Bayside City Council

Governance Rules (Policies)

DRAFT

Bayside CITY COUNCIL

1 Nature of Governance Rules (Policies)

1.1 Council's Governance rules direct that Council may adopt accompanying policies to be read in conjunction with its Governance Rules.

2 Date of Commencement and Review of these policies

2.1 These Policies were adopted and commenced on xx xxxxxx 2026.

2.2 The Chief Executive Officer may review the Governance Rules (Policies) in conjunction with any review of the Governance Rules or make adjustments to Governance Rules (Policies) as required to facilitate the effectiveness of Council's meeting procedures.

3 Governance Rules (Policies)

3.1 Public Question Time Policy

3.2 Petitions and Joint Letters Policy

3.3 Individual Presentations Policy

3.4 Terms of Entry to Council Chamber (Policy)

3.5 Use of Council's Common Seal (Policy).

3.1 PUBLIC QUESTION TIME POLICY

(1) There must be a public question time at every Council Meeting fixed **under Rule 15** of Council's Governance Rules to enable members of the public to submit questions to Council.

(2) Rule 1 of this Policy does not apply during any period when a Meeting is closed to members of the public in accordance with section 66(2) of the Act.

(3) Public question time will not exceed 15 Minutes in duration.

(4) Questions submitted to Council must be:

(a) in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and

(b) sent electronically or delivered to Council's Corporate Centre by 9.00 am on the **business** day immediately preceding the day of the Council Meeting.

(5) No person may submit more than 2 questions at any 1 Meeting. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than two questions are received, only the first two questions will be considered. All parts of the question must be relevant to the same subject of enquiry.

(6) The Chair must read to those present at the Meeting a question which has been submitted in accordance with this **policy**.

(7) The Chair or a member of Council staff nominated by the Chair may read to those in attendance at the Meeting a question which has been submitted in accordance with this Policy.

(8) There is no requirement for a questioner to be present at the meeting in order to have their question and the response read out.

(9) A question may be disallowed if the Chair or Chief Executive Officer or by the Chair determine that it does not comply with the relevant meeting procedures outlined in Council's Governance Rules.

(10) Any question which has been disallowed by the Chair or Chief Executive Officer must be made available to any other Councillor upon request.

(11) All questions and answers must be as brief as possible, and no further questions arising out of anything said will be allowed, and no discussion may be allowed other than by Councillors for the purposes of clarification.

(12) Like questions may be grouped together and a single answer provided.

(13) The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.

(14) The Chair or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question.

(15) The name of the questioner, the question and the response (if the question and response are read out at the meeting) must be recorded in the Minutes, as an official record of the questions dealt with at the Meeting.

(16) Where the 15 minutes allotted to Public Question Time has expired, the remaining questions and responses will not be read at the Meeting and will not be recorded in the Minutes of the Meeting. A written response will be provided to all questioners.

DRAFT

3.2 PETITIONS AND JOINT LETTERS POLICY

(1) Unless Council determines to consider it as an item of urgent business, no Motion (other than a Motion to receive the same) may be made on any petition or joint letter~~, memorial or other like application~~ until the next Council Meeting after that at which it has been presented.

(2) It is incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language which is disrespectful towards Council.

(3) Every Councillor presenting a petition or joint letter to Council must confine themself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the ~~text of the prayer or request~~ **action or outcome sought.**

(4) Every hard copy petition or joint letter presented to Council must be in writing (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 15 people, and will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.

(5) ~~A petition must include a prayer on every page of a petition, consisting of the following words: *"We the undersigned hereby petition Bayside City Council…."*~~

No particular form of words is required for a petition or joint letter.

(6) Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

(7) ~~Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by Council.~~ **Each page of a hard copy petition containing signatories must clearly state the matter to which the petition relates and the action or outcome sought from Council.**

(7A) Any signature appearing on a page that does not comply with clause (7) may not be considered by Council.

(8) Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.

(8A) A petition or joint letter is not invalid by reason only of a minor defect in form, administration or procedure and may be accepted by the Chief Executive Officer or delegate where the intent and requirements of this Policy have been substantially met.

(9) The only Motions that may be moved in relation to petitions set out in the Agenda are:

(a) That the petition be received;

(b) That the petition be received and a report be submitted to a specific Meeting cycle for consideration;

(c) That the petition be considered at a specific time or in conjunction with a specific item;

(d) That the petition be dealt with in conjunction with another item on this Agenda or any other Council or Special Committee Agenda; and

(e) That the petition be referred to the Chief Executive Officer for consideration and response.

DRAFT

(10) If a petition **or** joint letter~~, memorial or other like application~~ relates to an operational matter, Council must refer it to the Chief Executive Officer or relevant Director for consideration and response.

(10A) A petition or joint letter does not constitute an appeal, review or objection mechanism in respect of an individual administrative, regulatory or enforcement decision of Council.

