

**GREATER SHEPPARTON CITY COUNCIL**

# **PUBLIC TRANSPARENCY POLICY**

Adopted by Council: xx xxxx 2020  
Next Review: xx xxxx 2021



**PUBLIC TRANSPARENCY POLICY**

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<b>Business Unit:</b>	Corporate Governance
<b>Responsible Officer:</b>	Manager Corporate Governance
<b>Approved By:</b>	Chief Executive Officer
<b>Adopted By:</b>	Council xx xxxx 2020
<b>Next Review:</b>	xx xxxx 2021

**DOCUMENT REVISIONS**

<b>Version #</b>	<b>Summary of Changes</b>	<b>Date Adopted</b>
1	Policy first drafted and adopted.	xx xxxx 2020

**PURPOSE**

*This policy supports Council in its ongoing drive for good governance, promotes the importance of open and accountable conduct, and provides guidance on how council information is to be made publicly available.*

*Council must adopt and maintain a public transparency policy under section 57 of the Local Government Act 2020 (the Act). This policy gives effect to the Public Transparency Principles outlined in section 58 of the Act.*

**OBJECTIVE**

*The objective of Council's Public Transparency Policy is to formalise its support for transparency in its decision-making processes and raise public awareness of the availability of Council information. As a result, this policy seeks to promote:*

- a) Greater clarity in Council's decision-making processes;*
- b) Increased confidence and trust in the community through greater understanding and awareness;*
- c) Council decisions enhanced by accountability to the community;*
- d) Improved Council performance;*
- e) Access to information that is current, easily accessible and disseminated in a timely manner;*
- f) Reassurance to the community that Council is spending public monies wisely.*

*This policy covers documentary information, process information and how information will be made available to the public. It is an integral part of council's governance framework.*

**SCOPE**

*This policy applies to Councillors and Council staff.*

**DEFINITIONS**

<b>Reference term</b>	<b>Definition</b>
Council	Means the Greater Shepparton City Council.
Community	Community is a flexible term used to define groups of connected people. In this Policy it is used to describe people of a municipality generally, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality. More specifically, it can refer to everyone affiliated with the municipality, or smaller groups defined by interest, identity or location, and not necessarily homogenous in composition or views. Different types of communities often overlap and extend beyond municipal boundaries. Communities may be structured, as in clubs or associations or unstructured, such as teens. Communities are flexible and temporary, subject to individual identity and location.

Reference term	Definition
Closed Meetings	When Council resolves to close the meeting to the general public, in order to consider a confidential matter regarding issues of a legal, contractual or personnel nature and other issues deemed not in the public interest.
Consultation	The process of seeking input on a matter.
Public Participation	Public participation encompasses a range of public involvement, from simply informing people about what Council is doing, delegating decisions to the public and community activity addressing the common good.
Stakeholder	An individual or group with a strong interest in the decisions of Council and are directly impacted by their outcomes.
Transparency	A lack of hidden agendas or conditions, and the availability of all information needed in order to collaborate, cooperate and make decisions effectively. Importantly, “transparency” is also a human rights issue: the right to have the opportunity, without discrimination, to participate in public affairs.

## POLICY

### 1. What Council Will be Transparent With

#### a. Decision Making at Council Meetings

- Will be undertaken in accordance with the Act and the Governance Rules.
- Will be conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules.
- Will be informed through community engagement, in accordance with the Community Engagement Principles and Council’s Community Engagement Policy.
- Will be made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered.

#### b. Council Information

A list of available information is provided in the Part II Statement published in accordance the *Freedom of Information Act 1982*. Part II of the *Freedom of Information Act 1982* requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds. This information includes but is not limited to:

Documents such as:

- Plans and Reports adopted by Council;
- Policies;
- Project and service plans;
- Grant application, tenders and tender evaluation material;
- Service agreements, contracts, leases and licences;
- Council leases, permits and notices of building and occupancy; and
- Relevant technical reports and / or research that informs decision making.

Process information such as:

- Practice notes and operating procedures
- Application processes for approvals, permits, grants, access to Council services
- Decision making processes
- Guidelines and manuals
- Community engagement processes
- Complaints handling processes.

The following Council records will be made publicly available on Council's website or upon request:

- Council meeting agendas
- Reporting to Council
- Minutes of Council meetings
- Reporting from Advisory Committees to Council through reporting to Council
- Audit and Risk Committee Performance Reporting
- Terms of reference or charters for Advisory Committees
- Registers of gifts, benefits and hospitality offered to Councillors or Council Staff
- Registers of travel undertaken by Councillors or Council Staff
- Registers of Conflicts of Interest disclosed by Councillors or Council Staff
- Submissions made by Council
- Registers of donations and grants made by Council
- Registers of leases entered into by Council, as lessor and lessee
- Register of Delegations
- Register of Authorised officers
- Register of Election campaign donations
- Summary of Personal Interests
- Any other Registers or Records required by legislation or determined to be in the public interest.

Council will make available the following records for inspection.

- Summary of Personal Interests ('Register of interests' until 24 October 2020)
- Submissions received under section 223 of the Local Government Act 1989 until its repeal or received through a community engagement process undertaken by Council; and
- Other records as outlined on Council's website.

c. Publications

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to council. You can download them from our website or call Council for a copy.

## 2. Access to Information

- Information will be made available on the Council website, at Council offices, or by request.
- Members of the public can make different kinds of information requests to the council (e.g. informal requests for documents and information or formal FOI requests).
- Consideration will be given to accessibility and cultural requirements.
- Council will facilitate public awareness of the availability of Council information.
- Consideration will be given to confidentiality in accordance with the Act and public interest test where appropriate.
- Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.

## 3. Information not Available

Some Council information may not be made publicly available. This will occur if the information is confidential information, if its release would be contrary to the public interest, or not in compliance with the *Privacy and Data Protection Act 2014*.

“Confidential information” is defined in section 3 of the *Local Government Act 2020*. It includes the types of information listed in the following table.

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.

Type	Description
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information.
Internal arbitration information	Confidential information relating to internal arbitration about an alleged breach of the councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter.
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> .

The Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act. However, this will not happen if release is contrary to law, in breach of contractual requirements or if releasing the information is likely to cause harm to any person or it is not in the public interest to do so.

Where information is not confidential, and not already available, Council will apply the principles of a public interest test with consideration also of the resources required to respond to the request.

#### 4. Responsibilities

It is the role of all Council employees to promote and facilitate access to council information in accordance with the public transparency policy.

Party/parties	Roles and responsibilities	Timelines
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.	Ongoing
Executive Leadership Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this policy.	Ongoing
Senior Leadership Group	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.	Ongoing
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.	Ongoing

Party/parties	Roles and responsibilities	Timelines
Manager Corporate Governance	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing
Team Leader Governance	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing

## 5. Human Rights Charter

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this Policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs.

## 6. Non-Compliance with this Policy

If a member of the community has concerns regarding Council's compliance with this policy or wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If dissatisfied with the response, the matter can be referred to Council's Governance Compliance Officer who will review the matter.

If not satisfied with Council's decision, the matter can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222 or via the website – [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au).

## 7. Other Ways to Access Information

The *Freedom of Information Act 1982* gives you right of access to documents that Council holds. Council is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner. Read more at [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au).

A list of available information is provided in the Part II Statement (Statement) published on Council's website in accordance the *Freedom of Information Act 1982*. This Statement requires government agencies and local councils to publish a number of statements designed to assist members of the public to access the information they hold.

If you cannot find the information you require, call us directly as we may be able to assist you.



**RELATED POLICIES**

- Community Engagement Policy 07.POL4
- Freedom of Information Policy 37.POL11
- Privacy Policy 37.POL12
- Records and Information Management Policy 49.POL1

**RELATED LEGISLATION**

- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Equal Opportunity Act 2010*

**MONITORING, EVALUATION & REVIEW**

Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in this policy's implementation. A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

The Manager Corporate Governance is responsible for reviewing this Policy every four years and within six months of each Council election.

xx xxx 2020

**Peter Harriott**  
**Chief Executive Officer**

**Date****ATTACHMENTS***Nil*

# GREATER SHEPPARTON CITY COUNCIL GOVERNANCE RULES

Adopted by Council:  
Next Review:

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October 2021



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## GOVERNANCE RULES

### Introduction

#### 1. Nature of Rules

These are the Governance Rules of Greater Shepparton City Council, made in accordance with section 60 of the *Local Government Act 2020*.

#### 2. Date of Commencement

These Governance Rules commence on 1 September 2020.

#### 3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts of Interest
Chapter 6	Miscellaneous
Chapter 7	Election Period Policy

#### 4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

“Absolute Majority”	means the number of:
	(a) Councillors which is greater than half the total number of Councillors of Council; and
	(b) members of a Delegated Committee which is greater than half the total number of members of the Delegated Committee.
“Act”	means the <i>Local Government Act 2020</i> .
“Additional Council Meeting”	means a meeting called in accordance with rule 18.
“Advisory Committee”	means any body established by Council to provide advice to it in a particular case or generally.
“Agenda”	means the notice of a Council Meeting setting out the business to be transacted at the meeting and includes a revised Agenda.



“Business Day”	means every day that is not a Saturday or Sunday or a day appointed under the <i>Public Holidays Act 1993</i> as a public holiday in the municipal district.
“Chair”	means the: <ul style="list-style-type: none"> <li>(a) Councillor elected as Mayor under rule 11;</li> <li>(b) person appointed as the Chairperson of a Delegated Committee; or</li> <li>(c) person taking the chair at a Meeting in accordance with these Rules in the absence of the Mayor or Chairperson of the Delegated Committee,</li> </ul> as the case requires.
“Chief Executive Officer”	means the person occupying the position of Chief Executive Officer of Council, and includes a person acting in that position.
“Committee”	means a Delegated Committee and a Community Asset Committee.
“Community Asset Committee”	means a Community Asset Committee established under section 65 of the Act.
“Community Asset Committee Meeting”	means a meeting of a Community Asset Committee.
“Confidential Information”	has the same meaning as in s 3(1) of the Act.
“Consent of the Chair”	means the permission of the Chair granted to a Councillor or member of a Delegated Committee for an act to occur without the need for a formal resolution, except that, where any Councillor or member of a Delegated Committee indicates opposition to such permission being granted, a formal resolution must be obtained.
“Consent of Council”	means the permission of a majority of Councillors present at a Council Meeting, or members of a Delegated Committee present at a Delegated Committee Meeting, without the need for a formal resolution.
“Council”	means the Greater Shepparton City Council.
“Council Meeting”	has the same meaning as in the Act and, unless the context otherwise requires, includes a Scheduled Council Meeting and an Additional Council Meeting.
“Council Officer”	means a person who is employed by Council.
“Council Officer Report”	means a report prepared by a Council Officer for consideration by Council.
“Councillor”	means a Councillor of Council.

