of order must:
 - 48.1.1. state the point of order; and
 - 48.1.2. state any section, Rule, paragraph or provision relevant to the point of order.
- 48.2. 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.

49. Valid Points of Order

A point of order may be raised in relation to:

- 49.1. a motion, which, under Rule 20, or a question which, under Rule 39, should not be accepted by the Chair;
- 49.2. a question of procedure;
- 49.3. any act of disorder;
- 49.4. a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
- 49.5. irrelevant debate; or
- 49.6. a matter that is outside the powers of Council.

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 – Minutes

50. Confirmation of Minutes

- 50.1. At every Council meeting the minutes of the preceding meeting must be dealt with as follows:
 - 50.1.1. a motion will be moved to confirm the minutes in the following terms:
“That the minutes of themeeting held on
.....20.....be confirmed.”;
 - 50.1.2. if no Councillor indicates opposition to the minutes, the Chair must declare the minutes confirmed;
 - 50.1.3. if a Councillor indicates opposition to the minutes, that Councillor 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;
 - 50.1.4. once the minutes are confirmed the Chair of the meeting at which they are confirmed must sign them, if practicable.
- 50.2. 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.

- 50.3. The Chief Executive Officer must ensure that the minutes of any meeting are:
- 50.3.1. published on Council's website; and
 - 50.3.2. available for inspection at Council's office during normal business hours.
- 50.4. Nothing in Sub-Rule 50.3 requires Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

51. Content of the Minutes

- 51.1. The Chief Executive Officer must ensure that minutes of each Council meeting are kept and those minutes include:
- 51.1.1. The date, place, time and nature of the meeting;
 - 51.1.2. The names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
 - 51.1.3. The names of the members of Council staff present;
 - 51.1.4. Any information required to reflect the mode of the meeting for example an in-person meeting, a virtual meeting or a combination of both.
 - 51.1.5. 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;
 - 51.1.6. Arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - 51.1.7. Each motion and amendment moved (including procedural motions, and motions and amendments that lapse for the want of a seconder);
 - 51.1.8. The outcome of every motion moved;
 - 51.1.9. The vote cast by each Councillor;
 - 51.1.10. Whether any vote against a motion was a result of a Councillor abstaining from the vote including where relevant explanatory notes as to how the vote was tallied;
 - 51.1.11. Questions upon notice and the responses provided;
 - 51.1.12. Details of any petitions made to Council;
 - 51.1.13. The failure of a quorum;
 - 51.1.14. The time and reason for any adjournment of the meeting or suspension of standing orders, including when the meeting or standing orders were resumed;

- 51.1.15. Any closure of the meeting to members of the public in accordance with the provisions of section 66(2) of the Act including the reason for the closure;
- 51.1.16. The date and time the meeting was commenced and concluded;
- 51.1.17. 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.

52. Recording and broadcasting Meetings

Except for a member of staff authorised by the Chief Executive Officer, a person must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images of 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).

Division 9 – Behaviour

53. Public Addressing the Meeting

- 53.1. All present at a Council meeting are required to behave in accordance with the Governance Rules to allow the meeting to proceed without disruption.
- 53.2. 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.
- 53.3. Appropriate behaviour includes:
 - 53.3.1. Be quiet during proceedings;
 - 53.3.2. Not create a nuisance within the meeting;
 - 53.3.3. Be respectful of the protocols of the meeting;
 - 53.3.4. Not harassing those attending the meeting, including Councillors, officers and other visitors;
 - 53.3.5. Not bringing in any placards, posters or materials other than personal effects unless prior permission has been sought and granted from the Chair;
 - 53.3.6. Not displaying any physical violence or verbal abuse to anyone or anything within the meeting;
 - 53.3.7. Not record meeting proceedings without the consent of the Chair via photography, filming or audio unless consent has been given in accordance with Rule 52 of these Governance Rules;
 - 53.3.8. Have mobile devices switched off or on silent.

54. Chair May Remove

Where any person, including a Councillor, engages in improper or disorderly conduct or acts in a way that otherwise disrupts a meeting, the Chair, having previously warned the person to cease that behaviour, may order and cause the removal of that person.