(10B) Where the Chief Executive Officer or delegate determines that a petition or joint letter relates primarily to:

(a) the review, reversal or reconsideration of an individual administrative, regulatory or enforcement decision;

(b) the exercise of a statutory power or discretion by an Authorised Officer or Council officer; or

(c) a matter for which a specific statutory, internal review, objection, appeal or enforcement process is available, the petition or joint letter need not be presented to a Council Meeting and may instead be referred to the relevant Council officer or department for consideration and response under the applicable legislative, policy or administrative process.

(10C) Without limiting clause (10B), this may include petitions or joint letters seeking review of an individual infringement, permit, licence, Notice to Comply, local law enforcement action, regulatory notice or similar operational determination.

(11) No member of the public is permitted to speak to the petition when presented at a Council Meeting. Individuals may request to speak or submit a written statement in relation to the petition if a report on the item is considered by Council at a later Meeting.

(12) The Chief Executive Officer or delegate may determine that an online petition will be submitted to a Council Meeting. An online or electronic petition may be submitted to a Council Meeting.

(13) ~~The online petition must contain a petition prayer, consisting of the following words: *"We the undersigned hereby petition Bayside City Council…*.~~The online petition must include the name, suburb and postcode of each petitioner and must be submitted via Bayside's specific online petition template.

(14) The number of signatories to an online petition (must be a minimum of 50 electronic signatories), and will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.

(15) A petition will not be presented to a Council Meeting if it contains content that appears to be false or misleading.

3.3 INDIVIDUAL PRESENTATIONS POLICY

1. Individual Presentations to Delegated Committee Meetings, Council and Special Council Meetings

An individual wishing to make a presentation to a designated Meeting of a Delegated Committee or at a Council Meeting or Special Council Meeting may submit a request to speak and/or a written statement to the Chief Executive Officer or their delegate.

2. Time of Request

(1) A request to speak and/or a written statement must be sent electronically or delivered to/lodged at Council's Corporate Centre before 9.00 am on the business day immediately preceding the designated Delegated Committee or Council Meeting.

(2) The request to speak and/or written statement must specify the name, address and contact telephone number of the person and the item to which their request and/or written statement relates to.

(3) Requests to speak and/or written statements received after 9.00am on the business day immediately preceding the designated meeting will not be considered by the Delegated Committee or Council (as the case may be).

3. When a Presentation Can Be Made

A person may only make a presentation to:

(a) a Council Meeting in relation to an item listed in the Agenda under 'Reports by the Organisation', and even then not if the item is in the nature of a report summarising a decision already made by another body; or if the report ~~relates to a Tender Report relating to the awarding of a contract~~ **concerns the evaluation of tenders, quotations or other procurement processes, or the award of a contract arising from such a process.**

(b) a Special Council Meeting in relation to an item in the Agenda under 'Reports by the Organisation' and even then, not if the item is in the nature of a report summarising a decision already made by another body; or if the report ~~relates to a Tender Report relating to the awarding of a contract~~ **concerns the evaluation of tenders, quotations or other procurement processes, or the award of a contract arising from such a process.**

(c) a Delegated Committee in relation to an item listed on the Agenda for the Meeting of the Delegated Committee, and even then, not if the item is in the nature of a report summarising a decision already made by another body.

4. Limitations Upon Presentations

In respect of items on the Agenda for a Council Meeting, Special Council Meeting, or Delegated Committee Meeting (subject to clause ~~61~~ **3** (a), (b) and (c) of ~~Council's meeting procedure~~ **this policy**:

Speakers

(1) An individual addressing the Delegated Committee or Council Meeting cannot speak for more than 2 Minutes and no further extension of time can be granted.

- A maximum of 10 registered speakers per item to be accepted. (up to 5 speakers 'for' and up to 5 speakers 'against' the recommendation.

(2) Where a group or association wishes to be heard at a Meeting, they must nominate only one authorised spokesperson for the group or association to speak for an issue upon which the group or association may wish to be heard.

DRAFT

(3) Where an individual has requested that another individual speak on their behalf, the spokesperson must not have spoken or be listed to speak in relation to that item.

(4) A maximum of 1 member per place of residence may speak to an item (address to be provided at time of registration).

(5) Where a member of the public has requested to be heard in relation to an item on the Agenda, and they are not present at the time of calling them to the microphone, and subsequently arrives in the gallery after their name has been called or once the debate on the item has commenced, the person previously called will not be afforded the opportunity to speak to the item.

(6) A Councillor must not ask the speaker to continue the speaking opportunity after the two (2) Minutes has expired. Only questions to the speaker relating to clarification of points raised by the speaker may be asked of the speaker.

(7) A list of registered speakers to eligible agenda items is provided to Councillors and published via Council's website on the business day immediately preceding the designated meeting.

