

GREATER BENDIGO CITY COUNCIL

GOVERNANCE RULES

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1. PURPOSE

1.1 The purpose of the Governance Rules are to regulate:

1.1.1 Proceedings at meetings of Council, Delegated Committees and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of these Governance Rules are to apply

1.1.2 How meeting records will be kept and how to access them

1.1.3 Procedures for the election of the Mayor and Deputy Mayor, and the appointment of an Acting Mayor

1.1.4 Conduct of Councillors, Council and Staff during the election period in the lead up to local government elections

1.1.5 Disclosures of conflict of interest

2. BACKGROUND

2.1 In accordance with section 60 of the Act, the City must adopt and keep in force Governance Rules.

2.2 These Governance Rules provide promote and encourage:

2.2.1 Peace, order and good government of the Greater Bendigo municipal district

2.2.2 Administration of Council's powers and functions

2.2.3 Local community participation in the system of local government by providing mechanisms within the meeting arrangements for Council to ascertain the local community's views and expectations

2.3 Council holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of Council.

3. Scope

3.1 This policy applies, as appropriate, to:

- Councillors
- Members of delegated committees
- Staff members

4. Definitions

4.1 In this Policy:

Act means the *Local Government Act 2020* (Vic)

Advisory Committee has the meaning given at section 6.41

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 has the same meaning as in the Local Government Act 1989 (Victoria) or any other relevant Act

City means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic).

Chairperson 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 (CEO) means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position

Council means the Greater Bendigo City Council being all the Councillors collectively

Councillor means a person holding the office of member of Greater Bendigo City Council

Code of Conduct has the same meaning as in the Act

Council Meeting means a Meeting of the Council convened in accordance with these Governance Rules and includes a scheduled Meeting and unscheduled Meeting

Delegate means a member of City staff to whom powers, functions and duties have been delegated by an instrument of delegation

Delegated Committee means delegated committees defined under section 63 Local Government Act 2020 (Vic)

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

Director means a senior member of City staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer

Disorder means any disorderly conduct of a Member of the Gallery or a Councillor in accordance with 6.38

Majority of the Votes means a majority of Councillors present at the time of a vote voting in favour of a matter

Mayor means the Councillor elected to the Office of Mayor of the City or any person appointed by Council to be acting as Mayor

Meeting means a Council Meeting or a Delegated Committee Meeting

Minutes means the official record of the proceedings and decisions of a Meeting

Motion means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council Resolution being made, if the proposal is adopted

Notice of Motion means a notice setting out the text of a Motion which a Councillor proposes to move at a subsequent Council Meeting in accordance with 6.20

Notice of Rescission means a Notice of Motion to rescind a resolution made by Council

On Notice means held or deferred to enable preparation of a response

Point of Order means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting, in accordance with 6.18

Procedural Motion has the meaning given at section 6.19

Relevant Person has, in the context of Conflict of Interest, the same meaning as section 126 of the Act

Resolution is an approved Motion as per section 6.15

Urgent Business means a matter that relates to or arises out of a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next Meeting

Unscheduled Meeting means a Meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council Meetings set by Council

5. PRINCIPLES

5.1 The supporting principles of the Act apply to this Policy, including:

5.1.1 the community engagement principles

5.1.2 the public transparency principles

5.1.3 the strategic planning principles

5.1.4 the financial management principles

5.1.5 the service performance principles.

5.2 In accordance with section 60(2) of the Act Council must:

5.2.1 Consider and make decisions on any matter being considered by the Council fairly and on the merits

5.2.2 Institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

6. POLICY

Part One - Conduct of Council Meetings

6.1 Public Attendance

6.1.1 In accordance with section 66 of the Act Council must keep a meeting open to the public unless the Council considers it necessary to close the meeting to the public because:

(a) The meeting is to consider confidential information

(b) Security reasons

(c) It is necessary to do so to enable the meeting to proceed in an orderly manner.

6.1.2 Community members may also follow the proceedings via:

(a) Livestreaming (or on-demand) via the City website (https://www.bendigo.vic.gov.au);

(b) Radio (currently Phoenix FM 106.7); and

(c) Any other suitable media, as determined by the City.

6.1.3 If a Meeting is closed to the public for the reasons outlined above in section 6.1.1(b) or 6.1.1(c) the Meeting will be livestreamed. In the event a livestream is not able to be broadcast to Council's website or other approved platform the Meeting may be adjourned, or a recording of the proceedings may be available on Council website.

6.1.4 Community members must not:

(a) Interject during the Meeting

(b) Display or bring placards, posters, banners or other signage in the Council Chamber.

6.1.5 The Chairperson may:

(a) Ask any Authorised Officer or member of the Victoria Police to remove from the Chamber any person who has committed an offence or breached a Local Law adopted by Council or acted in contravention of this Policy

(b) Cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.

