



# Council Agenda



**Date:** 21 February 2023

**Time:** 6:00 pm

**Venue:** Echuca Civic Centre

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For a meeting of the Campaspe Shire Council meeting held on Tuesday 21 February 2023, commencing at 6:00 pm at the Council Chambers, Echuca Civic Centre.

## **Acknowledgement of Country**

The Shire of Campaspe is the traditional lands of the Dja Dja Wurrung, Taungurung and Yorta Yorta Peoples.

We respect and acknowledge their unique Aboriginal cultural heritage and pay our respect to their ancestors, descendants and emerging leaders as the Traditional Owners of this Country.

We acknowledge their living culture and their unique role in the life of this region.

## **Opening Prayer**

We pray to almighty God that our decisions as a Council be in the best interest of the people, culture and the environment of the Shire of Campaspe.

Amen

## **Meeting Procedures**

Please ensure that all electronic devices are turned off or switched to silent.

Council meetings are broadcast live via the internet. During the meeting, members of the public may be recorded, particularly those speaking to an item. By attending this meeting, you are consenting to the possibility that your image may also be broadcast to the public. Any personal and health information voluntarily disclosed by any person at Council meetings may be broadcast live, held by Council and made available to the public for later viewing.

Those people who have requested to speak to an item will be allowed five minutes to address Council. Speakers will be notified with a bell when there is 60 seconds remaining. Speakers must only speak in relation to the subject stated on their application and shall not debate the issue with Councillors and officers. Councillors are able to ask questions of the speaker on points of clarification.

Speakers are advised that they do not enjoy any special protection from defamation arising from comments made during their presentation to Council and should refrain from voicing defamatory remarks or personal defamatory statements against any individual. Speakers will be treated with respect when addressing Council. I ask that the same respect is extended to Councillors and officers.



# 1 Apologies and Requests for Leave of Absences

## 1.1 Apologies

## 1.2 Leave of Absence

# 2 Confirmation of Minutes

## RECOMMENDATION

That the following minutes be confirmed:

- Campaspe Council Meeting held on 14 December 2022.

# 3 Changes to the Order of Business

Once an agenda has been prepared and sent to Councillors, the order of business for that meeting may only be altered by resolution of the Council. This includes the request for an item to be brought forward.

# 4 Declarations of Conflict of Interest

In accordance with Section 130(1)(a) of the *Local Government Act 2020* Councillors are required to disclose any conflict of interest in respect of a matter to be considered at a Council meeting.

# 5 Responsible Authority Decisions

Responsible Authority – Defined under Section 13 of the *Planning & Environment Act 1987*.  
Responsible for administering and enforcing the planning scheme and its provisions in relation to use and development.

Nil received.

# 6 Planning Authority Decisions

Planning Authority – Defined under Section 12 of the *Planning & Environment Act 1987*.  
Responsible for implementing the objectives of planning in Victoria and reviewing and preparing amendments to a planning scheme.

Nil received.



## **7 Question Time**

Question time will be available at every Ordinary Meeting to enable members of the public to address questions to Council. Questions must be received in writing, on the prescribed form from Council's website, by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer, no later than 12:00pm (noon) on the day of the Ordinary Meeting.

## **8 Acknowledgements / Councillor Reports**

At each Ordinary Meeting, Councillors will have the opportunity to acknowledge significant community members and events. These may relate to notable achievements by community members and groups, and the offering of condolences to a person who has distinguished service in the local area.

The duration of any report from a Councillor will be limited to two (2) minutes.

Any acknowledgment intended to be raised by a Councillor at an Ordinary meeting must be notified to the Chief Executive Officer at least three (3) hours before the commencement of the meeting.

## 9 Officers Reports

### 9.1 Office of the CEO

#### 9.1.1 Governance Rules - Release for public consultation

Directorate: Office of the CEO

Responsible Officer: Governance Advisor

Manager: Chief Executive Officer

Attachments:

1. Comparison Table [9.1.1.1 - 8 pages]
2. REVISED Governance Rules CLEAN (1) [9.1.1.2 - 46 pages]
3. CURRENT Governance Rules [9.1.1.3 - 51 pages]
4. REVISED Governance Rules TRACKED [9.1.1.4 - 97 pages]
5. Appendix 1 REVISED Election Period Policy CLEAN [9.1.1.5 - 6 pages]
6. Appendix 1 CURRENT 152 Election Period Policy [9.1.1.6 - 4 pages]
7. Appendix 1 REVISED Election Period Policy TRACKED [9.1.1.7 - 7 pages]
8. DRAFT - Appendix 2 Procedural Motion Table [9.1.1.8 - 3 pages]
9. DRAFT - Appendix 3 Flow Chart of Motions [9.1.1.9 - 1 page]
10. Appendix 2 and 3 Current (1) [9.1.1.10 - 4 pages]

#### 1. PURPOSE

Section 60 of the *Local Government Act 2020* (Act) provides that a Council must develop, adopt and keep in force Governance Rules (the Rules). The Rules govern decision making and meeting procedures of Council and Delegated Committees.

Section 69 of the Act also requires an Election Period Policy be included in its Governance Rules. The Election Period Policy sets the conduct, functions and responsibilities that will apply to Council during the election period.

Council resolved on 17 August 2022 to review the Rules (which include the Election Period Policy). The amended Rules and Election Period Policy are provided for consideration and to decide if they can proceed to the community engagement process in accordance with section 60(4) of the Act.

## 2. RECOMMENDATION

1. That Council endorse the revised Governance Rules as attached to proceed to community engagement in accordance with section 60(4) of the *Local Government Act 2020*.
2. That the Chief Executive Officer is authorised to: -
  - a. Make available for public inspection the revised Governance Rules on Council's website; and
  - b. Give public notice inviting submissions in writing from members of the public for Council considerationfor a period of 30 days.
3. That a report be brought to the Council detailing the findings of the community engagement.

## 3. DISCUSSION

Council adopted Governance Rules at the Council Meeting held on 18 August 2020 pursuant to section 60 of the *Local Government Act 2020*. Council subsequently adopted amended Governance Rules on 17 August 2022 in response to the Minister's Good Practice Guideline MGPG-1: Virtual Meetings issued on 21 April 2022.

The Council resolution made on 17 August 2022 is set out below:

*Moved by Cr Pentreath*

*Seconded by Cr Amos*

*That Council:*

1. *Adopt the revised Governance Rules (as attached 9.5.1) to allow for Ordinary business of Council to continue by electronic means of communication.*
2. *Note that a more comprehensive review of the Governance Rules is currently being undertaken that will include community engagement.*

**CARRIED**

Further to the second point of the above resolution, a more comprehensive review of the Rules has been completed and a draft is attached for consideration and endorsement for a community engagement process. The current Rules and a marked-up version showing tracked changes are also attached for clarity.

The Rules have been amended to: -

- a) ensure that they comply with the *Local Government Act 2020*;
- b) be presented in a clear and succinct manner so they are easily read and understood by the public;
- c) improve the flow of Council Meetings;



- d) reflect the way Council is practically run and address the needs of Council for Council Meetings based on current Council Meeting procedures; and
- e) improve formatting, align with Council's style guide and remove gender references.

An overview of the amendments to the Rules is provided in the attached comparison table.

#### **4. CONSULTATION**

##### Internal consultation:

- 25 January 2023 - Executive Management Group

##### Councillors:

- 31 January 2023 - Council Briefing Session
- 07 February 2023 - Council Briefing Session

#### **5. POLICY AND LEGISLATIVE IMPLICATIONS**

The requirements of Section 9(2) of Local Government Act 2020 (the overarching governance principles and supporting principles) are the basis by which the Rules have been reviewed and amended.

The Rules have an impact on the process by which Council decisions are made to achieve the best outcomes, including economic, social and environmental sustainability for the community. The Rules provide for a Council decision-making process to support the ongoing financial viability of Council and the transparency of Council decisions, actions and information.

#### **6. FINANCIAL AND ECONOMIC IMPLICATIONS**

The requirements of sections 9(2)(c) and (g) of *Local Government Act 2020* have been considered and no negative impacts on the ongoing financial viability of the Council have been identified within this report.

#### **7. ENVIRONMENTAL IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no environmental sustainability issues including mitigation and planning for climate change risks have been identified within this report..

#### **8. SOCIAL IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no social implications for the municipality have been identified with this report.

#### **9. RELEVANCE TO COUNCIL PLAN 2021-2025**

The Rules provide the framework by which Council decisions, actions and information may promote or implement the strategies and goals within the Council Plan.

#### **10. ISSUES AND RISK MANAGEMENT**

##### Issues:

Nil.

## **Risk:**

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

### **11. CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, the officer preparing this report declares no conflict of interest regarding this matter.

### **12. CHARTER OF HUMAN RIGHTS**

This Report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

### **13. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

Amendment Table

No.	Heading	Description of Change or Addition
	Table of Contents	Amended to reflect new order
	Authorisation	Removed as it is unnecessary, the authorisation is evidenced by Council Resolution when adopted by Council.
	Introduction	
	Nature of Rules	Included in 1.1 "Introduction"
	Content	Removed as it is a duplication of table of contents.
	Abbreviations	Removed as it only referred to 2 abbreviations which can be adequately explained in definitions.
	Definitions	Updated and moved to 1.2 so it is now within the actual document. Updates include additional definitions to reflect changes in document and so that the document is more easily read by the public, for example, defining resolution
<b>1. Governance Overview and Decision Making</b>		
1.1	Context	Included in 1.1 "Introduction" and updated to include 9(3) of the Act
		Additional provision "Purpose" at 1.3 to explain section 60 of the Act. This is a standard provision, there are similar provisions in governance rules for other councils (such as Hobson Bay and Mornington Peninsula).
1.2	Decision Making	1.4 in proposed Rules, changed 1.2(1) to include those required by section 60(2)(a) the Act first and have included the balance as in the current document in (b) and (c). Also, simplified 1.2(2) in relation to natural justice so it is more readable. Reworded 1.2(3) to be more readable, this is now 1.2(2).
<b>2. Meeting Procedure for Council Meeting</b>		
2.1	Purpose	Removed as unnecessary.
2.2	Notices and Agendas	Heading changed to 2.1 Council Meetings and Agendas.
2.2.1	Date, Time and Place of Meetings	2.1.1 – Wording changed to entire section so that it is simple and clear.  Removed requirement in 2.2.1(2) for minimum of 12 Council Meetings per calendar year to not restrict Councillors on the number of Council Meetings that would be necessary to conduct the business of Council.  Also included how notice of meetings can be provided in 2.1.1(5) of revised Rules for clarification.
2.2.2	Unscheduled Meetings	2.1.2 – There has been wording and format changes to this whole section to make the provision more readable and avoid confusion.  2.2.2(4) removed as this will be unnecessary as the representors (called submitters in the revised Rules) will not be restricted to six.  2.2.2(10) removed as this is allowed in later provision for election of Mayor and Deputy Mayor.  2.2.2(11) changed to remove council's ability to admit a further item, this is because it is better practice not to allow this for better public transparency.



Amendment Table

2.2.3	Notice of Meetings	<p>2.1.3 – reworded entire section for simplicity and subheadings removed as unnecessary.</p> <p>2.2.3(1) deleted as it is referred to in 2.1.6 in revised Rules and to keep this section to “Notice of Meeting” only.</p> <p>2.2.3(6) amended so that Councillor does not receive Reports unless approved by Mayor and CEO.</p>
2.2.4	Meetings Open to the Public	<p>2.1.4 - Amended to include specific provisions of the Act and to include provisions around live streaming and recording.</p> <p>2.2.4(3) removed as we have included such provisions in the Rules.</p> <p>Live streaming provisions from below are included here to similar provisions in the same sections and avoid having to jump throughout the document.</p> <p>Further provisions added to include a provision to confirm that ownership of material produced by Council belongs to Council, material cannot be edited and that minutes are the official record to avoid any confusion.</p>
2.2.5	Meetings Closed to the Public	<p>2.1.5 - Slight amendment to wording to ensure it is simple to read and additional statement to clarify that if Council Meeting is closed for reasons in subrules (b) and (c) that the Council Meeting will be livestreamed as required by section 66(3) the Act.</p>
		<p>2.1.6 – Additional provision added to the revised Rules for the Format of Council Meetings, to explain electronic meetings and so that the attendance by electronic means can then flows on from this.</p>
2.2.6	Attendance by Councillors	<p>2.1.7 - Heading changed to state “Attendance via electronic means” as it now caters to all attendees by electronic means not just Councillors.</p> <p>Provision amended to include section of the Act that allowed Councillors to attend electronically.</p> <p>2.2.6(4) and (5) have been removed as requiring Councillors to request to attend electronically not in line with the Act. Councillors are required to notify Mayor and CEO by noon on the day of Council Meeting still so that governance can make any necessary arrangements (including IT arrangements with new rotating camera set up).</p> <p>Provision also now includes further provisions to address council staff etc attending electronically.</p> <p>Also clarifies how Councillors vote when attending electronically and clarifies how Councillors will be</p>

Amendment Table

		considered as in attendance or having left the Council Meeting (by being seen and head).  Includes further provisions to ensure environment is suitable when addressing confidential items.
2.2.7	Technical difficulties – loss of connection of Chair or Councillors	2.1.8 – heading changed to “Technical difficulties”, to fully set out how the main foreseeable technical difficulties are to be addressed.  Provision in revised Rules prescribes the procedure for how technical difficulties should be dealt with which ensures Councillors, public and staff are aware of how this will be handled and avoid any confusion and ensure the smooth flow of a Council Meeting.
2.3	Quorum	2.2
2.3.1	Quorum – Council Meeting	2.2.1 - Amended to take away the overuse of headings and to ensure a clearer flow of the document. Wording change to ensure the requirements are clear
2.3.2	Failure to Raise a Quorum	2.2.1
2.3.3	Inability to Maintain a Quorum	2.2.1
2.3.4	Inability to Maintain a Quorum due to Declarations of Conflict of Interests	2.2.2 - Wording changed for simplicity.
2.3.5	Inability to Maintain a Quorum due to abstaining from voting	2.2.3 - Wording changed for simplicity.
2.4	Business of a Meeting	2.3
2.4.1	Order of Business Listed on the Agenda	2.3.1 - Wording changed to make it simple, order of business changed to reflect what practically occurs and to keep public involvement together.  2.3.2 Changes to the Order of Business included as it should be addressed after Order of Business for continuity.  Additional provisions to enable business to be addressed where it is needed, allows CEO to change order of business with consultation with the Mayor after agenda has been done. Also allows the Chair to change order of business during Council meeting.
		2.3.3 Additional Items – included here for continuity of the documents, this is in place of supplementary reports (2.4.7 in current Rules).
2.4.2	Apologies (including leave of absence)	2.3.4 – changed wording to make rules clearer, amendments and additions to clearly distinguish between leave of absence, apology and absence and to ensure it is recorded in the minutes accurately.
2.4.3	Councillor Acknowledgements	2.3.5 - includes Councillor reports from rule 2.4.13 of the current rules (delegates is not referred to so is removed). These are dealt with at the same time in Order of

Amendment Table

		Business now so are mentioned together. Acknowledgements and reports similar enough to be considered together. Adds additional point to clarify that Councillors can report on matters of any Delegated Committee they are part of also.
2.4.4	Change to the Order of Business	Moved to rule 2.3.2 in new Rules with amendments (as stated above).
2.4.5	Representations	Removed – see new rule 3 below.
2.4.6	Presentation of Officer Reports	2.3.6 - in new Rules for continuity.
2.4.7	Supplementary Reports	Removed and included as additional items 2.3.3 in new Rules.
2.4.8	Petitions/Joint Letters	2.3.7 in new Rules – reworded for simplicity, includes that we would need petition for at least three days to have the time and resources for us to check it over before being tabled at a Council Meeting (if it wasn't received in time it would be tabled at next Council Meeting). Note: all compliant petitions/joint letters should be tabled at a Council Meeting as a recording/reporting mechanism and for public transparency.
2.4.9	Public Question Time	2.3.8 - reworded for simplicity and to make submission of a question easier to understand and avoid confusion.  Time for submitting a question changed from 12 noon the day of the Council Meeting to 12 noon the day before the Council Meeting. This is to allow the CEO and officers time to investigate and provide a response (where possible) as the current timeframe is too restrictive.
2.4.10	Notice of Motion	2.3.9 - reworded for simplicity and includes additional provision to require CEO provides a copy of that Notice of Motion to the Councillors.
		2.3.10 – new provision added for Lost Motion (2.4.10(11) in current Rules).
		2.3.11 – new provision added for Lapsed Motion to adequately explain a Lapsed Motion
2.4.11	Notice of Recission Motion	2.3.12 reworded for simplicity and removes alteration as this should be recission. Also requires CEO to provide notice in writing at subsection (6) in the revised Rules.
2.4.12	When a resolution has been acted on	Moved to 2.5.22 for continuity.
2.4.13	Reports from Councillors/Delegates	Included in 2.3.5 of revised Rules.
2.4.14	Urgent Business	2.3.13 – reworded and reformatted to make it clearer.
2.4.15	Time Limit for Meetings	2.3.14 – some parts reworded for simplicity
2.5	Addressing the Meeting	2.4 – removal of gender references
2.6	Meeting Procedures	2.5 – heading change to Council Meeting Procedures
2.6.1	Role of the Chair	2.5.1
2.6.2	Mayor to take the chair	2.5.2 – rewording for simplicity and to include election process for substitute chair
2.6.3	The Chair's Duties and Discretions	2.5.3
2.6.4	Voting – How	2.5.4 – removal of unnecessary subheadings - includes



Amendment Table

	determined	2.6.4 and 2.6.5 of current rules
2.6.5	Voting – by show of hands	2.5.4
		2.5.5 – Abstaining from a Vote – new provisions to clarify abstaining from a vote and to confirm the vote is taken in the negative in accordance with the Act.
		2.5.6 – 2.6.12 from current Rules (casting vote) moved to here for continuity.
		2.5.7 – Recording of Opposition of Motion, 2.6.13 from current Rules moved here.
		2.5.8 – Motion to be Read Again, 2.6.14 from current Rules moved here.
2.6.6	Call for a Division	2.5.9 - heading changed to Division, rewording and formatted for simplicity and continuity. Changed so that if a Councillor has abstained from the vote they do not get the option to change their “vote” – they have already abstained and they’re vote would be counted in the negative pursuant to the Act.
2.6.7	Procedure for a Division	Included in 2.5.9
2.6.8	Between the original vote and the division	Included in 2.5.9
2.6.9	Vote to be Taken in Silence	2.5.4(3)
2.6.10	Recount of Vote	2.5.4(6)
2.6.11	Declaration of Vote	2.5.4(5)
2.6.12	Casting Vote	2.5.6
2.6.13	Recording of Opposing Motion	2.5.7
2.6.14	Motion to be Read again	2.5.8
	Motions and Amendments	Subheading removed and part included in 2.5.10 about them needing to stand alone.
2.6.15	Motions in Writing	2.5.10 – inclusion of portion above at (2).
2.6.16	Moving a Motion	2.5.11 – reworded for simplicity and to include if seconder has reserved their right to speak that Chair goes back to them to see if they want to exercise that right.  Also includes ability for Councillor to speak to the motion in addition to for and against.
2.6.17	Right of Reply	2.5.12 – changed to Closing the debate to reflect wording used in Council Meetings. Removed 2.6.17(3) so that there is a right of reply where a Councillor has not spoken against the motion.
2.6.18	Moving an Amendment	2.5.13 – reworded to include reference in Rules and simplicity
2.6.19	Second or Subsequent Amendments	2.5.14 - reworded to include reference in Rules and simplicity
2.6.20	An Amendment Once Carried	2.5.15
2.6.21	Foreshadowing a Motion	2.5.16 – additional subsection (5) added to revised Rules to clarify that Foreshadowed Motions cannot be made in

Amendment Table

		relation to Notices of Motion.
2.6.22	Withdrawal of a Motion	2.5.17 – slightly amended for clarification and to include ability to separate the motion when voting (this is done other Councils)
2.6.23	Debating a Motion	2.5.18
2.6.24	Deferring or Pausing Debate	2.5.19
2.6.25	Procedural Motion Table	2.5.21 – included as an appendix but rule remains for clarification
2.6.26	Moving a Procedural Motion	2.5.20 – moved up for continuity
		2.5.23 – Speaking times moved here for continuity
2.6.27	Who can Move a Procedural Motion	(1) Removed, (2) moved to 2.5.20(3) for continuity
2.6.28	Procedural Motion may be Rejected	Moved to 2.5.20(4) for continuity
2.6.29	Consideration of Procedural Motions	Moved to 2.5.21
2.6.30	Debate and Amendments to Procedural Motions Not Allowed	Moved to 2.5.20(5) and (6)
2.6.31	Speaking Times	Moved to 2.5.23 - additional heading “Speaking to the meeting” removed – provisions reworded to include changes in Rules
2.6.32	Interruptions and Interjections	2.5.24
2.6.33	Priority of Address	2.5.25
2.6.34	Councillors Not to Speak Twice to the Same Motion or Amendment	2.5.26
2.6.35	Points of Order	2.5.27 - Additional heading “points of order” removed. Point of order to include addition at (3)(h) in place of “personal explanation”. Personal explanation removed and used within point of order (so point of order can be called for personal explanation).
2.6.36	Consideration of Point of Order	Moved to 2.5.28(1).
2.6.37	Chair to Decide Point of Order	2.5.28(2) and (3).
2.6.38	Disagreeing with Chair’s Ruling	Moved to 2.5.28(4).
2.6.39	Motion of Dissent	2.5.29 – amendments made to address changes in the revised Rules.
2.6.40	Personal Explanation	Removed as now included in point of order.
2.6.41	Disorderly Conduct	2.5.30.
2.6.42	Suspension of Standing Orders	2.5.31 - Additional heading “suspension of standing orders” removed.
2.6.43	Adjourning the Meeting	2.5.32 - Additional heading “Adjournments” removed
2.6.44	Notice of Adjournment of Meeting	2.5.33

## Amendment Table

2.6.45	Lapsed meeting	2.5.34
2.6.46	Undisposed Business of a Lapsed Meeting	2.5.34
2.6.47	Compliance with Governance Rules	2.5.35
2.7	Behavioural Conduct During Council Meetings	2.6 - heading changed to "Conduct During Council Meetings"
2.7.1	Electronic Devices	2.6.1 – changes to allow media to record with permission of CEO, so if they want to tweet progress of a meeting or take a photo they would be able to. Also amended for further clarification around recording devices.
2.7.2	Behaviour during Council Meetings	2.6.2
2.7.3	Criticism of Council Staff	2.6.3
2.7.4	Gallery to be Silent	2.6.4
2.7.5	Display of Posters, Banners and Placards	2.6.5
2.7.6	Ejection of Disorderly Visitors	2.6.6
2.7.7	Chair May Adjourn Disorderly Meeting	2.6.7
2.8	Provisions to Record Council Meetings	Moved to 2.1.4.
2.9	Joint Council Meetings	2.7
2.10	Submissions and Submission Hearing	Removed – see new rule at 3.
2.11	Procedure Not Provided for in These Rules	2.8
		3. Public Submissions – a rule added instead of 2.4.5 and 2.10.
<b>3. Meeting Procedure for Delegated Committees (4 in revised Rules)</b>		
3.1	Overview	4.1(1)
3.1.1	Governance Rules Apply	4.1(2), (3) and (4) amended to be less restrictive
<b>4. Meeting Procedure for Community Asset Committees</b>		
4.1	Overview	4.2- amended to be less restrictive
4.2	Operation of Community Asset Committee	4.2- amended to be less restrictive
<b>5. Meeting Records</b>		
5.1.1	Keeping Minutes	5.1(1) and (2)
5.1.2	Content of Minutes	5.1(3) – amended to include recording of time a Councillor leaves and returns (if applicable) to a meeting
5.1.3	Confirmation of Minutes	5.2 – amended to remove 5.1.3 (5) so that no requirement for a hard copy minute book, minute books are rarely used, all minutes are kept and easily accessed electronically and this saves Council cost
<b>6. Mayor and Deputy Mayor Appointment Processes</b>		
6.1	Eligibility	6.1



## Amendment Table

6.2	When Required	6.2 – amended for simplicity
6.3	Agenda Content	6.3
6.4	Temporary Chair	Included in 6.4(1)
6.5	Returning Officer	6.2(6)
6.6	Nomination for the Officer of the Mayor	6.4
6.7	Nominations for the Office of Deputy Mayor	6.5
6.8	Determining the Election of the Mayor and Deputy Mayor	6.6
6.9	Determining by Lot	Removed to ensure rules comply with new Local Government Act 2020.
6.10	Acting Mayor	6.7
6.11	Mayor to Take Chair	6.2(6)
6.12	Ceremonial Mayoral Speech	6.8
7. Election Period Policy		
7.1	Election Period Policy	7.1
8. Disclosure of Conflict of Interests		
8.1	Obligations	8.1
8.2	Councillors and members of Delegated Committees	8.2
8.3	Council Staff	8.3
9. Miscellaneous		
9.1	Change of Council Policy	Removed as not necessary
		Appendix 1 – Election Period Policy
		Appendix 2 – Procedural Motion Table
		Appendix 3 – Flow Chart of Motions



# CAMPASPE SHIRE COUNCIL GOVERNANCE RULES



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Appendix 1 – Election Period Policy

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OFFICIAL

## Authorisation

The Campaspe Shire Council Governance Rules was adopted by Council on DD Month YYYY



# Governance Rules

## 1. Governance Overview and Decision Making

### 1.1 Introduction

- (1) These are the Governance Rules of the Campaspe Shire Council ("Council"), made in accordance with section 60 of the Local Government Act 2020 (Vic) ("the Act") and should be read in the context of and in conjunction with the overarching governance principles and the supporting principles specified in sections 9(2) and (3) of the Act.
- (2) These Rules should also be considered in conjunction with: -
  - a) the Councillor Code of Conduct;
  - b) Council's Risk Management Framework; and
  - c) Council's policies.
- (3) These Rules will commence on the date they are adopted by Council as evidenced by a formal Council Resolution and have no cessation date.
- (4) These Rules will be reviewed once every four years or earlier if required.