Written Statements

(8) An individual may submit a written statement (maximum of four (4) A4 single pages).

(9) Any written statement which ~~is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community~~ **does not comply with the meeting conduct standards outlined in Council's Governance Rules** may be redacted or may not be accepted by the Chief executive Officer or their delegate.

(10) Formal written statements received in relation to an eligible agenda items will be provided to all Councillors and published via Council's website on the business day immediately preceding the designated meeting.

(11) Written statements will not be read out at the relevant meeting; however, the Chair will advise the meeting of the number of statements received to each item and the names of the submitters. The names of the submitters will be published in the Minutes of the meeting.

Meetings held wholly by electronic means

(12) In consideration of meetings held wholly by electronic means, the Chief Executive Officer, ~~in accordance with sub-Rule 84 (3), must~~ **may** (where practicable) enable individual presentations to include speakers and the written statements. In instances where this is not practicable, individual presentations may be limited to Written Statements only.

5. Questions But No Discussion Permitted to submitters

Following a speaker's presentation, members of the Delegated Committee or Councillors at a Council Meeting or Special Council Meeting or members of Council staff at either Meeting may only ask the speaker questions or seek clarification of issues raised by the speaker in their presentation which may assist in the deliberations prior to the elected body making a decision, but no discussion will be allowed.

6. Individual Presentations Pursuant to Section 223 of the *Local Government Act 1989* (Delegated Committee – Hearing of Submissions)

(1) Council from time-to-time will establish a Delegated Committee pursuant to Section 223 of the *Local Government Act* 1989 to provide an opportunity to hear from community members in a formal setting on key issues.

(2) A Hearing Committee will be comprised only of Councillors.

(3) Where an issue affects a large proportion of the Bayside community, all Councillors will be appointed to the Hearing Committee.

DRAFT

(4) Where an issue affects a ward related matter, a minimum of three Councillors to be appointed to the Hearing Committee, one of which must be the ward councillor.

(5) (Community members will be provided with reasonable notice of the date and time that they will be invited to address a Hearing Committee.

(6) Council may resolve that the Hearing Committee Meetings will be held electronically and make provisions for community members to address the committee by a video conferencing tool.

(7) Council may resolve a Hearing Committee will be livestreamed.

(8) A summary of proceedings of all Hearing Committee Meetings held will be reported to Council.

(9) Where a request to be heard has been received in accordance with section 223 of the *Local Government Act 1989*, the speaker must be afforded a reasonable opportunity to speak in support of their submission for up to a maximum period of 10 Minutes, with no further extension of time to be granted. Councillors may through the Chair, question or seek clarification of any submitter in relation to their submission.

(10) Where a submitter has been heard in accordance with section 223 of the *Local Government Act 1989* at a Delegated Committee established for that purpose, or where there are no submitters at a section 223 hearing, no further opportunity will be afforded to make a presentation on the subject matters when it is considered at the Council Meeting or Special Council Meeting.

7. Relaxation of Requirement

Nothing ~~in this Division~~ **policy** prevents:

(a) the Chief Executive Officer determining which Delegated Committee Meeting will consider the request for the individual to be heard;

(b) arranging for a deputation or individual to meet with a group of Councillors;

(c) Council from resolving to hear from a deputation or individual at any time; or

(d) Council from:

i) terminating the appointment of or not appointing any Delegated Committee; or

ii) resolving that a Delegated Committee empowered to hear an individual wishing to be heard, to no longer hear from the individuals wishing to be heard.

In which case any reference in ~~clauses 60-64 (inclusive) and sub-clause (1)~~ **this policy** to a Delegated Committee will be read as a reference to Council.

DRAFT

3.4 TERMS OF ENTRY TO COUNCIL CHAMBER (POLICY)

1. Purpose

The conditions of entry define acceptable conduct and behaviour of visitors to the Council Chamber (or equivalent facility) of Bayside City Council, ensuring a safe and welcoming environment for everyone.

2. Scope

These conditions of entry apply to all Bayside City Council premises where Council meetings are held.

3. Conditions of entry

All visitors to any Bayside City Council premises where Council meetings are held **must**:

- conduct themselves in a courteous and respectful manner to staff and other visitors
- wear reasonable attire including footwear and a shirt
- present any container or bag for inspection on the request of an Authorised Officer
- follow all reasonable requests from an Authorised Officer to modify disruptive or unsafe behaviour
- leave the building if instructed by an Authorised Officer
- only enter during opening hours unless otherwise authorised.

Visitors **must not**:

- act in a manner contrary to any sign
- consume alcohol, illicit drugs or misuse substances
- smoke any tobacco product or use a device which is used to inhale vaporized liquid containing nicotine, flavourings, or other chemicals inside or within 10 metres of any entry or exit of a Council building
- bring any animal in to or allow any animal under their control to remain in, a Council building, except for a registered assistance animal, evidence must be provided upon request by an Authorised Officer
- act in contrary to the meeting conduct standards in accordance with Council's Governance Rules.