6.1.6 It is an offence under Council Local Laws, for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chairperson to do so.

6.1.7 Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

6.2 Public Question Time

6.2.1 Each Council Meeting (except those meetings called for a special purpose such as to elect the Mayor) will allocate an Agenda item to allow up to 30 minutes of public question time of Councillors.

6.2.2 Extension of time for public questions may be granted by resolution of Council.

6.2.3 Questions:

(a) Submitted in writing prior to the Meeting will have priority

(b) May be presented in person, subject to any restrictions

(c) Will be limited to one per person, unless time permits at the discretion of the Chairperson

(d) Will only be allowed during the allocated Agenda item for question time

(e) May be on any matter except if it:

(i) Relates to a specific planning application

(ii) Is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance

(iii) Relates to confidential information as defined under the Act

(iv) Relates to the personal hardship of any resident or ratepayer

(v) Breaches any obligations of the Council under legislation

(vi) Relate to matters outside the powers of Council

(vii) Relates to any other matter which the Council or the CEO considers would prejudice the Council, the City, or any person.

6.2.4 Where the CEO, or delegate, does not accept a written question, the submitter and Councillors are to be informed of the reason or reasons for which their question was not accepted.

6.2.5 Copies of all written questions will be provided to all Councillors in writing, regardless of acceptance or rejection by the CEO or delegate. This notice will also indicate which questions are accepted and which are rejected.

6.2.6 The Chairperson reserves the right to cease or reject a verbal question that they deem inappropriate.

6.3 **Public Petitions and Joint Letters**

6.3.1 Every petition accepted by Council must, unless otherwise approved by the CEO:

(a) Be legible and in permanent writing

(b) Clearly state on each page the matter and action sought from Council

(c) Include the names, addresses and original signatures

6.3.2 Every petition submitted to Council must not:

(a) Be derogatory, defamatory or objectionable in language or nature

(b) Relate to matters outside the powers of Council

(c) Contains signatures that are false or misleading

(d) Relate to a statutory matter (these will be considered as part of the public submissions process in accordance with the relevant legislation).

6.3.3 Every joint letter submitted to Council must comply with the above excepting 6.3.1(b).

6.3.4 Petitions and joint letters may be submitted in electronic or online format.

6.3.5 The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.

6.3.6 Every petition and joint letter that has 10 or more signatures will be tabled at a Council Meeting, with the Motion that:

(a) That the petition or joint letter be received

(b) That the petition or joint letter be referred to the CEO or relevant Director for:

(i) Consideration and response; or

(ii) Preparation of a report to inform a Motion at a future Council Meeting

within two Council Meetings, unless otherwise resolved.

6.3.7 Any Councillor that speaks to the above Motion is responsible for ensuring that:

(a) They are familiar with the contents and purpose of the petition or joint letter

(b) The petition or joint letter and their response are not derogatory, defamatory or objectionable in language or nature.

6.3.8 Every tabled petition and joint letter will be addressed in the Agenda item for Petitions and Joint Letters unless it relates to an item listed on the Agenda, where it may be dealt with in conjunction with.

6.3.9 Every petition and joint letter that has nine or less signatures will be forwarded directly to the appropriate member of City staff for action as an operational item.

6.4 Chairperson

6.4.1 In accordance with section 61(3) of the Act a Council meeting must be chaired by:

(a) The Mayor

(b) If the Mayor is not present, the Deputy Mayor

(c) If the Mayor and the Deputy Mayor are not present, a Councillor who is present at the Council meeting and is appointed by a resolution of the Council to chair the meeting

6.4.2 The Chairperson must:

(a) Control the Meeting impartially to ensure the smooth passage of business

(b) Must allow the CEO, or delegate, the opportunity to correct factual errors or incorrect assertions that arise during the Meeting

(c) Must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of the Meeting

(d) Must declare the results of all votes and may direct that a vote be recounted to be satisfied of the result

(e) Must decide on all points of order.

6.4.3 For the purpose of facilitating the appointment of an Acting Chairperson, as per 6.4.1(c), the CEO (or delegate) will chair the meeting until the appointment is resolved.

6.5 CEO

6.5.1 The CEO, or delegate, may participate in the meeting to provide support to the Chairperson.

6.5.2 The CEO, or delegate, should:

(a) Immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law

(b) Advise if there are operational, financial or risk implications arising from a proposed resolution

(c) Help clarify the intent of any unclear resolution to facilitate implementation

(d) On request, assist with procedural issues that may arise.

6.6 Schedule and Notice of Meetings

6.6.1 At or before the last Meeting each calendar year, Council must schedule the date, time and place of all Council Meetings for the following calendar year.

6.6.2 The schedule of Council Meetings must be posted on the Council website and be made available from Council's Customer Service Centres.