### 1.2 Definitions

- (1) In these Governance Rules:

Words and Phrases	Meaning
Abstain	means where a Councillor declines to vote either for or against a Motion. Abstaining can be indicated by either verbally stating that they are abstaining or not raising their hand to vote.
the Act	means the <i>Local Government Act 2020 (Vic)</i> .
Agenda	means a document containing notice of a meeting, a list of business to be transacted at the meeting and can include Business Papers.
Authorised Officer	means a person appointed by Council under section 224 of the <i>Local Government Act 1989</i> .
Business Papers	means the presentation of information on an item of business to be considered and actioned by the Council and includes Reports and communications.
Chair	means the person who chairs a meeting and includes an acting, a temporary or a substitute Chairperson.
CEO	means the Chief Executive Officer appointed by Council (includes an Acting or Interim Chief Executive Officer).
Community Asset Committee	means a Community Asset Committee established under section 65 of the Act.
Council	means Campaspe Shire Council.

## Governance Rules

Words and Phrases	Meaning
Council Chamber	means the place where a Council Meeting is held.
Council Meeting	means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and Unscheduled Meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance).
Councillor	means a Councillor of Council.
Chair	means the Chairperson of a meeting and includes an acting, temporary or substitute Chairperson.
Customer Service Centre	means Council's physical offices as provided on Council's website.
Delegate	means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation.
Delegated Committee	means a Delegated Committee established under section 63 of the Act.
Delegated Committee Meeting	means a meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled meeting or Unscheduled Meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance).
Delegate Report	means a Report completed by a Delegate.
Directly Affected	means an individual who will be directly impacted in either a positive or negative way by a decision of Council and in turn will receive or lose a current benefit.
Election Period	means the period that starts at the time that nominations close on nomination day and ends at 6pm on election day.
Hybrid Meeting	means a method of attendance at a meeting whereby attendance is a combination of both in person attendees and attendees attending via electronic means of communication (also includes parallel).
Mayor	means the Mayor of Council elected in accordance with section 25 of the Act.
Minutes	means the record of proceedings of a meeting.
Motion	means a proposal made for the purpose of obtaining a decision or Resolution of Council.
Notice of Motion	means a notice in setting out the text of a Motion.
Notice of Rescission	means a Notice of Motion to rescind a Resolution made by Council.
Order of Business	means the order in which business is listed on the Agenda.

## Governance Rules

Words and Phrases	Meaning
Quorum	means, in accordance with section 61(4) of the Act, an absolute majority. In accordance with section 61(7) of the Act, an absolute majority means the number of Councillors which is greater than half the total number of Councillors of a Council.
Report	means a report to Council prepared by an Officer or Delegate with Business Papers.
Requires a Decision	means those business items listed under the Agenda headings of: - <ul style="list-style-type: none"> <li>• Responsible Authority Decisions,</li> <li>• Planning Authority Decisions,</li> <li>• Council Decisions,</li> <li>• Urgent Business,</li> <li>• Notices of Motion.</li> </ul>
Resolution	means, in accordance with section 59(1) of the Act: <i>Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council.</i>
Submitter	means a person or person who represents the interests of a group of people who are, or would be, Directly Affected by the outcome of a business item on the Agenda that Requires a Decision by the Council.
Submission	means information, opinion or submissions being presented by a Submitter for the purposes of being heard by Council.
these Rules	means these Governance Rules.
Unscheduled Meeting	means a meeting of the Council convened for a particular purpose that cannot be dealt with in the annual schedule of Council Meetings set by Council.
Visitor	means any person other than a Councillor or member of Council staff present at a Meeting.
Virtual Meeting	means a meeting whereby the method of attendance by all attendees is via electronic means of communication.
Written or in Writing	means recorded information (includes duplicates, lithographs, photocopies, photographs, facsimiles, printed, handwritten, typed, or emailed).

## Governance Rules

### 1.3 Purpose

- (1) These Rules determine the way in which Council will make decisions in the best interests of the community.
- (2) Council is committed to transparency in decision making.
- (3) In accordance with section 60 of the Act, Council must develop, adopt and keep Governance Rules for or with respect to following:
  - (a) the conduct of Council Meetings and Committee Meetings, including holding such meetings by electronic means of communication;
  - (b) requesting and approval of attendance at Council Meetings and Committee Meetings by electronic means of communication;
  - (c) the form and availability of meeting records;
  - (d) the election of the Mayor and Deputy Mayor;
  - (e) the appointment of an Acting Mayor;
  - (f) procedures for the disclosure of a conflict of interest by a Councillor or member of a Delegated Committee in accordance with section 130 of the Act;
  - (g) the procedures for the disclosure of a conflict of interest by a Councillor under section 131 of the Act;
  - (h) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1) of the Act; and
  - (i) the Election Period Policy in accordance with section 69 of the Act.

### 1.4 Decision making

- (1) In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and make a decision:
  - (a) fairly and on the merits;
  - (b) by giving consideration and making a decision which is balanced, ethical and impartial;
  - (c) free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations; and
  - (d) applying due process and adhering to the principals of natural justice in decision making for any person whose rights are affected.
- (2) Without limiting anything in sub-rule (1):
  - (a) 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: -
    - i. identify the person or persons whose rights will be Directly Affected;
    - ii. give notice of the decision which Council must make to such person or persons; and

## Governance Rules

- iii. ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made.
- (b) 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.
- (c) if a member of Council staff proposes to make a decision under delegation that will directly affect the rights of a person or persons, the member of Council staff must complete a Report. The Report must record that notice of the decision to be made was given to such person or persons and such person or persons were provided with an opportunity to communicate their view and their interests considered.

## 2. Meeting Procedure for Council Meetings

### 2.1 Council Meetings and Agendas

#### 2.1.1 Date, Time and Place of Council Meetings

- (1) At or before the last Council Meeting each calendar year, Council will fix the dates, times and places of Council Meetings for the following calendar year.
- (2) At or before the last Council Meeting each calendar year, Council must fix the date and time for all scheduled Council Meetings for the following calendar year.
- (3) The date, time and place of all Council Meetings are to be made available to the public.
- (4) The CEO or Council by Resolution, may change the date, time and place of, or cancel, any Council Meeting which has been fixed and must provide notice of the change to the public.
- (5) For the purpose of sub-rules (3) and (4), notice provided on Council's website is sufficient for providing notice to the public.

#### 2.1.2 Unscheduled Meetings

- (1) An Unscheduled Meeting can only be called in the following ways: -
  - (a) at a Council Meeting, by Council Resolution;
  - (b) by the CEO, following consultation with the Mayor; or
  - (c) by the CEO upon receipt of a written notice requesting an Unscheduled Meeting from the Mayor or three Councillors.
- (2) A written notice or Resolution to call an Unscheduled Meeting must:
  - (a) specify the business to be transacted;
  - (b) specify a time and date for holding the Unscheduled Meeting that is no earlier than three business days after the date of the Resolution or the date the written notice is provided; and

## Governance Rules

- (c) specify the format of the Council Meeting which may be in-person, a Virtual Meeting or a Hybrid Meeting.
- (3) The CEO must determine the time and date for the Unscheduled Meeting, giving consideration to:
  - (a) the urgency of the business to be transacted;
  - (b) the availability of Councillors; and
  - (c) a reasonable notice period for a person or persons whose rights or interests may be Directly Affected by the business to be transacted.
- (4) The CEO must arrange for notice of the Unscheduled Meeting in accordance with Rule 2.1.3(10), (11) and (12) of these Rules.
- (5) Only the business specified in the Resolution, written notice, or CEO's Agenda may be considered at an Unscheduled Meeting.

### 2.1.3 Notice of Meetings

- (1) A notice of a Council Meeting, that is not an Unscheduled Meeting, incorporating or accompanied by an Agenda to be dealt with and any relevant Reports, must be sent electronically to every Councillor for all Council Meetings, at least three business days before the Council Meeting.
- (2) The notice for any Council Meeting, including Unscheduled Meetings, must be sent to each Councillor's Council email address.
- (3) A notice of a Council Meeting will not be sent to a Councillor who has been granted leave of absence unless the Councillor has requested in writing to the CEO to continue to receive such notices during their absence.
- (4) A Councillor who has declared a conflict of interest in a particular matter will not receive any Reports that are not publicly available concerning that particular matter unless approved by the Mayor and CEO.
- (5) An Agenda for each Council Meeting, that is not an Unscheduled Meeting, will be made available on Council's website no less than two business days before the Council Meeting.
- (6) A schedule of Council Meetings must be prepared and published that ensures it is available to a broad section of the community, including on Council's website and available from Customer Service Centres.
- (7) Notice of an Unscheduled Meeting must be published on Council's website as soon as practicable after the time and date of the Unscheduled Meeting has been determined and not less than 24 hours before the Unscheduled Meeting.
- (8) A notice of an Unscheduled Meeting, incorporating or accompanied by an Agenda and Reports must be made available to every Councillor at least 48 hours before the Unscheduled Meeting. A period less than 48 hours may be allowed if exceptional circumstances exist.
- (9) An Agenda for an Unscheduled Meeting will be made available on Council's website no less than 24 hours before the Unscheduled Meeting.



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### 2.1.4 Council Meetings Open to the Public and Live Streaming of Meetings

- (1) In accordance with section 66(1) of the Act, all Council Meetings must be open to the public unless a Resolution is made to close the Council Meeting for one of the circumstances in section 66(2) of the Act.
- (2) All Council Meetings that are open to the public are livestreamed by Council and can be viewed via Council's website.
- (3) Community members may only participate in Council Meetings in accordance with rule 2.3.7 and 3 of these Rules.
- (4) If a Council Meeting is interrupted due to technical difficulties such as loss of audio, visual or livestreaming capabilities, the procedure in rule 2.1.8 of these Rules applies.
- (5) Recordings of Council Meetings will be retained and available to the public for viewing or listening for at least a period of 12 months from the date of the Council Meeting.
- (6) Public Council Meetings are an open forum of statements, questions and answers. Occasionally some things that are said may be regarded as offensive defamatory or contrary to law. In circumstances when statements are made that may fall into these categories the CEO, at their sole discretion, may edit the recorded version of the Council Meeting so as not to cause embarrassment or increase liability exposure to members of the public or Council.
- (7) In circumstances where comments are made that may be considered defamatory, breach copyright, breach privacy or may be considered discriminatory, such comments may be edited from the available recorded version of the Council Meeting.
- (8) Ownership, including ownership of copyright in all material produced by Council, belongs to Council. Anything contained in a livestream, recording or any material produced by Council (including on Council's website) must not be edited, altered, reproduced or published without the permission of Council.
- (9) The livestreaming or recordings of Council Meetings are not the official record of the Council Meeting. The Minutes are the official record of Council Meetings.

### 2.1.5 Council Meetings Closed to the Public

- (1) Council may resolve that a Council Meeting be closed to the public in accordance with section 66 of the Act if the Council Meeting:
  - (a) is to consider confidential information as defined in the Act;
  - (b) there are security reasons; or
  - (c) it is necessary to do so to enable the Council Meeting to proceed in an orderly manner.
- (2) A Council Meeting closed to the public for reasons in sub-rules (1)(b) and (c) above, will be livestreamed on Council's website.
- (3) If a Council Meeting is closed to the public, the reasons for the closure will be documented in the Minutes of the Council Meeting.

## Governance Rules

### 2.1.6 Format of Council Meeting

- (1) All Council Meetings will be held in-person unless Council, by Resolution, or, the Mayor and CEO agree that a Council Meeting will be held as a Virtual Meeting or Hybrid Meeting.
- (2) Where the Council Meeting is held in person, attendance may be either in person or by electronic means, the Council Meeting then being a Hybrid Meeting.
- (3) Where the Council Meeting is a Virtual Meeting, only attendance via electronic means is allowed.

### 2.1.7 Attendance via electronic means

- (1) In accordance with section 61(6A) of the Act, a Councillor may attend and be present at a Council Meeting by electronic means.
- (2) Councillors who wish to attend a Council Meeting via electronic means, must advise the Mayor and CEO in writing by 12:00pm (noon) the day of the Council Meeting to allow time for arrangements to be made.
- (3) If a Councillor attending a Council Meeting via electronic means is required to vote on an item, they may do so by either raising a virtual hand or physically raising their hand in view of the camera.
- (4) A member of Council staff required to attend a Council Meeting may also request to attend via electronic means by permission of the CEO.
- (5) It is the responsibility of any person attending a Council Meeting via electronic means to ensure: -
  - (a) that they can be seen and heard;
  - (b) that their electronic capabilities and connection is sufficient; and
  - (c) that their environment is suitable, including privacy when addressing confidential items.
- (4) For clarity, where a Councillor cannot be seen and heard, they will be treated as though they have left the Council Meeting and it will be recorded in the Minutes accordingly pursuant to rule 5.1(3)(o) of these Rules.
- (5) Where a confidential item is being addressed at a Council Meeting, a Councillor attending via electronic means must verbally declare that they are in a secure and confidential setting at the beginning of the confidential items portion of the Council Meeting.

### 2.1.8 Technical difficulties

- (1) If a Council Meeting's livestreaming or recording capabilities are interrupted due to technical difficulties, the following shall apply: -
  - (a) a Councillor, the CEO or member of Council staff may bring this to the attention of the Chair.
  - (b) the Council Meeting will be adjourned until such a time as the technical difficulties are resolved.
  - (c) if technical difficulties continue for more than 30 minutes, the Council Meeting will be adjourned until a date that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment.

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- (d) any decisions or discussions that take place during a time of a loss of audio, visual or livestreaming or recording capabilities are not rendered invalid. On the resumption of the livestreaming and/or recording, the Chair will provide a recap of the decisions made during that time for the purposes of transparency and accuracy of public record.
- (2) If the Chair experiences technical difficulties that result in a loss of connection, the following shall apply: -
- (a) a Councillor, the CEO or member of Council staff may bring this to the attention of the Deputy Mayor or the CEO.
- (b) the Deputy Mayor, or if the Deputy Mayor is not present, the CEO will take the Chair and adjourn the Council Meeting until such a time as the disconnected Chair re-establishes connection, who will then rejoin the Council Meeting and resume as Chair.
- (c) if technical difficulties continue for more than 10 minutes: -
- i. where the Deputy Mayor is present, the Deputy Mayor will remain Chair and resume the Council Meeting provided a Quorum can still be achieved; or
- ii. where the Deputy Mayor is not present, the CEO will remain Chair to facilitate the election of another Chair in accordance with rule 2.5.2(3) and (4) of these Rules provided a Quorum can still be achieved.
- (d) if a Quorum cannot be achieved, the Council Meeting will be adjourned until a date and time that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment.
- (3) If a Councillor experiences technical difficulties that result in a loss of connection, the following shall apply: -
- (a) a Councillor, the CEO or member of Council staff may bring this to the attention of the Chair.
- (b) the Council Meeting will be adjourned until such a time as the connection is re-established for no longer than 10 minutes.
- (c) if the connection is unable to be re-established, the Council Meeting shall resume in the absence of that Councillor provided that a Quorum is achieved.
- (d) if a Quorum cannot be achieved, the Council Meeting will be adjourned until a date that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment.
- (e) if a Councillor voted on a matter but the vote was not captured due to loss of connection, the vote is not counted and that Councillor will be recorded in the Minutes as not present for the vote.
- (f) if a Councillor re-establishes connection after the Council Meeting has resumed pursuant to sub-rule (c), it is to be treated as though they have returned to the Council Meeting.
- (4) If the CEO, or member of Council staff authorised by the CEO to take Minutes in accordance with rule 5.1(1) of these Rules, experiences technical difficulties that result in a loss of connection the following shall apply: -
- (a) a Councillor, the CEO or member of Council staff may bring this to the attention of the Chair.
- (b) the Council Meeting will be adjourned and resumed until such a time as the technical difficulties are resolved or another member of Council staff is authorised to take the Minutes in accordance with rule 5.1(1) of these Rules.
- (c) if technical difficulties continue for more than 30 minutes, the Council Meeting will be adjourned until a date that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment.
- (5) If a member of Council staff or anyone else required to attend a Council Meeting who

## Governance Rules

is attending by electronic means, loses connection the following shall apply: -

- (a) a Councillor, the CEO or a member of Council staff may bring this to the attention of the Chair.
  - (b) the Council Meeting will be adjourned until such a time as the connection is re-established for no longer than 10 minutes.
  - (c) if the connection is unable to be re-established, the Council Meeting shall resume and the Chair may use their discretion as to whether or not the loss of connection should result in a further adjournment.
- (6) If technical difficulties for any of the sub-rules above do not result in loss of connection but do result in loss of audio, visual or an interrupted ability to understand the proceedings of the Council Meeting or an interrupted ability to communicate to the Council Meeting effectively, then it shall be treated as a loss of connection.

## 2.2 Quorum

### 2.2.1 Requirements

- (1) A Council Meeting cannot commence, resume or continue without an absolute majority of the total number of Councillors holding office being present, forming a Quorum.
- (2) It is noted that pursuant to section 61(5)(e) of the Act, a Councillor present at the Council Meeting who does not vote is taken to have voted against the question.
- (3) It is noted that under section 61(6A) of the Act, for the purposes of a Council Meeting, a Councillor present by electronic means of communication is deemed present for the purposes of a Quorum.
- (4) If a Quorum is not achieved within 30 minutes of the time appointed for the commencement of any Council Meeting, then the Council Meeting is lapsed pursuant to rule 2.5.34 of these Rules.
- (5) If during any Council Meeting a Quorum cannot be maintained, the CEO may adjourn the Council Meeting to a date that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment with the exception to the circumstances set out in Rules 2.2.2 and 2.2.3 of these Rules.

### 2.2.2 Inability to maintain a Quorum due to declared conflicts of interests

- (1) If during any Council Meeting it becomes apparent to the Chair that it will not be possible to maintain a Quorum due to the number of Councillors who have a conflict of interest in a decision in regards to a matter, Council must consider whether the decision can be made in an alternative manner as outlined in section 67(3) of the Act.
- (2) If Council is unable to use an alternative manner, then Council must establish a Delegated Committee to make the decision in accordance with section 67(4) of the Act.

### 2.2.3 Inability to Maintain a Quorum due to abstaining from voting

- (1) If during any Council Meeting it becomes apparent to the Chair a Quorum cannot be maintained in relation to a Council Decision, due to the number of Councillors that have elected to Abstain from voting and leave the Council Meeting, Council must

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establish a Delegated Committee in accordance with section 63 of the Act to make that decision.

### 2.3 Business of a Meeting

#### 2.3.1 Order of Business Listed on an Agenda

- (1) The order in which business is listed on the Agenda is determined by the CEO and should be kept consistent where possible.
- (2) Notwithstanding sub-rule (1), generally, the Order of Business will be as follows, with items grouped within their respective directorates where possible: -
  - (a) Open and Welcome
  - (b) Acknowledgement of Country and opening prayer
  - (c) Apologies and Requests for Leave of Absence
  - (d) Confirmation of Minutes and Attachments
  - (e) Disclosure of Conflicts of Interest
  - (f) Changes to the Order of Business
  - (g) Public Question Time
  - (h) Petitions/Joint Letters
  - (i) Acknowledgements/Councillor Reports
  - (j) Council Decisions (including Responsible Authority Decisions, Planning Authority Decisions and Council Information)
  - (k) Notices of Motion (including Notices of Rescission)
  - (l) Urgent Business
  - (m) Confidential Business
  - (n) Close Meeting
- (3) Sub-rule (2) does not preclude the CEO from altering the Order of Business from time to time to enhance the fluent and open process of the government of the Council.
- (4) The CEO may include any other item heading on the Agenda that they believe should be considered by Council after consulting the Mayor.

#### 2.3.2 Changes to the Order of Business

- (1) Once an Agenda has been prepared and sent to Councillors, the Order of Business for that Council Meeting may only be altered as follows: -
  - a) by the CEO prior to the commencement of the Council Meeting following consultation with the Mayor. Where the alteration occurs after the Agenda has been distributed to the public the alteration must be communicated to the Chair to explain the alteration at the Council Meeting under "changes to Order of Business"; or

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- b) by the Chair during the Council Meeting; or
  - c) by Resolution of the Council during the Council Meeting.
- (2) A change to the Order of Business after distribution of the Agenda to the public will be recorded in the Minutes of that Council Meeting.

### 2.3.3 Additional Items

- (1) The CEO may approve an additional item for consideration to be included in an Agenda that has already been distributed where:-
- (a) rule 2.3.13 of these Rules does not apply;
  - (b) the CEO has consulted with the Mayor; and
  - (c) the CEO reasonably believes that there are exceptional circumstances that require inclusion of the item at that Council Meeting.
- (2) Notice must be provided to Councillors of the additional Agenda item including the item content and relevant Report (if applicable) to the Councillor's Council email address as soon as practicable.

### 2.3.4 Leave of Absences and Apologies

- (1) Where a Councillor has a planned period of leave or absence, that Councillor should apply for a leave of absence by written notification to the Mayor.
- (2) The Mayor will provide any leave of absence request received to the CEO for inclusion in the Agenda of the next Council Meeting.
- (3) A leave of absence not included in an Agenda may still be considered by Council if a written request has been received by the Mayor prior to the Council Meeting.
- (4) Council will not unreasonably withhold its approval of a leave of absence.
- (5) Once the application for leave is tendered, the Council will consider a Motion to grant a leave of absence.
- (6) Where a Councillor has submitted a leave of absence which is approved, then that Councillor will be noted in the Minutes as not present due to leave of absence granted.
- (7) Where a leave of absence has not been approved and a Councillor is unable to attend a Council Meeting, they must notify the CEO of their apology, reason for doing so and request their apology be noted at the Meeting no later than 12:00pm (noon) on the day of the Council Meeting.
- (8) If any apologies for that Council Meeting are tendered by CEO, Council will consider a Motion to accept the apologies. The relevant Councillors will be noted in the Minutes for that Council Meeting as an apology.
- (9) Where a Councillor is not in attendance at a Council Meeting and a leave of absence has not been approved or apology submitted in accordance with these Rules, then that Councillor will be noted in the Minutes for that Council Meeting as absent.
- (10) In accordance with section 35(1)(e) of the Act, a Councillor will cease to hold the office of Councillor if absent from Council Meetings for a period of four consecutive months without leave being obtained from the Council.



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### 2.3.5 Councillor acknowledgments and Councillor reports

- (1) At each Council Meeting, other than an Unscheduled Meeting, Councillors will have the opportunity to: -
  - a) acknowledge significant community members and events. These may relate to notable achievements by community members and groups as well as offering of condolences for a recently deceased person who had provided distinguished service in the local area;
  - b) report on any meetings, conferences or events that they have recently attended; or
  - c) report on any matters or progress in relation to a Delegated Committee they are part of
- (2) The duration of any acknowledgement or report from a Councillor will be limited to two minutes.
- (3) The CEO must be notified of any acknowledgment or report to be raised by a Councillor at a Council Meeting at least three hours before the commencement of the Council Meeting.

### 2.3.6 Reports

- (1) Reports must not be read out loud in full at any Council Meeting unless Council resolves to the contrary.