“Delegated Committee”	means a Delegated Committee established under section 63 of the Act.
“Delegated Committee Meeting”	means a meeting of a Delegated Committee.
“Delivered”	means to be sent by post or email or otherwise deposited at each Councillor’s place of residence or business or to a place as otherwise specified by a Councillor.
“Deputy Chair”	means the: <ul style="list-style-type: none"> <li>(a) Councillor elected as Deputy Mayor under rule 15;</li> <li>(b) person appointed as the Deputy Chair of a Delegated Committee; or</li> <li>(c) other person taking the chair at a Meeting in accordance with these Rules in the absence of the Mayor or Chair of the Delegated Committee,</li> </ul> as the case requires.
“Director”	means a Council Officer appointed by the Chief Executive Officer as part of Council’s Executive Leadership Team.
“Division”	means a formal count of those Councillors or members of a Delegated Committee who voted for or against, or did not vote in respect of, a motion and the recording of that count and the way each Councillor or member of the Delegated Committee voted in the minutes of the Meeting.
“Election Period”	means the period of time prior to a general election of Council that starts at the time that nominations close, and ends at 6pm on Election Day.
“Finalisation of the Agenda”	means the time at which the Agenda for a Meeting has been approved by the Chief Executive Officer for distribution to the public.
“Informal Councillor Meeting”	means a meeting referred to in rule 106.
“Mayor”	means the Mayor of Council or in the Mayor’s absence the Deputy Mayor.
“Meeting”	means a Scheduled Council Meeting, an Additional Council Meeting, a Delegated Committee Meeting and a Community Asset Committee Meeting, as the context requires.
“Notice of Motion”	means a notice setting out the text of a motion, which is proposed by a Councillor to be moved at a Meeting in accordance with Division 8 of Part 3 of Chapter 2 of these Rules.
“Point of Clarification”	means to seek clarification or understanding on words of others that are not understood.

“Point of Order”	means a point of order raised in accordance with rule 74
“Quorum”	at a Council Meeting or Delegated Committee Meeting means an Absolute Majority of Councillors or members of the Delegated Committee, as the case requires.
“Sent Electronically”	in respect of communication to and from Councillors includes an email forwarded to the Council-provided email account of the Councillor, or the provision of documents transmitted via a secure software application to a Council-provided device.
“Standing Orders”	means the provisions of these Rules governing the conduct of Meetings.
“Suspension of Standing Orders”	means the suspension of the provisions of these Rules governing the conduct of Meetings to facilitate full discussion on a matter without formal constraints.
“these Rules”	means these Governance Rules.
“Urgent Business”	means a matter that has arisen since Finalisation of the Agenda for a Meeting and cannot safely or conveniently be deferred until the next Meeting.

## Chapter 1 – Governance Framework

### 5. Context

These Rules should be read in the context of and in conjunction with:

- 5.1 the overarching governance principles specified in section 9(2) of the Act; and
- 5.2 the following documents adopted or approved by Council:
  - 5.2.1 Live Streaming and Publishing Recordings of Council Meetings Policy;
  - 5.2.2 Exercise of Delegations Policy 37.POL2
  - 5.2.3 Councillor Code of Conduct

### 6. Decision Making

- 6.1 Where Council makes a decision in any matter (including persons acting with the delegated authority of Council), Council must consider the matter and make the decision:
  - 6.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - 6.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- 6.2 Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered).
- 6.3 Without limiting anything in rule 6.2:
  - 6.3.1 before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person has or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
  - 6.3.2 if a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
  - 6.3.3 if a report to be considered at a Delegated Committee Meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
  - 6.3.4 if a Council Officer proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the Council Officer must, when making that decision, ensure that they record that notice of the decision to be made was given to the person or persons and such person was or persons were provided with an opportunity to communicate their views and have their interests considered.

## Chapter 2 – Meeting Procedure for Council Meetings

### PART 1 – INTRODUCTION

#### 7. Purpose

The purpose of this Chapter is to:

- 7.1 provide for the election of the Mayor and Deputy Mayor;
- 7.2 provide for the procedures governing the conduct of Meetings; and
- 7.3 set expectations with respect to the behaviour of those participating in or present at Meetings.

#### 8. Regard to Further Guidance

In exercising its powers and functions under these Rules, Council may have regard to any guidelines, policies, codes or standards it has adopted for the purpose.

#### 9. Situations and Matters not Addressed

Where a situation or matter is not addressed in these Rules, the course of action may be determined by:

- 9.1 the Chair; or
- 9.2 by resolution.

#### 10. Conflicts with other Acts

Where any rule conflicts or is inconsistent with the Act or any other legislation, the Act or other legislation has precedence and the rule is inoperative to the extent of the conflict or inconsistency.

### PART 2 – ELECTION OF MAYOR, DEPUTY MAYOR AND OTHER CHAIRS

#### 11. Election of Mayor

11.1 The Chief Executive Officer shall facilitate the election of the Mayor in accordance with the provisions of the Act and will:

- 11.1.1 convene a Council Meeting of the Council in accordance with the Act to elect a Mayor; and
- 11.1.2 chair the Meeting until a Mayor is elected; but
- 11.1.3 have no voting rights.

11.2 The Agenda for the Council Meeting to deal with the election of the Mayor may also include:

- 11.2.1 the adoption of a Mayoral position description;
- 11.2.2 the election of a Deputy Mayor for Council's consideration; and
- 11.2.3 where it is the first such Council Meeting after a general election, the taking of the oath of office by each Councillor before the Chief Executive Officer.

## 12. Method of Voting

The election of the Mayor must be carried out by a show of hands at a Council Meeting that is open to the public.

## 13. Procedure for the Election of the Mayor

The procedure to be used for the election of the Mayor is as follows:

- 13.1 The Chief Executive Officer shall invite nominations for the office of Mayor and confirm that all nominees are willing to stand. Nominations do not require a seconder.
- 13.2 Where there is only one nomination, the candidate nominated shall be declared elected.
- 13.3 Where there is more than one nomination:
  - 13.3.1 those Councillors nominated may each address the Council Meeting for up to five minutes (with no extensions permitted) on their candidacy in the order of their nomination;
  - 13.3.2 after the addresses are complete, those Councillors present at the Council Meeting shall vote for one of the candidates, where:
    - 13.3.2.1 a candidate receiving an Absolute Majority of the votes is declared elected;
    - 13.3.2.2 in the event no candidate receives an Absolute Majority of the votes, the candidate with the fewest number of votes is eliminated (and, where more than one of them has the same fewest number of votes, the candidate to be eliminated is to be determined by lot);
    - 13.3.2.3 Councillors present at the Council Meeting shall then vote for one of the remaining candidates;
    - 13.3.2.4 where one of the remaining candidates receives an Absolute Majority of the votes, he or she shall be declared elected;
    - 13.3.2.5 where none of the remaining candidates receives an Absolute Majority of the votes, the procedure described in rule 13.3.2.2 is repeated;
    - 13.3.2.6 voting for the remaining candidates shall be repeated in this way until one of the candidates receives an Absolute Majority of the votes, or the final two candidates have an equal number of votes;
    - 13.3.2.7 where one of the candidates has received an Absolute Majority of the votes, that candidate is then declared elected; and
    - 13.3.2.8 where two remaining candidates have an equal number of votes and one of them needing to be declared elected, the winner shall be determined by lot.

**14. Determination by Lot**

- 14.1 In the event two or more candidates have an equal number of votes the outcome will be determined by lot and one of them shall be declared either:
- 14.1.1 duly elected; or
  - 14.1.2 a defeated candidate.
- 14.2 Where a lot is required, the Chief Executive Officer, or the Mayor in the case of the election of the Deputy Mayor, shall conduct the lot and the following provisions shall apply:
- 14.2.1 for every Councillor who receives an equal number of votes and is therefore subject to the lot, an identical piece of paper will be placed in a receptacle;
  - 14.2.2 each candidate will draw one lot from the receptacle;
  - 14.2.3 the order of drawing lots will be determined by the alphabetical order of the surnames of Councillors who received an equal number of votes and, where two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of Councillors' first names and:
    - 14.2.3.1 where the lot is being conducted to determine who is a defeated candidate:
    - 14.2.3.2 the word "Defeated" shall be written on one of the pieces of paper;
    - 14.2.3.3 the Councillor who draws the paper with the word "Defeated" written on it shall be declared the defeated candidate; and
    - 14.2.3.4 a further vote shall be taken on the remaining candidates; and
    - 14.2.3.5 where the lot is being conducted to determine which candidate is to be duly elected:
    - 14.2.3.6 the word "Elected" shall be written on one of the pieces of paper; and
    - 14.2.3.7 the Councillor who draws the paper with the word "Elected" written on it shall be declared to have been duly elected.

**15. Election of the Deputy Mayor or Chair of a Special Committee**

The election of a Deputy Mayor or the Chair of a Delegated Committee will, so far as is practicable, follow the same procedure as that for the election of the Mayor.

**16. Statement by Mayor or Deputy Mayor**

Upon completion of the election process, the Chief Executive Officer shall invite the incoming Mayor and/or Deputy Mayor to address Council (no time limit applies).

## **PART 3 – MEETING PROCEDURE**

### **DIVISION 1 – Notices of Meetings and Delivery of Agendas**

#### **17. Dates and Times of Council Meetings**

The Council:

- 17.1 shall fix the day, time and place of all Scheduled Council Meetings by resolution;
- 17.2 may, by resolution at a Council Meeting, determine or alter the day, time and place of any Council Meeting; and
- 17.3 shall publish the Agenda for a Scheduled Council Meeting on its external website on the Friday immediately prior to the Scheduled Council Meeting.