6.6.3 The public must be given at least seven days' notice of all Meetings by notice posted on the Council website.

6.6.4 The Council, or the CEO, may change the date, time and place of any scheduled Council Meeting, subject to subject to section 6.6.3.

6.6.5 An unscheduled Meeting of the Council can be called, subject to section 6.6.3, by:

(a) Council resolution

(b) The Chair

(c) Three Councillors

(d) The CEO, following consultation with the Chair

6.6.6 In determining the date and time for any revised scheduled Meeting or unscheduled Meeting the CEO must consider:

(a) The urgency of the business to be transacted

(b) The availability of Councillors

(c) Reasonable notice period for persons whose rights or interests may be impacted by the business to be dealt with

(d) Providing at least seven days' notice to the public via the Council website

(e) Providing at least seven days' notice to all meeting members

(f) The time required to prepare the Agenda in accordance with section 6.7.

6.6.7 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.

6.6.8 In the case of an emergency, unexpected or circumstances deemed urgent by the CEO, or delegate, may without the requisite notice stated above:

(a) call or postpone a Meeting of the Council

(b) change the place of a Meeting.

6.7 Agendas

6.7.1 The Agenda will be determined by the CEO, in consultation with the Chair.

6.7.2 The Agenda must be made available at least five days before a Meeting to:

(a) Every Meeting member electronically

(b) The public via the Council website

6.7.3 It will not be necessary for a notice of Meeting or Agenda to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the CEO in writing to continue to be given notice of any Meeting to be held during the period of their absence.

6.7.4 In accordance with these Governance Rules each Agenda, except the Mayoral-election Meeting, must include:

(a) Public Question Time

(b) Confirmation of Previous Minutes

(c) Public Petitions and Joint Letters

(d) Urgent Business

(e) Conflict of Interest

6.7.5 Once an Agenda has been made available to Councillors the Agenda may only be altered by resolution of the Council.

6.7.6 No business may be conducted at a Council Meeting unless it arises from:

(a) An Agenda item or accompanying report

(b) A Notice of Motion (in accordance with 6.20)

(c) Urgent Business (in accordance with section 6.8).

6.8 Urgent Business

6.8.1 Urgent Business can only be raised, subject to section 6.8.2 below, at a Council Meeting if:

(a) Council has, by resolution, admitted it

(b) It relates to or arises out of a matter which has arisen since distribution of the Agenda and deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter

(c) The item involves a matter of urgency as determined by the CEO and it cannot be addressed through an operational service request process.

6.8.2 Urgent Business cannot be raised at a Council Meeting if it:

(a) Substantially affects the levels of Council service

(b) Commits Council to significant expenditure not included in the adopted budget

(c) Establishes or amends Council Policy

(d) Commits Council to any contractual arrangement.

6.8.3 A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the CEO no later than 3pm on the day of the Meeting.

6.8.4 The CEO will advise the Chairperson of any matter determined as appropriate for Council to consider admitting as urgent business.

6.9 **Apologies, Leave of Absence and Absences**

6.9.1 If a Councillor has a planned period of leave or absence, a leave of absence should be sought from the Council at the Meeting prior to the absence.

6.9.2 Councillors who are unable to attend a Meeting must submit an apology in advance in writing or verbally to the Chairperson, the CEO or the Manager Governance

6.9.3 Council must move a Motion to accept or reject apologies and leaves of absence.

6.9.4 A Councillor who is absent from a Meeting and has not submitted and received Council approval of the apology or leave of absence will be recorded as absent.

6.9.5 All attendees, apologies, leave of absences and absentees will be recorded in the Minutes, in accordance with 6.27.

6.10 **Quorum**

6.10.1 In accordance with section 61 (4 and 7) of the Act the quorum required for Council Meetings will be not less than half the total number of elected Councillors.

6.10.2 In accordance with section 67 of the Act if a quorum cannot be maintained the Council must deal with the matter:

(a) in an alternative matter as defined by section 67(3)

(b) by establishing a Delegated Committee.

6.11 **Motions**

6.11.1 The Chairperson must not accept any Motion or amendment which is:

(a) Defamatory

(b) Objectionable in language or nature

(c) Outside the powers of the Council

(d) Not relevant to the item of business on the agenda and

(e) Not admitted as urgent business

(f) A previously Lost Notice of Motion as per 6.20.6

(g) Put during any suspension of standing orders.

6.11.2 Before any Motion is put to the vote it may be withdrawn with leave of the mover and seconder.

6.11.3 The Chairperson may require any complicated or lengthy Motion to be submitted in writing.

6.11.4 The process for moving a Motion is:

(a) Mover – a Councillor must read the Motion without speaking to it

(b) Seconder – another Councillor must nominate to second the Motion, as read

(c) If a Motion is not moved or seconded, then the Motion will lapse.