### 2.3.7 Petitions / Joint Letters

- (1) For the sake of clarity, a petition and a joint letter have the same meaning and will be treated as being the same by Council.
- (2) Petitions and joint letters are a way for the community to formally bring a matter of concern to Council's attention.
- (3) A petition or joint letter must:
  - (a) be in legible and permanent type/writing;
  - (b) identify Council as the recipient;
  - (c) not be defamatory, indecent, abusive or objectionable in language or content;
  - (d) not relate to matters beyond the powers of Council;
  - (e) provide a clear and concise statement identifying the subject matter of the petition;
  - (f) bear the whole of the petition or request, referred to in sub-rule (3)(e), upon each page;
  - (g) consist of single pages of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper;
  - (h) identify the full name, address and phone number of the person submitting the petition (chief petitioner) or joint letter, together with the name of the organisation/group they represent if the petition or joint letter is submitted on behalf of an organisation or group; and

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- (i) contain the full name, physical address and signature of at least ten (10) people.
- (4) An electronic or online petition must be in accordance with sub-rule (3) of these Governance Rules, except sub-rule (3)(f) and (3)(g).
- (5) For the purpose of compliance with sub-rule (3)(i) an electronic or online petition, only requires the name and physical address of each person supporting the petition.
- (6) If no person is nominated or is the obvious intended nominated person pursuant to sub-rule (3)(h), Council may reply to the first signatory which appears on the petition.
- (7) Petitions and joint letters received by Councillors or member of Council staff must be lodged with the CEO as soon as possible after received for inclusion in the Agenda of a Council Meeting, unless;
  - (a) the matter which is the subject of the petition or joint letter has been acted upon within the last 3 months; or
  - (b) the matter which is the subject of the petition or joint letter has a Resolution of the Council within the last 12 months.
- (8) Any petition or joint letter where sub-rule (7) applies, will receive a response to the nominated contact acknowledging receipt of the petition or joint letter, and advising of the action taken or Council Resolution that has been made in relation to the subject matter of the petition or joint letter.
- (9) Any petitions or joint letters that the CEO has determined do not comply with these Rules will not be tabled at a Council Meeting.
- (10) Where a petition or joint letter is compliant with these Rules: -
  - (a) it will be tabled at the next available Council Meeting where the Order of Business allows and that is not less than three business days from receipt of the petition or joint letter.
  - (b) Council may resolve to receive the petition or joint letter and to refer the matter for a Report or appropriate action as required to the next appropriate Council Meeting, unless the Council agrees to deal with it earlier.
  - (c) The Minutes of the relevant Council Meeting will include a copy of the petition with personal information redacted.

### 2.3.8 Public Question Time

- (1) Question time will be available at a Council Meeting, except for an Unscheduled Meeting, to enable members of the public to address questions to Council.
- (2) All questions must: -
  - (a) be received in writing on the prescribed form as provided at Council's Customer Service Centres or on Council's website;
  - (b) be submitted by 12:00pm (noon) on the day before the Council Meeting by email to [governancesupport@campaspe.vic.gov.au](mailto:governancesupport@campaspe.vic.gov.au) or by providing it to one of Council's Customer Service Centres; and
  - (c) specify if the person submitting the question will be attending the Council Meeting or not.
- (3) A person submitting a question may request to attend the relevant Council Meeting by electronic means while their question is being read, answered and for any

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questions. This request must: -

- (a) be made in writing and include the reason for the request;
  - (b) be submitted by email to [governancesupport@campaspe.vic.gov.au](mailto:governancesupport@campaspe.vic.gov.au) or by providing it to one of Council's Customer Service Centres; and
  - (c) include the full name and contact details of the person submitting the request and refer to the question being asked.
- (4) The CEO must advise the person submitting the question if they can attend the Council Meeting electronically and if so, advise of any relevant details.
- (5) A question will only be read to the Council Meeting if the CEO has determined that the question:
- (a) does not relate to a matter containing confidential information as defined in the Act;
  - (b) does not relate to a matter in respect of which Council has no power to act;
  - (c) is not defamatory, indecent, abusive or objectionable in language or substance;
  - (d) is not a repetition of a question already asked or answered (whether at the same or an earlier Council Meeting); and
  - (e) is not asked to embarrass a Councillor or member of Council staff.
- (6) If the CEO determines that a question will be read at a Council Meeting then the CEO will: -
- (a) Read the name of the person who has submitted the question;
  - (b) read the text of the question;
  - (c) either seek a response from the relevant department or member of Council staff prior to the Council Meeting and read the answer provided or, direct that question to be answered by a nominated Councillor or member of Council staff at the Council Meeting.
- (7) If the CEO determines that a question will not be read to the Council Meeting, then the CEO must:
- (a) advise the person who submitted the question that the question will not be read at the Council Meeting and the reason why; and
  - (b) advise the Councillors of a question received and make the question available to Councillors upon request.
- (8) No debate on or discussion of a question or an answer will be permitted other than for the purposes of clarification.
- (9) A Councillor or member of Council staff nominated to answer a question may:
- (a) seek clarification of the question from the person who submitted it (if they are in attendance at the Council Meeting);
  - (b) seek the assistance of another person in answering the question; or
  - (c) defer answering the question, so that the answer may be researched, and a written response be provided within 10 working days following the Council

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Meeting (the question thereby being taken on notice).

- (10) An individual is limited to a maximum of two questions at any one Council Meeting.
- (11) A maximum of two questions may be asked about any single topic at the Council Meeting.
- (12) Question time at a Council Meeting will be limited in duration and will not exceed 30 minutes.
- (13) The question read and answer provided will be included in the Minutes of that Council Meeting.

### 2.3.9 Notices of Motion

- (1) A Councillor may submit a Notice of Motion to the CEO for inclusion in the Agenda for a Council Meeting.
- (2) A maximum of three Notices of Motion can be submitted per Councillor per Council Meeting.
- (3) A Notice of Motion must be in writing, dated and signed by the intending mover and lodged with the CEO no later than 12:00 pm (noon) at least 10 business days before the Council Meeting at which it is intended to be considered.
- (4) A Notice of Motion will not be accepted for consideration at an Unscheduled Meeting.
- (5) A Notice of Motion will only be accepted if it:
  - (a) does not relate to a matter in respect of which Council has no power to act;
  - (b) does not substantially change the levels of Council services;
  - (c) does not commit Council to expenditure not identified in the adopted budget and that cannot be accommodated in the adopted budget
  - (d) does not declare a rate or charge;
  - (e) does not establish or amend Council policy;
  - (f) does not commit Council to any contractual arrangement;
  - (g) is not defamatory, indecent, abusive or objectionable in language or substance;
  - (h) provides sufficient detail to ensure the Motion is implementable; and
  - (i) is not against public order or safety.
- (6) A Notice of Motion must include a rationale. The CEO has the discretion to include an Officer comment on any proposed Notice of Motion including Notices of Rescission.
- (7) If a Notice of Motion is considered by the CEO to not meet the requirements of sub-rule (5) the CEO must notify the Councillor who delivered the Notice of Motion of the reasons for that opinion and provide adequate support to the Councillor to structure the Notice of Motion (if possible) to meet the requirements of sub-rule (5).
- (8) A Notice of Motion cannot be accepted by the Chair unless the full text of any such Motion has been listed on the Agenda for the Council Meeting at which it is proposed to be moved.

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- (9) Except by leave of the Council, Notices of Motion before a Council Meeting will be considered in the order in which they were received.
- (10) If a Councillor who has given a Notice of Motion is absent from the Council Meeting or fails to move the Motion when called upon by the Chair, any other Councillor may move the Motion.
- (11) If a Councillor proposing the Motion wishes to amend the Notice of Motion, they may do so by first seeking leave of the Council to amend the Notice of Motion, prior to it being seconded.
- (12) Another Councillor can put forward an amendment for consideration, which must be dealt with in accordance with Rules 2.5.12, 2.5.13 and 2.5.14 of these Rules.
- (13) Where a Notice of Motion is approved by the CEO a copy of that Notice of Motion will be distributed by the CEO to all Councillors at the earliest opportunity.
- (14) A Notice of Motion cannot be submitted in relation to a matter that was the subject of a Notice of Rescission within three calendar months of the Notice of Rescission having been considered by Council.

### 2.3.10 Lost Motion

- (1) If a Notice of Motion, whether amended or not, is lost, a similar Motion cannot again be put before Council for a period of three calendar months from the date it was lost.

### 2.3.11 Lapsed Motion

- (1) A Notice of Motion lapses where: -
  - (a) the motion is not moved; or
  - (b) the motion is moved but not seconded.
- (2) A lapsed Notice of Motion may be resubmitted with the CEO for consideration pursuant to rule 2.3.9 of these Rules.

### 2.3.12 Notice of Rescission

- (1) A Councillor may propose a Motion to rescind a decision of Council provided the previous Resolution, the subject of the Notice of Rescission, has not been acted on.
- (2) An actual Notice of Rescission a previous Resolution of Council: -
  - (a) must be provided to the CEO by 5.00pm the next business day following the Council Meeting at which the Motion was resolved;
  - (b) is deemed to have been withdrawn if not moved at the Council Meeting at which the Notice of Motion to rescind is included in the Agenda; and
  - (c) if it is a second or subsequent Notice of Motion to rescind an earlier Resolution, must not be accepted by the CEO until a period of three months has elapsed since the date of the Council Meeting at which the Notice of Motion of rescission was dealt with.

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- (3) Once a Notice of Motion to rescind has been received by the CEO, no further action is to be taken on the Resolution that is the subject of the Notice of Motion to rescind.
- (4) Any Councillor providing a Notice of Motion to rescind is required to provide written justification that must include one of the following: -
  - (a) that the vote may not have accurately reflected the opinion held by the Council Meeting due to the misunderstanding of the Motion or for some other reason; or
  - (b) new information to hand; or
  - (c) some vital information has been overlooked.
- (5) A Notice of Motion of rescission must include the written endorsement of at least two other Councillors.
- (6) The CEO will inform the Councillor in writing whether the Notice of Motion of rescission has been accepted or not, and if not, advise the Councillor why not, and then advise the Mayor and the Councillors at the earliest opportunity.
- (7) If the Notice of Motion of rescission has been accepted, it must be listed on the Agenda of the next available Council Meeting.

### 2.3.13 Urgent Business

- (1) If the Agenda for a Council Meeting makes provision for urgent business, business can be admitted as urgent business by Resolution of Council provided that: -
  - (a) it relates to or arises out of a matter which has arisen since distribution of the Agenda;
  - (b) cannot reasonably be deferred to the next Council Meeting as the delay would be detrimental to effect of the decision;
  - (c) it involves a matter of urgency as determined by the CEO; and
  - (d) it is a matter that cannot be addressed through an operational service request process.
- (2) An item of urgent business must not:
  - (a) substantially affect the levels of Council service;
  - (b) commit Council to significant expenditure not included in the adopted budget;
  - (c) establish or amend Council policy;
  - (d) commit Council to any contractual arrangement;
  - (e) require, the giving of prior notice in a policy; and
  - (f) has the potential to directly affect a person's rights, for which they should be afforded an opportunity to communicate their views and have their interests considered.
- (3) A Councillor proposing an item of business be admitted as urgent business must lodge it in writing to the CEO no later than 3:00pm on the day of the Council Meeting.



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- (4) The CEO will advise the Mayor of any matter they determine appropriate for Council to consider admitting as urgent business.

### 2.3.14 Time Limit for Meetings

- (1) A Council Meeting must not continue after three hours from the time it commences unless a majority of Councillors present vote in favour of its extension in accordance with this rule.
- (2) Extensions of a Council Meeting will be in block periods of 30 minutes.
- (3) After the initial 30 minute extension the Council Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.
- (4) A Council Meeting may only be continued for a maximum of two 30 minute extensions.
- (5) In the absence of such extensions as provided for in sub-rules (2) and (3), or in the event there is further business to be transacted at the completion of two extensions, the Council Meeting must be adjourned to a time and date resolved by Council that is as soon as reasonably practicable and within the next 14 days.
- (6) Notwithstanding sub-rule (5), the Chair may seek leave of the Council not to adjourn the Council Meeting, if the Chair reasonably believes the remaining business will take less than 10 minutes to transact.
- (7) If Council did not resolve the date and time under sub-rule (5), the CEO must give such notice to each Councillor, including the remaining business to be considered, within three business days of the adjournment.

## 2.4 Addressing the Council Meeting

- (1) Any Councillor or person who addresses a Council Meeting must direct all remarks through the Chair.
- (2) The Chair may address a Council Meeting, however, if the Chair wishes to move any Motion or amendment, they must advise the Council of that intention and vacate the Chair for the duration of the item under discussion.
- (3) Any person addressing the Chair should refer to the Chair as:-
- (a) Mayor (where the Mayor is the Chair);
  - (b) Chair; or
  - (c) Chairperson.
- (4) The Chair of the Council Meeting may advise the Councillors and staff of their naming preference.
- (5) Councillors must be addressed as "Councillor [surname]".
- (6) The CEO must be addressed as CEO unless otherwise stipulated by the CEO.

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### 2.5 Council Meeting Procedures

#### 2.5.1 Role of the Chair

- (1) The Chair must facilitate an orderly, respectful, transparent and constructive Council Meeting by ensuring that all Councillors have the opportunity to be heard, matters are adequately discussed, Council Meeting procedures are followed, and statutory requirements are adhered to.
- (2) The Chair is an independent leader of Council Meetings and generally does not move or second Motions.
- (3) The Chair will adhere to the specific duties and discretions of the Chair outlined in these Rules.

#### 2.5.2 Mayor to take the Chair

- (1) The Mayor must take the Chair at all Council Meetings at which they are present.
- (2) If the Mayor is not in attendance or vacates the Chair at a Council Meeting (including due to technical difficulties), the Deputy Mayor must take the Chair.
- (3) If the Mayor and Deputy Mayor are not in attendance at a Council Meeting or both have the vacated Chair (including due to technical difficulties), then Council must elect one of the Councillors present as Chair for the Council Meeting.
- (4) To elect one of the Councillors in accordance with sub-rule (3), the CEO will take the Chair for the purposes of facilitating the election. The election process will be as follows: -
  - (a) the CEO will invite nominations for the Chair;
  - (b) any Councillor can be nominated or make a nomination;
  - (c) any Councillor nominated to take the Chair may refuse nomination;
  - (d) if only one Councillor is nominated then that Councillor is elected Chair;
  - (e) if more than one nomination is received then the Councillors shall vote by show of hands and the Councillor with the absolute majority of the votes is elected Chair;
  - (f) if an absolute majority cannot be obtained then the CEO will elect the Chair from the nominated Councillors who received the equal amount of highest votes; and
  - (g) once a Councillor is elected Chair, the CEO will vacate the Chair and the elected Councillor will take the Chair.

#### 2.5.3 The Chair's Duties and Discretions

- (1) In addition to the specific duties and discretions provided in these Rules: -
  - (a) The Chair must not accept any Motion, question or statement which is:
    - i) defamatory;
    - ii) objectionable in language or nature;

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- iii) is vague or unclear in its intention;
  - iv) is outside the powers of Council;
  - v) is not relevant to an item of business on the Agenda and has not been admitted as urgent business; or
  - vi) purports to be an amendment but is not.
- (b) The Chair must call a person to order if the behaviour of that person is disruptive and interferes with the conduct of the business of Council.

### 2.5.4 Voting

- (1) To determine a Motion that is put before a Council Meeting, the Chair will first call for those voting in favour of the Motion and then those voting against the Motion and will then declare the results to the Council Meeting.
- (2) Voting on any Motion will be by show of hands.
- (3) Except that a Councillor may call a division, Councillors must remain seated in silence while a vote is being taken.
- (4) All Councillors present are required to vote on any matter before Council unless that Councillor has declared a conflict of interest in the item or signified their intention to Abstain from voting on the matter.
- (5) The Chair must declare the result of the vote, including a vote by division if called, as soon as it is taken.
- (6) The Chair may direct that the vote be re-counted as often as may be necessary to be satisfied of the result.

### 2.5.5 Abstaining from a Vote

- (1) A Councillor who chooses to Abstain from a vote will be considered as having voted in the negative pursuant to section 61(5)(e) of the Act.
- (2) Where a Councillor abstained from a vote, it will be noted in Minutes.
- (3) Rule 2.5.5 does not apply where a Councillor doesn't vote due to having a conflict of interest, this is dealt with by rule 8.2 of these Rules.

### 2.5.6 Casting Vote

- (1) In the event of an equality of votes, the Chair has a casting vote, except in cases where the Act or these Rules determine otherwise.
- (2) If the Chair exercises their casting vote, they must provide an explanation to the Council Meeting as to why they voted in a particular way.

### 2.5.7 Recording of Opposition of Motion

- (1) Any Councillor may ask that their opposition to a Motion resolved by Council be recorded in the Minutes of that Council Meeting.

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### 2.5.8 Motion to be Read Again

- (1) Before any Motion or amendment is put to the vote, a Councillor may request that the Motion or amendment be read again.
- (2) The Chair, whether requested or not, may also ask the CEO (or other person authorised by the CEO to attend the Council Meeting and take the Minutes) to read the question, Motion or amendment to the Council Meeting before the vote is taken.

### 2.5.9 Division

- (1) Any Councillor may request a division on any vote.
- (2) The request must be made to the Chair either immediately prior to or immediately after the vote has been taken but cannot be called after the next item of business has commenced.
- (3) For the purpose of sub-rule (2) the next item of business has not commenced until the Chair has named the mover of the next item of business.
- (4) When a division is called in accordance with sub-rule (2), any vote already taken on the item must be set aside and voting in the division will decide the Motion or amendment.
- (5) Where a Councillor has abstained from the vote, they will be recorded as voting against the Motion.
- (6) When a division is called, the Chair will:
  - (a) advise Councillors that if they abstained from the vote then they will be recorded as voting against the Motion.
  - (b) ask each Councillor wishing to vote in favour of the Motion to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the Minutes; then
  - (c) ask each Councillor wishing to vote against the Motion to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the Minutes; then
  - (d) ask each Councillor abstaining from voting to indicate that they are abstaining by raising a hand and the Chair must then state the names of those Councillors to be recorded in the Minutes; and
  - (e) announce the result of the division.
- (7) No Councillor is prevented from changing their vote when voting on the division. The voting by division will determine the Council's Resolution on the Motion.

### 2.5.10 Motions in Writing

- (1) All Motions, except procedural Motions, must be submitted in writing.
- (2) A Motion (and therefore a resolution) must be capable of standing alone, that is, a person reading the decision of Council in the Minutes must be able to understand what Council is seeking to achieve without reference to other sources. This usually means it should include specifics about the action to be taken and the details of any

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other conditions, limitations or other parties to be included when undertaking the action.

- (3) The Chair may adjourn a Council Meeting while a Motion is being written or may request Council to “lay the Motion on the table” (pausing debate), in accordance with rule 2.5.21 of these Rules, until the Motion has been written, allowing the Council Meeting to proceed uninterrupted.
- (4) If debate is paused, a procedural Motion is required to take a Motion from the table (resume debate) in accordance with rule 2.5.21 of these Rules.

### 2.5.11 Moving a Motion

- (1) The procedure for any Motion is:
  - (a) The Chair calls for a Motion to be put to the Council;
  - (b) The mover must outline the Motion without speaking to it;
  - (c) The Motion must be seconded by a Councillor other than the mover.
  - (d) If the Motion is not seconded, the Motion lapses for want of a seconder.
  - (e) If there is a seconder, then the Chair must call on the mover to speak to the Motion.
  - (f) After the mover has spoken to the Motion, the seconder may also speak to the Motion (or reserve/defer their right to speak to later in the debate).
  - (g) After the seconder has spoken, declined or reserved their right to speak, the Chair must: -
    - i. call on any Councillor who wishes to speak against the Motion; then
    - ii. call on any Councillor who wishes to speak for the Motion; then
    - iii. alternate between for and against until all Councillors wishing to speak for or against the Motion have spoken; then
    - iv. call on any other Councillor who wishes to speak to the Motion; then
    - v. where the seconder has reserved their right to speak, ask the seconder if they wish to speak.

until all Councillors have had the opportunity to speak to the Motion;
  - (h) If no Councillor wishes to speak to the Motion, then the Chair must ask the mover if they wish to close in accordance with rule 2.5.12 of these Rules and then put the Motion to a vote.
- (2) A Councillor calling the attention of the Chair to raise a point of order is not regarded as speaking to the Motion.
- (3) A Councillor who moves an amendment to the Motion is not regarded as having spoken to the Motion.

### 2.5.12 Closing the debate (right of reply or summary)

- (1) Where a Motion has not been amended, once all Councillors have had the opportunity to speak to or debate the Motion, in accordance with rule 2.5.18 of these

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Rules, the Chair will ask the mover of a Motion if they would like to close debate.

- (2) The closing of debate is: -
  - (a) where at least one Councillor has spoken against the Motion – for the mover to exercise a right of reply to reply to matters raised during the debate; or
  - (b) where no Councillor has spoken against the Motion – for the mover to summarise matters raised relevant to that Motion
- (3) No new material or comments may be raised during the close of debate.
- (4) The mover of the Motion can choose not to close the debate and ask that the Chair take the matter to the vote.

### 2.5.13 Moving an Amendment

- (1) A Motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the Motion.
- (2) An amendment to a Motion cannot be negative or substantially contrary to the Motion.
- (3) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original Motion.
- (4) If a Councillor proposes an amendment and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote, and debate of the Motion continues in accordance with rule 2.5.18 of these Rules.
- (5) If a Councillor proposes an amendment to which either the original mover or seconder does not agree, the following will apply;
  - (a) the amendment must be moved and seconded;
  - (b) a Councillor may speak on any amendment once, whether or not they have spoken to the Motion, but debate must be confined to the terms of the amendment;
  - (c) any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the Motion or an amendment of it may be taken into consideration until the previous amendment has been dealt with and voted on;
  - (d) if the amendment is carried, the Motion as amended then becomes the Motion before the Council Meeting (known as the substantive Motion);
  - (e) the mover and seconder of the amendment become the mover and seconder of the substantive Motion.
  - (f) debate commences as if a new Motion; and
  - (g) the mover of an amendment does not have a right of reply.
- (6) An amended Motion having been moved and seconded may be adjusted by the minute taker by leaving out, inserting or adding words which must be relevant to the original Motion and framed as to complement it as an intelligible and consistent whole.

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- (7) No notice need be given of any amendment.

### 2.5.14 Second or Subsequent Amendments

- (1) A second or subsequent amendment cannot be moved until the immediately preceding amendment is determined.
- (2) If any Councillor intends to move a second or subsequent amendment, they must give notice of their intention to do so prior to the amendment currently being debated being put to the vote.
- (3) A Councillor cannot move more than two amendments in succession, unless granted leave of Council, see rule 2.5.21 of these Rules.

### 2.5.15 An Amendment Once Carried

- (1) If an amendment is carried, it becomes the substantive Motion.

### 2.5.16 Foreshadowing a Motion

- (1) At any time during debate, a Councillor may foreshadow a Motion to inform the Council of their intention to move a Motion at a later stage in the Council Meeting, but this does not extend any special rights to the foreshadowed Motion.
- (2) A foreshadowed Motion may be prefaced with a statement that in the event a particular Motion before the Council is resolved in a certain way a Councillor intends to move a Motion.
- (3) A Motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Council Meeting.
- (4) The Minutes of the Council Meeting will not include foreshadowed Motions unless the foreshadowed Motion is subsequently formally moved as a Motion.
- (5) Foreshadowed Motions must relate to the reports in the Council Meeting Agenda. Foreshadowed Motions cannot be made in relation to Notices of Motion dealt with in rule 2.3.1(1)(k) of these Rules.

### 2.5.17 Separation and Withdrawal of a Motion

- (1) When a Motion or amendment contains more than one part, a Councillor may request the Chair, at any time before a vote is taken, separate the Motion so that: -
- (a) the Motion is separated into parts where each part is spoken to/debated then voted on separately; or
- (b) the Motion be spoken to/debated all together and then voted on in parts.
- (1) The Chair may refuse or allow such any request pursuant to sub-rule (1) at their discretion.
- (2) The Chair, at their discretion, may also decide to deal with any Motion in accordance with sub-rules (1)(a) or (b).
- (3) Before any Motion is put to the vote, it may be withdrawn by the leave of the Council, except for a Councillor Notice of Motion, which can only be withdrawn by the



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submitting Councillor.

### 2.5.18 Debating a Motion

- (1) Debate must always be relevant to the Motion before the Council, and if not, the Chair must direct the speaker to confine debate to that Motion.
- (2) In the case of a Notice of Motion for rescission, debate must be confined to the grounds of the rescission and not the merits of the original Motion.
- (3) If after being directed to confine debate to the Motion before the Council, the speaker continues to debate irrelevant points, the Chair may disallow the speaker any further comment in respect of the Motion before the Council.
- (4) Every Councillor must be afforded the opportunity to debate a Motion subject to rule 2.5.21 of these Rules.
- (5) A Motion has been sufficiently debated when the views of all Councillors have been represented.
- (6) A Motion has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.
- (7) Once the views put are representative of the views of all Councillors the debate would be regarded as sufficient.
- (8) At any time during the debate a Councillor may request through the Chair, that they ask a Councillor, the CEO or an officer directed by the CEO, a question for the purposes of clarification on the item only prior to debate of that item.

### 2.5.19 Deferring or Pausing Debate

- (1) The deferring or pausing of debate of a Motion is a procedural Motion and must be done in accordance with rule 2.5.21 of these Rules.
- (2) If an item of business is paused for debate, in effect laying a Motion on the table, that item of business must be taken from the table at the same Council Meeting, otherwise the item of business will lapse.
- (3) If an item of business is deferred, the item of business must be placed on the Agenda and included in the Reports of the Council Meeting to which it was deferred. Deferred items of business have priority over any other business except formal business.
- (4) If the procedural Motion to defer the item of business does not include a specific date or Council Meeting, the item of business will automatically lapse from the business of the Council.