#### **18. Additional Council Meetings**

- 18.1 An Additional Council Meeting will be held where:
  - 18.1.1 the Chief Executive Officer determines, that an Additional Council Meeting is necessary or desirable; or
  - 18.1.2 written notice of the Additional Council Meeting is provided to the Chief Executive Officer by the Mayor or by three or more Councillors; and
  - 18.1.3 the written notice specifies the:
    - 18.1.3.1 date, time and place for the Additional Council Meeting;
    - 18.1.3.2 business to be transacted at the Additional Council Meeting; and
    - 18.1.3.3 reason that the business to be transacted at the Additional Council Meeting cannot be left to be considered at the next Scheduled Council Meeting.

#### **19. Postponement or Cancellation of Council Meetings**

- 19.1 The Chief Executive Officer may postpone or cancel a Council Meeting after consulting the Mayor if:
  - 19.1.1 he or she has been informed by Councillors that a quorum will not be reached; or
  - 19.1.2 other circumstances exist which mean that the Council Meeting cannot be safely or effectively convened.
- 19.2 If a Council Meeting is postponed or cancelled under rule 19.1, the Chief Executive Officer or Director, as the case may be, must give such notice of that postponement or cancellation as he or she sees fit, provided that all Councillors are notified.

#### **20. Notice of Council Meetings to Councillors**

- 20.1 The Chief Executive Officer shall ensure that the notice of a Council Meeting is served on every Councillor incorporating or accompanied by an Agenda of the business to be dealt with at least two Business Days before the Council Meeting.



- 20.2 The notice for any Council Meeting must:
- 20.2.1 state the date, time and place of the Council Meeting;
  - 20.2.2 state the business to be dealt with at the Council Meeting; and
  - 20.2.3 be delivered or Sent Electronically to each Councillor.
- 20.3 Upon Finalisation of the Agenda for any Council Meeting, the Agenda may only be amended or varied by resolution of Council at the meeting, in accordance with the Governance Rules.

## **21. Notice of Council Meetings to the Public**

- 21.1 Public notice of all Council Meetings will be provided by the Chief Executive Officer in accordance with this rule 21.
- 21.2 Public notice of Scheduled Council Meetings will be provided by:
- 21.2.1 a schedule of all Scheduled Council Meetings, including the date, time and place for each Scheduled Council Meeting, as updated from time to time, being displayed on Council's website; and
  - 21.2.2 the Agenda for a Scheduled Council Meeting being displayed on Council's website no less than five (5) days before the Scheduled Council Meeting.
- 21.3 Public notice of Additional Council Meetings will be provided by:
- 21.3.1 notice of the date, time and place of the Additional Council Meeting being displayed on Council's website as soon as practicable after the Additional Council Meeting is called under rule 18; and
  - 21.3.2 the Agenda for the Additional Council Meeting being displayed on Council's website as far in advance of the Additional Council Meeting as possible.
- 21.4 Despite the provisions of this rule 21, the Chief Executive Officer, after consulting the Mayor, may determine to provide shorter public notice of a Council Meeting where he or she considers it necessary or desirable to do so.

## **DIVISION 2 – Chairing of Meetings**

### **22. Mayor to Chair**

Where the Mayor is present at a Council Meeting, the Mayor shall be the Chair of that Council Meeting.

### **23. Acting Chair in Mayor's Absence**

- 23.1 Where the Mayor is unable to attend a Council Meeting for any reason or is required to vacate the Chair, the Deputy Mayor (if elected) shall be the Acting Chair without resolution.
- 23.2 Where neither the Mayor nor Deputy Mayor is able to attend a Council Meeting for any reason, or neither is able to take the Chair, an Acting Chair shall be elected from among the other Councillors present by way of nomination and resolution.

**DIVISION 3 – Quorums****24. Inability to Gain a Quorum**

If, after 30 minutes from the scheduled starting time of any Council Meeting, a Quorum cannot be gained:

- 24.1 those Councillors present; or
- 24.2 if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a Director,

must adjourn the Council Meeting for a period not exceeding seven (7) days from the date of the adjournment.

**25. Inability to Maintain a Quorum**

Where during any Council Meeting or any adjournment of a Council Meeting, a Quorum is lost and cannot be regained within 30 minutes:

- 25.1 those Councillors present; or
- 25.2 if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a Director,

must adjourn the Council Meeting for a period not exceeding seven (7) days from the date of the adjournment.

**26. Inability to Gain or Maintain a Quorum due to Conflicts of Interest**

Where a Quorum cannot be gained or maintained at a Council Meeting due to conflicts of interest among the Councillors, Council will consider whether the decision can be made by dealing with the matter in an alternative manner, in accordance with section 67 of the Act.

**27. Adjournment of Meetings**

In addition to any other method of adjournment provided in these Rules, where a Quorum is present, Council may resolve to adjourn any Council Meeting and must include the reason for the adjournment in the resolution.

**28. Notice of Adjourned Meeting**

- 28.1 The Chief Executive Officer must provide written notice of a Council Meeting adjourned under rules 24, 25 or 27 but, where time does not permit written notice to be given, then notice by telephone, in person or by some other means is sufficient, provided every reasonable attempt is made to contact every Councillor.
- 28.2 Such notice shall include the date, time and place to which the Council Meeting stands adjourned and of the business remaining to be considered.

**DIVISION 4 – Interest and Conflicts of Interest****29. Disclosure**

A Councillor who has a conflict of interest in a matter on the Agenda for a Council Meeting must disclose that conflict of interest in accordance with Chapter 5 of these Rules and comply with their remaining obligations under the Act.

**DIVISION 5 – Business of Meetings****30. The Order of Business**

The order of business of any Council Meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.

**31. Chief Executive Officer will prepare the Agenda**

The Agenda for a Council Meeting will be prepared by the Chief Executive Officer after consulting with the Mayor and may include any matter that the Chief Executive Officer thinks should be considered by Council at the Council Meeting.

**32. Urgent Business**

Where the Agenda for a Council Meeting makes provision for Urgent Business, an item must not be admitted as Urgent Business unless:

- 32.1 it relates to a matter which has arisen since Finalisation of the Agenda;
- 32.2 it cannot safely or conveniently be deferred until the next Scheduled Council Meeting; and
- 32.3 Council resolves to admit the item of Urgent Business.

**33. Reports of Delegated Committees**

- 33.1 Any Delegated Committee, and any Councillor who is Chair of a Delegated Committee, may submit a report to be presented to Council for consideration.
- 33.2 Reports must be submitted to the Chief Executive Officer for inclusion on the Agenda, 10 Business Days prior to the Council Meeting at which they will be considered.
- 33.3 The procedure for considering a report submitted under this rule 33 will be the same as the procedure for moving a motion, as outlined in rule 44.

**34. Reports from Councillors**

- 34.1 A Councillor may submit a written report for noting only by Council to any Scheduled Council Meeting on:
  - 34.1.1 the business of a Delegated Committee, Community Asset Committee, Advisory Committee or other body to which the Councillor has been appointed as a representative of Council; or
  - 34.1.2 a conference or professional development program attended by the Councillor in their capacity as a Councillor.
- 34.2 A Councillor may make such a report by submitting a written report to the Chief Executive Officer, 10 Business Days prior to the to the Council Meeting at which it will be considered.

**DIVISION 6 – Minutes****35. Contents of Minutes**

- 35.1 The Chief Executive Officer must keep minutes of each Council Meeting, and those minutes must record:
- 35.1.1 the date, time, place and nature of the Council Meeting;
  - 35.1.2 the names of each of the Councillors and whether they are present, an apology, on leave of absence or absent from the Council Meeting;
  - 35.1.3 the declaration of any conflict of interest made by a Councillor, including the matters required by Chapter 5 of these Rules;
  - 35.1.4 the declaration of any conflict of interest made by a Council Officer or contractor who has provided advice to Council in relation to a matter being considered at the Council Meeting, including the matters required by Chapter 5 of these Rules;
  - 35.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the Council Meeting;
  - 35.1.6 each motion that is unopposed as being carried unopposed;
  - 35.1.7 each motion and amendment moved along with the mover and seconder of each motion and amendment;
  - 35.1.8 the outcome of every motion or amendment, including motions and amendments that lapse for the want of a seconder;
  - 35.1.9 where a Division is called, the names of every Councillor present and the way their vote was cast, either FOR, AGAINST or DID NOT VOTE;
  - 35.1.10 details of any failure to gain or maintain a Quorum;
  - 35.1.11 the time and reason for any adjournment of the Council Meeting or suspension of Standing Orders, including any adjournment as a result of a failure to gain or maintain a Quorum;
  - 35.1.12 the closure of the Council Meeting to the public and the reasons for the closure;
  - 35.1.13 the names of Council Officers formally in attendance (not including Council Officers who are merely attending as members of the public gallery);
  - 35.1.14 the time at which the Council Meeting was closed; and
  - 35.1.15 any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the Council Meeting or assist the reading of the minutes.

**36. Recording of Meetings**

- 36.1 The Chief Executive Officer (or other persons authorised by the Chief Executive Officer) may live stream Council Meetings, except those parts of the Council Meetings that are closed to the public. The recording of Council Meetings will be in accordance with Council's Live Streaming and Publishing Recordings of Council Meetings Policy.
- 36.2 Any audio recording of Council Meetings is to be used solely for minute taking purposes.

**37. Confirmation of Minutes**

- 37.1 At every Scheduled Council Meeting the minutes of the preceding Council Meeting(s) shall be confirmed by resolution.
- 37.2 A copy of the minutes must be delivered or Sent Electronically to each Councillor no later than 48 hours before the next Scheduled Council Meeting.
- 37.3 When the confirmation of minutes is called on, the Chair shall ask:  
     "Is any item of the minutes opposed?"
- 37.4 Where no Councillor indicates opposition, the Chair shall seek a mover and seconder for the confirmation of the minutes.
- 37.5 A Councillor seeking to move or second the motion for confirmation of the minutes must have been in attendance at the Council Meeting that the minutes relate to.
- 37.6 No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the Council Meeting to which they relate is questioned.
- 37.7 Where a Councillor objects to the accuracy of the minutes:
- 37.7.1 he or she must specify the item(s) to which he or she objects;
- 37.7.2 where more than one item is objected to, the items objected to shall be considered separately and in the order in which they appear in the minutes;
- 37.7.3 the Councillor objecting must move a motion clearly outlining the proposed alternative wording to amend the minutes;
- 37.7.4 the motion of objection must be seconded;
- 37.7.5 the mover of the motion of objection may speak to it once it is seconded;
- 37.7.6 the seconder of the motion may then speak, or defer his or her right to speak until later in the debate;
- 37.7.7 the motion shall then be opened to debate; and
- 37.7.8 at the conclusion of debate, the motion must be put to the vote.
- 37.8 A motion under rule 37.7 must relate only to the accuracy of the minutes as a record of the proceedings at the Council Meeting.
- 37.9 When all objections to the minutes have been determined, the Chair shall say as necessary:

“That the minutes be confirmed”; or

“That the minutes, as amended, be confirmed”,

and the confirmation of the minutes shall be put to the vote.