6.12 **Alternate Motions**

6.12.1 Where a Councillor proposes at 6.11.4 a Motion that is different from the Motion recommended in the Agenda this must be made explicit to all Councillors.

6.13 **Debate**

6.13.1 The procedure for any debate is:

(a) If a Motion is moved and seconded, then any Councillor who so desires may speak to the Motion in the order below for the following timeframes:

(i) Mover - 5 minutes

(ii) Seconder - 3 minutes (or reserve their right to speak later in the debate)

(iii) Any Councillor opposed to the Motion - 3 minutes

(iv) All other Councillors - 3 minutes, alternating for and against, if possible

(v) Seconder – must exercise or forfeit reserved right (if exercised above)

(b) When all Councillors have had the chance to speak:

(i) Mover – 2 minutes (right of reply or summary)

(ii) The Motion will then be put to a vote.

6.13.2 Debate must always be relevant to the Motion.

6.13.3 If after being requested to confine debate to the Motion, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further to that Motion. A Councillor who has the floor must not be interrupted except if:

(a) Another Councillor calls a Point of Order, in accordance with 6.18

(b) The Chairperson advises speaking time has elapsed or is about to elapse

6.13.4 Extensions of time shall be in increments of 3 minutes, in accordance with 6.19.1(b).

6.13.5 Once a vote on a Motion has been taken no further discussions relating to the Motion will be allowed unless the discussion is a Councillor:

(a) Requesting that their opposition to the Motion be recorded in the Minutes

(b) Calling for a Division, in accordance with 6.16

(c) Providing a Notice of Motion to rescind.

6.14 **Voting**

6.14.1 A Motion before a Council Meeting is to be determined as follows:

(a) Each Councillor present who is entitled to vote is entitled to one vote

(b) Voting will be by show of hands

(c) 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

(d) The Chairperson will first call for those in favour of the Motion and then those opposed to the Motion, and will declare the result of the Motion

(e) The Motion is carried if it receives an absolute majority of total number of votes

(f) In the event of a tied vote, the Chairperson must exercise the casting vote

(g) A Councillor present at the Meeting who abstains from voting is to be taken to have voted against the Motion.

6.15 **Resolution**

6.15.1 If a Motion is Carried it becomes a Council Resolution in accordance with section 59 of the Act.

6.16 **Procedures for a Division**

6.16.1 A division may be requested by any Councillor on any Motion.

6.16.2 The request for a division must be made to the Chairperson either prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

6.16.3 Once a division has been requested, the Chairperson will call for those Councillors voting for the Motion to raise their hand and then those Councillors opposed to the Motion, to raise their hand.

6.16.4 The vote taken during this division is a final vote.

6.16.5 The Minutes must record the names of Councillors and whether they voted for or against the Motion, in accordance with 6.27.

6.17 **Amendments to Motions**

6.17.1 An amendment to a Motion may be proposed by any Councillor, except the mover or seconder of the original Motion.

6.17.2 The amendment may be proposed at any time by a Councillor who has the floor. Once all Councillors have had the chance to speak an amendment will no longer be accepted.

6.17.3 An amendment must be seconded.

6.17.4 An amendment must not be a direct negative of the Motion.

6.17.5 If the mover and seconder for the original Motion accept an amendment:

(a) The amendment must be accepted

(b) The original Motion is deemed to have lapsed

(c) The amended Motion must be moved in accordance with 6.11.4 and may be debated in accordance with 6.13.1.

6.17.6 If the amendment is not accepted by the mover and/or seconder the procedure at 6.13.1 commences from the start with the following changes:

(a) The Motion is that the original Motion is revised to the amended Motion

(b) Debate on the Motion is limited to the change itself

(c) All timeframes are limited to 3 minutes

(d) There is no right of reply

(e) To avoid doubt all Councillors may speak to the amendment, whether or not they have spoken to the original Motion.

(f) If the amended Motion is:

(i) Carried, the amended Motion must be moved in accordance with 6.11.4 and may be debated in accordance with 6.13.1. To avoid doubt all Councillors may speak to the amendment, whether or not they have spoken to the original Motion.

(ii) Lost, the original Motion recommences from where it left off in Section 6.13.1.

6.17.7 Any number of amendments may be proposed to a Motion but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the original Motion or an amendment of it, can be taken into consideration until the previous amendment has been voted on.

6.18 **Points of Order**

6.18.1 A point of order may be raised by any Councillor at any time in relation to:

(a) A procedural matter

(b) A Councillor who is, or appears to be, out of order

(c) Any act of Disorder, as per 6.38

(d) An error in fact

(e) Objectionable/offensive language

(f) Lack of relevance to the Motion before the Council

6.18.2 A Councillor raising a point of order must state:

(a) The point of order

(b) The reason for the point of order.

