

Governance Rules – Draft 2022 Review

| Chapter | Part | Rule | Section | Summary of Changes | Rationale |
|---------------------------|------|----------|---------------------------------------|---|--|
| Introduction | N/A | 2 | Commencement | Date of adoption | To reflect the date the revised Rules are adopted by Council |
| | N/A | 4 | Definitions | Inclusion of attendance by electronic means of communication | To address the legislative changes |
| 1 Governance Framework | N/A | 1 | Context | Correction to titles of Codes of Conduct | To accurately reflect the title of those documents |
| 2 Meeting Procedures | B | 4.1.5 | Election of Mayor | New Rule Requirement for a new Mayor to undertake training | To ensure that new Mayors are appropriately trained to support the effective management of their role and responsibilities |
| | B | 5 | Method of Voting | Amendment to existing Rule to allow a vote for the election of the Mayor to be by show of hand or such other visual or audible means as determined by the CEO | To allow flexibility in the method of voting in the election of the Mayor which may be required from time to time as the result of attendance by electronic means of communication |
| | B | 6.2 | Determining the Election of the Mayor | Minor amendment to remove the reference to verbal nominations | Consistent with the Maddocks Governance Rules template |
| | B | 6.4-6.12 | Determining the Election of the Mayor | Sub headings included to clearly identify the different scenarios that may occur in a Mayoral Election | Consistent with the Maddocks Governance Rules template |

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| | B | 6.4-6.12 | Determining the Election of the Mayor | Amendments made throughout to replace the term 'present' with 'in attendance' | To address the legislative changes regarding attending a meeting by electronic means of communication |
| | B | 6.9 | Determining the Election of the Mayor | Amendment to rule clarifying the use of a 'Lot' to determine a result | To ensure compliance with statutory requirements. The LGA 2020 requires that a Mayor is elected by Absolute Majority. A determination by 'Lot' may only be used to determine a defeated candidate |
| | C | 11 | Meetings not Fixed by Council | Amendment to heading to include reference to 'Unscheduled or Special Meetings' | Consistent with the Maddocks Governance Rules template |
| | C | 11.4 | Meetings not Fixed by Council | Amendment to replace the term 'present' with 'in attendance' | To address the legislative changes regarding attending a meeting by electronic means of communication |
| | C | 12 | Notice of Meeting | Amendment to replace 'his or her' with 'their' | To ensure gender neutrality |
| | C | 12.3.1 | Notice of Meeting | Deleted Rule | To ensure that public notice of all meetings are provided in a consistent manner, regardless of whether the meeting was 'fixed' or 'Unscheduled' |
| | C | 14.1 | Inability to Obtain a Quorum | New rule included clarifying the quorum requirement as being at least a majority of members of the Council | To provide clarity and ensure compliance with LGA 2020 requirements |

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| | C | 18.2 | Agenda and the Order of Business | Amendments to the order of business in an agenda | To ensure the Rules accurately reflect the existing order in which business in an agenda is heard |
| | C | 25.2 | Right of Reply | Amendment to replace 'his or her' with 'their' | To ensure gender neutrality |
| | C | 26.3 | Moving and Amendment | Existing rule reworded and expanded regarding what constitutes an amendment to a motion | To provide greater clarity regarding amendments to motions |
| | C | 31 | Default to Officer's Recommendation | New Rules 31.1 & 31.2 included In the event that a motion other than the officer recommendation contained in a report is moved and that motion is lost, and no other motion has been foreshadowed, the motion before the meeting will be the officer recommendation | To ensure the Rules allow for the officer recommendation to be considered if other motions are lost, and what procedures apply in order to move the officer recommendation in this situation |
| | C | 42 | Procedural Motions Table | Minor Amendments to the Procedural Motions Table | Consistent with the Maddocks Governance Rules template |
| | C | 46 | Notices of Rescission May be Moved by any Councillor | Amendment to replace the term 'present' with 'in attendance' | To address the legislative changes regarding attending a meeting by electronic means of communication |
| | C | 49.2 | Procedure for Point of Order | Amendment to replace 'his or her' with 'their' | To ensure gender neutrality |