- 37.10 Once confirmed, minutes must be signed by the Chair of the Scheduled Council Meeting at which they have been confirmed.

### **38. Deferral of Confirmation of Minutes**

Council may resolve to defer the confirmation of minutes until later in the Scheduled Council Meeting or until the next Scheduled Council Meeting as appropriate.

### **39. Publication of Minutes**

The minutes and video recordings of all Council Meetings will be published as soon as practicable after the Council Meeting on Council’s external website.

## **DIVISION 7 – Motions and Debate**

### **40. Chair’s Powers and Duties**

- 40.1 The Chair of a Council Meeting must ensure the orderly conduct of the Council Meeting and act to prevent any conduct, question or statement which appears to the Chair to be derogatory, defamatory or embarrassing to any Councillor, Council Officer, ratepayer or member of the public.
- 40.2 The Chair must not accept any motion or amendment, which is:
- 40.2.1 defamatory;
  - 40.2.2 objectionable in language or nature;
  - 40.2.3 vague or unclear in intention;
  - 40.2.4 outside the powers of Council;
  - 40.2.5 irrelevant to the item of business on the Agenda, unless it has been admitted as Urgent Business; or
  - 40.2.6 purports to be an amendment but is not.
- 40.3 The Chair must ensure that any member of the public addressing the Council Meeting shall extend due courtesy and respect to Council and the processes under which it operates and take direction from the Chair whenever called on to do so.
- 40.4 The Chair may, in addition to any powers of the Chair under the Act:
- 40.4.1 during the Council Meeting alter the order of business for that Council Meeting;
  - 40.4.2 require any motion to be submitted in writing;
  - 40.4.3 determine the order in which Councillors will speak in debate;
  - 40.4.4 suspend the Council Meeting while a motion or amendment is being written;
  - 40.4.5 defer a matter until the motion or amendment has been written, allowing the Council Meeting to proceed uninterrupted;

40.4.6 adjourn the Council Meeting for so long as is necessary where the Chair is required to consider a Point of Order; and

40.4.7 adjourn the Council Meeting to a later time on the same day, or to some later day as he or she thinks appropriate where the Chair is of the opinion that the Council Meeting is unruly or disorderly.

#### **41. Points of Clarification**

41.1 A Councillor may, with the leave of the Chair:

41.1.1 when no other Councillor is speaking, ask any question through the Chair concerning or arising out of an item of business before the Council Meeting for the purpose of a Point of Clarification; and

41.1.2 before a motion is put, ask for a Point of Clarification from the Chair or, in the case of a Notice of Motion, from the Councillor who moved the Notice of Motion of the intent or some other aspect of the motion.

41.2 When a Point of Clarification is raised, all Councillors are to cease speaking until the Point of Clarification has been resolved.

#### **42. Addressing the Meeting**

42.1 Any Councillor or person who addresses the Council Meeting must direct all remarks and debate through the Chair.

42.2 Any Councillor or person addressing the Chair should refer to the Chair as:

42.2.1 Mr, or Madam, Mayor; or

42.2.2 Mr, or Madam, Chair,

as the case may be.

42.3 All Councillors, other than the Mayor, should be addressed as Cr (name).

42.4 All Council Officers should be addressed as Mrs, Ms, Miss, or Mr (name).

42.5 It is not necessary for a Councillor or Council Officer to rise when speaking at a Council Meeting unless the Chair determines otherwise.

#### **43. Interruptions**

43.1 A Councillor shall not be interrupted except by the Chair or upon a Point of Order

43.2 Where a Councillor is interrupted by the Chair or upon a Point of Order, he or she shall remain silent until the Chair has ceased speaking, or the Point of Order has been ruled on.

#### **44. Moving a Motion**

The procedure for moving any motion is as follows:

44.1 the mover must read out the motion in full or state that they:

“move the recommendation as a motion as printed on page ....” or (where the motion is not a recommendation of a Council Officer) “move the motion as follows.....”;

44.2 the motion must be seconded by a Councillor other than the mover;

- 44.3 if a motion is not seconded it will lapse for want of a seconder;
- 44.4 if the motion is seconded, the mover will then address Council on the motion;
- 44.5 the seconder may then address Council on the motion; or defer his or her right to speak until later in the debate;
- 44.6 the Chair must then ask:
  - “is the motion opposed?”
- 44.7 where any Councillor indicates opposition, the Chair will invite Councillors to debate the motion, commencing with those opposed and following with those in support of the motion; and
  - 44.7.1 where no Councillor indicates opposition, the Chair must provide an opportunity for Councillors to speak in turn as they desire; and
- 44.8 the motion is then put to the vote.

#### **45. Alteration of Motions**

- 45.1 The wording of a motion before the Chair may be modified, with the approval of the mover and seconder and the Consent of the Chair.
- 45.2 Such modification will not be treated as an amendment to the motion and the modified motion will be recorded in the minutes of the Council Meeting as the motion before the Council Meeting.

#### **46. Moving an Amendment**

- 46.1 A motion which has been moved and seconded, but not put to the vote, may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 46.2 An amendment should only seek to make the original motion clearer to the Council Meeting and must not change the intent or material impact of the original motion.
- 46.3 An amendment may be moved at any time prior to a motion being put to the vote.

#### **47. Who May Propose an Amendment**

- 47.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 47.2 A Councillor may not move more than two amendments in succession.

#### **48. Who May Debate an Amendment**

- 48.1 A Councillor may address the Council Meeting once on any amendment, whether or not they have spoken to the original motion.
- 48.2 Debate on an amendment shall be confined to the acceptance or rejection of the amendment and the subject matter of the motion should not be debated at this stage.

#### **49. How Many Amendments may be Proposed**

- 49.1 Any number of amendments to a motion may be proposed but only one amendment may be accepted by the Chair at any one time.



- 49.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be considered until the previous amendment has been dealt with.

#### **50. An Amendment Once Carried**

- 50.1 If the amendment is carried:
- 50.1.1 the amended motion becomes the motion before the Council Meeting, without the need for the amended motion to be moved and seconded;
  - 50.1.2 the new motion is then debated; and
  - 50.1.3 no further action is taken on the original motion.
- 50.2 If the amendment is not carried:
- 50.2.1 the amendment is declared lost; and
  - 50.2.2 the original motion continues as the motion before the Council Meeting.

#### **51. Speaking to a Motion or an Amendment**

- 51.1 Councillors may only speak once on any motion or amendment, except that the mover of a motion may exercise a right of reply in accordance with rule 54 after debate on a motion or amendment that was opposed.
- 51.2 Nothing in rule 51.1 prevents a Councillor from calling a Point of Order or Point of Clarification.
- 51.3 After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

#### **52. Lost Motion**

- 52.1 Subject to rule 52.2, if a motion is lost, including a Notice of Motion, a similar motion cannot be put before Council for at least three calendar months from the date it was lost.
- 52.2 Despite rule 52.1, a motion which is lost may be put before Council within three calendar months from the date it was lost if the Chief Executive Officer determines, after consulting the Mayor, to bring the matter back before Council for consideration by way of a Council Officer Report.

#### **53. Chair May Speak**

- 53.1 The Chair may address a Council Meeting upon any matter under discussion, including speaking in favour of or opposing a motion.
- 53.2 Where the Chair wishes to move a motion or amendment, they must vacate the Chair for the duration of the item under discussion.
- 53.3 Where the Chair chooses to vacate the Chair for a particular item, the Deputy Mayor will assume the Chair.
- 53.4 Where the Deputy Mayor is not present, or declines to take the Chair, a temporary Chair elected by resolution shall take the Chair until such item has been voted on.

#### **54. Right of Reply**

- 54.1 The mover of an opposed motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.

- 54.2 The seconder of an opposed motion which has not been amended, does not have a right of reply to matters raised during debate
- 54.3 The mover of a motion must not introduce new information when exercising any right of reply.
- 54.4 If no Councillor has spoken for or against the motion, the mover does not have a right of reply.

#### **55. Withdrawal of Motions**

- 55.1 Before any motion or amendment is put to the vote it may be withdrawn by the mover with the Consent of the Chair.
- 55.2 The Chair may ask if any Councillor wishes to move a new motion in place of that which is withdrawn.

#### **56. Separation of Motions**

Where a motion contains more than one part:

- 56.1 a Councillor may request that the Chair put the motion to the vote in separate parts; or
- 56.2 the Chair may, absent a request under rule 56.1, decide to put any motion to the vote in separate parts.

#### **57. Debate must be Relevant to the Motion**

Debate must always be relevant to the motion before the Council Meeting, where debate is not relevant, the Chair shall request the speaker to confine their debate to the motion.

#### **58. Speaking Times**

- 58.1 Subject to rule 58.2, a Councillor shall not speak longer than:
  - 58.1.1 three minutes on any motion or amendment; and
  - 58.1.2 three minutes as the mover of a motion exercising a right of reply or a closing comment.
- 58.2 Despite rule 58.1, a Councillor's speaking time may be extended once by a further three minutes with the Consent of the Chair.

#### **59. Foreshadowing Motions**

- 59.1 At any time during debate, a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the Council Meeting, but this does not extend any special right to the foreshadowed motion.
- 59.2 The Councillor is not required to announce what the motion is, just state that they foreshadow a motion.
- 59.3 A foreshadowed motion will only be considered if the original motion is lost.
- 59.4 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

**60. Speaking by Chief Executive Officer and/or Council Officers**

- 60.1 The Chief Executive Officer and other Council Officers must not speak on any motion or matter during a Council Meeting unless invited by the Chair.
- 60.2 Any questions from Councillors directed to Council Officers must be asked through the Chief Executive Officer.