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

6.18.4 The point of order:

(a) Must not be debated, though the Chairperson may seek any clarification necessary including from the CEO or Governance team

(b) Must be dealt with immediately. All other matters before the Council will be suspended until the point of order is decided. The Chairperson may adjourn the Meeting to consider and seek advice.

6.18.5 The Chairperson's decision is final.

6.18.6 If the Point of Order is with regard the Chairperson's actions the matter will be referred to the CEO for review in accordance with 6.18.4 - 6.18.5.

6.19 **Procedural Motions**

6.19.1 A Procedural Motion is a Motion that seeks to improve the meeting administration efficiency or effectiveness and doesn't produce any substantive action outside the meeting. Examples include:

(a) That this [Motion/Debate/Agenda Item] be:

(i) Deferred [until date or action trigger] – deferring debate

(ii) Put now to vote – ending debate

(b) That an extension of time [to a speaker's debate as per 6.13.4] be granted

6.19.2 A Procedural Motion:

(a) Must be moved and seconded

(b) May be moved at any time (excepting during another Councillor's debate time)

(c) Must be dealt with immediately by the Chairperson.

6.19.3 The Chairperson may reject the Procedural Motion if:

(a) The original Motion has not been sufficiently debated

(b) It is debate during the election of a Chairperson

6.19.4 A Procedural Motion:

(a) Cannot be moved by the Chairperson

(b) Proceeds directly to vote. No debate is permitted

(c) Cannot be amended.

6.20 **Notices of Motion**

6.20.1 During the Agenda Item Notices of Motion Councillors may give notice of Motions which they intend to move at a subsequent Council Meeting.

6.20.2 A Notice of Motion must contain the wording of the Motion and the date of the nominated Council Meeting.

6.20.3 No debate may be held during the Agenda Item Notices of Motion. Moving, debate and voting will occur, in accordance with 6.11, 6.13, and 6.14 respectively, at the nominated Council Meeting.

6.20.4 The Agenda for the nominated Council Meeting must include:

(a) The Motion

(b) Supporting written information prepared by the Councillor

6.20.5 The Agenda for the nominated Council Meeting may include a City staff report on the risks, financial implications and other considerations of the Motion, at the discretion of the CEO.

6.20.6 A Motion, that was a Notice of Motion, that is Lost cannot again be put before Council unless there is new information.

6.21 **Notices of Rescission**

6.21.1 A Councillor may propose a Motion to rescind a decision of the Council provided the previous Motion has not been acted upon.

6.21.2 A resolution is acted upon when the CEO or other officer initiate action or cause action to be initiated on any Council resolution at any time after the close of the Meeting at which it was carried. A resolution will be considered as having been acted upon once its details have been communicated to persons affected by or reliant upon the resolution or where a statutory procedure has been carried out.

6.21.3 Once a Notice of Rescission Motion has been given, either in writing or by a Councillor verbally, no further action is to be taken on the resolution.

6.21.4 A Notice of Rescission must be lodged in writing with the CEO or Manager Governance within two business days of the decision of the Council or such Notice is deemed to have lapsed, and must include:

(a) The decision to amended or rescinded

(b) The meeting and date when the decision was made

6.21.5 Councillor providing a Notice of Rescission Motion, is required to provide written justification that must include one or more of the following:

(a) the vote may not have accurately reflected the opinion held by the Meeting due to the misunderstanding of the Motion or for some other reason

(b) new information to hand

(c) some vital information has been overlooked.

6.21.6 A Notice of Rescission Motion must include the written endorsement of one other Councillor.

6.21.7 The CEO must inform the Councillor whether or not the Motion has been accepted or not, and any grounds for refusal and discuss the matter with the Chairperson and Councillors at the earliest opportunity.

6.21.8 Once a Notice of Rescission Motion is accepted by the CEO, consideration must be given to notifying relevant or effected residents or parties who may be impacted by such notice.

6.21.9 For a decision of the Council to be rescinded, the Motion for rescission must be carried by a Majority of the whole Council (which may include the casting vote of the Chairperson).

6.21.10 If a Motion for rescission is lost, a similar Motion may not be put before Council unless there is new information.

6.21.11 If a Motion for rescission is not moved at the Meeting for which it is listed, it lapses.

6.21.12 A Motion for rescission listed on an Agenda may be moved by any Councillor present but may not be amended.

6.22 **Meeting Time Limits**

6.22.1 The initial time limit of a Meeting is four hours.

6.22.2 The time limit may be extended, by Council resolution, limited to a maximum of two 30-minute extensions.

6.22.3 If at the end of the time limit, there is further business to be completed the Meeting must stand adjourned to 6pm on the following day.