### 2.5.20 Procedural Motion

- (1) A procedural Motion must be moved and seconded.
- (2) Unless otherwise prohibited, and subject to rule 2.5.25, a procedural Motion (other than a Notice of Motion or Notice of Rescission) may be moved at any time and must be dealt with immediately by the Chair.
- (3) A procedural Motion cannot be moved or seconded by the Chair.

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- (4) The Chair may reject a procedural Motion if they believe the Motion on which it is proposed has not been sufficiently debated, as outlined in rule 2.5.18(5) and 2.5.18(6) of these Rules.
- (5) Unless otherwise provided, debate on a procedural Motion is not permitted and the mover does not have a right of reply.
- (6) Unless otherwise provided a procedural Motion cannot be amended.

### 2.5.21 Procedural Motion Table

- (1) Regardless of any other provision in these Rules, a procedural Motion must be dealt with in accordance with the Procedural Motion Table appended as Appendix 2 to Rules.

### 2.5.22 When a Resolution has been Acted on

- (1) A Resolution, or part thereof, will be considered as having been acted on;
  - (a) once its details have been formally communicated in writing (which includes electronic communications) to either internal or external parties affected by or reliant on the Resolution; or
  - (b) where a statutory procedure has been commenced.
- (2) The CEO may initiate action or cause action to be initiated on any Council Resolution, or part thereof, at any time after the Council Meeting at which it was carried.
- (3) If a Resolution can be broken down into parts and some parts of the Resolution have not been acted on, then any proposed change to the remaining parts is to be treated as an amendment of the Resolution unless the substance of the proposed change is to reverse the Resolution when considered as a whole.

### 2.5.23 Speaking Order and Times

- (1) If a Motion is moved and seconded, then any Councillor who so desires may speak to the Motion in the order below for the following timeframes, unless granted an extension by Resolution of Council: -
  - (a) a mover of a Motion – five minutes;
  - (b) the seconder of a Motion – three minutes; or reserve their right to speak later;
  - (c) any other Councillor – two minutes;
  - (d) Secunder must exercise or forfeit reserved right (if they had reserved their right to speak later in the debate) – three minutes; and
  - (e) Closure of debate – two minutes
- (2) Once the mover has either closed the debate or forfeited their right to do so, the Motion must be immediately put to a vote without any further discussion or debate.
- (3) An extension of speaking time may be granted to a Councillor at the Chair's discretion.

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- (4) Only one extension per Councillor is permitted for each item of business.
- (5) Any extension of speaking time must not exceed two minutes.

### 2.5.24 Interruptions and Interjections

- (1) A Councillor must not be interrupted except by the Chair or by another Councillor raising a Point of Order.
- (2) If a Councillor is interrupted by the Chair or by another Councillor raising a Point of Order, then they must remain silent until the Councillor raising the Point of Order has been heard and the point of order disposed of.

### 2.5.25 Priority of Address

- (1) In the case of competition for the right to speak, the Chair must decide the order in which the Councillors will be heard.

### 2.5.26 Councillors not to speak twice to same Motion or Amendment

- (1) A Councillor must not speak more than once to the same Motion or amendment, except;
  - (a) As the mover of a Motion closing (exercising a right of reply or summary); or
  - (b) When a Councillor is raising a Point of Order.

### 2.5.27 Points of Order

- (1) A point of order is taken when a Councillor draws the attention of the Chair to an alleged act, disorder or to a Councillor being out of order.
- (2) A Councillor may raise a point of order by stating "point of order" and briefly the matter which is the subject of the point of order and if related to these Rules by stating the relevant rule or Rules.
- (3) A point of order may be raised in relation to a matter that is:-
  - (a) Contrary to these Rules;
  - (b) Defamatory;
  - (c) Irrelevant;
  - (d) Outside Council's power;
  - (e) Under judicial consideration;
  - (f) Not clearly understood and requires the Chairperson's clarification;
  - (g) Improper, offensive, obscene, ambiguous or obscure; or
  - (h) Personally offensive to a Councillor or other person.
- (4) A Councillor may at any time raise a point of order which will, until disposed of, take precedence over the consideration and decision of every other item of business.
- (5) A Councillor who is addressing the Council must not be interrupted unless called to

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order at which time they must remain silent until the Councillor raising the point of order has been heard and the point of order disposed of.

- (6) The expression of difference of opinion or to contradict a speaker is not considered a point of order.

### 2.5.28 Chair to Decide Point of Order

- (1) When called to order, a Councillor must remain silent until the point of order is decided unless they are requested by the Chair to provide an explanation.
- (2) The Chair may temporarily adjourn the Council Meeting to consider a point of order but must otherwise rule upon it as soon as it is raised.
- (3) All matters before the Council are to be suspended until the point of order is decided.
- (4) The decision of the Chair in respect to a Point of Order raised will be final and conclusive unless the majority of Councillors present at the Council Meeting move a Motion of dissent.

### 2.5.29 Motion of Dissent

- (1) A Motion of dissent in the Chair's ruling of a point of order must, if seconded, be given priority over all other items of business and a substitute Chair must be elected to preside while the Motion is being considered.
- (2) A substitute Chair for the purposes of sub-rule (1) will be decided in accordance with rules 2.5.2 (2), (3) and (4) of these Rules.
- (3) The substitute Chair will call on the first Chair to provide an explanation for their ruling and must preside over the vote on the first Chair's ruling.
- (4) The ruling must be decided by a majority vote.
- (5) Once the vote has been conducted the initial Chair will preside for the remainder of the Council Meeting.

### 2.5.30 Disorderly Conduct

- (1) The conduct of Councillors and members of Delegated Committees is governed by the Act and the Councillor Code of Conduct.
- (2) The Chair may call a break in a Council Meeting for either a short time, or to resume another day if the behaviour by Councillors or people in attendance at the Council Meeting are significantly disruptive.
- (3) The break referred to in sub-rule (2) is an adjournment and must be conducted in accordance with rules 2.5.21 and 2.5.33 of these Rules.
- (4) If a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Council Meeting and prevents the conduct of Council business:
- (a) Council may, by Resolution, suspend that Councillor from a portion of the Council Meeting or from the remainder of the Council Meeting if the Chair has already warned the Councillor to cease that behaviour; or
- (b) The Mayor, under section 19 of the Act, at a Council Meeting, having previously

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warned the Councillor to cease that behaviour, may direct a Councillor to leave the Council Meeting for a period of time or the remainder of the Council Meeting.

- (5) When Council suspends a Councillor under sub-rule (4)(a), or the Mayor directs a Councillor to leave the Council Meeting under sub-rule (4)(b), the Councillor will take no active part in the portion of the Council Meeting from which they have been suspended.
- (6) If a Councillor has been directed to leave in accordance with sub-rule (4)(b), the Minutes of the Council Meeting will record the time the Councillor left and if so allowed, the time the Councillor returned to the Council Meeting.
- (7) If a Councillor has been suspended from a Council Meeting or directed to leave in accordance with sub-rule (4) the Chair may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

### 2.5.31 Suspension of Standing Orders

- (1) Standing orders are the Rules made to govern the procedure at Council Meetings contained in these Rules. The standing orders cover a range of matters including the Order of Business, Rules of debate, procedural Motions and election procedures.
- (2) Standing orders can be suspended to facilitate the business of a Council Meeting.
- (3) To temporarily remove the constraints of formal Council Meeting procedure and allow full discussion or clarification of any issues, Council may, by Resolution, suspend standing orders in accordance with the table at rule 2.5.21 of these Rules.
- (4) Suspension of standing orders must not be used purely to dispense with the processes and protocol of the government of Council.
- (5) No Motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders, except a Motion to resume standing orders.
- (6) No Motion to suspend standing orders can be accepted by the Chair during a second extension of time for a Council Meeting.

### 2.5.32 Adjourning the Meeting

- (1) Once a Council Meeting is declared open, the Chair or Council by Resolution may adjourn the Council Meeting:
  - (a) if at any time throughout a Council Meeting a Quorum is lost;
  - (b) if the Council Meeting becomes excessively disorderly and order cannot be restored;
  - (c) to allow for additional information to be presented to a Council Meeting;
  - (d) to give Councillors a comfort break;
  - (e) if the Council Meeting has been in progress for longer than 2 hours;
  - (f) any other situation if the adjournment could aid the process of the Council Meeting.
- (2) A Council Meeting cannot be adjourned for a period exceeding 14 days from the date of the adjournment.

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- (3) An appropriate Motion would be:

***“That the Council Meeting be adjourned until \_ (time the date specified, which does not exceed 14 days)”.***

### 2.5.33 Notice for Adjournment of Meeting

- (1) If a Council Meeting is adjourned, the CEO will ensure that the Agenda for such a Council Meeting is identical to the Agenda for the Council Meeting which was adjourned.
- (2) Except when a Council Meeting is adjourned until later on the same day, the CEO must give all Councillors written notice of a new date for the continuation of the adjourned Council Meeting and every reasonable attempt must be made to advise the public of the new Council Meeting date and time.
- (3) If it is not practical to provide written notice to Councillors because time does not permit that to occur then provided a reasonable attempt is made to contact each Councillor, contact by telephone, electronic medium, or in person will be sufficient.

### 2.5.34 Lapsed Council Meeting

- (1) A Council Meeting is deemed to have lapsed if it does not commence and therefore no Resolution can be carried to adjourn the Council Meeting.
- (2) If a Council Meeting lapses, the undisposed business will, unless it has already been disposed of at an Unscheduled Meeting, be included in the Agenda for the next scheduled Council Meeting.
- (3) The business of the lapsed Council Meeting must be dealt with prior to any other business, except formal business, and in the same order as the original Council Meeting Order of Business.

### 2.5.35 Compliance with Governance Rules

- (1) If during a Council Meeting the CEO becomes aware of any non-compliance with the Council Meeting procedures contained in these Governance Rules or other applicable legislation relating to meeting procedures, the CEO must immediately inform the Chair about the requirement of these Governance Rules or other applicable legislation relating to meeting procedures.
- (2) The Chair must allow the CEO to advise the Council Meeting of any such breach or likely breach of these Governance Rules or other applicable legislation and the Chair must take account of the advice given.

## 2.6 Conduct During Council Meetings

### 2.6.1 Electronic Devices

- (1) Any person in attendance at a Council Meeting must ensure that their electronic device is turned off or switched to silent.
- (2) Media representatives must seek prior permission from the CEO to use recording devices during the Council Meeting and/or within the Council Chamber for the

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purposes of taking photos or providing social media updates.

- (3) Subject to sub-rule (2) the use of recording devices during the Council Meeting and/or within the Council Chamber for the purposes of audio or visual recording is prohibited. Media representatives and members of the public may access the live broadcasting or recording after the Council Meeting via Council's website.

### 2.6.2 Behaviour during Council Meetings

- (1) Having regard to the role of Councillors under the Act and in the interests of good governance, it is the responsibility of individual Councillors to exhibit good conduct in Council Meetings. Councillors should listen while others are speaking, avoid interrupting, be aware of their body language and use reasonable and temperate language in debates (no matter how contentious the topic may be).

### 2.6.3 Criticism of Council Staff

- (1) The CEO may address a Council Meeting in respect of any statement made affecting a member of Council staff if that comment is made at a Council Meeting or in the media.

### 2.6.4 Gallery to be Silent

- (1) Visitors must not interject or take part in the debate of any item of business before the Council.
- (2) Silence must be maintained by members of the public in the gallery at all times.

### 2.6.5 Display of Posters, Banners and Placards

- (1) A person must not display any placards or posters in the Council Chamber or in any building where a Council Meeting is being, or is about to be held, except outside the entrance to the building.
- (2) A poster, banner or placards must not:
- (a) Display any offensive, indecent, insulting or objectionable item or words; or
  - (b) Obstruct the entrance to the Council Chamber or a building where a Council Meeting is being or is about to be held; or
  - (c) Obstruct the view or physically impede any person.
- (3) The Chair or CEO may order and cause the removal of any poster, banner or placard that is deemed by the Chair or CEO to be objectionable, disrespectful or otherwise inappropriate.

### 2.6.6 Ejection of Disorderly Visitors

- (1) If a person, other than a Councillor, interjects or is gesticulating offensively during the Council Meeting, the Chair must direct;
- (a) the person to stop interjecting or gesticulating offensively; and/or
  - (b) the removal of the person if they continue to interject or gesticulate offensively.



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- (2) The Chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.
- (3) In giving effect to a person's removal under sub-rule (1)(b) or material under sub-rule (2), the Chair may ask the CEO, an Officer or a member of Victoria Police to remove the person, object or material.

### 2.6.7 Chair May Adjourn Disorderly Meeting

- (1) If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council Meeting, they may adjourn the Council Meeting to a later time on the same day, or to some later day prior to the next Council Meeting, at a time and date and venue to be fixed as they think proper.
- (2) Any adjournment is to be done in accordance with rules 2.5.21 and 2.5.33 of these Rules.

## 2.7 Joint Council Meetings

- (1) Council may resolve to participate in a Joint Council Meeting, with other councils, to consider;
  - (a) Collaborative projects;
  - (b) Collaborative procurement; or
  - (c) Emergency Response and Recovery.
- (2) If Council resolves to participate in a Joint Council Meeting, the CEO will agree on the Governance Rules with the participating Councils.
- (3) If Council is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.
- (4) Consistent information will be provided to Councillors prior to any Joint Council Meeting and every endeavour will be made by the CEO to facilitate a joint briefing.
- (5) A joint briefing may be held electronically.

## 2.8 Procedure Not Provided for in These Rules

- (1) In all cases not specifically provided by these Rules, Council will decide, by Resolution, the procedure to apply.

## 3. Public Submissions

- (1) Submissions may be provided to Council from a Submitter where: -
  - (a) Council has called for Submissions in relation to a proposed decision; or
  - (b) a Submitter has made a written request to be heard by Council.
- (2) The CEO will decide if Submissions will be: -

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- (a) heard at a Council Meeting, following consultation with the Mayor;
  - (b) heard at a Council briefing session, following consultation with the Mayor;
  - (c) heard at a meeting or hearing called by the CEO, in which case Councillors will be notified and invited to attend;
  - (d) provided in writing, in which case Councillors will be provided a copy of any such Submission.
- (3) Submissions can only be provided by a person who is or by persons who are affected by the relevant decision of Council.
  - (4) Where Submissions are being heard in accordance with sub-rule (2)(a), (b) or (c) the CEO, must advise the Submitters of the date, time, venue and protocols that apply.
  - (5) Council must consider all Submissions received prior to consideration of the proposed decision, the subject of the Submission.

## 4. Meeting Procedure for committees

### 4.1 Delegated Committees

- (1) Council may establish Delegated Committees in accordance with section 63(1) of the Act.
- (2) If Council establishes a Delegated Committee, these Rules will apply to a Delegated Committee Meeting, with any necessary modifications.
- (3) For the purpose of sub-rule (1):
  - (a) A Council Meeting is to read as a reference to a Delegated Committee Meeting;
  - (b) A Councillor is to be read as a reference to a Member of the Delegated Committee; and
  - (c) A reference to the Mayor is to be read as a reference to the Chair of the Delegated Committee.
- (4) If Council establishes a Delegated Committee, Council may decide which of these Rules will apply to any Delegated Committee by Council Resolution.

### 4.2 Community Asset Committees

- (1) Council may establish a Community Asset Committee, for the management of a community asset such as a hall or reserve, in accordance with section 65 of the Act.
- (2) A Community Asset Committee must adhere to rules 5.1 and 5.2 of these Rules.
- (3) a Community Asset Committee must act in accordance with its adopted Charter, instrument of delegation from the CEO and any Terms of Reference adopted by Council.

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## 5. Meeting Records

### 5.1 Minutes

- (1) The CEO, or a person authorised by the CEO, is responsible for the keeping of Minutes on behalf of Council of each Council Meeting.
- (2) Each item in the Minutes must be clearly headed with a subject title and be consecutively numbered and consecutively page numbered.
- (3) The CEO (or other person authorised by the CEO to take the Minutes) must keep Minutes of each Council Meeting and those Minutes must record:
  - (a) the date, place, time and nature of the Council Meeting;
  - (b) When the Council Meeting was commenced, adjourned, resumed and concluded;
  - (c) the names of Councillors and whether they are present, an apology, or leave of absence or other details as provided;
  - (d) the names of members of Council staff in attendance with their organisational titles;
  - (e) the disclosure of a conflict of interest made by a Councillor in accordance with the Act;
  - (f) arrivals and departure times (including temporary departures) of Councillors during the course of the Council Meeting;
  - (g) each Motion and amendment moved, including the mover and seconder of the Motion;
  - (h) the outcome of every Motion (including procedural Motions) and amendment, that is whether it was put to the vote and the result (namely, carried, lost, withdrawn, lapsed for the want of a seconder, or amended);
  - (i) if a division is called, the names of every Councillor and the way their vote was cast (either for or against);
  - (j) the name of the Councillor who abstained from voting on an item and the Councillor's reason for abstaining;
  - (k) details of a failure to achieve a Quorum and any adjournment whether as a result or otherwise;
  - (l) a summary of any question asked and the response provided as part of public question time;
  - (m) a summary of all committee reports and or deputations made to Council;
  - (n) the time and reason for any adjournment of the Council Meeting or suspension of standing orders;
  - (o) the name of, time and reason for, a Councillor leaving a Council Meeting (including technical difficulties where they are attending by electronic means) and time they returned (if applicable);

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- (p) closure of the Council Meeting to members of the public and the reason for such closure; and
- (q) any other matter which the CEO deems should be recorded to clarify the intention of the Council Meeting or the reading of the Minutes.

### 5.2 Confirmation of Minutes

- (1) The Minutes as recorded by the CEO, or person authorised by the CEO to take the Minutes, will be made available as the proposed Minutes to:
  - (a) Councillors, within seven business days of the Council Meeting as they relate; and
  - (b) Members of the public, within nine business days of the Council Meeting as they relate.
- (2) At every Council Meeting the Minutes of the preceding Council Meeting(s) must be dealt with as follows:
  - (a) A Motion moved to confirm the Minutes in the following or substantively similar terms, 'That the Minutes of the .....Meeting held on ..... 20..... be confirmed.'
  - (b) If a Councillor indicates opposition to the Minutes, the Councillor must specify the particular item or items in the Minutes and after asking any questions to clarify the matter, can only move a Motion to rectify the alleged error(s) in the Minutes by adding the following words to the Motion in sub-rule (2)(a) '...subject to the following alteration(s) '.
- (3) No debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate.
- (4) Once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable be signed by the Chair of the Council Meeting at which they have been confirmed.
- (5) Once Minutes have been signed they are to be uploaded to Council's website and saved to Council's electronic database.

## 6. Mayor and Deputy Mayor Election Processes

### 6.1 Eligibility

- (1) Any Councillor is eligible for election or re-election to the office of Mayor or Deputy Mayor.

### 6.2 Election of the Mayor and Deputy Mayor (if determined by Council)

- (1) A Council Meeting to elect the Mayor and Deputy Mayor (if applicable) must be held:
  - 
  - (a) as soon practical after the declaration of the results of a general election of

## Governance Rules

- Councillors, being no later than 30 November;
  - (b) as close to the end of the relevant term as is reasonably practicable; or
  - (c) within one month after the office of the Mayor or Deputy Mayor (if applicable) otherwise becomes vacant.
- (2) Council may resolve to establish a position of Deputy Mayor.
  - (3) If Council has resolved to establish an office of Deputy Mayor, the Councillors must also elect a Councillor to be the Deputy Mayor during Council Meeting at which the Mayor is to be elected.
  - (4) Council must resolve whether the Mayor and Deputy Mayor (if applicable) is to be elected for a 1 or 2 year term prior to the relevant election.
  - (5) The CEO will facilitate the election of the Mayor in accordance with the Act and will act as the temporary Chair of that Council Meeting.
  - (6) The Mayor becomes the Chair of the Council Meeting once elected by Council and will facilitate the election of the Deputy Mayor in accordance with the Act.

### 6.3 Agenda Content

- (1) The Agenda for the Council Meeting to elect the Mayor and Deputy Mayor (if applicable): -
  - (a) must include the election of the Mayor;
  - (b) must include the election of the Deputy Mayor (if Council resolves that a Deputy Mayor is to be elected);
  - (c) may include appointments of Council representatives to committees, peak industry bodies, regional and community based organisations; and
  - (d) may include the fixing of the dates, times and locations of all Council Meetings for a 12 month period.

### 6.4 Nominations for the Office of Mayor

- (1) During the Council Meeting where the election of the Mayor is to occur, the CEO will call for nominations for the position of Mayor and confirm acceptance of the nomination with the nominee.
- (2) Any Councillor nominated may refuse nomination or withdraw at any stage before the voting is finalised.
- (3) If there is only one nomination for the position of Mayor, that person is deemed to be elected Mayor.
- (4) If there is more than one nomination at the Council Meeting, the election of the Mayor will follow rule 6.6 of these Rules.

### 6.5 Nominations for the Office of Deputy Mayor

- (1) The Mayor will call for nominations for the position of Deputy Mayor and confirm acceptance of the nomination with the nominee.

## Governance Rules

- (2) Any Councillor nominated may refuse nomination.
- (3) If there is only one nomination for the position of Deputy Mayor, that person is deemed to be elected Deputy Mayor.
- (4) If there is more than one nomination at the Council Meeting, the election of the Deputy Mayor will follow rule 6.6 of these Rules.

### 6.6 Determining the Election of the Mayor and Deputy Mayor

- (1) The process to elect the Mayor and Deputy Mayor is:
  - (a) If there is more than one nomination (each of which must be seconded), the Councillors present at the Council Meeting must vote for one of the candidates by a show of hands. In the event of a candidate receiving an absolute majority of the votes, the candidate is declared to have been elected.
  - (b) In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the Council Meeting must then vote for one of the remaining candidates by a show of hands.
  - (c) If one of the remaining candidates receives an absolute majority of the votes, they are duly elected. If none of the remaining candidates receive an absolute majority of the votes, the process set out in sub-rule (b) must be repeated until one of the candidates receives an absolute majority of the votes. That candidate will then be declared to have been duly elected.
  - (d) If after two further votes are taken neither candidate receives an absolute majority, the Council may resolve to conduct a new election at a later date and time.

### 6.7 Acting Mayor

- (1) If Council has established an office of Deputy Mayor, the Deputy Mayor must perform the role of the Mayor in accordance with section 21 of the Act.
- (2) If Council has not established an office of Deputy Mayor and;
  - a) the Mayor is unable for any reason to attend a Council Meeting or part of a Council Meeting; or
  - b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
  - c) the office of Mayor is vacant;

Council must appoint a Councillor to be the Acting Mayor in accordance with section 20B of the Act.

### 6.8 Ceremonial Mayoral Speech

- (1) Upon being elected, the Mayor may make a ceremonial speech to outline the

## Governance Rules

priorities for the year ahead based on the adopted Council Plan for not more than five minutes.

### 7. Election Period Policy

#### 7.1 Election Period Policy

- (1) Council's Election Period Policy which is included at Appendix 1, forms part of and is to be read in conjunction with these Rules.
- (2) Council will have in place an Election Period Policy that:
  - (a) Governs decision making during a local Government Election Period, including what may be considered at a Council Meeting;
  - (b) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
  - (c) Sets out the conditions for any community engagement required to be undertaken during an Election Period, including consultations and Civic events;
  - (d) Sets out the requirements for any council publications during a local Government Election Period including the use of Council's website, social media, newsletters and advertising; and
  - (e) Defines role and responsibilities in relation to who is the principle spokesperson for Council is during the Election Period.
- (3) At least once in each Council term and no later than 12 months prior to the commencement of an election period, Council will review its Election Period policy.
- (4) The operation of committees established by Council will be suspended upon the commencement of the Election Period prior to a general Council election and will resume following the election.
- (5) During the Election Period prior to a general Council election, the CEO will not accept any Notices of Motion or Notices of Rescission Motions for consideration and decision at a Council Meeting conducted during the Election Period save for consideration and decisions allowed by the Election Period Policy.

### 8. Disclosure of Conflict of Interests

#### 8.1 Obligations

- (1) Councillors, members of Delegated Committees and Community Asset Committees and members of Council staff are required to:
  - (a) avoid all situations that may give rise to conflicts of interest;
  - (b) identify any conflicts of interest; and
  - (c) disclose or declare conflicts of interest.

#### 8.2 Councillors and members of Delegated Committees

Adopted:

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- (1) Councillors and Members must not participate in discussion or decision making on a matter in which they have a conflict of interest.
- (2) Councillors and Members must disclose the conflict of interest to the CEO by providing the disclosure in the form determined by the CEO.
- (3) When disclosing a conflict of interest, the Councillor or Member must clearly state their connection to the matter.
- (4) All disclosures of conflicts of interest will be recorded in the Minutes of a Council Meeting or Committee Meeting.
- (5) Council will maintain a Conflict of Interest Register that will be made available on for inspection at a Council Customer Service Centre upon request.