**DIVISION 8 – Notice of Motion****61. Councillors may Submit Notices of Motion**

- 61.1 Councillors may submit a Notice of Motion in accordance with this Division 8 of Part 3 of Chapter 2 of these Rules.
- 61.2 Despite anything else in these Rules, no Notices of Motion will be accepted during the election period.

**62. Procedure for Submitting a Notice of Motion**

- 62.1 A Notice of Motion must be:
- 62.1.1 in the approved format;
  - 62.1.2 signed by the Councillor submitting it, (including electronic signature where the notice of motion is being submitted electronically); and
  - 62.1.3 submitted to the Chief Executive Officer no later than 10 Business Days prior to the Council Meeting at which it is to be considered.
- 62.2 A Councillor submitting a Notice of Motion under rule 62.1 will do so in sufficient time to allow for its amendment prior to the Finalisation of the Agenda, if required under rule 0.
- 62.3 The Chief Executive Officer must inform Councillors about the potential legal and cost implications of any proposed Notice of Motion.
- 62.4 A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- 62.5 A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
- 62.5.1 impacts the levels of Council service;
  - 62.5.2 commits Council to either a loss of income, or expenditure that is not included in the adopted Council Budget, to the value of \$25,000 or greater;
  - 62.5.3 proposes to establish, amend or extend Council policy;
  - 62.5.4 proposes to impact the rights of any person who has not had the opportunity to contribute their views;
  - 62.5.5 commits Council to any contractual arrangement; or
  - 62.5.6 concerns any litigation in respect of which Council is a party.

**63. Rejection of Notice of Motions**

- 63.1 The Chief Executive Officer must not accept any Notice of Motion which is:
- 63.1.1 defamatory;
  - 63.1.2 objectionable in language or nature;
  - 63.1.3 vague or unclear in intention;
  - 63.1.4 outside the powers of Council;
  - 63.1.5 similar in form or substance to a Notice of Motion which has been put to a vote and lost in the last three months; or
  - 63.1.6 to amend or rescind a resolution of Council which has been acted on for the purposes of rule 68.2.
- 63.2 The Chief Executive Officer may reject a proposed Notice of Motion that:
- 63.2.1 relates to a matter that has been previously resolved by Council and is acted upon.
- 63.3 The Chief Executive Officer will however:
- 63.3.1 notify the Councillor who submitted the Notice of Motion of the rejection and reasons for the rejection; and
  - 63.3.2 provide the Councillor who submitted the Notice of Motion an opportunity to submit a revised Notice of Motion in accordance with these Rules.

**64. Listing Notices on an Agenda**

- 64.1 A Notice of Motion shall be included in the Agenda for the next Scheduled Council Meeting or such later Scheduled Council Meeting that is specified in the Notice of Motion.
- 64.2 The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
- 64.3 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda.
- 64.4 Where the Chief Executive Officer receives more than one Notice of Motion to be considered at a particular Council Meeting, they will be listed on the Agenda for that Council Meeting in the order in which they were received.
- 64.5 A Notice of Motion cannot be considered at an Additional Council Meeting unless that Additional Council Meeting has been called for the purpose of considering that Notice of Motion

**65. Register of Notices**

- 65.1 The Chief Executive Officer shall keep a register of all Notices of Motion to be sequentially numbered, dated and entered in the Notice of Motion Register, in the order in which they were received.

- 65.2 Except by resolution of Council, each Notice of Motion before any Council Meeting shall be considered in the order in which they were entered in the Notice of Motion Register.

**66. May be Moved by any Councillor**

Where a Councillor who has submitted a Notice of Motion is absent from the Council Meeting at which their Notice of Motion is listed, or fails to move the Notice of Motion when called upon by the Chair to do so, any other Councillor present may move the Notice of Motion.

**67. Must be Moved as Listed and may be Amended**

- 67.1 A Notice of Motion must be moved in the form of words listed in the Agenda and requires a seconder.
- 67.2 Where a Notice of Motion has been submitted but is not moved at the relevant Council Meeting, the Notice of Motion lapses.
- 67.3 A Notice of Motion may be amended in accordance with rule 46.

**DIVISION 9 – Notice of Amendment or Rescission of Resolutions**

**68. Notice of Amendment or Rescission of Resolutions**

- 68.1 A Councillor may, by submitting a Notice of Motion in accordance with Division 8 of Part 3 of Chapter 2 of these Rules, propose the amendment or rescission of a previous resolution of Council, provided that:
- 68.1.1 the resolution proposed to be amended or rescinded has not been acted on; and
- 68.1.2 the Notice of Motion specifies:
- 68.1.2.1 the resolution to be amended or rescinded;
- 68.1.2.2 in the case of a proposed amendment of a resolution, the manner in which it will be amended; and
- 68.1.2.3 the date of the Council Meeting at which the resolution was made.
- 68.2 A resolution will be deemed to have been “acted on” where:
- 68.2.1 it has been formally communicated to a person who is materially affected by or reliant on it; or
- 68.2.2 a statutory process has been commenced, so as to vest enforceable rights in or obligations on Council or any other person.
- 68.3 The Chief Executive Officer, or another Council Officer may implement a resolution of Council at any time after the close of the Council Meeting at which the resolution was made, unless a Councillor gives notice at that Council Meeting that he or she intends to submit a Notice of Motion to amend or rescind that resolution
- 68.4 In addition to any other mechanisms provided for amendment or rescission of a Council resolution in this rule 68, the amendment or rescission of a Council resolution may be proposed by way of a Council Officer Report included on the Agenda for a Council Meeting.

**69. When Not Required**

Where Council intends to review, amend or update its Policies, a Notice of Motion to amend or rescind an earlier resolution adopting those policies is not required. The new resolution, despite being inconsistent with the earlier resolution, has the effect of adopting Council's changed policy and does not rescind or amend the earlier resolution.

**70. Cannot be Amended**

A Notice of Motion proposing the amendment or rescission of a resolution of Council cannot be amended.

**71. Treatment of Notices to Amend or Rescind**

For the avoidance of doubt, a Notice of Motion to amend or rescind a previous resolution of Council will, unless the contrary intention appears, be treated as a Notice of Motion submitted under Division 8 of Part 3 of Chapter 2 of these Rules.

**DIVISION 10 – Laying a Motion on the Table****72. Laying a Motion on the table**

Any motion which has been moved and seconded but not put to the vote may be laid on the table to be heard at the next Scheduled Council Meeting or such later Council Meeting that is specified in the motion.

**73. Guidelines for Laying a Motion on the table**

73.1 A motion that the motion before the Council Meeting be laid on the table may be moved by any Councillor except:

73.1.1 the mover or seconder of the motion; or

73.1.2 a Councillor who has spoken to the motion.

73.2 A motion, that the motion before the Council Meeting be laid on the table must not be accepted by the Chair:

73.2.1 during the election of the Chair; or

73.2.2 if it would cause Council to be in breach of a legislative requirement or obligation.

73.3 The motion to lay the motion on the table must be put to the vote without further debate until Council resolves to take the motion from the table.

**DIVISION 11 – Points of Order****74. Points of Order**

74.1 A Point of Order may be raised at a Council Meeting in relation to:

74.1.1 a Motion that should not be accepted by the Chair on the basis of rule 40;

74.1.2 a Councillor who is or appears to be out of order;

74.1.3 any act of disorder, including:

74.1.3.1 interjecting when another person is speaking, except, in the case of a Councillor, to raise a Point of Order;

- 74.1.3.2 making comments that are defamatory, malicious, abusive or offensive;
- 74.1.3.3 refusing to leave the Council Chamber when requested, ordered or directed to do so by the Chair in accordance with the Act; and
- 74.1.3.4 engaging in any other conduct which prevents the orderly conduct of the Council Meeting;
- 74.1.4 an error in fact;
- 74.1.5 objectionable/ offensive language;
- 74.1.6 a lack of relevance to the motion before the Council;
- 74.1.7 an act that is outside the powers of a Councillor or the Council; or
- 74.1.8 anything which is inconsistent with these Rules.
- 74.2 A Point of Order may be raised by any Councillor, by stating the words "point of order".
- 74.3 A Point of Order may be raised at any time, including when the Chair or another Councillor is speaking.
- 74.4 When a Point of Order is raised, all Councillors shall cease speaking and come to order, while the Point of Order is determined.
- 74.5 When asked by the Chair a Councillor raising a Point of Order must state -
  - 74.5.1 the Point of Order; and
  - 74.5.2 the reason for the Point of Order.
- 74.6 To express a mere difference of opinion or to contradict a speaker will not be treated as a Point of Order.
- 74.7 The Chair will decide all Points of Order without entering into any discussions or comment.
- 74.8 The Chair may adjourn the Council Meeting to consider a Point of Order but must in any event rule on it as soon as practicable after it is raised.
- 74.9 All other matters before Council will be suspended until the Point of Order is decided. The Chair shall, without entering into discussion or debate:
  - 74.9.1 decide all Points of Order by stating the Point of Order is either 'upheld' or 'lost'; and
  - 74.9.2 state the provision, rule, practice or precedent which he or she has relied upon to determine the Point of Order raised.

## **75. Dissent from Chair's Ruling**

- 75.1 A motion of dissent in the Chair's ruling on a Point of Order must, if seconded, be given priority to all other items of business and a substitute Chair must be elected to preside while the motion is being considered.
- 75.2 The substitute Chair must put questions relevant to the decision to the Chair first, and then to the mover of the motion.

- 75.3 The substitute Chair must conduct a debate on the Chair's ruling, and the motion of dissent must be decided by a majority vote.
- 75.4 The Chair must then resume the Chair for the remainder of the Council Meeting.
- 75.5 Where a motion of dissent is carried it will in no way be treated as a motion of censure or no-confidence in the Chair, and should not be so regarded by the Council Meeting.

## **DIVISION 12 – Voting**

### **76. How Motions are Determined**

- 76.1 To determine a motion before a Council Meeting, the Chair must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result of the motion as either carried or lost.
  - 76.1.1 for the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the question
- 76.2 Unless Council resolves otherwise, voting on any matter is by show of hands.
- 76.3 Where a motion is unopposed the Chair will declare the motion as carried unopposed.

### **77. Recount of Vote**

The Chair may direct that a vote on any motion be recounted as many times as necessary for him or her to be satisfied as to the outcome.