6.23 **Adjournment**

6.23.1 The Chairperson may temporarily adjourn a Meeting for a short break, at two hours.

6.23.2 The Chairperson may temporarily adjourn a Meeting for a short break, at an appropriate point in proceedings, if required.

6.23.3 The Chairperson or the Council may adjourn any Meeting until a time and place to be determined, if required.

6.24 **Suspension of Standing Orders**

6.24.1 To expedite the business of a Meeting, the Chairperson may indicate an intention to suspend standing orders and may proceed on that intention with the support of the Meeting.

6.24.2 The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal Meeting procedure. (Public question time and recognition of achievements of staff and residents is conducted during the suspension of standing orders).

6.24.3 Its purpose is to enable the formalities of Meeting procedure to be temporarily disposed of while an issue is discussed.

6.24.4 It should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate Motion would be: "That standing order be suspended to enable discussion on …"

6.24.5 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."

6.25 **Joint Council Meetings**

6.25.1 Council may resolve to participate in a Joint Council Meeting to consider:

(a) Matters of joint interest

(b) Collaborative procurement

(c) Emergency Response

6.25.2 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.

6.25.3 Where 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.

6.25.4 No fewer than five Councillors will be appointed to represent Council at a Joint Council Meeting.

6.25.5 Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the CEO to facilitate a joint briefing.

6.25.6 A joint briefing may be held electronically.

Part Two - Conduct of Delegated Committee Meetings

6.26 **Delegated Committees**

6.26.1 All Delegated Committee Meetings will be conducted as per Council Meetings above (subject to section 6.26.2 below), as if reference to:

(a) Council was to the Delegated Committee

(b) Council Meeting was to the Delegated Committee Meeting

(c) Councillor was to the Delegated Committee member

(d) CEO, or delegate, was to the City contact person/secretariat.

6.26.2 The following are the exceptions to the above:

(a) **Chairperson**. In accordance with section 63 of the Act *a meeting of a delegated committee established by a Council must be chaired by*:

(i) a Councillor appointed by the Council or the Mayor

(ii) if the above person is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the delegated committee who are present at the meeting.

6.26.3 If Council establishes a Delegated Committee, they may modify how these Governance Rules will apply by Council resolution.

Part Three - Form and Availability of Meeting Records

6.27 Minutes

6.27.1 The Minutes must include:

(a) All attendees, apologies, leave of absences and absentees

(b) The arrival and departure of Councillors during the course of the Meeting (including any temporary departures or arrivals)

(c) The outcome of every Motion, being:

(i) Carried

(ii) Lost

(iii) Withdrawn

(iv) Lapsed

(d) Where a valid division is called in accordance with 6.16, the names of Councillors and whether they voted for or against the Motion

(e) Agenda items affected by and the reason for:

(i) Failure to achieve or maintain a quorum

(ii) Any adjournment of the Meeting

(iii) Suspension of standing orders

(f) Disclosure of any conflict interest and the reason for the conflict of interest, in accordance with 6.34 - 6.360.

(g) Date and time the Meeting was commenced and concluded

(h) Consecutive page numbering

(i) Consecutive item numbers with clear subject titles and, where appropriate, sub-titles

(j) A table of contents

6.27.2 The CEO is responsible for the keeping of minutes on behalf of the Council.

6.28 Confirmation of Minutes

6.28.1 The draft Minutes will be made available to:

(a) Councillors, within 7 business days

(b) Members of the public, by publishing them on Council's website, within 9 business days (with the exception of confidential items)

6.28.2 The draft Minutes will become final through a Motion to confirm the Minutes at the next Council Meeting.

6.28.3 If a Councillor is dissatisfied with the accuracy of the Minutes, then they must:

(a) State the item or items with which they are dissatisfied

(b) Propose a Motion clearly outlining the alternative wording to amend the minutes.

6.28.4 No debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate.

6.29 **Recording of Proceedings**

6.29.1 The CEO (or other person authorised by the CEO), may record on suitable recording equipment all the proceedings of a Council Meeting. The recording is for internal use only. The CEO may release all or part of a recording to respond to issues that may arise from time to time.

6.29.2 A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.

6.29.3 The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

Part Four - Election of the Mayor and Deputy Mayor

6.30 **Election of the Mayor**

6.30.1 In accordance with section 26 of the Act:

(a) Before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2-year term (sub-section 3).

(b) A Mayor is to be elected no later than:

(i) one month after the date of a general election (sub-section 1)

(ii) as close to the end of the term as is reasonably practicable (sub-section 4 or 5)

(iii) within one month after any vacancy in the office of Mayor occurs (sub-section 6)

6.30.2 Any Councillor (subject to section 167 (Serious Misconduct) of the Act) is eligible for election or re-election.

6.30.3 By convention at the City the election is resolved in camera then endorsed publicly at a Council Meeting.

6.30.4 The Mayor-Elect is determined at an informal assembly of Councillors (being not a Council Meeting as defined by section 61 of the Act) by:

(a) The CEO, or their delegate, will act as a Returning Officer.