### 8.2.1 Procedure at a Council or Delegated Committee Meeting

- (1) At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on the Agenda must indicate they have a conflict of interest by clearly stating;
  - (a) the item for which they have a conflict of interest;
  - (b) whether their conflict of interest is of a general or material nature; and
  - (c) the circumstances that give rise to the conflict of interest.
- (2) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the Council Meeting the existence of the conflict of interest and leave the Council Meeting.
- (3) A Councillor who is not present at the designated time in the Agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner required for the declaration of conflicts of interest at sub-rule (1) prior to leaving the Council Meeting.
- (4) A Councillor or member of a Delegated Committee who discloses a conflict of interest and leaves a Council Meeting must not communicate with any participants in the Council Meeting while the decision is being made.
- (5) Where the Council Meeting is a Virtual Meeting or Hybrid Meeting, a Councillor or member of a Delegated Committee required to leave the Council Meeting due to a conflict of interest must:
  - (a) deactivate their microphone and camera; or
  - (b) disconnect completely or be removed from the online meeting platform.
- (6) The Chair or CEO will contact the Councillor or Member of the Delegated Committee by other means to notify them to rejoin the Council Meeting.

### 8.2.2 Procedure at other meetings organised, hosted or supported by Council

- (1) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (2) At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the item of business in which the

## Governance Rules

conflict of interest arises.

- (3) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- (4) The existence of a conflict of interest will be recorded in the Minutes of the meeting.
- (5) If there are no Minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the CEO for recording in the register of Conflicts of interest.
- (6) The meeting Minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.

### 8.3 Council Staff

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter if they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at rule 8.3.1 of these Rules.

#### 8.3.1 Procedure for disclosures of conflicts of interest

- (1) Members of Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the CEO.
- (2) All conflicts of interest disclosed by a member of Council staff will be provided to the Director Corporate for recording in the register of conflicts of interest.
- (3) A member of Council staff who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if;
  - (a) the number and qualifications of other people providing advice regarding the same matter is equal or greater; or
  - (b) the staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
  - (c) the CEO determines that the staff member's conflict of interest has not influenced the advice provided; and
  - (d) the existence of the conflict of interest is documented in all advice provided by that staff member and in the case of verbal advice is documented by the decision maker.

Appendix 1 – Election Period Policy  
 Appendix 2 – Procedural Motion Table  
 Appendix 3 – Flow Chart of Motions



# CAMPASPE SHIRE COUNCIL GOVERNANCE RULES



**AUGUST 2022**

OFFICIAL

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### Authorisation

The Campaspe Shire Council Governance Rules was adopted by Council on 17 August 2022.

The Common Seal of the ) *A. Wray* .....Councillor

Campaspe Shire Council ) .....Councillor

was hereunto affixed ) *JDH* .....CEO



on the 17 August 2022



# Governance Rules

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## Introduction

### Nature of Rules

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

### Content

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Overview & Decision Making
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Meeting Records
Chapter 6	Mayor and Deputy Mayor Appointment Processes
Chapter 7	Election Period Policy
Chapter 8	Disclosure of Conflict of Interests
Chapter 9	Miscellaneous

### Abbreviations

In these Governance Rules, the following abbreviations mean:

Abbreviation	Meaning
CEO	CEO
CSC	Campaspe Shire Council

# Governance Rules

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## Definitions

In these Governance Rules, the following words and phrases mean:

Words and Phrases	Meaning
Agenda	means the notice of a meeting setting out the business to be transacted at the meeting
Authorised Officer	means a person appointed by Council under section 224 of the Local Government Act 1989
Business Papers	means the presentation of information on an item of business to be considered and actioned by the Council and includes reports and communications
Chair	means the Chairperson of a meeting and includes an acting, a temporary or a substitute Chairperson
CEO	means the CEO appointed by Council
Committee Meeting	means a meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance.
Community Asset Committee	means a Community Asset Committee established under section 65 of the Act
Council	means Campaspe Shire Council
Councillor	means an elected member of Council who has taken the oath or affirmation of office in accordance with section 63 of the Local Government Act 1989 or section 30 of the <i>Local Government Act 2020</i>
Council Meeting	means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting (whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance.
Delegated Committee	means a Delegated Committee established under section 63 of the <i>Local Government Act 2020</i>
Directly affected	Means an individual who will be directly impacted in either a positive or negative way by a decision of Council and in turn will receive or lose a current benefit
Election Period	Means the period that starts at the time that nominations close on nomination day and ends at 6pm on election day.
Leave of the Council	Is achieved by a majority vote of the Councillors in the Council Meeting
Mayor	means the Mayor of Council elected in accordance with section 25 of the <i>Local Government Act 2020</i>

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Member	means a member of a Committee who is entitled to vote on motions (other than on matters in which he or she has an interest that are dealt with at meetings)
Minute book	means the collective record of proceedings of Council
Minutes	means the record of proceedings of a Meeting
Representations	<p>An individual, deputation or delegation seeking to address the Council</p> <p>Individual – a person who evidences that they are, or would be, directly affected by the outcome of a business item on the agenda that Requires a Decision by the Council.</p> <p>Deputation – a person who evidences that they represent the interests of a group of people who are, or would be, directly affected by the outcome of a business item on the agenda that Requires a Decision by the Council</p> <p>Delegation – a person or group that evidences they represent a recognised body or group (e.g. an incorporated body, government agency or authority) and wish to make a presentation to a Council Briefing Session.</p>
Requires a Decision	<p>Those business items listed under the agenda headings of</p> <ul style="list-style-type: none"> <li>▪ Responsible Authority Decisions,</li> <li>▪ Planning Authority Decisions</li> <li>▪ Council Decisions.</li> </ul>
These Rules	means these Governance Rules
Visitor	means any person other than a Councillor or member of Council staff present at a Meeting
Written or in Writing	includes duplicates, lithographs, photocopies, photographs, facsimiles, printed, typed, or emailed

# Governance Rules

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## 1. Governance Overview and Decision Making

### 1.1 Context

- (1) These Rules should be read in the context of and in conjunction with:
  - (a) The overarching governance principles specified in section 9(2) of the *Local Government Act 2020*; and
  - (b) The following documents adopted or approved by Council:
    - i) Councillor Code of Conduct
    - ii) Risk Management Framework
    - iii) Council policies

### 1.2 Decision making

- (1) In any matter in which a decision must be made by a Council (including person acting with the Delegated authority of Council), Council must consider the matter and make a decision:
  - (a) Fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - (b) On the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.
- (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 view and have their interests considered).
- (3) Without limiting anything in sub-rule (2):
  - (a) 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 or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
  - (b) 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;
  - (c) 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
  - (d) If a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their view and their interests considered.

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## 2. Meeting Procedure for Council Meetings

### 2.1 Purpose

- (1) The purpose of this Chapter is to:
  - (a) Provide for the procedures governing the conduct of Council Meetings; and
  - (b) Set the rules of behaviour for those participating in or present at Council Meetings.

### 2.2 Notices and Agendas

#### 2.2.1 Date, Time and Place of Meetings

- (1) Council will fix the dates, times and places of Council Meetings for a twelve (12) month period at a meeting of Council which is to be held no earlier than the fourth Saturday in October and no later than 30 November in each year.
- (2) Council will hold a minimum of twelve Council Meetings per calendar year to conduct the business of Council.
- (3) The date, time and place of all Council Meetings are to be made available to the public.
- (4) Council by resolution, or the CEO, may change the date, time and place of, or cancel, any Council Meeting which has been fixed and must provide notice of the change to the public.

#### 2.2.2 Unscheduled Meetings

- (1) Council may by resolution call an unscheduled meeting of the Council.
- (2) The Mayor, or three Councillors may by written notice request the CEO to call an unscheduled meeting of the Council.
- (3) The CEO, following consultation with the Mayor, may call an unscheduled meeting.
- (4) If the number of Representatives accepted to address a single Council meeting exceeds 6, then the CEO may call an unscheduled meeting.
- (5) A written notice to call an unscheduled meeting must:
  - (a) Specify the business to be transacted; and
  - (b) Be delivered to the CEO in sufficient time to enable notice to be given in accordance with 2.2.3 Notice of Meetings of these Governance Rules.
- (6) The CEO must determine the time and date for the meeting, giving consideration to:
  - (a) The urgency of the business to be transacted;
  - (b) The availability of Councillors; and
  - (c) A reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.

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- (7) The CEO must arrange for notice of the meeting to be placed on Council's website.
- (8) Any resolution of Council to call an unscheduled Council Meeting must specify the date and time of the unscheduled meeting and the business to be transacted. The date and time of the unscheduled meeting must not be prior to 5pm on the day following the Council Meeting at which the resolution was made.
- (9) The CEO must call an unscheduled Council Meeting to elect a Mayor following a Council election declaration, in accordance with the *Local Government Act 2020*.
- (10) The unscheduled Council Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the CEO.
- (11) Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled meeting, unless all Councillors are in attendance and by unanimous resolution of Council determine to admit another matter.

## 2.2.3 Notice of Meetings

### Council Meetings

- (1) Council by resolution can determine the proposed or preferred format style of meetings (in-person, electronic- including hybrid or parallel) noting the criteria and process available for a member who wishes to request approval to attend by electronic means.
- (2) A Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings. There are no meetings determined by Council as being solely in person meetings.
- (3) A notice of a Council Meeting, that is not an unscheduled meeting, incorporating or accompanied by an agenda of the business to be dealt with and business papers, must be sent electronically to every Councillor for all Council Meetings, at least 3 business days before the meeting.
- (4) The notice for any meeting, including unscheduled meetings, must be sent to each Councillor's CSC email address.
- (5) It will not be necessary for a notice of a meeting to be sent to a Councillor who has been granted leave of absence unless the Councillor has requested in writing to the CEO to continue to receive notice of any meeting to be held during their absence.
- (6) A Councillor who has declared a conflict of interest in a particular matter may request in writing to the CEO not to receive any business papers concerning that particular matter.
- (7) An agenda for each Council Meeting, that is not an unscheduled meeting, will be made available on Council's website no less than 48 hours before the Council Meeting.
- (8) A schedule of Council Meetings must be prepared and published that ensures it is available to a broad section of the community, including on Council's website and available from Council's Customer Service Centres.

### Unscheduled Meetings

- (9) Notice of an unscheduled meeting of Council must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.

# Governance Rules

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- (10) A notice of an unscheduled Council Meeting, incorporating or accompanied by an agenda and business papers must be made available to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- (11) An agenda for an unscheduled Council Meeting will be made available on Council's website no less than 24 hours before the unscheduled Council Meeting.

## 2.2.4 Meetings Open to the Public

- (1) In accordance with Section 66 of the *Local Government Act 2020*, all meetings of Council must be open to the public unless a resolution is made to close the meeting to members of the public pursuant to Section 66 of the Act.
- (2) Community members may only participate in Council meetings in accordance with these Rule 2.4.9(2) of these Governance Rules that include addressing how the community can participate if the meeting is electronic, or a 'hybrid' or 'parallel' style meeting.
- (3) Council will adopt policies, protocols or guidelines to ensure opportunities exist for community input, beyond formal consultation processes.

## 2.2.5 Meetings Closed to the Public

- (1) Council may resolve that a Council Meeting be closed to the public if the meeting:
  - (a) is to consider confidential information as defined in section 3(1) of the *Local Government Act 2020*;
  - (b) there are security reasons; or
  - (c) it is necessary to do so to enable the meeting to proceed in an orderly manner.
- (2) If the Council Meeting is closed to the public, the reasons for the closure will be documented in the minutes of the meeting.

## 2.2.6 Attendance by Councillors

- (1) Councillors and members of Delegated Committees who wish to attend a meeting via electronic means may submit a request to the Mayor/Chair seeking permission to attend by electronic means.
- (2) The submission must be made in writing stating the reason for the request to attend by electronic means.
- (3) The request must be made by 12noon on the day of the meeting, stating the meeting(s) that will be attended via electronic means.
- (4) The request must consider any criteria that the Council has set for consideration of approval for a method of attendance.
- (5) The Mayor/Chair will provide a response to the request by 3pm and notify the rest of the members of the meeting of this decision.
- (6) It will remain the responsibility of the member attending electronically to ensure that they have the required access and environment suitable for electronic communications.



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## 2.2.7 Technical difficulties – loss of connection of Chair or Councillors

- (1) To ensure meetings are managed in an orderly manner, processes and procedures should be in place for a situation where a key attendee (such as Mayor, Chair, Councillor or CEO) loses connection if they are attending a meeting electronically. Including who will take the role of chair, assessing validity of a quorum and virtual recognition of a vote.

## 2.3 Quorum

### 2.3.1 Quorum – Council Meeting

- (1) A quorum for any Council Meeting will an absolute majority of the total number of Councillors holding office.
- (2) In the event of Councillors abstaining from voting on an item it is still a requirement for a majority of those present at the meeting, including those abstaining from voting, to vote in favour of the motion for it to be adopted.
- (3) It should be noted that under section 61(6A) of the LG Act, for the purposes of these meetings, a Councillor present by electronic means of communication is deemed present for the purposes of a quorum. Council should consider the situation of technical difficulties.

### 2.3.2 Failure to Raise a Quorum

- (1) If a quorum is not present within 30 minutes of the time appointed for the commencement of any meeting or adjournment the CEO, (or Acting CEO), may adjourn the meeting for a period not exceeding seven (7) days from the date of the planned meeting.

### 2.3.3 Inability to Maintain a Quorum

- (1) If during any meeting a quorum cannot be maintained the CEO, (or Acting CEO), may adjourn the meeting for a period not exceeding seven (7) days from the time of the adjournment.

### 2.3.4 Inability to Maintain a Quorum due to Declarations of Conflict of Interests

- (1) If during any meeting it becomes apparent to the Chair that it will not be possible to maintain a quorum due to the number of Councillors who have disclosed a declaration of a conflict of interest in an item of business and will be unable to vote, Council must consider whether the decision can be made in an alternative manner as outlined in section 67(3) of the *Local Government Act 2020*.
- (2) If a decision on the business item is still unable to be made due to an inability to maintain a quorum for the reasons of conflict of interest, then a delegated committee must be established by the Council in accordance with section 67(4) of the *Local Government Act 2020*.

### 2.3.5 Inability to Maintain a Quorum due to abstaining from voting

- (1) If during any meeting it becomes apparent to the Chair that it will not be possible to maintain a quorum due to the number of Councillors electing to abstain from voting and leave the chamber in accordance with sub-rule 2.6.5, Council must establish a delegated committee in accordance with section 63 of the *Local Government Act 2020*

## 2.4 Business of a Meeting

### 2.4.1 Order of Business Listed on an Agenda

- (1) The order in which business is listed on the agenda is determined by the CEO and should be kept consistent from meeting to meeting.
- (2) Notwithstanding sub rule (1), generally, the order of business will be as follows:
  - (a) Apologies and Requests for Leave of Absence
  - (b) Confirmation of Minutes and Attachments
  - (c) Changes to the Order of Business
  - (d) Declaration of Interest
  - (e) Responsible Authority Decisions
  - (f) Planning Authority Decisions
  - (g) Question Time
  - (h) Acknowledgements
  - (i) Council Decisions
  - (j) Council Information
  - (k) Councillor Reports
  - (l) CEO's Report
  - (m) Petitions/Letters
  - (n) Notices of Motion (including Rescission Motions)
  - (o) Urgent Business
  - (p) Confidential Business
  - (q) Close Meeting
- (3) Sub rule (2) does not preclude the CEO from altering the order of business from time to time to enhance the fluent and open process of the government of the Council.
- (4) The CEO may include any matter on the agenda that they believe should be considered by Council after consulting the Mayor.

### 2.4.2 Apologies (including leave of absence)

- (1) A Councillor is required to seek a leave of absence from the Council if they will knowingly be absent from a Council Meeting, other than an unscheduled meeting.
- (2) The request for a leave of absence must be tendered at an earlier meeting and if granted will be recorded in the minutes. The agenda for the subsequent meeting will show the Councillor as an apology due to a leave of absence being previously granted.

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- (3) If the Councillor cannot seek prior approval, formal, written apologies should be submitted to the CEO at the earliest possible time before non-attendance at any Council Meeting.
- (4) An appropriate notice would include the following:  
  
***I am unable to attend the Council Meeting to be held on (date / month / year) and request that my apology be tendered and a leave of absence be granted.***
- (5) Once the apology is tendered the Council will vote on granting a leave of absence.
- (6) The Council must grant any reasonable request for a leave of absence.
- (7) A Councillor will cease to hold the office of Councillor if the Councillor is absent from Council Meetings for a period of four consecutive months without leave being obtained from the Council in accordance with section 35(1)(e) of the *Local Government Act 2020*.
- (8) There is no requirement to grant leave of absences or accept apologies from Council staff.

### 2.4.3 Councillor Acknowledgments

- (1) At each Council Meeting, other than an unscheduled meeting, Councillors will have the opportunity to acknowledge significant community members and events. These may relate to notable achievements by community members and groups as well as offering of condolences for a recently deceased person who had provided distinguished service in the local area.
- (2) The duration of any acknowledgement from a Councillor will be limited to two (2) minutes.
- (3) Any acknowledgment intended to be raised by a Councillor at a Council Meeting must be notified to the CEO at least three (3) hours before the commencement of the meeting.

### 2.4.4 Changes to the Order of Business

- (1) Once an agenda has been prepared and sent to Councillors, the order of business for that meeting may only be altered by resolution of the Council. This includes the request for an item to be brought forward.
- (2) A resolution to change the order of business will be recorded in the minutes of the meeting.

### 2.4.5 Representations

- (1) An individual or deputation wishing to be heard at a meeting of Council must make a written request to the CEO who, after consulting the Mayor, will determine whether the representation will be granted an opportunity to address the Council.
- (2) In order for requests to be considered, they must be submitted no later than 24 hours prior to the Council Meeting.
- (3) Representations will only be allowed for items that are listed for consideration on that meeting's agenda under the agenda headings of Responsible Authority Decisions, Planning Authority Decisions and Council Decisions.

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- (4) A delegation wishing to make a Presentation to a Council Briefing Session, must make a written request to the CEO who, after consulting the Mayor, will determine whether the representation will be granted the opportunity, and the date, duration and form of the presentation (in person or on line).
- (5) A maximum of six representations will be heard at any Scheduled Council meeting.
- (6) If the Mayor and CEO agree to hear representations, a five (5) minute time limit will be set as to the length of the address for each representation.
- (7) The Chair has the discretion to determine the order of representations to be heard, however for items under the agenda headings of Responsible Authority Decisions and Planning Authority Decision representations will be heard in the following order:
  - i. First - Submissions of objection
  - ii. Second - Submissions of support
  - iii. Third - Applicant
- (8) Councillors may question the person making the representation for the purpose of clarification, but not to seek their opinion on statements made by Councillors (and others) or enter into a discussion.
- (9) Any further information that the representation may want the Council to have must be given to the CEO, by 12:00pm (noon) on the day of the meeting. No further written or audio- visual information is allowed to be presented during the meeting, unless such prior approval has been obtained.
- (10) The CEO must advise the applicant of the date, time, venue and protocols that apply for Council to hear the representation.

### 2.4.6 Presentation of Officer Reports

- (1) Officer reports must not be read out loud in full at any Council Meeting unless Council resolves to the contrary.

### 2.4.7 Supplementary Reports

- (1) Occasionally there may be reports that have missed the meeting agenda deadline. In these cases, the CEO may approve the reports to be presented as supplementary reports. A notification will be sent to Councillors advising that a supplementary report has been approved for distribution and is available on the Councillor portal. Supplementary reports do not meet the criteria for urgent business as the matter has not arisen since the distribution of the agenda.

### 2.4.8 Petitions / Joint Letters

- (1) For the sake of clarity, a petition and a joint letter have the same meaning and will be treated as being the same by Council.
- (2) Petitions and joint letters received by Councillors and/or Council officers must be lodged with the CEO within the appropriate time for inclusion in the Agenda of a Council Meeting, unless;
  - (a) the matter which is the subject of the petition or joint letter has been acted upon within the last three (3) months; or
  - (b) the matter which is the subject of the petition or joint letter has a resolution of the Council within the last 12 months.

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- (3) Any petition or joint letter not included in an agenda of a Council Meeting, in accordance with sub rule (2), will receive a response to the chief petitioner, acknowledging receipt of the petition or joint letter and advising of the action taken or Council resolution that has been made in relation to the subject matter of the petition or joint letter.
- (4) Any petition or joint letter received will be tabled at the next available Council Meeting.
- (5) Council may resolve to receive the petition or joint letter and to refer the matter for a report or appropriate action as required to the next appropriate meeting of the Council, unless the Council agrees to deal with it earlier.
- (6) A petition or joint letter must:
  - (a) be in legible and permanent type/writing;
  - (b) identify the CSC as the recipient;
  - (c) not be defamatory, indecent, abusive or objectionable in language or content;
  - (d) not relate to matters beyond the powers of Council;
  - (e) provide a clear and concise statement identifying the subject matter of the petition;
  - (f) bear the whole of the petition or request, referred to in sub rule (6)(e), upon each page;
  - (g) consist of single pages of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper;
  - (h) identify the full name, address and phone number of the person submitting the petition (chief petitioner), together with the name of the organisation/group they represent if the petition is submitted on behalf of an organisation or group;
  - (i) include the name, physical address and signature of each of the petitioners supporting the petition.
- (7) Any petitions or joint letters that the CEO has determined do not comply with these Governance Rules will not be tabled at a Council Meeting.
- (8) A petition or joint letter may nominate a person to whom a reply must be sent, but if no person is nominated or is the obvious intended nominated person, Council may reply to the first signatory which appears on the petition.
- (9) An electronic or online petition must be in accordance with sub rule (6) of these Governance Rules, except sub rule (6)(f) and (6)(g).
- (10) For the purpose of compliance with sub rule (6)(i) an electronic or online petition, each petitioner supporting the petition must include their name, physical address and email address.

### 2.4.9 Public Question Time

- (1) Question time will be available at a Council Meeting, except for an unscheduled meeting, to enable members of the public to address questions to Council.

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- (2) At each meeting, where there is an opportunity for members of the public to ask questions of the Council. If the meeting is to be held in a single electronic or hybrid/parallel format, then the general public will follow the set procedures to submit a question or petition.
  - (a) by phone through a speaker broadcast to Council; or
  - (b) by an electronic audio-visual link connected to the meeting.
- (3) All such questions must be received in writing on the prescribed form as outlined on Council's website.
- (4) All such questions must be received by the CEO or person authorised for this purpose by the CEO no later than 12:00pm (noon) on the day of the Council Meeting.
- (5) A question will only be read to the meeting if the CEO has determined that the question:
  - (a) does not relate to a matter containing confidential information as defined in the *Local Government Act 2020*;
  - (b) does not relate to a matter in respect of which Council has no power to act;
  - (c) is not defamatory, indecent, abusive or objectionable in language or substance;
  - (d) is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and
  - (e) is not asked to embarrass a Councillor or member of Council staff.
- (6) If the CEO determines that a question will not be read to the meeting, then the CEO must:
  - (c) advise the meeting accordingly; and
  - (d) make the question available to Councillors upon request.
- (7) The CEO must read to the meeting the name of the person who has submitted a question.
- (8) The CEO must read the text of the question and the CEO may then direct that question to be answered by a nominated Councillor or member of Council staff.
- (9) No debate on or discussion of a question or an answer will be permitted other than for the purposes of clarification.
- (10) A Councillor or member of Council staff nominated to answer a question may:
  - (a) seek clarification of the question from the person who submitted it;
  - (b) seek the assistance of another person in answering the question; or
  - (c) defer answering the question, so that the answer may be researched, and a written response be provided within ten (10) working days following the meeting (the question thereby being taken on notice).
- (11) A copy of the written response to a question, referred to in sub rule (9)(c) will be attached to the minutes of the meeting.

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- (12) No responses will be provided or recorded to questions that were not accepted under sub rule (4).
- (13) An individual is limited to a maximum of two questions at any one Council Meeting.
- (14) A maximum of two questions may be asked about any single topic at the Council Meeting.
- (15) Question time at a Council Meeting will be limited in duration and will not exceed 30 minutes.
- (16) Council may resolve to bring forward the commencement of Question Time, so that questions are considered before Responsible Authority Decisions and Planning Authority Decisions.

## 2.4.10 Notices of Motion

- (1) A Notice of Motion must be in writing, dated and signed by the intending mover and lodged with the CEO no later than 12:00 pm (noon) at least ten (10) business days before the Council Meeting. For the purpose of clarity, the day that the motion is lodged is not included but the day of the meeting is included when calculating the ten (10) business days. Public holidays are not included as business days.
- (2) A Notice of Motion will not be accepted for consideration at an unscheduled meeting.
- (3) A Notice of Motion will only be accepted if it:
  - (a) does not relate to a matter in respect of which Council has no power to act;
  - (b) does not substantially change the levels of Council services;
  - (c) does not commit Council to significant expenditure not included in the adopted budget;
  - (d) does not declare a rate or charge;
  - (e) does not establish or amend Council policy;
  - (f) does not commit Council to any contractual arrangement;
  - (g) is not defamatory, indecent, abusive or objectionable in language or substance;
  - (h) provides sufficient detail to ensure the motion is implementable; and
  - (i) is not against public order or safety.
- (4) A Notice of Motion must include a rationale. The CEO has the discretion to include an officer comment on any proposed notice of motion including rescission motions.
- (5) If a Notice of Motion is considered by the CEO to not meet any or all of sub rule (3) the CEO must notify the Councillor who delivered the Notice of Motion the reasons for that opinion and provide adequate support to the Councillor to structure the notice of motion (if possible) to meet the requirements of sub rule (3).
- (6) A Notice of Motion cannot be accepted by the Chair unless the full text of any such motion has been listed on the agenda for the Council Meeting at which it is proposed to be moved.