### **78. Procedure for a Division**

- 78.1 Immediately after any motion is put to a vote and before the Council Meeting has moved to the next item of business, a Councillor may call for a Division.
- 78.2 When a Division is called for, the vote already taken must be treated as set aside and the Division shall decide the motion or amendment.
- 78.3 A Councillor must only vote once.
- 78.4 When a Division is called for, the Chair must:
  - 78.4.1 ask for a show of hands by those Councillors wishing to vote for the motion and state the names of those Councillors;
  - 78.4.2 ask for a show of hands by those Councillors wishing to vote against the motion and state the names of those Councillors; and
  - 78.4.3 declare the result of the Division.
- 78.5 In addition to the outcome of the Division, the names of all Councillors who:
  - 78.5.1 voted for the motion;
  - 78.5.2 voted against the motion;
  - 78.5.3 did not vote on the motion,
 must be recorded in the official minutes of the Council Meeting.



**79. No Discussion Once Declared**

- 79.1 Once a vote on any motion has been declared no further discussion relating to the motion is allowed.
- 79.2 Nothing in this rule 79 is intended to prevent a subsequent motion, which supports or complements the original resolution and does not change the intent of the original motion, being moved.

**DIVISION 13 – Petitions****80. Petitions**

- 80.1 The Chief Executive Officer shall list all petitions received on the Agenda for the next appropriate Scheduled Council Meeting. The listing shall include a description of the purpose of the petition and the number of signatories to it.
- 80.2 With the consent of the Chair, any Councillor may table a petition not listed on the Agenda for a Scheduled Council Meeting.
- 80.3 Unless Council agrees to deal with it earlier, no motion other than a motion to receive and note may be made on any petition until the next Scheduled Council Meeting after that at which it has been presented or tabled.
- 80.4 Where a Councillor presents or tables a petition on behalf of the petitioners, that Councillor must understand the purpose of the petition and be satisfied that it does not contain language disrespectful to Council or individuals and that the contents or actions proposed do not violate any law.
- 80.5 Every petition presented to or tabled before Council shall be in writing (other than in pencil), typed or printed, contain the request of the petitioners or signatories, and be signed by at least 20 people.
- 80.6 Every petition must:
- 80.6.1 clearly state the full name and address of every signatory; and
- 80.6.2 be signed (other than pencil) by the persons whose names and addresses are appended to it with their signatures or marks and, except in cases of incapacity or sickness, by no one else.
- 80.7 Where a petition contains more than one page bearing the details and signature of at least one petitioner or writer, each page shall contain the request of the petitioners or signatories.
- 80.8 Council may by resolution accept electronic petitions received via online websites if it is satisfied that the petition is authentic and from a legitimate website.

**DIVISION 14 – Conduct and Discipline****81. Objectionable Remark**

- 81.1 The Chair may require a Councillor to withdraw any remark made at a Council Meeting which is considered by the Chair to be defamatory, indecent, abusive, offensive, disorderly, or objectionable in language, substance or nature and to apologise, to the satisfaction of the Chair, when called upon by the Chair to do so.
- 81.2 A Councillor required to withdraw a remark and apologise shall do so immediately without qualification or explanation.

**82. Suspensions**

By resolution, the Council may suspend from a Council Meeting, and for the balance of the Council Meeting, any Councillor whose actions have disrupted the business of the Council Meeting, and have impeded its orderly conduct. An appropriate motion would be:

“I move that Councillor (name) be suspended for the balance of this Meeting”.

**83. Gallery to be Silent**

- 83.1 Members of the public must not interject or take part in the debate at any Council Meeting.
- 83.2 Silence must be preserved in the public gallery at all times when a Council Meeting is being conducted.

**84. Improper and Disorderly Conduct**

- 84.1 The Chair shall call to order any member of the public who is disruptive or unruly during any Council Meeting.
- 84.2 Where any member of the public is called to order by the Chair and thereafter again acts in breach of these Rules, the Chair may order him or her to leave the Council Meeting.
- 84.3 Any member of the public who is ordered by the Chair to leave the Council Meeting shall leave the Council Meeting when requested to do so.

**85. Removal from Meeting**

The Chair, or Council in the case of a suspension under rule 82, may ask the Chief Executive Officer or Council Officer or a member of Victoria Police to remove from the Chamber any person whom the Chair, or Council in the case of a suspension under rule 82, has ordered to be removed from the public gallery under these Rules.

**86. Chair May Adjourn Disorderly Meeting**

Where the Chair is of the opinion that disorder at the Council table or in the public gallery makes it desirable to adjourn the Council Meeting, he or she may adjourn the Council Meeting to a later time on the same day or to some later day as he or she thinks proper.

**DIVISION 15 – Suspension of Standing Orders****87. Suspension of Standing Orders**

- 87.1 To expedite or otherwise facilitate the business of a Council Meeting, standing orders may be suspended by resolution of Council.
- 87.2 The purpose of a Suspension of Standing Orders is to enable the formalities of meeting procedure to be temporarily set aside while an issue is discussed and the Suspension of Standing Orders should not be used purely to dispense with the processes and protocol of the government of the Council.
- 87.3 An appropriate motion for the Suspension of Standing Orders may be:
- “I move that standing orders be suspended to enable discussion on...”
- 87.4 No motion may be accepted by the Chair or be lawfully dealt with during any Suspension of Standing Orders and Standing Orders must be resumed by resolution of Council once the discussion has taken place.

87.5 An appropriate motion to resume Standing Orders would be:

“I move that standing orders be resumed.”

87.6 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification during Public Question Time.

#### **PART 4 – PUBLIC QUESTION TIME**

##### **88. Public Question Time to be Held**

88.1 The Council will hold a Public Question Time during each Scheduled Council Meeting to enable members of the public to receive answers to questions previously submitted for consideration.

88.2 No Public Question Time will be held at:

88.2.1 an Additional Council Meeting, unless Council resolves otherwise; or

88.2.2 a Council Meeting held during the Election Period.

##### **89. Submission of Questions**

Questions submitted to Council for Public Question Time must be:

89.1 in writing, containing the name, contact telephone number and address or email of the person submitting the question;

89.2 be in a form approved or permitted by Council;

89.3 addressed to the Chief Executive Officer; and

89.4 submitted and delivered to Council no later than 4.00pm on the day which is at least five (5) clear Business Days prior to the next Scheduled Council Meeting by:

89.4.1 letter to Locked Bag 1000, Shepparton Victoria 3632;

89.4.2 email to [questiontime@shepparton.vic.gov.au](mailto:questiontime@shepparton.vic.gov.au); or

89.4.3 hand delivery to the Council's Office at 90 Welsford Street Shepparton.

##### **90. Question Guidelines**

90.1 No more than two questions will be accepted from any one person at any one Scheduled Council Meeting.

90.2 Questions may be submitted on any matter, but the Chief Executive Officer, in consultation with the Mayor, may refuse to accept any question which, in his or her opinion:

90.2.1 relates to a matter outside the duties, functions and powers of Council;

90.2.2 is malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;

90.2.3 relates to a matter which has previously been addressed at a Council Meeting; or

90.2.4 relates to any matter which constitutes Confidential Information.

- 90.3 Where the Chief Executive Officer does not accept any question, the person who submitted the question is to be informed, both verbally and in writing, of the reason or reasons why their question was not accepted.
- 90.4 The Chief Executive Officer, in consultation with the Mayor, may distribute to all Councillors, a question submitted in writing by a member of the public, which has not been accepted, and the reason or reasons why their question was not accepted
- 90.5 Copies of all questions allowed by the Chief Executive Officer will be provided in writing to all Councillors.
- 90.6 Only the question asked will be read out at the Council Meeting. Any background information or comments accompanying the question will not be read out or heard in the Council Meeting.
- 90.7 The question and response will be printed in the minutes of the Council Meeting at which the question was asked and answered.

#### **91. Question Time Procedure**

- 91.1 The Mayor or Chief Executive Officer will read:
  - 91.1.1 each question submitted and accepted; and
  - 91.1.2 the response to each question.
- 91.2 No question will be read unless:
  - 91.2.1 the person who submitted the question, or their representative, is in the public gallery at the time it is due to be read; or
  - 91.2.2 the CEO, in consultation with the Mayor, permit the submitter to attend virtually, (were the option is available), or for the question to be considered where the submitter is not present at the meeting.
- 91.3 All questions and answers shall be as brief as possible, and no discussion shall be allowed other than:
  - 91.3.1 at the Chair's discretion; and
  - 91.3.2 for the purposes of clarification.
- 91.4 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.

### Chapter 3 – Meeting Procedure for Delegated Committees

#### 92. Meeting Procedure Generally

If Council establishes a Delegated Committee:

- 92.1 all of the provisions of Chapter 2 apply to meetings of the Delegated Committee; and
- 92.2 any reference in Chapter 2 to:
  - 92.2.1 a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
  - 92.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and
  - 92.2.3 the Mayor or the Chair is to be read as a reference to the Chair of the Delegated Committee.

#### 93. Meeting Procedure Can Be Varied

Notwithstanding rule 92, if Council establishes a Delegated Committee that is not composed solely of Councillors:

- 93.1 Council may; or
- 93.2 the Delegated Committee may, with the approval of Council,

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the Delegated Committee, in which case the provision or those provisions will not apply until Council resolves, or the Delegated Committee with the approval of Council resolves, otherwise.

#### **Chapter 4 – Meeting Procedure for Community Asset Committees**

**94. Introduction**

In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the Chief Executive Officer under section 47(1)(b) of the Act.

**95. Meeting Procedure**

Unless anything in the Instrument of Delegation provides otherwise, the conduct of a meeting of a Community Asset Committee is at the discretion of the Community Asset Committee.

## Chapter 5 – Disclosure of Conflicts of Interest

### 96. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.\*

### 97. Definition

In this Chapter:

- 97.1 “meeting conducted under the auspices of Council” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in rule 106 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 97.2 a member of a Delegated Committee includes a Councillor.

### 98. Disclosure of a Conflict of Interest at a Council Meeting

- 98.1 A Councillor who has a conflict of interest in a matter being considered at a Council Meeting at which he or she:
- 98.1.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council Meeting immediately before the matter is considered; or
  - 98.1.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council Meeting commences a written notice:
    - 98.1.3 advising of the conflict of interest;
    - 98.1.4 explaining the nature of the conflict of interest; and
    - 98.1.5 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
      - 98.1.6 name of the other person;
      - 98.1.7 nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
      - 98.1.8 nature of that other person’s interest in the matter,
- and then immediately before the matter is considered at the Council Meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this rule 98.1.2.
- 98.2 The Councillor must, in either event, leave the Council Meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the Council Meeting until after the matter has been disposed of.