(b) One Councillor not standing for election may act as scrutineer. If all Councillors stand for election, the Councillors may nominate one scrutineer.

(c) All Councillors present are required to vote and are entitled to one vote.

(d) If a candidate receives an absolute majority of total number of votes, they are declared Mayor-Elect.

(e) If a single candidate fails to receive an absolute majority of votes, there are further rounds of voting and each time the candidate with the least amount of votes is eliminated until a single candidate is declared in accordance with section (d) above.

(f) If at any stage there are candidates tied for the least number of votes, Councillors vote to eliminate a candidate. If there is still an even number of votes Councillors will pause for further discussion and vote again. If there is still an even amount of votes a candidate will be eliminated by ballot.

(g) If at any stage all remaining candidates are tied for the number of votes Councillors will pause for a period of time (agreed by a majority of Councillors) for further discussion and vote again. If all remaining candidates remain tied the Mayor-Elect will be drawn by ballot.

6.30.5 At the Council Meeting to elect the Mayor:

(a) The Mayor-Elect is nominated for the position of the Mayor. By convention it is expected that the Mayor-elect will be elected to be the Mayor.

(b) The Meeting will be:

(i) Conducted in accordance with section 25 of the Act

(ii) Chaired by the CEO

(iii) Open to the public

6.31 **Election of the Deputy Mayor**

6.31.1 The election of the Deputy Mayor will follow the same procedure as described above for the Mayor.

Part Five - Appointment of an Acting Mayor

6.32 **Acting Mayor**

6.32.1 From time to time it may be necessary for Council to appoint an Acting Mayor if:

(a) The Mayor is unable to perform the duties of Mayor due to ill health or other incapacitation

(b) The Mayor is on leave, interstate or overseas for more than one week

(c) Other unforeseen circumstances require.

6.32.2 In these circumstances the Deputy Mayor will be Acting Mayor.

6.32.3 If the Deputy Mayor is unable to fulfil the role of Acting Mayor, the position of Acting Major will be determined by Resolution of the Council.

Part Six - Election Period Policy

6.33 Election period

6.33.1 For the purpose of section 69 of the Act this election period policy is incorporated into these Governance Rules.

6.33.2 This policy must be reviewed not later than 12 months prior to the commencement of an election period.

Part Seven - Disclosure of Conflict of Interest

6.34 Conflict of Interest Definitions

6.34.1 The Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.

6.34.2 In accordance with section 126 of the Act a Relevant Person means a person who is a Councillor; a member of a delegated committee who is not a Councillor; or a member of City staff.

6.35 Conflict of Interest Obligations

6.35.1 Relevant Persons must:

(a) Avoid - situations which may give rise to conflicts of interest, if possible

(b) Identify – all conflicts of interest

(c) Disclose – or declare all conflicts of interest, clearly stating their connection to the matter

(d) Manage – all potential, perceived or actual conflicts of interest.

6.35.2 Relevant Persons must not:

(a) Exercise a delegation or make a decision on any matter where they have a conflict of interest

(b) Participate in any decision-making on a matter in which they have a conflict of interest

(c) Participate in any discussion with, or in the presence of, a decision-maker on a matter in which they have a conflict of interest

6.35.3 The following meeting procedures detail the disclosure and management procedures required under section 130(2)(a) and 131(2) of the Act.

6.35.4 Notwithstanding the above, Relevant Persons with a conflict of interest remain solely responsible for ensuring their conflict of interest is disclosed, recorded and appropriately managed.

6.36 Conflict of Interest Meeting Procedures

6.36.1 At the time indicated in the Agenda, a Relevant Person with a conflict of interest in an item on that Agenda must indicate they have a conflict of interest.

6.36.2 If there is no Agenda, a Relevant Person with a conflict of interest must indicate they have a conflict of interest as soon as reasonably practicable.

6.36.3 A Relevant Person declaring a conflict of interest must clearly state:

(a) The item for which they have a conflict of interest

(b) Whether their conflict of interest is general or material

(c) The circumstances that give rise to the conflict of interest.

6.36.4 Immediately prior to the consideration of the Agenda item in which they have a conflict of interest, a Relevant Person must:

(a) Indicate to the Meeting the existence of the conflict of interest

(b) Leave the Meeting

(c) Not communicate with any participants in the Meeting while the decision is being made or discussion held

6.36.5 All disclosures of conflicts of interest will be recorded in the Minutes the Meeting, including the action taken by the Relevant Person to leave the Meeting.

6.36.6 If there are no minutes kept of the Meeting, the conflict of interest will be recorded in a File Note and appropriately filed in the corporate record management system.