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| | C | 51.4 | Public Question Time | Amendment to replace the term 'present' with 'in attendance' | To address the legislative changes regarding attending a meeting by electronic means of communication |
| | C | 53.2 | Petitions and Joint Letters | Minor amendment to remove reference to 'typing or printing' | Consistent with the Maddocks Governance Rules template |
| | C | 53.5 | Petitions and Joint Letters | Minor amendment to include reference to a 'hard copy' petition | To ensure the Rules accurately reflect that petitions may not necessarily be in hard copy form |
| | C | 54.2 | Casting Vote | Rule regarding when the Chair may not exercise a casting vote deleted | <p>This was inconsistent with the Act which states:</p> <p><i>61(5)(d) if the number of votes in favour of the question is half the number of Councillors present at the meeting at the time the vote is taken, the chairperson has a second vote</i></p> <p>Example: If there are 8 Councillors in attendance, 4 vote in favour of the motion, 3 vote in opposition of the motion, and 1 Councillor abstains – the vote is tied as the abstention is taken to be a vote against the motion. Accordingly, the Chair has a second vote in accordance with section 61(5)(d)</p> |
| | C | 58 | By Show of Hands | Rule renamed to 'How Votes are Cast' and amended to allow a vote to be by show of hand or such other visual or | To allow flexibility in the method of voting which may be required from time to time as the result of attendance by electronic means of communication |

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| | | | | audible means as determined by the Chair | |
| | C | 59.3.1 & 59.3.2 | Procedure for a Division | Amendments to existing Rules to align with the 'How Votes are Cast' amendments | To ensure consistency in the Rules regarding how votes may be cast |
| | C | 60 | No Discussion once Declared | Deleted text to refers to disposing of a motion after a vote is taken | To ensure the Rules do not contradict the ability for the officer recommendation to be considered after a lost motion (refer new Rule 31) |
| | C | 61.1.3 | Confirmation of Minutes | Amendment to remove 'he or she' | To ensure gender neutrality |
| | C | 64.1.2 & 64.1.3 | Form and Availability of Minutes | Amendment to replace the term 'present' with 'in attendance' | To address the legislative changes regarding attending a meeting by electronic means of communication |
| | C | 64.1.4 | Form and Availability of Minutes | Amendment to Rule requiring the type of conflict disclosed to be indicated as either 'general' or 'material' | Consistent with the Maddocks Governance Rules template |
| | C | 64.1.7 | Form and Availability of Minutes | Amendment to Rule to include abstention from voting in a division will be recorded in the minutes | Consistent with the Maddocks Governance Rules template |
| | C | 64.1.8 | Form and Availability of Minutes | Amendment to replace 'his or her' with 'their' | To ensure gender neutrality |

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| | C | 65.3 | Public Addressing the Meeting | Amendment to replace the term 'present' with 'in attendance' | To address the legislative changes regarding attending a meeting by electronic means of communication |
| | C | 66.1 | Chair May Remove | Amendment to replace 'his or her' with 'the Chair's' | To ensure gender neutrality |
| | C | 73 | Physical and Remote Attendance | New Section that sets out the mode of attendance and the requirements for requesting approval at a meeting by electronic means of communication | To address the legislative changes regarding attending a meeting by electronic means of communication |
| | C | 74 | Meetings Conducted Remotely | No Change to existing Rule – this rule appears in the tracked change document as a new inclusion, however it has simply been promoted in the order in which it is shown in the Rules | |
| 5 | N/A | 1 | Introduction | Deleted references to LGA 1989 | Division 1 Part 4 of the LGA 1989 has now been repealed therefore this reference is no longer relevant |
| | N/A | 2-8 | Disclosure of Conflict of Interest | Amendments throughout section to replace 'present' with 'in attendance' | To address the legislative changes regarding attending a meeting by electronic means of communication |
| | N/A | 2-8 | Disclosure of Conflict of Interest | Amendments throughout section to include requirement to indicate whether a conflict of interest is 'general' or 'material' | Consistent with the Maddocks Governance Rules template |

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| 6 | N/A | 2.1 | Confidential Information | Reference to LGA 1989 deleted | Section77(2)(c) of the LGA 1989 has now been repealed therefore this reference is no longer relevant |
| | N/A | 2.1 | Confidential Information | Amendment to replace 'he or she' with 'they' | To ensure gender neutrality |
| | N/A | 2.3 | Confidential Information | New Rule included | Consistent with the Maddocks Governance Rules template |