55. Suspensions

55.1. Council may by resolution suspend from a portion of the meeting, or for the balance of the meeting, any Councillor who engages in improper or disorderly conduct or acts in a way that otherwise disrupts a meeting, where the Chair has previously warned the Councillor to cease that behaviour.

55.2. A Councillor may move a motion that another Councillor be ordered to leave the Council Chamber for the remainder of the meeting by moving:

55.2.1. For suspension for the balance of the meeting: "That Cr [...] be ordered to leave the Council Chamber for the remainder of the meeting"; and

55.2.2. For suspension for a portion of the meeting: "That Cr [...] be ordered to leave the Council Chamber until [point Councillor is to be permitted to re-enter Chamber]".

55.3. The Chair must invite the mover to state the reason for the motion and the Councillor the subject of the motion may then reply.

55.4. The Chair must then put the motion to the vote.

56. 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 meeting under Rule 54 of these Governance Rules or whom Council has suspended under Rule 55.

Division 10 – Miscellaneous

57. 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 11 – Suspension of Standing Orders

58. Suspension of Standing Orders

58.1. 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 or clarification 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 or clarified.

- 58.2. The suspension of standing orders should not be used purely to dispense with the processes and protocol of the governance of Council.
- 58.3. Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary.

Division 12 – Public Engagement

59. Community Participation

- 59.1. 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.
- 59.2. 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.

60. 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.

61. Acknowledgments

- 61.1. 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 a Council meeting. Where formal honours are applicable, the *Civic, Ceremonial Functions and Honours Policy* must be followed.
- 61.2. At a Council meeting, the following may occur:
- 61.2.1. 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;
 - 61.2.2. a presentation of a certificate or plaque; or
 - 61.2.3. a minute's silence recognising the passing of a person.
- 61.3 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

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

62. Streaming Council Meetings

- 62.1. 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.
- 62.2. 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.
- 62.3. 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 will be retained for viewing by the public for a period deemed reasonable by Council.

63. Petitions

- 63.1. The community has the right to lobby Council, and can do so through petitioning. For a petition from the community to be considered valid, and accepted and presented to a Council meeting on its own merits, the requirements in Sub-Rules 63.2 to 63.4 must be met:
- 63.2. A petition must be:
 - 63.2.1. in the prescribed template format (attached to these Governance Rules at Appendix One);
 - 63.2.2. addressed to Latrobe City Council;
 - 63.2.3. refer to a matter on which Latrobe City Council has the power to act;
 - 63.3.4. state the reasons for petitioning Latrobe City Council;
 - 63.3.5. contain a request for action by Latrobe City Council;
 - 63.3.6. be signed by at least ten people (must not be in pencil);
 - 63.3.7. 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*).
- 63.3. The terms of the petition must:
 - 63.3.1. be placed at the top of every page;
 - 63.3.2. not contain any alterations;
 - 63.3.3. not exceed 250 words;
 - 63.3.4. not be illegal and must not promote illegal acts; and
 - 63.3.5. language must not be objectionable or inflammatory in nature.
- 63.4. 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.

63.5. Submitting your petition

63.5.1. 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.

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

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

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

63.7.1. 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;

63.7.2. Any other matter it will be considered as general correspondence and not presented to Council;

and the head signatory or other nominated person notified accordingly.

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

63.8.1. The terms of the petition;

63.8.2. The number of signatures.

63.9. 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.

63.10. Follow up of Petition

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

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

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

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

64. Written Submissions

- 64.1 Council will invite submissions in accordance with its policies and governing legislation in force 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.
- 64.2 These Rules do 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.
- 64.3 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 procedures are followed, including any notifications required to those who have made a submission as specified in the applicable statutory processes.

65. Speaking at a Council Meeting

- 65.1. For a member of the public to be able to speak at a Council meeting, the following requirements must be met:
 - 65.1.1. 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);
 - 65.1.2. 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 Council's website;
 - 65.1.3. 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;
 - 65.1.4. 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);
 - 65.1.5. The Chair 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;
 - 65.1.6. The person requesting to speak acknowledges that consent is automatically given to being recorded (if the meeting is to be livestreamed) and for the recording to be made available to the public;
 - 65.1.7. 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;
 - 65.1.8. 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 these Rules);