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- (7) Except by leave of the Council, Notices of Motion before a Council Meeting will be considered in the order in which they were received.
- (8) If a Councillor who has given a Notice of Motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.
- (9) If a Councillor proposing the motion wishes to amend the Notice of Motion, they may do so by first seeking leave of the Council to amend the Notice of Motion, prior to it being seconded.
- (10) Another Councillor can put forward an amendment for consideration, which must be dealt with in accordance with rules 2.6.18, 2.6.19 and 2.6.20 of these Governance Rules.
- (11) If a Notice of Motion, whether amended or not, is lost, a similar motion cannot again be put before Council for a period of three (3) calendar months from the date it was lost.
- (12) A Notice of Motion cannot be submitted in relation to a matter that was the subject of a Rescission Motion within three (3) calendar months of the Rescission Motion having been considered by Council.

## 2.4.11 Notice of Rescission Motion

- (1) A Councillor may propose a motion to rescind a decision of Council provided the subject motion has not been acted on.
- (2) An actual notice of motion to rescind or alter a previous resolution of Council:
  - (a) Must be provided to the CEO by 5.00pm the next business day following the Council Meeting at which the motion was resolved.
  - (b) Is deemed to have been withdrawn if not moved at the Council Meeting at which the notice of rescission motion is included in the agenda.
  - (c) If it is a second or subsequent notice to rescind or alter an earlier resolution, must not be accepted by the CEO until a period of three (3) months has elapsed since the date of the meeting at which the motion of rescission or alteration was dealt with.
- (3) Once a Notice of Rescission Motion has been received by the CEO, no further action is to be taken on the resolution that is the subject of the rescission motion.
- (4) Any Councillor providing a Notice of Rescission Motion is required to provide written justification that must include one of the following:
  - (a) The vote may not have accurately reflected the opinion held by the meeting due to the misunderstanding of the motion or for some other reason; or
  - (b) New information to hand; or
  - (c) Some vital information has been overlooked.
- (5) A Notice of Rescission Motion must include the written endorsement of at least two other Councillors.
- (6) The CEO will inform the Councillor whether the motion has been accepted or not, and if not, advise the Councillor why not, and then advise the Mayor and the

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Councillors at the earliest opportunity. If the motion has been accepted, it must be listed on the agenda of the next available Council Meeting.

## 2.4.12 When a Resolution has been Acted on

- (1) A resolution, or part thereof, will be considered as having been acted on;
  - (a) once its details have been formally communicated in writing (which includes electronic communications) to either internal or external parties affected by or reliant on the resolution; or
  - (b) when a statutory procedure has been carried out.
- (2) The CEO may initiate action or cause action to be initiated on any Council resolution, or part thereof, at any time after the meeting at which it was carried.
- (3) If a resolution can be broken down into parts and some parts of the resolution have not been acted on, then any proposed change to the remaining parts is to be treated as an amendment of the resolution unless the substance of the proposed change is to reverse the resolution when considered as a whole.

## 2.4.13 Reports from Councillors / Delegates

- (1) At each Council Meeting, Councillors will have the opportunity to speak on any meetings, conferences or events that they have recently attended.
- (2) The duration of any report from a Councillor will be limited to two (2) minutes. If a Councillor requires information on the conference/event to be included in the minutes, the Councillor must seek the leave of the Council.
- (3) If leave is granted by the Council to include information on a conference/event, the Councillor must submit the additional information in writing to the CEO or member of Council staff responsible for the minutes by 9.00am on the next business day following the meeting.

## 2.4.14 Urgent Business

- (1) If the agenda for a meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if;
  - (a) it relates to or arises out of a matter which has arisen since distribution of the agenda; and
  - (b) deferring the item until the next Council Meeting will mean a decision on the item will not have any effect on the matter; or
  - (c) it involves a matter of urgency as determined by the CEO; and
  - (d) it is a matter that cannot be addressed through an operational service request process.

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- (2) An item of urgent business must not:
  - (a) substantially affect the levels of Council service;
  - (b) commit Council to significant expenditure not included in the adopted budget;
  - (c) establish or amend Council Policy;
  - (d) commit Council to any contractual arrangement;
  - (e) require pursuant to other policy determined by Council from time to time, the giving of prior notice; and
  - (f) has the potential to directly affect a person's rights, for which they should be afforded an opportunity to communicate their views and have their interests considered.
- (3) A Councillor proposing an item of business be admitted as urgent business must lodge it in writing to the CEO no later than 3 pm on the day of the Council Meeting.
- (4) The CEO will advise the Mayor of any matter they determine appropriate for Council to consider admitting as urgent business.

## 2.4.15 Time Limit for Meetings

- (1) A Council Meeting must not continue after three (3) hours from the time it commences unless a majority of Councillors present vote in favour of its extension in accordance with this rule.
- (2) Extensions of a Council Meeting will be in block periods of 30 minutes.
- (3) After the initial 30 minute extension the Council Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.
- (4) A meeting may only be continued for a maximum of two 30 minute extensions.
- (5) In the absence of such extensions as provided for in sub rules (1) and (3), or in the event there is further business to be transacted at the completion of two extensions, the Council Meeting must stand adjourned to a time and date resolved by Council or within 14 days from the date of the Council Meeting which is adjourned.
- (6) Notwithstanding sub rule (5), the Chair may seek leave of the Council not to adjourn the meeting, if the Chair reasonably believes the remaining business will take less than 10 minutes to transact.
- (7) If Council did not resolve the date and time for the resumption of the adjourned meeting under sub rule (5), the CEO must give notice to each Councillor, of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered, within three (3) business days of the meeting which is adjourned.

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## 2.5 Addressing the Meeting

- (1) Any Councillor or person who addresses the meeting must direct all remarks through the Chair.
- (2) The Chair may address a meeting, however if the Chair wishes to move any motion or amendment the Chair must advise the Council of that intention and vacate the Chair for the duration of the item under discussion.
- (3) Any person addressing the Chair should refer to the Chair as:
  - Mr Mayor; or
  - Madam Mayor; or
  - Mayor; or
  - Chair; or
  - Mr Chair; or
  - Madam Chair; as the case may be.
- (4) The Mayor of the day may advise the Councillors and staff of their naming preference.
- (5) When speaking during a meeting, Councillors and officers must address each other by their titles of Councillor or officer position as the case may be.

## 2.6 Meeting Procedures

### THE CHAIR

#### 2.6.1 Role of the Chair

- (1) The Chair must facilitate an orderly, respectful, transparent and constructive meeting by ensuring that all Councillors have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.
- (2) The Chair is an independent leader of Council Meetings and generally does not move or second motions.
- (3) The Chair will adhere to the specific duties and discretions of the Chair outlined throughout these Governance Rules.

#### 2.6.2 Mayor to take the Chair

- (1) The Mayor must take the Chair at all Council Meetings at which the Mayor is present.
- (2) If the Mayor is not in attendance or vacates the Chair at a Council Meeting, the Deputy Mayor must take the Chair.
- (3) If the Mayor and Deputy Mayor are not in attendance at a Council Meeting, Council must elect one (1) of the Councillors present as Chair for the Council Meeting.

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### 2.6.3 The Chair's Duties and Discretions

- (1) In addition to the specific duties and discretions provided in these Governance Rules:
  - (a) The Chair must not accept any motion, question or statement which is
    - i) defamatory; or
    - ii) objectionable in language or nature; or
    - iii) is vague or unclear in its intention;
    - iv) is outside the powers of Council; or
    - v) is not relevant to an item of business on the agenda and has not been admitted as urgent business; or
    - vi) purports to be an amendment but is not.
  - (b) The Chair must call a person to order, if the behaviour of a person is disruptive and interferes with the conduct of the business of Council.

### VOTING

#### 2.6.4 Voting – How Determined

- (1) To determine a motion that is put before a meeting, the Chair will first call for those voting in favour of the motion and then those voting against the motion and will then declare the results to the meeting.

#### 2.6.5 Voting – By Show of Hands

- (1) Voting on any motion will be by show of hands.
- (2) All Councillors present are required to vote on any matter before Council unless that Councillor has declared a conflict of interest in the item or signified their intention to abstain from voting on the matter.
- (3) If a Councillor intends to abstain from voting they must provide an explanation for abstaining once the Chair calls the item for consideration and prior to the next item of business being considered by the meeting.
- (4) The Councillor intending to abstain from the vote may decide to leave or stay in the Chamber while the matter is being considered. If the Councillor who abstains from the vote stays in the Chamber, the Councillor will be considered as having voted in the negative in accordance with section 61(5)(e) of the *Local Government Act 2020*.

#### 2.6.6 Call for a Division

- (1) Immediately after any motion is put to a meeting and before the next item of business has commenced, any Councillor may call for a division.
- (2) The call must be made to the Chair either immediately prior to or immediately after the vote has been taken but cannot be called after the next item of business has commenced.
- (3) For the purpose of sub rule (2) the next item of business has not commenced until the Chair has named the mover of the next item of business.

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- (4) When a division is called in accordance with sub rule (2), any vote already taken on the item must be set aside and voting in the division will decide the motion or amendment.

## 2.6.7 Procedure for a Division

- (1) When a division is called, the Chair will:
- (a) advise Councillors that if they intend to abstain from the vote and remain in the meeting that they will be recorded as voting against the motion;
  - (b) Councillors who may have previously left the meeting to abstain from the original vote, will be offered the opportunity to return to the meeting and vote in the division, before the Chair puts the motion to the vote.
  - (c) The Chair will then ask each Councillor wishing to vote in favour of the motion to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the minutes;
  - (d) then ask each Councillor wishing to vote against the motion to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the minutes;
  - (e) then next, ask each Councillor abstaining from voting to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the minutes; and
  - (f) finally, declare the result of the division.

## 2.6.8 Between the Original Vote and the Division

- (1) No Councillor is prevented from changing their vote when voting on the division. The voting by division, will determine the Council's resolution on the motion.

## 2.6.9 Vote to be Taken in Silence

- (1) Except that a Councillor may call a division, Councillors must remain seated in silence while a vote is being taken.

## 2.6.10 Recount of Vote

- (1) The Chair may direct that the vote be re-counted as often as may be necessary to be satisfied of the result.

## 2.6.11 Declaration of Vote

- (1) The Chair must declare the result of the vote or division as soon as it is taken.

## 2.6.12 Casting Vote

- (1) In the event of an equality of votes, the Chair has a casting vote, except in cases where the *Local Government Act 2020* or these Governance Rules determine otherwise.
- (2) If the Chair exercises their casting vote, they must provide an explanation to the meeting as to why they voted in a particular way.

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## 2.6.13 Recording of Opposition of Motion

- (1) Any Councillor may ask that their opposition to a motion resolved by the meeting be recorded in the minutes of the meeting.

## 2.6.14 Motion to be Read Again

- (1) Before any motion or amendment is put to the vote, a Councillor may request that the motion or amendment be read again.
- (2) The Chair, whether requested or not, may also ask the CEO (or other person authorised by the CEO to attend the meeting and take the minutes of such meeting) to read the question, motion or amendment to the meeting before the vote is taken.

## MOTIONS AND AMENDMENTS

*A resolution, and therefore a motion, must be capable of standing alone, that is, a person reading the decision of Council in the minutes must be able to understand what Council is seeking to achieve without reference to other sources. This usually means it should include specifics about the action to be taken, the timing of the action to be taken and the details of any other conditions, limitations or other parties to be included when undertaking the action.*

To assist in understanding the process of moving motions and amendments, a flow chart is at Appendix 1.

## 2.6.15 Motions in Writing

- (1) All motions, except procedural motions, must be submitted in writing;
- (2) The Chair may adjourn a meeting while a motion is being written or may request Council to "lay the motion on the table" (pausing debate), in accordance with rule 2.6.25, until the motion has been written, allowing the meeting to proceed uninterrupted.
- (3) If debate is paused in accordance with rule 2.6.25, a procedural motion is required to take a motion from the table (resume debate) in accordance with rule 2.6.25.

## 2.6.16 Moving a Motion

- (1) The procedure for any motion is:
  - (a) The Chair calls for a motion to be put to the Council.
  - (b) The mover must outline the motion without speaking in support of it;
  - (c) The motion must be seconded by a Councillor other than the mover.
  - (d) If the motion is not seconded, the motion lapses for want of a seconder.
  - (e) If there is a seconder, then the Chair must call on the mover to speak to the motion.
  - (f) After the mover has spoken to the motion, the seconder may also speak to the motion (or reserve/defer their right to speak to later in the debate).
  - (g) After the seconder has spoken to the motion (or after the mover has spoken to the motion if the seconder does not speak or has reserved/deferred their right to speak to the motion) the Chair must call on any Councillor who wishes to speak against the motion, then on any Councillor who wishes to speak for



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the motion and continue this sequence until all Councillors wishing to speak to the motion have spoken; and

- (h) If no Councillor wishes to speak against the motion, then the Chair may put the motion.
- (2) A Councillor calling the attention of the Chair to raise a point of order is not regarded as speaking to the motion.
- (3) A Councillor who moves an amendment to the motion is not regarded as having spoken to the motion.
- (4) When a motion contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate parts.
- (5) The Chair may decide to put any motion to the vote in separate parts.

## 2.6.17 Right of Reply

- (1) The mover of a motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during the debate.
- (2) No new material or comments may be raised during the right of reply.
- (3) If a Councillor has not spoken against a motion, there will be no right of reply.
- (4) After the right of reply has been exercised, the motion must be immediately put to the vote without any further discussion or debate.

## 2.6.18 Moving an Amendment

- (1) A motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the motion.
- (2) An amendment to a motion cannot be negative, or substantially contrary, to the motion.
- (3) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion.
- (4) If a Councillor proposes an amendment and the original mover and seconder of the motion both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote, and debate of the motion continues in accordance with these Governance Rules.
- (5) If a Councillor proposes an amendment to which either the original mover or seconder does not agree, the following will apply;
  - (a) The amendment must be moved and seconded;
  - (b) A Councillor may speak on any amendment once, whether or not he or she has spoken to the motion, but debate must be confined to the terms of the amendment;
  - (c) Any number of amendments may be proposed to a motion, but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the motion or an amendment of it may be taken into consideration until the previous amendment has been dealt with and voted on;

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- (d) If the amendment is carried, the motion as amended then becomes the motion before the meeting (known as the substantive motion);
  - (e) The mover and seconder of the amendment become the mover and seconder of the substantive motion.
  - (f) Debate commences as if a new motion; and
  - (g) The mover of an amendment does not have a right of reply.
- (6) An amendment motion having been moved and seconded may be adjusted by the minute taker by leaving out, inserting or adding words which must be relevant to the original motion and framed as to complement it as an intelligible and consistent whole.
- (7) No notice need be given of any amendment.

## **2.6.19 Second or Subsequent Amendments**

- (1) A second or subsequent amendment cannot be moved until the immediately preceding amendment is determined.
- (2) If any Councillor intends to move a second or subsequent amendment, he or she must give notice of their intention to do so prior to the amendment currently being debated being put to the vote.
- (3) A Councillor cannot move more than two (2) amendments in succession.

## **2.6.20 An Amendment Once Carried**

- (1) If an amendment is carried, it becomes the substantive motion.

## **2.6.21 Foreshadowing a Motion**

- (1) At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special rights to the foreshadowed motion.
- (2) A foreshadowed motion may be prefaced with a statement that in the event a particular motion before the Council is resolved in a certain way a Councillor intends to move a motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- (4) The minutes of the meeting will not include foreshadowed motions unless the foreshadowed motion is subsequently formally moved as a motion.

## **2.6.22 Withdrawal of a Motion**

- (1) Before any motion is put to the vote, it may be withdrawn by the leave of the Council.

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## 2.6.23 Debating a Motion

- (1) Debate must always be relevant to the motion before the Council, and if not, the Chair must direct the speaker to confine debate to the motion before Council.
  - (a) In the case of a Notice of Motion for Rescission, debate must be confined to the grounds of the rescission and not the merits of the original motion.
- (2) If after being directed to confine debate to the motion before the Council, the speaker continues to debate irrelevant points, the Chair may disallow the speaker any further comment in respect of the motion before the Council.
- (3) If an item of business before the Council is significant in nature, every Councillor must be afforded the opportunity to debate the motion.
- (4) A motion has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.
- (5) Once the views put are representative of the views of all Councillors the debate would be regarded as sufficient.
- (6) At any time during the debate a Councillor may request through the Chair that the CEO, or an officer directed by the CEO, provide clarification on the item, but they must not debate the item.

## 2.6.24 Deferring or Pausing Debate

- (1) The deferring or pausing of debate of a motion is a procedural motion and must be done in accordance with rule 2.6.25.
- (2) If an item of business is paused for debate, in effect laying a motion on the table, that item of business must be taken from the table at the same meeting, otherwise the item of business will lapse from being the business of Council.
- (3) If an item of business is deferred, the item of business must be placed on the agenda and included in the business papers of the meeting to which it was deferred. Deferred items of business have priority over any other business except formal business.
- (4) If the procedural motion to defer the item of business does not include a specific date or meeting, the item of business will automatically lapse from the business of the Council.

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## PROCEDURAL MOTIONS

### 2.6.25 Procedural Motion Table

Motion	Form	Mover/ Seconded	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Notice of Motion</b>	Submitted within the required timeframe and in accordance with rule 2.4.10	Any Councillor	If not in accordance with rule 2.4.10	The CEO ensures the actions required are carried out.	No further action taken.	Yes
<b>Notice of Rescission</b>	Submitted within the required timeframe and in accordance with rule 2.4.11	Any Councillor, plus the written endorsement of at least two other Councillors	If not in accordance with rule 2.4.11	To set aside the previous decision of the Council, except for any aspects that had already been acted upon by the time the Notice was lodged.	The resolution Previous resolution	Yes, but confined to the grounds of the rescission; not the merits of the original motion
<b>Deferral of a matter (to a future meeting)</b>	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...	Any Councillor (other than the Chair) who has not moved or seconded the original motion or otherwise spoken to the original motion.	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a <i>Chair</i> ; or (c) When another Councillor is speaking.	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, when a fresh motion may be put and debated.	Debate continues unaffected.	Yes
<b>Closure (of debate)</b>	'That the motion now be put'	Any Councillor (other than the Chair) who has not moved or seconded the original motion or spoken for/against the original motion.	During nominations for a Chair.	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion.	Debate continues unaffected.	No
<b>Laying a motion on the table (pausing debate)</b>	'That the motion be laid on the table'	A Councillor (other than the Chair) who has not spoken for/against the motion.	During the election of the Mayor/Deputy Mayor.	Motion not further discussed or voted on until Council resolves to take the motion from the table at the same Council Meeting.	Debate continues unaffected.	No

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Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Take a motion from the table (resume debate on a matter)</b>	'That the motion in relation to xx be taken from the table'	Any Councillor (other than the Chair) who has not spoken for/against the motion or an amendment.	When no motion is on the table.	Debate of the item resumes.	Debate of the item remains paused.	No
<b>Alter the order of business</b>	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor (other than the Chair).	(a) At a Meeting to elect the Mayor; or (b) During any debate.	Alters the order of business for the Council Meeting.	Items are considered in the order as listed in the agenda.	No
<b>Suspension of Standing Orders</b>	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor (other than the Chair).		The rules of the meeting are temporarily suspended for the specific reason given in the motion. No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted.	The meeting continues unaffected.	No
<b>Resumption of Standing Orders</b>	'That Standing Orders be resumed'	Any Councillor (other than the Chair).	When Standing Orders have not been suspended.	The temporary suspension of the rules of the meeting is removed.	The meeting cannot continue.	No
<b>Consideration of confidential matter(s) (Close the meeting to members of the public)</b>	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx <i>is confidential as it relates to [insert reason]</i>	Any Councillor (other than the Chair).	During the election of the Mayor/Deputy Mayor.  When the item of business does not meet the definition of confidential as defined in the <i>Local Government Act 2020</i> .	The meeting is closed to members of the public.	The meeting continues to be open to the public.	Yes

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Motion	Form	Mover/ Seconded	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Close the meeting to members of the public for security reasons or to enable meeting to proceed in an orderly manner.</b>	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public <i>[for security reasons or to enable the meeting to proceed in an orderly manner [insert reason]</i>	Any Councillor (other than the Chair).	During the election of the Mayor/Deputy Mayor.	The Council Meeting is closed to members of the public.	The Council Meeting continues to be open to the public.	Yes
<b>Reopen the meeting</b>	'That the meeting be reopened to members of the public'	Any Councillor (other than the Chair).		The Council Meeting is reopened to the public.	The Council Meeting remains closed to the public.	No
<b>Dissent in the Chair's ruling of a Point of Order</b>	'That a motion of dissent in the ruling of Chair now be put'	Any Councillor (other than the Chair).	On any motion other than a ruling on a Point of Order by the Chair.	The ruling of the Chair on the Point of Order is lost.	The ruling of the Chair on the Point of Order is upheld.	The Chair is given the opportunity to explain why s/he 'ruled' the way s/he did.

## 2.6.26 Moving a Procedural Motion

- (1) Unless otherwise prohibited, and subject to rule 2.6.25, a procedural motion (other than a notice of Motion or Rescission) may be moved at any time and must be dealt with immediately by the Chair.
- (2) A procedural motion must be seconded.

## 2.6.27 Who Can Move a Procedural Motion

- (1) The mover/seconded of a procedural motion (other than a notice of Motion or Rescission) must not have moved, seconded or spoken to the motion or any amendment of it before the Chair.
- (2) A procedural motion cannot be moved or seconded by the Chair.

## 2.6.28 Procedural Motion may be Rejected

- (1) The Chair may reject a procedural motion if they believe the motion on which it is proposed has not been sufficiently debated, as outlined in rule 2.6.23(4) and 2.6.23(5).

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## 2.6.29 Consideration of Procedural Motions

- (1) Regardless of any other provision in these Governance Rules, a procedural motion must be dealt with in accordance with the table at rule 2.6.25.

## 2.6.30 Debate and Amendments to Procedural Motions Not Allowed

- (1) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- (2) Unless otherwise provided a procedural motion cannot be amended.

### SPEAKING TO THE MEETING

## 2.6.31 Speaking Times

- (1) A Councillor must not speak longer than the time set out below, unless granted an extension by resolution of the Council.
- (a) A mover of a motion – five (5) minutes;
  - (b) The seconder of a motion – three (3) minutes;
  - (c) Any other Councillor – two (2) minutes; and
  - (d) The mover of a motion when exercising their right of reply – two (2) minutes.
- (2) An extension of speaking time may be granted to a Councillor, except the mover of the motion, by resolution of the Council.
- (3) Only one extension per Councillor is permitted for each item of business.
- (4) Any extension of speaking time must not exceed two (2) minutes.

## 2.6.32 Interruptions and Interjections

- (1) A Councillor must not be interrupted except by the Chair or by another Councillor raising a Point of Order or personal explanation.
- (2) If a Councillor is interrupted by the Chair or by another Councillor raising a Point of Order or personal explanation, then they must remain silent until the Councillor raising the Point of Order has been heard and the point of order disposed of, or the personal explanation has been delivered.

## 2.6.33 Priority of Address

- (1) In the case of competition for the right to speak, the Chair must decide the order in which the Councillors will be heard.

## 2.6.34 Councillors Not to Speak Twice to Same Motion or Amendment

- (1) A Councillor must not speak more than once to the same motion or amendment, except;
- (a) As the mover of a motion in exercising a right of reply; or
  - (b) When a Councillor is raising a Point of Order or providing a personal explanation.



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## POINTS OF ORDER

### 2.6.35 Points of Order

- (1) A Point of Order is taken when a Councillor draws the attention of the Chair to an alleged irregularity in the proceedings.
- (2) A Point of Order may be raised in relation to:
  - (a) a time limit has been exceeded;
  - (b) a quorum is not present;
  - (c) a question of procedure;
  - (d) debate that is irrelevant to the item of business under consideration;
  - (e) a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
  - (f) an item of business or debate is outside the powers of Council; or
  - (g) any act of Disorder.
- (3) A Councillor may at any time raise a point of order which will, until disposed of, take precedence over the consideration and decision of every other item of business.
- (4) A Councillor who is addressing the Council must not be interrupted unless called to order at which time they must remain silent until the Councillor raising the Point of Order has been heard and the point of order disposed of.
- (5) A Point of Order must be raised by stating 'Point of Order' and the alleged irregularity being raised.
- (6) The expression of difference of opinion or to contradict a speaker is not a Point of Order.