### 99. Disclosure of Conflict of Interest at a Delegated Committee Meeting

- 99.1 A member of a Delegated Committee who has a conflict of interest in a matter being considered at a Delegated Committee Meeting at which he or she:

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\* At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.

- 99.1.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Delegated Committee Meeting immediately before the matter is considered; or
- 99.1.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee Meeting commences a written notice:
- 99.1.3 advising of the conflict of interest;
- 99.1.4 explaining the nature of the conflict of interest; and
- 99.1.5 detailing, if the nature of the conflict of interest involves a member of a Delegated Committee's relationship with or a gift from another person the:
- 99.1.6 name of the other person;
- 99.1.7 nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 99.1.8 nature of that other person's interest in the matter,

and then immediately before the matter is considered at the Delegated Committee Meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this rule 99.1.2.

- 99.2 The member of a Delegated Committee must, in either event, leave the Delegated Committee Meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the Delegated Committee Meeting until after the matter has been disposed of.

#### **100. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting**

- 100.1 A Councillor who has a conflict of interest in a matter being considered at a Community Asset Committee meeting at which he or she:
  - 100.1.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee meeting immediately before the matter is considered; or
  - 100.1.2 intends to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:
  - 100.1.3 advising of the conflict of interest;
  - 100.1.4 explaining the nature of the conflict of interest; and
  - 100.1.5 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
  - 100.1.6 name of the other person;
  - 100.1.7 nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
  - 100.1.8 nature of that other person's interest in the matter,



and then immediately before the matter is considered at the Community Asset Committee Meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this rule 100.1.2.

- 100.2 The Councillor must, in either event, leave the Committee Asset Committee Meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the Community Asset Committee Meeting until after the matter has been disposed of.

#### **101. Disclosure at a Meeting Conducted Under the Auspices of Council**

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of Council at which he or she is present must:

- 101.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- 101.2 absent himself or herself from any discussion of the matter; and
- 101.3 as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

#### **102. Disclosure by Council Officers Preparing Reports for Meetings**

- 102.1 A Council Officer who, in his or her capacity as a Council Officer, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a report for the consideration of a:

- 102.1.1 Council Meeting;
- 102.1.2 Delegated Committee Meeting;
- 102.1.3 Community Asset Committee Meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining the nature of the conflict of interest.

- 102.2 The Chief Executive Officer must ensure that the report referred to in rule 102.1 records the fact that a Council Officer disclosed a conflict of interest in the subject-matter of the report.
- 102.3 If the Council Officer referred to in rule 102.1 is the Chief Executive Officer:
- 102.3.1 the written notice referred to in rule 102.1 must be given to the Mayor; and
- 102.3.2 the obligation imposed by rule 102.2 may be discharged by any other Council Officer responsible for the preparation of the report.

#### **103. Disclosure of Conflict of Interest by Council Officers in the Exercise of Delegated Power**

- 103.1 A Council Officer who has a conflict of interest in a matter requiring a decision to be made by the Council Officer as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest.

103.2 If the Council Officer referred to in rule 103.1 is the Chief Executive Officer the written notice must be given to the Mayor.

**104. Disclosure by a Council Officer in the Exercise of a Statutory Function**

104.1 A Council Officer who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the Council Officer must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest.

104.2 If the Council Officer referred to in rule 104.1 is the Chief Executive Officer the written notice must be given to the Mayor.

**105. Retention of Written Notices**

The Chief Executive Officer must retain all written notices received under this Chapter 5 for a period of three years.

## Chapter 6 – Miscellaneous

### 106. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 106.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- 106.2 is attended by at least one Council Officer; and
- 106.3 is not a Council Meeting, Delegated Committee Meeting or Community Asset Committee Meeting,

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- 106.4 tabled at the next convenient Scheduled Council Meeting; and
- 106.5 recorded in the minutes of that Scheduled Council Meeting.

### 107. Confidential Information

- 107.1 If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the Chief Executive Officer is of the opinion that information relating to a Meeting is confidential information within the meaning of the Act, he or she may designate the information as confidential and advise Councillors and/or Council Officers in writing accordingly.
- 107.2 Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or Council Officers in writing accordingly, will be presumed to be confidential information.

## Chapter 7 – Election Period Policy

## ELECTION PERIOD POLICY

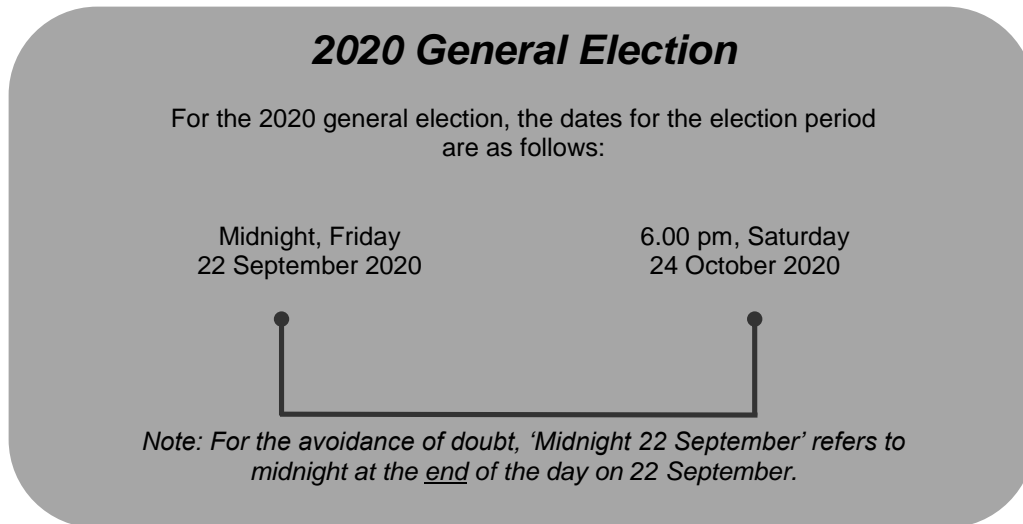
<b>Code:</b>	37.POL4
<b>Version:</b>	1.3
<b>Business Unit:</b>	Corporate Services
<b>Responsible Officer:</b>	Team Leader Governance
<b>Approved By:</b>	Chief Executive Officer
<b>Adopted By:</b>	Council <b>Day Month Year</b>
<b>Next Review:</b>	Within 12 months of a General Election

## DOCUMENT REVISIONS

Version #	Summary of Changes	Date Adopted
1.1		21/08/2016
1.2	Reviewed to comply with S93B(2)(b) of the <i>Local Government Act 1989</i> . Section 1.3, 1.4, 2.1, 2.2, 2.3, 3.1, 4, 5, 7, 13 and 15 added	17 September 2019
1.3	Reviewed to comply with S60 of the <i>Local Government Act 2020</i>	

## PURPOSE

Greater Shepparton City Council (**Council**) is committed to implementing clear and transparent caretaker provisions during election periods. This Policy will apply to the election period prior to a general election or by-election. The Chief Executive Officer (**CEO**) or the Governance Department will advise all Councillors and staff of the commencement date for any election period applying to Council. The election period commences at midnight on the last day for nominations and ends at 6.00pm on the day of the election to which the election period applies.



## CONTEXT

The will of the people, expressed through democratic elections, is the cornerstone of democracy at all levels of government, including local government. A guiding principle of the exercising of this free will is that outgoing governments must safeguard the authority of incoming governments. This principle is applied through the implementation of a caretaker period prior to an election. During a caretaker period, an outgoing government shall not make any decisions which could be considered to unreasonably bind an incoming government.

Unlike other levels of government in Australia, where caretaker provisions are established by convention rather than law, the *Local Government Act 2020 (the Act)* requires councils to comply with special arrangements during council elections to ensure the probity of the election process. These include statutory requirements relating to decision-making, limitations on publications and the use of council resources.

While these statutory requirements establish limits on what a council may and may not do, they represent the minimum caretaker provisions which a Council must apply and they do not address the ways in which a council could or should modify its usual actions and processes during an election period.

## SCOPE

This Policy details the caretaker provisions which are to be followed by all Councillors and Council Officers during an election period. Councillors and Council Officers need to be aware that severe penalties apply to breaches of the Act during the election period. Familiarity and compliance with the provisions detailed in this Policy will significantly reduce the risk of an

unintentional breach of the Act and give the community confidence that Council is acting in an ethical manner during the election period.

## DEFINITIONS

<b>Reference Term</b>	<b>Definition</b>
Caretaker provisions:	The special arrangements and processes which will be applied during an election period.
Council:	Greater Shepparton City Council and the services it provides, including but not limited to Riverlinks, Aquamoves, KidsTown, Childcare Centres and the Visitor Centre.
Election period:	The 32-day period which starts at midnight on the last day for nominations and ends at 6.00pm on election day.
Election material:	An advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.
Electoral matter:	Material which is intended or likely to affect voting in an election, such as: the views, strengths or weaknesses of any candidate; advocacy of the policies of Council or of a candidate; claims made by a candidate and/or responses to such claims; and the achievements of Council, but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.
Emergency Meeting:	As defined in the <i>Emergency Management Act 1986</i> . A properly constituted meeting of Council, a Delegated Committee or a Community Asset Committee.
Prohibited decision:	Any decision of Council (by resolution or under delegation): relating to the employment or remuneration of the Chief Executive Officer, other than the appointment or remuneration of an acting Chief Executive Officer; to commit Council to expenditure exceeding 1% of Council's income from general rates, municipal charges and service rates and charges for the preceding financial year (\$796,271 for FY2019/20); that Council considers could be reasonably deferred until after the election; or that Council considers should not be made during the election period.
Publication:	Includes any advertisement (including job, television and radio advertisements), pamphlet, newsletter, bulk letter or email with more than 20 addressees, handbill, press release, social media post on a Council site, or as a Council representative on any other site, website change, report, master plan, submission to external bodies which will be made public, notice or similar type document, whether in electronic or hard copy format. For the purposes of this Policy, Council's annual report and agendas for, and minutes of, Meetings are not considered to be publications for the purposes of certification.

## POLICY

### 1. Decision Making

During an election period, Council will not make any prohibited decisions.

During the election period, all agendas prepared for Meetings will be vetted by the CEO to ensure they do not contain matters which may lead to a prohibited decision being made. The following statement will be applied to agendas and minutes prepared during the election period:

#### Caretaker Statement

The [##recommendations/resolutions] contained within [##this agenda/these minutes] are not prohibited decisions, as defined in either section 69(2) of the *Local Government Act 2020* or Council's Election Period Policy.

#### 1.1 Notices of Motion

It is recommended that Councillors avoid lodging Notices of Motion or raising items of Urgent Business during the election period. The CEO may reject any Notice of Motion lodged by a Councillor if he or she determines that the Notice of Motion contains electoral matter or would, if passed, constitute a prohibited decision.

#### 1.2 Public Question Time

Public Question Time will not occur at Council Meetings held during the election period.

Any questions received during the election period will be deferred to the first Council Meeting after the election at which Public Question Time will occur.

#### 1.3 Meetings of Delegated Committees and Community Asset Committees

Meetings of Delegated Committees and Community Asset Committees will not be held during the election period, unless they cannot reasonably be deferred until after the election. Where a Meeting of a Delegated Committee or Community Asset Committee cannot reasonably be deferred until after the election, the CEO will ensure that the relevant agenda contains only those matters which must be determined before the election and does not call for a prohibited decision to be made.

#### 1.4 Community Grants and Sponsorship

Council will continue to receive and accept applications for grants and sponsorship during the election period, however, decisions on such applications will be deferred until after the election.

There will be no public promotion of any new funding streams during the election period. If public promotion commenced prior to the election period, it will continue during the election period, although Councillors will not be associated with any public promotion activities.

### 2. Council Publications

The only publications which will be published during the election period will be those that:

- *are considered by the CEO or Director Corporate Services to be necessary and appropriate for the continuity of Council operations; and*

- *the CEO or Director Corporate Services is satisfied do not contain electoral matter.*

#### 2.1 *Council Publications Including Councillor Information*

Council will avoid the release of any publications during the election period which refer to Councillors, other than references appearing in minutes of Meetings.

No publications containing references to Councillors which constitute electoral matter will be released during the election period.

#### 2.2 *Existing Publications*

The CEO or Director Corporate Services will endeavour to review categories of publications which are publicly available at the commencement of the election period with a view to removing those publications which contain electoral matter relating to Councillors. Publications which are, or material which is, displayed at Council premises and assessed as containing electoral matter may be temporarily removed from display. Any material so removed may still be provided to members of the community upon request.

#### 2.3 *Annual Report*

If an Annual Report must be published by Council during the election period, the CEO will endeavour to ensure that it does not contain any electoral matter.

The Mayor's message may still be included in the Annual Report during an election year, however, the content of the Mayor's message must be limited to factual statements on Council's achievements as a whole, and must not contain any personal views, opinions or special achievements of the Mayor or Councillors.

Information in the Annual Report referring to specific Councillors will be limited to names, titles, contact details, memberships of Delegated Committees and Community Asset Committees and other bodies to which they have been appointed by, and as a representative of, Council.

### **3. Council Website**

Material which is already on Council's website at the commencement of the election period will generally remain, except that:

- *Councillor profiles, other than Councillor contact details; and*
- *any information prominently displayed which is assessed by the CEO or Director Corporate Services as electoral matter,*

will be removed.

A statement will be published on all Council websites advising that limited information (in compliance with this section) will be published on Council websites until after the election.

#### 3.1 *Internal Publications and Intranet*

The publication of internal newsletters and intranet information, including instructions for the election period, policy and procedure, is permitted and will continue as normal during an election period. The promotion of Councillors, candidates or political parties in internal publications is not permitted.

The Councillor Connect newsletter will not be distributed during the election period.



#### 4. Community Engagement and Public Consultation

Council will only conduct such community engagement and public consultation during the election period that is required by law, such as consultation required by:

- *the Planning and Environment Act 1987; and*
- *section 223 of the Local Government Act 1989.*

Consultation on major strategy or policy issues, or that which invites submissions, will not occur, or, if already commenced, will be suspended, during the election period.

#### 5. Small Town Catch Ups / Community Information Sessions

Council will not schedule any 'Mayor and CEO Small Town Catch Ups' during the election period.

Where community information sessions are required and cannot be postponed, only Council Officers will be in attendance.

#### 6. Media

Council will not broadcast or participate in any regular television or radio program or publish its regular newspaper or newsletter updates during the election period.

The following exceptions may be applied by the CEO or Director Corporate Services:

- *advertising commissioned and approved by the election manager, for the purpose of informing electors about the election process;*
- *advertising critical Council business, to the extent that it cannot be promoted prior to the commencement of the election period and does not contain election material; and*
- *as required and approved by the CEO or Director Corporate Services in response to an emergency.*

All advertising, apart from that commissioned by the election manager, must be approved by the CEO or Director Corporate Services.

##### 6.1 Media Interviews

Councillors will not participate in media interviews in their capacity as a Councillor during the election period.

Councillors may participate in media interviews in their capacity as a candidate or a private citizen, but must take care to advise the media that they are speaking to them as an individual and not on behalf of Council, or in their capacity as a Councillor. This disclaimer must be made even when a Councillor believes that a media interview will not be published or broadcast as part of the interview or story.

Council Officers may only participate in media interviews during the election period on operational matters and with the permission of the CEO or Director Corporate Services.

All media interviews are to be coordinated by Council's Marketing and Communications Team.

## 7. Public Notices and Advertising

Regular advertising, including tenders and public notices, will be postponed until after, or suspended during, the election period where possible.

The CEO or Director Corporate Services may authorise the publishing of some public notices after having regard to the following matters:

- *whether the notice is required by legislation;*
- *whether the matter can reasonably be deferred until after the election period; and*
- *whether the advertisement contains any electoral matter.*

Advertising for the purpose of recruitment is permitted during the election period.

## 8. Social Media

Councillors and Council Officers will not engage in social media in their capacity as Councillors and Council Officers during the election period, except with the prior approval of the CEO or Director Corporate Services.

Councillors will not publish comments to official Council social media sites during the election period.

To the extent that it is technically possible to do so, all Council social media sites will be disabled for external comments during the election period, to prevent the publication of electoral matter.

During the election period, Council Officers are expected not to engage with Councillors or candidates via social media, including 'liking' or 'commenting' on posts.

## 9. Council Resources

Councillors and Council Officers will not use any Council resources in a way that is intended, or is likely, to affect the result of an election.

During the election period, Councillors will not use Council resources for a purpose other than Council business. Council resources include, but are not limited to:

- *staff time;*
- *Council property (including meeting rooms and the Councillors' Suite);*
- *Council-provided equipment (including mobile phones, iPads, computers, printers, internet data and email accounts); and*
- *Council stationery (including Council nametags, business cards and photographs).*

The use of Council resources is generally governed by the *Councillor Resources and Facilities Policy*. This Policy is varied during the election period as follows:

- *Councillors will not attend conferences, functions or events in their capacity as a Councillor except when officially invited to do so as the representative of Council;*
- *Councillors will not undertake any professional development training in their capacity as a Councillor; and*

- *Councillors will reimburse Council for all personal use of Council-provided provided mobile telephones, including any amount under the \$50 threshold for incidental personal use.*
- *Councillors who wish to use email for election purposes must use a private email address.*

## **10. Events and Speeches**

Regular public events which are part of the normal operations of Council will continue during the election period. Additional events, particularly events which would require Councillor involvement, will only be scheduled with the approval and at the sole discretion of the CEO. The scheduling of additional events that require the involvement of Councillors during the election period will be avoided where possible.

Councillors participating in Council events during the election period as representatives of Council will not use the events for private electioneering. Material published or disseminated during the election period to promote a function or event will not promote individual Councillors.

Where a Councillor is required to deliver a speech at a function or event during the election period, Council Officers are to prepare the speech and the CEO is to confirm that it contains no electoral matter before it is provided to the Councillor.

Functions or events for the purpose of electioneering will not be resourced or publicised by Council.

## **11. Correspondence**

Routine letters and emails that are part of normal Council business are not to be affected by election processes, however, Council Officers, equipment and stationery must not be used for Councillor correspondence to the extent that it might relate to the election. This includes, but is not limited to:

- *letters with multiple addressees that are prepared by Council Officers, printed on or using Council resources or issued on behalf of Council;*
- *letters dealing with electoral matters for Councillors; and*
- *letters and emails that do not form part of general correspondence, which may be evidenced by the 'bulk' nature of such letters and emails.*

## **12. Use of the Title "Councillor"**

Councillors may use the title "Councillor" in their own election material, as they continue to hold their positions during the election period. To avoid any confusion, however, Councillors must ensure that their election publications are clearly seen to be their own material and not to represent the Council. Councillors will not use the Council logo or any facsimile or derivation of the Council logo on their election material.

## **13. Dispute Resolution**

Council will not undertake a dispute resolution procedure under the Councillor Code of Conduct during the election period.

Any dispute resolution procedures which had commenced, but were not yet resolved, prior to the election period will be placed on hold. If re-elected, the Councillors involved may resume the dispute resolution processes once they have formally resumed their position as Councillors.

#### **14. Equitable Distribution of Information**

Where access to information has been requested by candidates during the election period, the matter will be referred to the Governance Department to determine whether or not it is appropriate to provide such information.

If approved, the information will be provided to the candidate and also maintained in a register (**the Candidate Information Register**) which will be made available for inspection by any other candidate upon request.

Councillors will continue to receive information that is necessary to fulfil their existing elected roles. This information is not be subject to being recorded in the Candidate Information Register as outlined above.

#### **15. Conduct of Council Officers**

Council Officers are discouraged from promoting any potential candidate during the election period.

Neither the CEO nor any Council Officer can be asked, offer or agree to undertake any tasks connected directly or indirectly with electioneering.

### **RELATED POLICIES AND PROCEDURES**

- *Councillor Expenses Policy*
- *Councillor Resources and Facilities Policy*
- *Councillor Code of Conduct*

### **RELATED LEGISLATION**

- *Local Government Act 2020*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*

### **REVIEW**

This policy is to be reviewed by the Team Leader Governance within twelve months prior to a general election. Should a by-election be required, the Team Leader Governance is to review this policy as soon as the need for a by-election has been identified.

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**Peter Harriott**  
Chief Executive Officer

**Date**