- 65.1.9. During a declared State of Emergency public participation at Council meetings may be undertaken via tele or video conferencing as determined by Council.
- 65.2. The following procedural matters apply for managing speakers:
- 65.2.1. The order of speakers will be as follows:
- 65.2.1.1. Aligns with the order of reports on the agenda;
- 65.2.1.2. Then in order of receipt of the request to speak or as otherwise instructed by the Chair.
- 65.2.2. 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.
- 65.3. The following requirements for addressing a Council meeting apply:
- 65.3.1. When addressing the meeting, persons are asked to address the meeting facing the Chair at the microphone provided;
- 65.3.2. Speakers are requested to keep their address brief and to the main issues of concern;
- 65.3.3. 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.
- 65.3.4. Councillors may ask questions of the speaker to clarify a point, however, no debate or commentary is to be provided at this time.
- 65.4. The following protocol applies when addressing a Council meeting:
- 65.4.1. 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.
- 65.4.2. All Councillors, other than the Mayor, must be addressed as Councillor (*name*).
- 65.4.3. All members of staff in attendance must be addressed as Mr or Ms (*name*) as appropriate or by their official title.

66. Public Question Time

- 66.1. 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.

- 66.2. For a question to be considered at a Council meeting, the following requirements must be met:
- 66.2.1. The person submitting the question must include their name, address and contact number;
 - 66.2.2. A question must not exceed 50 words in length;
 - 66.2.3. A question must focus on an issue within Councils powers to act;
 - 66.2.4. A question must not name, allude to, or focus on an individual
 - 66.2.5. No more than two questions (including questions asked in parts) are able to be submitted per person for any one Council meeting.
- 66.3. Questions that meet one of the following criteria will not be answered at a Council meeting:
- 66.3.1. Repetitive or has already been answered (either previously by officers in writing or at a Council meeting);
 - 66.3.2. Relates to a matter for which the meeting would normally be closed (section 66 of the Act);
 - 66.3.3. Is prejudicial to the Council or any other person if answered;
 - 66.3.4. Relates to the personal views or actions of an individual Councillor or Officer;
 - 66.3.5. Relates to a matter that is the subject of negotiation, litigation or commercial interest/advantage;
 - 66.3.6. Is defamatory, indecent, abusive, irrelevant, trivial or objectionable in language or nature;
 - 66.3.7. Is considered trivial or vexatious or it is more appropriate to direct to officers of the Council during normal business hours.
- 66.4. Submitting your question
- 66.4.1. Questions for consideration at a Council meeting can be submitted:
 - 66.4.1.1. electronically to egovernance@latrobe.vic.gov.au;
 - 66.4.1.2. via an online form available on Council's website; or
 - 66.4.1.3. via a form available in Councils' customer service centres (attached to these Governance Rules at Appendix Two).
 - 66.4.2. Questions must be received by no later than midday 1 business day before the Council meeting. Any questions received after this deadline that meets the criteria will be held until the next scheduled Council meeting for response.
- 66.5. Response at a Council Meeting
- 66.5.1. The Chair will ask the Chief Executive Officer to conduct the public question time session.

- 66.5.2. 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.
- 66.5.3. 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.
- 66.5.4. During a declared State of Emergency public participation at Council meetings may be undertaken via tele or video conferencing as determined by Council.
- 66.5.5. 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.

67. Privacy

- 67.1. To comply with the Victorian *Privacy and Data Protection Act 2014*, personal information provided as part of any provision detailed in these Rules will only be used for the primary purpose for which it was provided – (e.g. to consider the petition, question or submission), except where the Rules specifically state otherwise.
- 67.2. Processes will comply with Council's *Citizen Confidentiality and Privacy Policy* where applicable.
- 67.3. As part of Council's operations, any document incorporated into a Council agenda must be made publically available, including any petitions which are tabled.
- 67.4. 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.
- 67.5. The following details as outlined in the table below will be published in the minutes.

Section	What personal information is published in the minutes and can be published in agenda papers	Further information accessible through other means
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)	<p>Full copies of petitions may be viewed only by contacting Council.</p> <p>A copy is provided to Councillors for their decision making processes.</p>
Written Submissions	Name of the person, (with a summary of the submission).	<p>Full copies of submissions can be viewed in accordance with the provisions applicable under legislation.</p> <p>If nothing is prescribed, then a copy of a submission may be viewed by contacting Council.</p>
Speaking at a Council meeting	Name of the person who has spoken (with the details of which item on the agenda).	<p>Not applicable.</p> <p>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.</p>

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

68. Delegated Committees

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

68.2. For the purpose of Sub-Rule 68.1:

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

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

68.2.3. a reference to the Mayor is to be read as a reference to the Chair of the Delegated Committee.