4. Registered assistance animals

- The person in apparent control of any dog must keep the dog restrained by means of a chain, cord or leash not greater than three metres in length, and is attached to the dog when the dog is in any Public Place in the municipality.
- The chain, cord or leash must be held by or attached to the person in apparent control of the dog.
- The person in apparent control of any dog must ensure that the dog is under Effective Control at all times when in any reserve or Public Place within the municipality, including a permitted off-leash area or reserve.

DRAFT

5. Enforcement

Failure to comply with any reasonable direction by an authorised staff member or the Chair to rectify a breach of these conditions may result a ban on entry to the Council Chamber, and/or referral to the police for further action.

6. Access, equity and inclusion impacts

Bayside City Council actively supports the substantive rights outlined in the Charter of Human Rights and Responsibilities Act 2006 (Vic.), notably those of relevance to the role and function of Public Place including freedom of thought, conscience, religion and belief, freedom of expression, taking part in public life and cultural rights.

7. Display of Placards and Posters

(1) A person must not display any placards or posters in the Council Chamber or in any building where a Council Meeting or a Delegated Committee Meeting is being or about to be held, other than outside the entrance to the building and even then only if it does not obstruct the entrance of the building.

(2) A person must not:

(a) display any offensive, indecent, insulting or objectionable item or words in the Council Chamber; or

(b) obstruct the entrance to the Council Chamber or a building where a Council Meeting or a Delegated Committee Meeting is being or about to be held.

8. Recording of Council Meetings

(1) The Chief Executive Officer, or their delegate may record the Meetings via webcast camera and audio all proceedings of a Council Meeting, Special Council Meeting or a Delegated Committee Meeting except where the Meeting is closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020.*

(2) Recordings of proceedings will be retained and available to the public for viewing or listening for a period of 12 months from the date of the Meeting.

(3) Members of the public are to be advised that the Meeting is being recorded or filmed and may be streamed live and as an archive on Council's website. Members of the public are to be advised by appropriate signage that while care is taken through filming to maintain a person's privacy as an attendee in the gallery, they may be recorded on camera and audio.

(4) Subject to clause 8 (1) of this policy, members of the public must not operate photographic, audio or video recording equipment or any other recording device that may disrupt the Meeting proceedings.

9. Related legislation and/or regulations

- Bayside City Council Governance Rules
- Domestic Animals Act 1994 - Section 26 (2) Order.

DRAFT

10. Definitions

Reference term	Definition
Authorised Officer	'Authorised Officer' means a person appointed as an authorised officer under section 224 of the Local Government Act 1989 and includes a member of Victoria Police appointed under that section.
Council	'Council' means Bayside City Council.
Council Chamber	'Council Chamber' means the Bayside City Council Chambers or equivalent facility which may include a temporary Council meeting facility.
Effective Control	'Effective Control' means, but is not limited to: • on a leash of not more than three metres in a Public Place (other than a Designated Area or Reserve; and • is under effective voice and or hand control and within constant sight if in a Designated Area or Reserve; and • capable of being controlled to such an extent that no damage and or injury could be or is caused to any person or animal; and • does not bother or worry other people; and • is restrained and prevented from digging, burrowing or otherwise disturbing turf, grassed areas or the earth in any way; and • is restrained and prevented from damaging property or Council assets.
Visitor	'Visitor' means someone who visits a person or place.

3.5 USE OF COUNCIL'S COMMON SEAL (POLICY)

Explanatory note:

The purpose of this Policy is to provide for the security and proper use of the Common Seal. The Common Seal is the corporate signature of Council, and exists in the form of a stamp. It evidences Council's corporate will and authenticates decisions taken and acts performed by Council

As many of the powers, duties and functions of Council are delegated to the Chief Executive Officer and other members of Council staff, the Common Seal of Council is only use on legal documents such as local laws, contracts, agreements, transfer of land, significant letters, and other documents where required by legislation.

(1) The Chief Executive Officer must ensure the security of the Common Seal at all times.

(2) The affixing of the Common Seal to any document must be attested to by not less than two persons, comprising both:

(a) the Mayor and Chief Executive Officer; or

(b) in the absence of the Mayor, by one Councillor and the Chief Executive Officer or a member of Council staff delegated this function by Council.

(3) Where Council authorises the Common Seal to be affixed to any document, the Chief Executive Officer must record the description of the document sealed is entered into the seal register.

(4) Where the Common Seal is affixed to a document on the authority of Council, the sealing clause must contain the following words:

The Common Seal of **BAYSIDE CITY COUNCIL**
was affixed this …... (no. of day)….....(month)
….....(year) in the presence of:

….....Mayor/Councillor

….....Chief Executive Officer

DRAFT