6.36.7 City staff may be permitted to provide advice to a decision maker despite a conflict of interest, subject to the above disclosure provisions, the Employee Code of Conduct and consideration of:

(a) The availability of suitable alternative sources of advice

(b) Providing balance to other suitable but differing alternative sources of advice

(c) The staff member's Director determination on the influence of the conflict of interest on the advice provided.

Part Eight - Meeting Protocols

6.37 Addressing the Meeting

6.37.1 Except for the Chairperson, any Councillor or person who addresses the Meeting must stand and direct all remarks through the Chairperson with all Councillors and Officers being addressed in the form of their official title.

6.37.2 The Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson.

6.38 Disorderly Conduct

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

6.38.2 Disorderly conduct includes, but is not limited to:

(a) Interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order (see 6.18)

(b) Making comments that are defamatory, malicious, abusive or offensive

(c) Refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules

(d) Engaging in any other conduct which prevents the orderly conduct of the Meeting.

6.38.3 The Chairperson may adjourn a disorderly Meeting for either a short time, or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.

6.38.4 Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:

(a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or

(b) The Chair, under section 19 of the Act, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the Meeting for a period of time or the balance of the Meeting.

6.38.5 Where Council suspends a Councillor, or the Chairperson directs a Councillor to leave the Meeting the Councillor will take no active part in the portion of the Meeting from which they have been suspended.

6.38.6 If a Councillor refuses to leave, as above, the Chairperson may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

6.38.7 It is an offence under the Act for a Councillor to refuse to leave the Chamber on suspension.

Part Nine - Other Committees

6.39 Audit and Risk Committee

6.39.1 The Act provides for Council to establish an Audit and Risk Committee to provide oversight.

6.39.2 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.

6.39.3 Council may resolve, in establishing an Audit and Risk Committee that the Meeting procedure chapter of these Governance Rules does not apply.

6.39.4 An Audit and Risk Committee must act in accordance with its Charter, as adopted by Council.

6.40 **Community Asset Committees**

6.40.1 Council shall resolve, in establishing a Community Asset Committee which sections of the Governance Rules apply.

6.40.2 As a minimum a Community Asset Committee must:

(a) Accurately and fairly Minute each meeting

(b) Report the Minutes of all Committee Meetings to the next practicable Council Meeting.

(c) Act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference specified by Council.

6.41 **Advisory Committees**

6.41.1 An Advisory Committee is a committee established by the Council that is not a Delegated Committee, that provides advice to:

(a) the Council

(b) a member of Council staff who has been delegated a power, duty or function of the Council

6.41.2 Council shall resolve, in establishing an Advisory Committee which sections of the Governance Rules apply.

6.41.3 As a minimum an Advisory Committee must:

(a) Accurately and fairly Minute each meeting

(b) Report the Minutes of all Committee Meetings to the next practicable Council Meeting.

(c) Act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference specified by Council.

7. REVIEW

7.1 Further information or advice on this policy should be directed to the Governance Unit at corporate.governance@Bendigo.vic.gov.au.

7.2 This Policy will be reviewed within 12 months of each municipal election.

8. ROLES AND RESPONSIBILITIES

8.1 The Chairperson, Councillors and Members of Delegated Committees will ensure good decision-making by endeavouring to ensure:

8.1.1 The Decision making is transparent to Members and observers

8.1.2 Meeting Members have sufficient information to make good decisions

8.1.3 Every Member is supported to contribute to decisions

8.1.4 Due process and natural justice in decision making for any person whose rights are affected

8.1.5 Debate and discussion focus on the issues at hand

8.1.6 Meetings are conducted in an orderly and respectful manner

8.1.7 Decisions are made on the merits of the matter

8.2 Councillors and Members of Delegated Committees contribute to good governance and decision making by:

8.2.1 Reading and understanding items in the Agenda and being aware of the community impact of these

8.2.2 Demonstrating due respect and consideration to community views and the professional / expert advice provided in the Agenda papers

8.2.3 Attending Meetings and participating in debate and discussion

8.2.4 Demonstrating respect for the role of the Chairperson and the rights of other Councillors or Members of Delegated Committees to contribute to the decision-making

8.2.5 Being courteous and orderly.

9. RELATED DOCUMENTS

9.1 The following documents are related to this Policy:

9.1.1 Local Government Act 2020 (Victoria)

9.1.2 City of Greater Bendigo Election Period Policy

9.1.3 Councillor Code of Conduct

10. HUMAN RIGHTS COMPATABILITY

10.1 The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

11. ADMINISTRATIVE UPDATES

11.1 It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation and by resolution of Council only.

12. Document History

Date Approved	Responsible Officer	Unit	Change Type	Version
Aug 2020	Manager Governance	Governance	Developed	1.0
Feb 2022	Manager Governance	Governance	Revision	1.1