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

69. Community Asset Committees

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

69.2. Council may resolve, in establishing a Community Asset Committee, which chapters of the Governance Rules.

69.3. A Community Asset Committee must act in accordance with its adopted Terms of Reference, Instrument of Delegation and any other governing document adopted by Council.

Division 2 – Election Period Policy

70. Council’s Election Period Policy

- 70.1. Council will have in place an Election Period Policy that:
- 70.1.1. Governs decision making during a local government election period, including what may be considered at a Council meeting;
 - 70.1.2. Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - 70.1.3. Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and Civic events;
 - 70.1.4. 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;
 - 70.1.5. Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period;
 - 70.1.6. 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.
- 70.2. 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.
- 70.3. The Election Period Policy forms part of these Governance Rules.
- 70.4. Any outstanding Delegate’s Reports may still be reported to a meeting of Council during this period.

Division 3 – Conflict of Interest

71. Obligations with regard to Conflict of Interest

- 71.1. Councillors, Members of Delegated Committees and Council staff are required to:
- 71.1.1. Avoid all situations which may give rise to conflicts of interest;
 - 71.1.2. Identify any conflicts of interest; and
 - 71.1.3. Disclose or declare all conflicts of interest.

72. Councillors and Members of Delegated Committees

- 72.1. May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- 72.2. All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee meeting.

73. Procedure at a Council or Delegated Committee Meeting

- 73.1. 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:
 - 73.1.1. by either:
 - (a) advising the meeting of the details required under Sub-Rules 73.1.2 and 73.1.3 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 73.1.2 and 73.1.3 before the meeting; and
 - 73.1.2. 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
 - 73.1.3. describing the nature of the interest; and
 - 73.1.4. if the Councillor or Member advised the Chief Executive Officer of the details under Sub-Rule 73.1.1(b), at the meeting during the time in the agenda for disclosures of conflicts of interest, the Councillor or Member must make a disclosure of the class of interest only and confirm that a written notice has been given to the Chief Executive Officer under these Rules.
- 73.2. 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.
- 73.3. 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.
- 73.4. The Chief Executive Officer must:
 - 73.4.1. 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

73.4.2. destroy the written disclosure when the 3 year period referred to in Sub-Rule 73.4.1 has expired.

73.5. The requirements of this Rule also apply to a Councillor or other Member of a Community Asset Committee who has a conflict of interest and is attending the Community Asset Committee meeting.

74. Procedure at other meetings organised, hosted or supported by Council

74.1. 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.

74.2. 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.

74.3. 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.

74.4. 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.

74.5. The existence of a conflict of interest will be recorded in the minutes of the meeting.

74.6. If there are no minutes kept of the meeting, the Councillor may provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given under Sub-Rule 74.2, to be retained pursuant to Sub-Rule 73.4.

74.7. The meeting minutes or written notice to the Chief Executive Officer will also record the duration of the discussion and whether the Councillor left the meeting.

75. Council Staff

75.1. Must act in accordance with the Employee Code of Conduct.

75.2. Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.

75.3. 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 76 and the Employee Code of Conduct.

76. Procedure for disclosures of conflicts of interest by Council Staff

- 76.1. Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- 76.2. A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
 - 76.2.1. The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
 - 76.2.2. The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
 - 76.2.3. The staff member's General Manager determines that the conflict of interest has not influenced the advice provided; and
 - 76.2.4. 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

77. Procedure for Joint Council Meetings

- 77.1. Council may resolve to participate in a Joint Council meeting to consider:
 - 77.1.1. Collaborative projects;
 - 77.1.2. Collaborative procurement;
 - 77.1.3. Emergency Response.
- 77.2. 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.
- 77.3. 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
- 77.4. A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- 77.5. 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.
- 77.6. A joint briefing arranged in accordance with Sub-Rule 77.5 may be held electronically.

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.			

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



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: