

## Proposed amendments to the Governance Rules of Frankston City Council

Rule	Description of change	Reason for change
Various	<b>Gender neutrality</b> Various amendments have been made throughout the document to adopt more gender neutral language.	Alignment with changing community standards.
3.1	<b>Definitions</b> The definition of 'senior officer' has been deleted.	The term is redundant following the repeal of relevant provisions in the LGA1989.
6.2	<b>Election of Mayor</b> Rule 6 has been redrafted to make it clearer that a lot is only to be conducted when there are three or more candidates and one of those candidates needs to be eliminated from the count. The requirement for nominations to be in writing has also been removed (consistent with remote meeting provisions).	Improved clarity and consistency with remote meeting provisions.
12.4	<b>Notice of meeting</b> References to "clear days" have been changed to the equivalent "business days" to align with the recommended change to Rule 24.1 (see below).	Improved clarity and consistency.
16.1	<b>Adjourned meetings</b> A new provision has been added in Rule 16.1 – Council may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.	Addresses a current gap in the Governance Rules – intended to ensure consistency of meeting venue, whilst allowing for exceptions.
24.1	<b>Notice of motion</b> A notice of motion is currently required to be delivered or sent electronically to the Chief Executive Officer by no later than noon at least <u>11 clear days</u> before the meeting at which it is intended to be considered. The reference to "clear days" can be problematic, particularly in circumstances where there is a public holiday prior to the meeting. Changing the requirement from "11 clear days" to "7 business days" would rarely result in a different deadline but would ensure that NoMs are submitted in time for inclusion in the draft agenda, so that they can be discussed at the draft agenda review. A definition of "business day" has also been added into the Definitions in Rule 3.1.	Addresses the issue which arises when there is a public holiday in the lead up to a Council meeting and ensures that notices of motion are submitted in time to be included with the draft agenda. Also provides improved clarity – the term "clear days" is not widely understood, but "business days" is a well-known phrase.
26.1.5	<b>Introducing a motion or amendment</b> The following unnecessary words have been deleted from the end of sub-Rule 26.1.5: <i>providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;</i>	Removal of unnecessary restriction and enables the Chair to open the matter up for general debate.
41	<b>Addressing the meeting</b> References to Mr and Madam Mayor have been removed to align with gender neutral language throughout the document.	Consistency with gender neutral language throughout the document.

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43	<p><b>Right to ask questions</b>                      Minor amendments have been made to the wording of sub-Rules 43.1 and 43.4, as shown below:                      43.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of <del>the motion or amendment</del> <b>any matter or item of business</b> before the Chair.                      ...                      43.4 The Chair has the right to limit <b>or disallow</b> questions, and direct that <b>any</b> debate be commenced or resumed.</p>	Broadens the application and enhances the Chair’s ability to appropriately manage questions.
44	<p><b>Procedural motions table</b> – item 2 (adjournment of debate indefinitely)                      The reference to call of the Council (s.85 of LGA1989) has been removed from the “when prohibited” column because the call of the Council provision was not replicated in the LGA2020.</p>	Repeal of s.85 of LGA1989.
57.3.1	<p><b>Question time</b>                      Terminology has been changed. Rule 57 now refers to questions being “in writing’ (instead of previous reference to questions being “in hard copy or sent electronically”).</p>	Consistency with remote meeting provisions.
57.7	<p><b>Question time</b>                      Reference to ‘in the gallery’ (in relation to the person who submitted the question being present) has been removed.</p>	Consistency with remote meeting provisions.
58.1	<p><b>Petitions and joint letters</b>                      The word ‘fixed’ (in relation to the next fixed meeting of council) has been inserted.</p>	Updated to align with terminology used in LGA2020 and elsewhere in the Governance Rules (eg. Rules 9 & 11)
58.4	<p><b>Petitions and joint letters</b>                      The reference to ‘hard copy form’ has been replaced with reference to a document being ‘in writing’.</p>	Updated terminology is broader. It covers online petitions.
58.10	<p><b>Petitions and joint letters</b>                      New provision has been added to expressly permit electronic or online petitions and joint letters.  <i>(see end of table for further information regarding the proposed acceptance of online petitions).</i></p>	Addresses a current gap in the Governance Rules.
66	<p><b>How motion determined</b>                      The following explanatory note has been added to reflect the position set out in section 61(5) of the LGA2020: <i>A motion is carried if a majority of the Councillors present at a meeting at the time the vote is taken vote in favour of the motion. A Councillor who abstains from voting is taken to have voted against the motion.</i></p>	Clarifies the legal position where a Councillor abstains from voting on a matter.
67	<p><b>Voting</b>                      The requirement for voting to be in silence has been amended to better facilitate remote attendance.</p>	Consistency with remote meeting provisions.
69.2	<p><b>Casting vote</b>                      A new provision has been added to provide for the Chair to adjourn a meeting to consider how to cast their casting vote.</p>	Addresses a current gap in the Governance Rules.

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Rule	Description of change	Reason for change
70	<b>Voting – By show of hands</b> Rule title has been amended from “By show of hands” to “how votes are cast” and content has been added to better facilitate remote attendance.	Consistency with remote meeting provisions.
73	<b>Confirmation of minutes</b> Procedure for confirmation of minutes has been amended to incorporate a detailed procedure which could be used in the event that there was opposition to the minutes.	Addresses a current gap in the Governance Rules.
76.1.4	<b>Form and availability of minutes</b> The procedure for recording declarations of conflict of interest made in a Council meeting has been amended to require the minutes to include the explanation given by the Councillor, and whether the interest was said to be a general or material conflict of interest.	Better reflects the provisions in 2020 Act.
82.1	<b>The Chair’s duties and discretions</b> Sub-rule 82.1 has been added to specify that the Chair must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community. The following sub-Rules have been renumbered.	Addresses a current gap in the Governance Rules.
84	<b>Mode of attendance</b> New provisions for attendance via electronic means, and related matters, have been inserted as Rule 84.	Achieves compliance with new requirements which were introduced by the Regulatory Legislation Amendment (Reform) Act 2022.
85	<b>Meetings conducted remotely</b> The wording of this Rule (formerly Rule 84) has been amended to align with the updated legislation and the above provisions.	Aligns with new requirements introduced by the Regulatory Legislation Amendment (Reform) Act 2022.
86	<b>Criticism of members of Council staff</b> New provision to enable CEO (at the discretion of the Chair) to make a brief statement to respond to any statement made by a Councillor at the Council meeting criticising the CEO or any member of Council staff.	Addresses a current gap in the Governance Rules. Provides for a CEO to speak up if there is unfounded criticism, which addresses the risk that their silence might be assumed to equal acquiescence.
	Chapter 6 – Disclosure of Conflicts of interest Introduction removed – unnecessary following repeal of relevant provisions in LGA1989. Subsequent paragraphs have been renumbered.	The introduction is redundant following the repeal of relevant provisions in the LGA1989.