### 2.6.36 Consideration of Point of Order

- (1) When called to order, a Councillor must remain silent until the Point of Order is decided unless they are requested by the Chair to provide an explanation.

### 2.6.37 Chair to Decide Point of Order

- (1) The Chair may temporarily adjourn the meeting to consider a Point of Order but must otherwise rule upon it as soon as it is raised.
- (2) All matters before the Council are to be suspended until the Point of Order is decided.

### 2.6.38 Disagreeing with Chair's Ruling

- (1) The decision of the Chair in respect to a Point of Order raised will be final and conclusive unless the majority of Councillors present at the meeting move a motion of dissent.

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## 2.6.39 Motion of Dissent

- (1) A motion of dissent in the Chair's ruling of a Point of Order must, if seconded, be given priority over all other items of business and a substitute Chair must be elected to preside while the motion is being considered.
- (2) The substitute Chair will call on the first Chair to provide an explanation for their ruling and must preside over the vote on the first Chair's ruling.
- (3) The ruling must be decided by a majority vote.
- (4) Once the vote has been conducted the first Chair will preside for the remainder of the meeting.

## 2.6.40 Personal Explanation

- (1) A Councillor may, at a time convenient to Council, make a brief personal explanation in respect of any statement (whether made at a Council Meeting or not) affecting him or her as a Councillor.
- (2) However, a personal explanation arising out of a statement at a Council Meeting must be made as soon as possible after that statement was made.
- (3) A personal explanation must not be debated except upon a motion to censure the Councillor who has made it.

## 2.6.41 Disorderly Conduct

- (1) The conduct of Councillors and members of Delegated Committees is governed by the *Local Government Act 1989*, the *Local Government Act 2020*, these Governance Rules and the Councillor Code of Conduct.
- (2) The Chair may call a break in a Meeting for either a short time, or to resume another day if the behaviour at the Council Meeting by Councillors or people in attendance at the meeting are significantly disrupting the meeting
- (3) The break referred to in sub rule (2) is an adjournment and must be conducted in accordance with rule 2.6.25 and 2.6.43.
- (4) If a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Council Meeting and prevents the conduct of Council business:
  - (a) Council may, by resolution, suspend that Councillor from a portion of the Council Meeting or from the balance of the Council Meeting if the Chair has already warned the Councillor to cease that behaviour; or
  - (b) The Mayor, under section 19 of the *Local Government Act 2020*, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the meeting for a period of time or the balance of the Council Meeting.
- (5) When Council suspends a Councillor under sub rule (4)(a), or the Mayor directs a Councillor to leave the meeting under sub rule (4)(b), the Councillor will take no active part in the portion of the Council Meeting from which they have been suspended.

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- (6) If a Councillor has been directed to leave in accordance with sub rule (4)(b), the minutes of the Council Meeting will record the time the Councillor left the meeting and if so allowed, the time the Councillor returned to the meeting.
- (7) If a Councillor has been suspended from a meeting or directed to leave in accordance with sub rule (4) the Chair may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

## SUSPENSION OF STANDING ORDERS

*Standing Orders are the rules made to govern the procedure at Council Meetings contained in these Governance Rules. The Standing Orders cover a range of matters including the order of business, rules of debate, procedural motions and election procedures. Standing Orders can be suspended to facilitate the business of a meeting.*

### 2.6.42 Suspension of Standing Orders for the Purpose of Discussion

- (1) To temporarily remove the constraints of formal meeting procedure and allow full discussion or clarification of any issues, Council may, by resolution, suspend standing orders in accordance with the procedural motion table at rule 2.6.25.
- (2) Suspension of standing orders must not be used purely to dispense with the processes and protocol of the government of Council.
- (3) No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders, except a motion to resume standing orders.
- (4) No motion to suspend standing orders can be accepted by the Chair during a second extension of time for a meeting.

## ADJOURNMENTS

### 2.6.43 Adjourning the Meeting

- (1) Once a meeting is declared open, Council may, from time to time, resolve to adjourn the Meeting:
  - (a) if a quorum is not present within half an hour after the time appointed for the meeting;
  - (b) if at any time throughout a meeting a quorum is lost;
  - (c) if the meeting becomes excessively disorderly and order cannot be restored;
  - (d) to allow for additional information to be presented to a meeting;
  - (e) to give Councillors a comfort break
  - (f) if the meeting has been in progress for longer than 2 hours
  - (g) Any other situation if the adjournment could aid the process of the meeting.
- (2) A meeting cannot be adjourned for a period exceeding fourteen (14) days from the date of the adjournment.
- (3) An appropriate motion would be:
 

***“That the meeting be adjourned until \_\_ (time the date specified, which does not exceed fourteen (14) days)”.***

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- (4) No discussion is allowed on any motion for adjournment of the meeting, but if on being put the motion is lost, the subject then under consideration of the next on the Agenda or any other matter that may be allowed precedence must be resolved before any subsequent motion for adjournment is made.

## 2.6.44 Notice for Adjournment of Meeting

- (1) If a meeting is adjourned, the CEO will ensure that the Agenda for such a meeting is identical to the agenda for the meeting which was resolved to be adjourned.
- (2) Except when a meeting is adjourned until later on the same day, the CEO must give all Councillors written notice of a new date for the continuation of the adjourned meeting and every reasonable attempt must be made to advise the public of the new meeting date.
- (3) If it is not practical to provide written notice to Councillors because time does not permit that to occur then provided a reasonable attempt is made to contact each Councillor, contact by telephone, electronic medium, or in person will be sufficient.

## 2.6.45 Lapsed meeting

- (1) A meeting is deemed to have lapsed if a meeting does not commence and therefore no resolution can be carried to adjourn the meeting.

## 2.6.46 Undisposed Business of a Lapsed Meeting

- (1) If a Council Meeting lapses, the undisposed-of Business will, unless it has already been disposed of at an unscheduled Council Meeting, be included in the agenda for the next scheduled Council Meeting.
- (2) The business of the lapsed meeting must be dealt with prior to any other business, and in the same order as the original meeting papers.

## 2.6.47 Compliance with Governance Rules

- (1) If during a meeting the CEO becomes aware of any non-compliance with the meeting procedures contained in these Governance Rules or other applicable legislation relating to meeting procedures, the CEO must immediately inform the Chair about the requirement of these Governance Rules or other applicable legislation relating to meeting procedures.
- (2) The Chair must allow the CEO to advise the meeting of any such breach or likely breach of these Governance Rules or other applicable legislation and the meeting must take account of the advice given.

## 2.7 Behavioural Conduct During Council Meetings

### 2.7.1 Electronic Devices

- (1) Any person in attendance at a Council Meeting must ensure that their electronic device is turned off or switched to silent.

### 2.7.2 Behaviour during Council Meetings

- (1) It is the responsibility of individual Councillors to exhibit good conduct in meetings. Councillors should listen while others are speaking, avoid interrupting, be aware of their body language and use reasonable and temperate language in debates (no matter how contentious the topic may be).

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## 2.7.3 Criticism of Council Staff

- (1) The CEO may address a Council Meeting in respect of any statement made affecting a Council officer if that comment is made at a Council Meeting or in the media.

## 2.7.4 Gallery to be Silent

- (1) Visitors must not interject or take part in the debate of any item of business before the Council.
- (2) Silence must be maintained by members of the public in the gallery at all times.

## 2.7.5 Display of Posters, Banners and Placards

- (1) A person must not display any placards or posters in the Council Chamber or in any building where a Meeting is being, or is about to be held, except outside the entrance to the building.
- (2) A poster, banner or placards must not:
  - (a) Display any offensive, indecent, insulting or objectionable item or words; or
  - (b) Obstruct the entrance to the Council Chamber or a building where a Meeting is being or is about to be held; or
  - (c) Obstruct the view or physically impede any person.
- (3) The Chair or CEO may order and cause the removal of any poster, banner or placard that is deemed by the Chair or CEO to be objectionable, disrespectful or otherwise inappropriate.

## 2.7.6 Ejection of Disorderly Visitors

- (1) If a person, other than a Councillor, interjects or is gesticulating offensively during the Council Meeting, the Chair must direct;
  - (a) the person to stop interjecting or gesticulating offensively; and
  - (b) the removal of the person if they continue to interject or gesticulate offensively.
- (2) The Chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.
- (3) In giving effect to a person's removal under sub rule (1)(b) or material under sub rule (2), the Chair may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the person, object or material.

## 2.7.7 Chair May Adjourn Disorderly Meeting

- (1) If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, they may adjourn the meeting to a later time on the same day, or to some later day prior to the next Council Meeting, at a time and date and venue to be fixed as they think proper.
- (2) Any adjournment is to be done in accordance with rule 2.6.43 of these Governance Rules.

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## 2.8 Provisions to Record Council Meetings

- (1) The CEO (or other person authorised by the CEO) may conduct electronic broadcasting of the proceedings of Council Meetings.
- (2) Recordings will be retained and available to the public for viewing or listening for a period of twelve (12) months from the date of the meeting.
- (3) Public Council Meetings are an open forum of statements, questions and answers. Occasionally some things that are said may be regarded as offensive defamatory or contrary to law. In circumstances when statements are made that may fall into these categories the CEO, at their sole discretion, may edit the recorded version of the meeting so as not to cause embarrassment or increase liability exposure to members of the public or Council.
- (4) In circumstances where comments are made that may be considered defamatory, breach copyright, breach privacy or may be considered discriminatory, such comments will be edited from the available recorded version of the meeting before being posted to Council's website.
- (5) The use of recording devices during the Council Meeting within the Council Chamber are prohibited. Media representatives and members of the public may access the live broadcasting or recording after the meeting via Council's website.

## 2.9 Joint Council Meetings

- (1) Council may resolve to participate in a Joint Council Meeting, with other councils, to consider;
  - (a) Collaborative projects;
  - (b) Collaborative procurement; or
  - (c) Emergency Response and Recovery.
- (2) If Council resolves to participate in a Joint Council Meeting, the CEO will agree on the governance rules with the participating Council's CEOs.
- (3) If CSC is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.
- (4) Consistent information will be provided to Councillors prior to any Joint Council Meeting and every endeavour will be made by the CEO to facilitate a joint briefing.
- (5) A joint briefing arranged in accordance with sub rule (2) may be held electronically.

## 2.10 Submissions and Submissions Hearing

- (1) Council may call for submissions in relation to a proposed decision from any person affected by the proposed decision.
- (2) For a submission to be valid, a person making a submission must provide in writing how they could be affected by the proposed decision, outline their views and/or how they want their interests considered when Council considers it decision.
- (3) Council must, when calling for submissions, provide a public notice in local circulating media publications and on Council's website providing a minimum of 28 days for submissions to be received by Council and fix the date, time and place for a Submissions Hearing if submissions are received.

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- (4) People making a submission may request to speak in support of their submission to Council at a Submissions Hearing.
- (5) A Submissions Hearing must be held at least 14 days prior to the proposed decision being considered at a Council meeting.
- (6) Any person speaking in support of their submission will have a maximum of 5 minutes to address Council at the Submissions Hearing and must only speak to the content of their written submission.
- (7) Council must consider all submissions received prior to consideration of the proposed decision for which the submissions were called.
- (8) Council must advise in writing, each person who has made a separate submission of the decision made in relation to their submission and the reasons for this.

### **2.11 Procedure Not Provided for in These Rules**

- (1) In all cases not specifically provided by these Governance Rules, the Council will decide the procedure to apply.



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## 3. Meeting Procedure for Delegated Committees

### 3.1 Overview

Council may establish Delegated Committees in accordance with section 63(1) of the *Local Government Act 2020*.

#### 3.1.1 Governance Rules Apply

- (1) If Council establishes a Delegated Committee, these Governance Rules will apply to a Delegated Committee Meeting, with any necessary modifications.
- (2) For the purpose of sub rule (1):
  - (a) A Council Meeting is to read as a reference to a Delegated Committee Meeting;
  - (b) A Councillor is to be read as a reference to a Member of the Delegated Committee; and
  - (c) A reference to the Mayor is to be read as a reference to the Chair of the Delegated Committee.
- (3) The following Governance Rules do not apply to the conduct of Delegated Committee Meetings:
  - (a) 2.4.1 – Order of Business
  - (b) 2.4.3 – Councillor Acknowledgements
  - (c) 2.4.10 – Public Question Time
  - (d) 2.4.11 – Notices of Motion
  - (e) 2.4.15 – Urgent Business
  - (f) 2.6.36 – Speaking Times
- (4) If Council establishes a Delegated Committee, Council may resolve that any further provision of these Governance Rules do not apply to that Committee.

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## 4. Meeting Procedure for Community Asset Committees

### 4.1 Overview

Council may establish a Community Asset Committee, for the management of a community asset such as a hall or reserve, in accordance with section 65 of the *Local Government Act 2020*. Council may appoint members of the community to a Community Asset Committee.

### 4.2 Operation of Community Asset Committee

- (1) Council, if it establishes a Community Asset Committee, may resolve which rules within these Governance Rules apply to that Committee.
- (2) Notwithstanding sub rule (1), a Community Asset Committee must adhere to Chapter 5 Meeting Records.
- (3) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation from the CEO and any Terms of Reference adopted by Council.

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## 5. Meeting Records

### 5.1 Minutes

#### 5.1.1 Keeping of Minutes

- (1) The CEO, or a person authorised by the CEO, is responsible for the keeping of minutes on behalf of Council.
- (2) Each item in the minutes must be clearly headed with a subject title and be consecutively numbered and consecutively page numbered. The minutes must be signed by the Chair of the meeting at which they have been confirmed.

#### 5.1.2 Content of Minutes

- (1) The CEO (or other person authorised by the CEO to take the minutes) must keep minutes of each Council Meeting and those minutes must record:
  - (a) the date, place, time and nature of the Council Meeting was commenced, adjourned, resumed and concluded;
  - (b) the names of Councillors and whether they are present, an apology, or leave of absence or other details as provided;
  - (c) the names of members of Council staff in attendance with their organisational titles;
  - (d) the disclosure of a conflict of interest made by a Councillor in accordance with the Local Government Act 1989 or *Local Government Act 2020*, whichever provision is in force.
  - (e) arrivals and departure times (including temporary departures) of Councillors during the course of the meeting;
  - (f) each motion and amendment moved, including the mover and seconder of the motion;
  - (g) the outcome of every motion (including procedural motions) and amendment, that is whether it was put to the vote and the result (namely, carried, lost, withdrawn, lapsed for the want of a seconder, or amended);
  - (h) if a division is called, the names of every Councillor and the way their vote was cast (either for or against);
  - (i) the name of the Councillor who abstained from voting on an item and the Councillor's reason for abstaining;
  - (j) details of a failure to achieve a quorum and any adjournment whether as a result or otherwise;
  - (k) a summary of any question asked and the response provided as part of public question time;
  - (l) a summary of all committee reports and or deputations made to Council;
  - (m) the time and reason for any adjournment of the meeting or suspension of standing orders;

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- (n) closure of the meeting to members of the public and the reason for such closure;
- (o) any other matter which the CEO deems should be recorded to clarify the intention of the meeting or the reading of the minutes.

### 5.1.3 Confirmation of Minutes

- (1) The Minutes as recorded by the CEO, or person authorised by the CEO to take the minutes, will be made available as the proposed minutes to:
  - (a) Councillors, within seven (7) business days of the Council Meeting as they relate; and
  - (b) Members of the public, within nine (9) business days of the Council Meeting as they relate.
- (2) At every Council Meeting the Minutes of the preceding Council Meeting(s) must be dealt with as follows:
  - (a) A Motion moved to confirm the Minutes in the following terms, 'That the Minutes of the .....Meeting held on ..... 20..... be confirmed.'
  - (b) If a Councillor indicates opposition to the minutes, the Councillor must specify the particular item or items in the Minutes and after asking any questions to clarify the matter, can only move a motion to rectify the alleged error(s) in the Minutes by adding the following words to the motion in sub rule (2)(a) '...subject to the following alteration(s).....'.
- (3) No debate or discussion is permitted on the confirmation of minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate.
- (4) Once the minutes are confirmed in their original or amended form, the minutes must, if practicable be signed by the Chair of the Council Meeting at which they have been confirmed; and
- (5) The minutes must be entered in the minute book and each item in the minute book must be entered consecutively.

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## 6. Mayor and Deputy Mayor Appointment Processes

### 6.1 Eligibility

- (1) Any Councillor is eligible for election or re-election to the office of Mayor or Deputy Mayor.

### 6.2 When Required

- (1) The Councillors must elect a Councillor annually or bi-annually to be Mayor of the Council at a Council Meeting which is to be held as close to the end of the one or two year term as is reasonably practicable as set out under section 26 of the *Local Government Act 2020*.
- (2) The Mayor is to be elected as soon as practicable after any vacancy in the office of Mayor occurs.
- (3) If Council has resolved to establish an office of Deputy Mayor, the Councillors must elect a Councillor annually or bi-annually to be the Deputy Mayor of the Council at a Council Meeting which is to be held as close to the end of the one or two year term as is reasonably practicable and in accordance with section 27 of the *Local Government Act 2020*.

### 6.3 Agenda Content

- (1) The agenda for the Council Meeting to elect the Mayor and Deputy Mayor must include so far as is possible;
  - the election of the Mayor;
  - the election of the Deputy Mayor (if a Deputy Mayor is to be elected);
  - appointments of Council representatives to committees, peak industry bodies, regional and community based organisations; and
  - the fixing of the dates, times and place of all Council Meetings for a twelve (12) month period.

### 6.4 Temporary Chair

- (1) The CEO will be temporary Chair of the meeting at which the election of the Mayor and Deputy Mayor is to be conducted but will have no voting rights.

### 6.5 Returning Officer

- (1) The CEO will be the Returning Officer for the election of the Mayor and Deputy Mayor.

### 6.6 Nominations for the Office of Mayor

- (1) The CEO will call for nominations for the position of Mayor and confirm acceptance of the nomination with the nominee.
- (2) Any Councillor nominated may refuse nomination.

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- (3) If there is only one nomination for the position of Mayor, that person is deemed to be elected Mayor.
- (4) If there is more than one nomination at the Council Meeting, the election of the Mayor will follow rule 6.8 of these Governance Rules.

### 6.7 Nominations for the Office of Deputy Mayor

- (1) The Mayor will call for nominations for the position of Deputy Mayor and confirm acceptance of the nomination with the nominee.
- (2) Any Councillor nominated may refuse nomination.
- (3) If there is only one nomination for the position of Deputy Mayor, that person is deemed to be elected Deputy Mayor.
- (4) If there is more than one nomination at the Council Meeting, the election of the Deputy Mayor will follow rule 6.8 of these Governance Rules.

### 6.8 Determining the Election of the Mayor and Deputy Mayor

- (1) The process to elect the Mayor and Deputy Mayor is:
  - (a) If there is more than one nomination (each of which must be seconded), the Councillors present at the meeting must vote for one of the candidates by a show of hands. In the event of a candidate receiving an absolute majority of the votes, the candidate is declared to have been elected.
  - (b) In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates by a show of hands.
  - (c) If one (1) of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidate with the fewest number of votes a defeated candidate and voting for the remaining candidate by a show of hands must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate will then be declared to have been duly elected.
- (2) In the event of two (2) or more candidates having equal votes and one (1) of them having to be declared:
  - (a) a defeated candidate; or
  - (b) duly elected;

the temporary Chair will have no second or casting vote, and the result will be determined by lot.

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### 6.9 Determining by Lot

- (1) If a lot is required, the CEO will conduct the lot and the following provisions will apply:
  - (a) The order of drawing lots shall be determined by the alphabetical order of the surname of the Councillors who received an equal number of votes, except that if two (2) or more such Councillors surnames are identical, the order shall be determined by the alphabetical order of the Councillor's first name;
  - (b) As many identical pieces of paper as there are Councillors who receive an equal number of votes shall be placed in a receptacle provided by the CEO;
  - (c) Each candidate will draw one (1) lot;
  - (d) If the lot is being conducted to determine which candidate is to be duly excluded, the word "Excluded" shall be written on one (1) of the pieces of paper and the Councillor who draws the paper with the word "Excluded" written on it shall be declared to have been excluded.
  - (e) If more than one candidate remains, a further drawing of lots will be conducted until one candidate remains and declared the Mayor.

### 6.10 Acting Mayor

- (1) If Council has established an office of Deputy Mayor, the Deputy Mayor must perform the role of the Mayor in accordance with section 21 of the *Local Government Act 2020*.
- (2) If Council has not established an office of Deputy Mayor and;
  - a. the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
  - b. the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
  - c. the office of Mayor is vacant;

Council must appoint a Councillor to be the Acting Mayor in accordance with section 20B of the *Local Government Act 2020*.

### 6.11 Mayor to Take Chair

- (1) After the election of the Mayor is determined, the Mayor will take the Chair.

### 6.12 Ceremonial Mayoral Speech

- (1) Upon being elected, the Mayor may make a ceremonial speech to outline the priorities for the year ahead based on the adopted Council Plan.



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## 7. Election Period Policy

### 7.1 Election Period Policy

- (1) Council will have in place an election period policy that:
  - (a) Governs decision making during a local government election period, including what may be considered at a Council Meeting.
  - (b) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections.
  - (c) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and Civic events.
  - (d) Sets out the requirements for any council publications during a local government election period including the use of Council's website, social media, newsletters and advertising.
  - (e) Defines role and responsibilities in relation to who is the principle spokesperson for Council is during the election period.
- (2) The Election Period Policy forms part of these Governance Rules.
- (3) At least once in each Council term and no later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (4) The operation of Committees established by Council will be suspended upon the commencement of the election period prior to a general council election.
- (5) During the election period prior to a general council election, the CEO will not accept any Notices of Motion or Notices of Rescission Motions for consideration at a Council Meeting conducted during the election period.
- (6) During the election period prior to a general council election or by election, Council Meetings held during the election period will not consider any urgent business, conduct public question time or receive any deputations or delegations.

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## 8. Disclosure of Conflict of Interests

### 8.1 Obligations

- (1) Councillors, members of Delegated Committees and Community Asset Committees and Council staff are required to:
  - (a) Avoid all situations that may give rise to conflicts of interest;
  - (b) Identify any conflicts of interest; and
  - (c) Disclose or declare conflicts of interest.

### 8.2 Councillors and members of Delegated Committees

- (1) Councillors and members of Delegated Committees must not participate in discussion or decision making on a matter in which they have a conflict of interest.
- (2) Councillors and members of Delegated Committees must disclose the conflict of interest in writing and in the form determined by the CEO.
- (3) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (4) All disclosures of conflicts of interest will be recorded in the minutes of a Council Meeting or Delegated Committee Meeting.
- (5) Council will maintain a Conflict of Interest Register that will be made available on Council's website.

#### 8.2.1 Procedure at a Council or Delegated Committee Meeting

- (1) At the time indicated in the agenda, a Councillor with a conflict of interest in an item on the agenda must indicate they have a conflict of interest by clearly stating;
  - (a) The item for which they have a conflict of interest; and
  - (b) The nature of their conflict of interest; and
  - (c) The circumstances that give rise to the conflict of interest.
- (2) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- (3) A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner required for the declaration of conflicts of interest at sub rule (1) prior to leaving the meeting.
- (4) A Councillor or member of a Delegated Committee who discloses a conflict of interest and leaves a Council Meeting must not communicate with any participants in the meeting while the decision is being made.

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## 8.2.2 Procedure at other meetings organised, hosted or supported by Council

- (1) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (2) At the time indicated on the agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the item of business in which the conflict of interest arises.
- (3) If there is no agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon as the matter arises.
- (4) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- (5) The existence of a conflict of interest will be recorded in the minutes of the meeting.
- (6) If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the CEO for recording in the register of Conflicts of interest.
- (7) The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.

## 8.3 Council Staff

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter if they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at rule 8.3.1 of these Governance Rules.

### 8.3.1 Procedure for disclosures of conflicts of interest

- (1) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the CEO.
- (2) All conflicts of interest disclosed by Council staff will be provided to the Manager Governance for recording in the register of Conflicts of Interest.
- (3) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if;
  - (a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
  - (b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
  - (c) The CEO determines that the staff member's conflict of interest has not influenced the advice provided; and
  - (d) The existence of the conflict of interest is documented in all advice provided by that staff member and in the case of verbal advice is documented by the decision maker.

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## 9. Miscellaneous

### 9.1 Change of Council Policy

- (1) Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held by a particular Council.
- (2) Council will review significant policies at least once in each council term (every four years) and such reviews may lead to a change in policy position.
- (3) Subject to sub rule (4), if Council wishes to change a Council policy, a formal notice of rescission is not required.
- (4) If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comments sought, prior to the policy being changed.



# CAMPASPE SHIRE COUNCIL GOVERNANCE RULES



**AUGUST 2022**

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Appendix 1 – Election Period Policy  
Appendix 2 – Procedural Motion Table  
Appendix 3 – Flow Chart of Motions

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OFFICIAL

## Authorisation

The Campaspe Shire Council Governance Rules was adopted by Council on ~~17 August 2022~~ DD Month YYYY

~~The Common Seal of the~~ ..... ~~Councillor~~

~~Campaspe Shire Council~~ ..... ~~Councillor~~

~~was hereunto affixed~~

~~on the 17 August 2022~~

|

|



## Governance Rules

### 1. Governance Overview and Decision Making

#### 1.1 Introduction

#### **Nature of Rules**

(1) These are the Governance Rules of the Campaspe Shire Council ("Council"), made in accordance with section 60 of the Local Government Act 2020 (Vic) ("the Act") and should be read in the context of and in conjunction with the overarching governance principles and the supporting principles specified in sections 9(2) and (3) of the Act.

#### **Content**

(2) These Governance Rules are divided into-should also be considered in conjunction with: -

- a) the following Chapters: Councillor Code of Conduct;
- b) Council's Risk Management Framework; and
- c) Council's policies.

(3) These Rules will commence on the date they are adopted by Council as evidenced by a formal Council Resolution and have no cessation date.

#### 1.1

<u>These Rules Chapter</u>	<u>Name</u>
Chapter 1	Governance Overview & Decision Making
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Meeting Records
Chapter 6	Mayor and Deputy Mayor Appointment Processes
Chapter 7	Election Period Policy
Chapter 8	Disclosure of Conflict of Interests
Chapter 9	Miscellaneous

#### **Abbreviations**

In these Governance Rules, the following abbreviations mean:

<u>Abbreviation</u>	<u>Meaning</u>
---------------------	----------------

## Governance-Rules

CEO	CEO
CSC	Campaspe Shire Council

## Governance Rules

(4) \_\_\_\_\_ will be reviewed once every four years or earlier if required.

### 1.2 Definitions

(1) In these Governance Rules, the following words and phrases mean:

Words and Phrases	Meaning
<u>Abstain</u>	<u>means where a Councillor declines to vote either for or against a Motion. Abstaining can be indicated by either verbally stating that they are abstaining or not raising their hand to vote.</u>
<u>the Act</u>	<u>means the Local Government Act 2020 (Vic).</u>
<u>Agenda</u>	<u>means <del>the</del> a document containing notice of a meeting <del>setting out the</del>, a list of business to be transacted at the meeting <u>and can include Business Papers.</u></u>
<u>Authorised Officer</u>	<u>means a person appointed by Council under section 224 of the Local Government Act 1989.</u>
<u>Business Papers</u>	<u>means the presentation of information on an item of business to be considered and actioned by the Council and includes <del>reports</del> <u>Reports</u> and communications.</u>
<u>Chair</u>	<u>means the <del>Chairperson of person who chairs</del> a meeting and includes an acting, a temporary or a substitute Chairperson.</u>
<u>CEO</u>	<u>means the <del>CEO</del> Chief Executive Officer appointed by Council <u>(includes an Acting or Interim Chief Executive Officer).</u></u>
<u>Community Asset Committee</u>	<u>means a Community Asset Committee established under section 65 of the Act.</u>
<u>Council</u>	<u>means Campaspe Shire Council.</u>
<u>Council Chamber</u>	<u>means the place where a Council Meeting is held.</u>
<u><del>Committee</del> Council Meeting</u>	<u>means a meeting of <del>a the Council</del> <del>Delegated Committee</del> convened in accordance with these Governance Rules and includes a scheduled <del>or unscheduled</del> meeting <u>and <u>Unscheduled Meeting</u></u> (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance.).</u>
<u>Councillor</u>	<u>means a Councillor of Council.</u>
<u>Community Asset Committee Chair</u>	<u>means a Community Asset Committee established under section 65 of the Act <del>means the Chairperson of a meeting and includes an acting, temporary or substitute Chairperson.</del></u>
<u>Customer Service Centre</u>	<u>means Council's physical offices as provided on Council's website.</u>
<u><del>Delegate</del> Council</u>	<u>means Campaspe Shire Council <del>means a member of Council staff to whom powers, functions and duties have been delegated by an</del></u>

## Governance Rules

Words and Phrases	Meaning
	<u>instrument of delegation.</u>
<u>Delegated Committee</u> <u>Councillor</u>	means <del>an elected member of Council who has taken the oath or affirmation of office in accordance with a Delegated Committee established under section 63 of the Local Government Act 1989 or section 30 of the Local Government Act 2020.</del>
<u>Council Delegated Committee Meeting</u>	means a meeting of <del>the Council</del> <u>a Delegated Committee</u> convened in accordance with these Governance Rules and includes a scheduled meeting <del>and unscheduled meeting</del> <u>or Unscheduled Meeting</u> (whether held as face-to-face <del>(in-person)</del> attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance.).
<u>Delegated Committee Delegate Report</u>	<del>means a Delegated Committee established under section 63 of the Local Government Act 2020</del> <u>means a Report completed by a Delegate.</u>
<u>Directly affected Affected</u>	<u>Means</u> <del>means</del> an individual who will be directly impacted in either a positive or negative way by a decision of Council and in turn will receive or lose a current benefit.
<u>Election Period</u>	<u>Means</u> <del>means</del> the period that starts at the time that nominations close on nomination day and ends at 6pm on election day.
<u>Hybrid Meeting</u>	<u>means a method of attendance at a meeting whereby attendance is a combination of both in person attendees and attendees attending via electronic means of communication (also includes parallel).</u>
<u>Leave of the Council Mayor</u>	<del>Is achieved by a majority vote</del> <u>means the Mayor of the Councillors in the Council Meeting elected in accordance with section 25 of the Act.</u>
<u>Minutes</u>	<u>means the record of proceedings of a meeting.</u>
<u>Motion</u>	<u>means a proposal made for the purpose of obtaining a decision or Resolution of Council.</u>
<u>Notice of Motion</u>	<u>means a notice in setting out the text of a Motion.</u>
<u>Notice of Rescission</u>	<u>means a Notice of Motion to rescind a Resolution made by Council.</u>
<u>Order of Business</u>	<u>means the order in which business is listed on the Agenda.</u>
<u>Mayor Quorum</u>	<del>means the Mayor of Council elected,</del> <u>in accordance with section 25(14) of the Act, an absolute majority. In accordance with section 61(7) of the Local Government Act 2020 Act, an absolute majority means the number of Councillors which is greater than half the total number of Councillors of a Council.</u>
<u>Report</u>	<u>means a report to Council prepared by an Officer or Delegate with Business Papers.</u>

## Governance Rules

Words and Phrases	Meaning
<u>Requires a Decision</u>	<p>means those business items listed under the Agenda headings of: -</p> <ul style="list-style-type: none"> <li>• <u>Responsible Authority Decisions,</u></li> <li>• <u>Planning Authority Decisions,</u></li> <li>• <u>Council Decisions,</u></li> <li>• <u>Urgent Business,</u></li> <li>• <u>Notices of Motion.</u></li> </ul>
<u>Resolution</u>	<p>means, in accordance with section 59(1) of the Act:</p> <p><i>Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council.</i></p>
<u>Submitter</u>	<p>means a person or person who represents the interests of a group of people who are, or would be, Directly Affected by the outcome of a business item on the Agenda that Requires a Decision by the Council.</p>
<u>Submission</u>	<p>means information, opinion or submissions being presented by a Submitter for the purposes of being heard by Council.</p>
<u>these Rules</u>	<p>means these Governance Rules.</p>
<u>Unscheduled Meeting</u>	<p>means a meeting of the Council convened for a particular purpose that cannot be dealt with in the annual schedule of Council Meetings set by Council.</p>
<u>Visitor</u>	<p>means any person other than a Councillor or member of Council staff present at a Meeting.</p>
<u>Virtual Meeting</u>	<p>means a meeting whereby the method of attendance by all attendees is via electronic means of communication.</p>
<u>Written or in Writing</u>	<p>means recorded information (includes duplicates, lithographs, photocopies, photographs, facsimiles, printed, handwritten, typed, or emailed).</p>

## Governance Rules

Member	means a member of a Committee who is entitled to vote on motions (other than on matters in which he or she has an interest that are dealt with at meetings)
Minute book	means the collective record of proceedings of Council
Minutes	means the record of proceedings of a Meeting
Representations	<p>An individual, deputation or delegation seeking to address the Council</p> <p>Individual — a person who evidences that they are, or would be, directly affected by the outcome of a business item on the agenda that Requires a Decision by the Council.</p> <p>Deputation — a person who evidences that they represent the interests of a group of people who are, or would be, directly affected by the outcome of a business item on the agenda that Requires a Decision by the Council</p> <p>Delegation — a person or group that evidences they represent a recognised body or group (e.g. an incorporated body, government agency or authority) and wish to make a presentation to a Council Briefing Session.</p>
Requires a Decision	<p>Those business items listed under the agenda headings of</p> <ul style="list-style-type: none"> <li>▪ Responsible Authority Decisions,</li> <li>▪ Planning Authority Decisions</li> <li>▪ Council Decisions.</li> </ul>
These Rules	means these Governance Rules
Visitor	means any person other than a Councillor or member of Council staff present at a Meeting
Written or in Writing	includes duplicates, lithographs, photocopies, photographs, facsimiles, printed, typed, or emailed

## Governance Rules

### ~~2. Governance Overview and Decision Making~~

#### Context



## Governance Rules

### 1.3 Purpose

(1) ~~These Rules determine the way in which Council will make decisions in the best interests of the community.~~

(2) ~~Council is committed to transparency in decision making.~~

~~2.4~~ ~~In accordance with~~

(1) ~~These Rules should be read in the context of and in conjunction with:~~

(a) ~~The overarching governance principles specified in section 9(2)60 of the Local Government Act 2020; and~~

~~Council must develop, adopt and keep Governance Rules for or with respect to~~

~~(b)(3) The following documents adopted or approved by Council:~~

~~i) Councillor Code of Conduct~~

~~ii) Risk Management Framework~~

~~iii) Council policies~~

(a) ~~the conduct of Council Meetings and Committee Meetings, including holding such meetings by electronic means of communication;~~

(b) ~~requesting and approval of attendance at Council Meetings and Committee Meetings by electronic means of communication;~~

(c) ~~the form and availability of meeting records;~~

(d) ~~the election of the Mayor and Deputy Mayor;~~

(e) ~~the appointment of an Acting Mayor;~~

(f) ~~procedures for the disclosure of a conflict of interest by a Councillor or member of a Delegated Committee in accordance with section 130 of the Act;~~

(g) ~~the procedures for the disclosure of a conflict of interest by a Councillor under section 131 of the Act;~~

(h) ~~the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1) of the Act; and~~

(i) ~~the Election Period Policy in accordance with section 69 of the Act.~~

## 2.2

### 1.4 Decision making

(1) In any matter in which a decision must be made by a Council (including ~~person~~persons acting with the ~~Delegated~~delegated authority of Council), Council must consider the matter and make a decision:

(a) ~~Fairly, fairly and on the merits;~~

~~(a)(b)~~ by giving consideration and making a decision which is balanced, ethical and impartial;  
and

## Governance Rules

~~(b)(c)~~ On the merits, free from favouritism or self-interest and without regard to irrelevant ~~or~~ unauthorised considerations; ~~and~~

~~(2)(d)~~ Council must, when making any decision applying due process and adhering to which the principles/principals of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that in decision making for any person whose rights will be directly affected by a decision of Council is entitled to communicate their view and have their interests considered).

~~(3)(2)~~ Without limiting anything in sub-rule (21):

~~(a)~~ Before/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: -

i. identify the person or persons whose rights will be directly affected; Directly Affected;

ii. give notice of the decision which Council must make to such person or persons; and

~~(a)iii.~~ ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;

~~(b)~~ 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;

if a Report to be considered at a Council Meeting

~~(e)(b)~~ 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.

~~(d)(c)~~ If a member of Council staff proposes to make a decision under delegation ~~and~~ that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records. The Report must record that notice of the decision to be made was given to the/such person or persons and such person or persons were provided with an opportunity to communicate their view and their interests considered.

## Governance Rules

### 3.2. Meeting Procedure for Council Meetings

#### **3.1 Purpose**

(1) — The purpose of this Chapter is to:

Provide for the procedures governing the conduct of-

(a) — Council Meetings; and

(b) — Set the rules of behaviour for those participating in or present at Council Meetings.

#### **3.2.1** Notices and Agendas

##### **3.2.1.1** Date, Time and Place of Council Meetings

- (1) ~~At or before the last Council Meeting each calendar year, Council will fix the dates, times and places of Council Meetings for a twelve (12) month period at a meeting of Council which is to be held no earlier than the fourth Saturday in October and no later than 30 November in each year.~~ the following calendar year.
- (2) ~~At or before the last Council Meeting each calendar year, Council must fix the date and time for all scheduled Council Meetings per~~ for the following calendar year ~~to conduct the business of Council.~~
- (3) The date, time and place of all Council Meetings are to be made available to the public.
- (4) ~~The CEO or Council by resolution, or the CEO~~ Resolution, may change the date, time and place of, or cancel, any Council Meeting which has been fixed and must provide notice of the change to the public.

##### **3.2.1.2** ~~Unscheduled Meetings~~

- (5) ~~For the purpose of sub-rules (3) and (4), notice provided on Council's website is sufficient for providing notice to the public.~~

##### **3.2.1.3** ~~Unscheduled Meetings~~

- (1) ~~An Unscheduled Meeting can only be called in the following ways: -~~
  - ~~(1)(a) at a Council Meeting, by resolution call an unscheduled meeting of the Council.~~ Resolution;
  - ~~(2)(1) The Mayor, or three Councillors may by written notice request the CEO to call an unscheduled meeting of the Council.~~ by the CEO
  - ~~(3)(b) The CEO, following consultation with the Mayor, may call an unscheduled meeting; or~~
  - ~~(4) If the number of Representatives accepted to address a single Council meeting exceeds 6, then the CEO may call an unscheduled meeting.~~
    - (c) by the CEO upon receipt of a written notice requesting an Unscheduled

## Governance Rules

Meeting from the Mayor or three Councillors.

~~(5)~~(2) A written notice or Resolution to call an ~~unscheduled meeting~~Unscheduled Meeting must:

- (a) ~~Specify~~specify the business to be transacted; ~~and~~
- ~~(b) Be delivered to the CEO in sufficient time to enable notice to be given in accordance with 2.2.3 Notice of Meetings of these Governance Rules.~~
- ~~(b)~~ specify a time and date for holding the Unscheduled Meeting that is no earlier than three business days after the date of the Resolution or the date the written notice is provided; and
- ~~(c)~~ specify the format of the Council Meeting which may be in-person, a Virtual Meeting or a Hybrid Meeting.

~~(6)~~(3) The CEO must determine the time and date for the ~~meeting~~Unscheduled Meeting, giving consideration to:

- (a) ~~The~~the urgency of the business to be transacted;
- (b) ~~The~~the availability of Councillors; and
- (c) ~~A~~a reasonable notice period for a person or persons whose rights or interests may be ~~impacted~~Directly Affected by the business to be transacted.

## Governance Rules

- (7) — The CEO must arrange for notice of the ~~meeting to be placed on Council's website.~~
- (8)(4) — Any resolution of Council to call an unscheduled Council Meeting must specify the date and time of the unscheduled meeting and the business to be transacted. ~~The date Unscheduled Meeting in accordance with Rule 2.1.3(10), (11) and time of the unscheduled meeting must not be prior to 5pm on the day following the Council Meeting at which the resolution was made.(12) of these Rules.~~
- (9) — The CEO must call an unscheduled Council Meeting to elect a Mayor following a Council election declaration, in accordance with the *Local Government Act 2020*.
- (10) — The unscheduled Council Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the CEO.
- (14)(5) — Only the business specified in the ~~Council resolution, or Resolution,~~ written notice, ~~or CEO's Agenda~~ may be considered at an ~~unscheduled meeting, unless all Councillors are in attendance and by unanimous resolution of Council determine to admit another matter~~ Unscheduled Meeting.

### 3.2.4 — Notice of Meetings ~~Notice of Meetings~~

#### Council Meetings

- (1) — Council by resolution can determine the proposed or preferred format style of meetings (in-person, electronic including hybrid or parallel) noting the criteria and process available for a member who wishes to request approval to attend by electronic means.

#### 2.1.4

- (2) — A Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings. ~~There are no meetings determined by Council as being solely in-person meetings.~~
- (3)(1) — A notice of a Council Meeting, that is not an ~~unscheduled meeting~~ Unscheduled Meeting, incorporating or accompanied by an ~~agenda of the business~~ Agenda to be dealt with and ~~business papers~~ any relevant Reports, must be sent electronically to every Councillor for all Council Meetings, at least ~~3~~ three business days before the ~~meeting.~~ Council Meeting.
- (4)(2) — The notice for any ~~meeting~~ Council Meeting, including ~~unscheduled meetings~~ Unscheduled Meetings, must be sent to each Councillor's ~~CSC~~ Council email address.
- (5)(3) — ~~A notice of a Council Meeting will not be necessary for a notice of a meeting to be sent to a Councillor who has been granted leave of absence unless the Councillor has requested in writing to the CEO to continue to receive notice of any meeting to be held~~ such notices during their absence.
- (6)(4) — A Councillor who has declared a conflict of interest in a particular matter ~~may request in writing to the CEO will not to receive any business papers Reports that are not publicly available concerning that particular matter. unless approved by the Mayor and CEO.~~
- (7)(5) — An ~~agenda~~ Agenda for each Council Meeting, that is not an ~~unscheduled meeting~~ Unscheduled Meeting, will be made available on Council's website no less than ~~48 hours~~ two business days before the Council Meeting.

## Governance Rules

(8)(6) A schedule of Council Meetings must be prepared and published that ensures it is available to a broad section of the community, including on Council's website and available from Council's Customer Service Centres.

### Unscheduled Meetings

(9)(7) Notice of an ~~unscheduled meeting of Council~~ Unscheduled Meeting must be published on Council's website as soon as practicable after the time and date of the ~~meeting~~ Unscheduled Meeting has been determined and not less than 24 hours before the Unscheduled Meeting.

## Governance Rules

~~(10)~~(8) A notice of an ~~unscheduled Council~~ Unscheduled Meeting, incorporating or accompanied by an ~~agenda~~ Agenda and ~~business papers~~ Reports must be made available to every Councillor at least 48 hours before the ~~meeting~~ Unscheduled Meeting. A period ~~of less than 48 hours~~ may be ~~justified~~ allowed if exceptional circumstances exist.

~~(11)~~(9) An ~~agenda~~ Agenda for an ~~unscheduled Council~~ Unscheduled Meeting will be made available on Council's website no less than 24 hours before the ~~unscheduled Council~~ Unscheduled Meeting.

### 3.2.52.1.5 Council Meetings Open to the Public and Live Streaming of Meetings

(1) In accordance with ~~Section~~ section 66(1) of the ~~Local Government Act 2020~~, all ~~meetings of Council~~ Meetings must be open to the public unless a ~~resolution~~ Resolution is made to close the ~~meeting to members~~ Council Meeting for one of the ~~public pursuant to Section~~ circumstances in section 66(2) of the Act.

~~(2)~~ All Council Meetings that are open to the public are livestreamed by Council and can be viewed via Council's website.

~~(3)~~ Community members may only participate in Council ~~meetings~~ Meetings in accordance with ~~rule 2.3.7 and 3 of these~~ Rule 2.4.9(2) of these Governance Rules that include addressing how the community can participate if the meeting is electronic, or

~~(2)~~(4) If a 'hybrid' or 'parallel' style meeting, Council Meeting is interrupted due to technical difficulties such as loss of audio, visual or livestreaming capabilities, the procedure in rule 2.1.8 of these Rules applies.

~~(5)~~ Recordings of Council Meetings will be retained and available to the public for viewing or listening for at least a period of 12 months from the date of the Council Meeting.

~~(6)~~ Public Council Meetings are an open forum of statements, questions and answers. Occasionally some things that are said may be regarded as offensive defamatory or contrary to law. In circumstances when statements are made that may fall into these categories the CEO, at their sole discretion, may edit the recorded version of the Council Meeting so as not to cause embarrassment or increase liability exposure to members of the public or Council.

~~(7)~~ In circumstances where comments are made that may be considered defamatory, breach copyright, breach privacy or may be considered discriminatory, such comments may be edited from the available recorded version of the Council Meeting.

~~(8)~~ Ownership, including ownership of copyright in all material produced by Council, belongs to Council. Anything contained in a livestream, recording or any material produced by Council (including on Council's website) must not be edited, altered, reproduced or published without the permission of Council.

~~(3)~~ The Council will adopt policies, protocols or guidelines to ensure opportunities exist for community input, beyond formal consultation processes.

~~(9)~~ livestreaming or recordings of Council Meetings are not the official record of the Council Meeting. The Minutes are the official record of Council Meetings.

## Governance Rules

### 3.2.62.1.6 Council Meetings Closed to the Public

- (1) Council may resolve that a Council Meeting be closed to the public ~~if the meeting in accordance with section 66 of the Act if the Council Meeting:~~
  - (a) is to consider confidential information as defined in ~~section 3(1) of the Local Government Act 2020;~~
  - (b) there are security reasons; or
  - (c) it is necessary to do so to enable the ~~meeting~~Council Meeting to proceed in an orderly manner.
- ~~(2) A Council Meeting closed to the public for reasons in sub-rules (1)(b) and (c) above, will be livestreamed on Council's website.~~
- ~~(2)(3) If thea Council Meeting is closed to the public, the reasons for the closure will be documented in the minutesMinutes of the meetingCouncil Meeting.~~

### 2.1.7 Format of Council Meeting

- ~~(1) All Council Meetings will be held in-person unless Council, by Resolution, or, the Mayor and CEO agree that a Council Meeting will be held as a Virtual Meeting or Hybrid Meeting.~~
- ~~(2) Where the Council Meeting is held in person, attendance may be either in person or by electronic means, the Council Meeting then being a Hybrid Meeting.~~
- ~~(3) Where the Council Meeting is a Virtual Meeting, only attendance via electronic means is allowed.~~

### 2.1.8 Attendance by via electronic means

- ~~(1) In accordance with section 61(6A) of the Act, a Councillor may attend and be present at a Council Meeting by electronic means.~~

### 3.2.7 Councillors

- ~~(2) Councillors and members of Delegated Committees who wish to attend a meetingCouncil Meeting via electronic means, must advise the Mayor and CEO in writing by 12:00pm (noon) the day of the Council Meeting to allow time for arrangements to be made.~~
- ~~(3) If a Councillor attending a Council Meeting via electronic means is required to vote on an item, they may submit a-do so by either raising a virtual hand or physically raising their hand in view of the camera.~~
- ~~(4)(4) A member of Council staff required to attend a Council Meeting may also request to the Mayor/Chair seeking attend via electronic means by permission to attend by electronic meansof the CEO.~~

~~(2) The submission must be made in writing stating the reason for the request to attend by electronic means.~~

- ~~(3) The request must be made by 12noon on the day of the meeting, stating the meeting(s) that will be attended via electronic means.~~
- ~~(4) The request must consider any criteria that the Council has set for consideration of approval for a method of attendance.~~
- ~~(5) The Mayor/Chair will provide a response to the request by 3pm and notify the rest of~~



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~~the members of the meeting of this decision.~~

- (6) ~~It will remain~~is the responsibility of ~~the member~~any person attending electronically to ensure that they have the required access and environment suitable for electronic communications.

## Governance Rules

### ~~3.2.8~~ ~~Technical difficulties – loss of connection of Chair or Councillors~~

- ~~(1) To ensure meetings are managed in an orderly manner, processes and procedures should be in place for a situation where a key attendee (such as Mayor, Chair, Councillor or CEO) loses connection if they are attending a meeting electronically. Including who will take the role of chair, assessing validity of a quorum and virtual recognition of a vote.~~

## ~~3.3~~ ~~Quorum~~

### ~~3.3.1(5) Quorum – a Council Meeting via electronic means to ensure: -~~

- ~~(a) that they can be seen and heard;~~
- ~~(b) that their electronic capabilities and connection is sufficient; and~~
- ~~(c) that their environment is suitable, including privacy when addressing confidential items.~~
- ~~(4) For clarity, where a Councillor cannot be seen and heard, they will be treated as though they have left the Council Meeting and it will be recorded in the Minutes accordingly pursuant to rule 5.1(3)(o) of these Rules.~~
- ~~(5) Where a confidential item is being addressed at a Council Meeting, a Councillor attending via electronic means must verbally declare that they are in a secure and confidential setting at the beginning of the confidential items portion of the Council Meeting.~~

### ~~2.1.9~~ ~~Technical difficulties A quorum for any~~

- ~~(1) If a Council Meeting's livestreaming or recording capabilities are interrupted due to technical difficulties, the following shall apply: -~~
- ~~(a) a Councillor, the CEO or member of Council staff may bring this to the attention of the Chair.~~
- ~~(b) the Council Meeting will be adjourned until such a time as the technical difficulties are resolved.~~
- ~~(c) if technical difficulties continue for more than 30 minutes, the Council Meeting will be adjourned until a date that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment.~~
- ~~(d) any decisions or discussions that take place during a time of a loss of audio, visual or livestreaming or recording capabilities are not rendered invalid. On the resumption of the livestreaming and/or recording, the Chair will provide a recap of the decisions made during that time for the purposes of transparency and accuracy of public record.~~
- ~~(2) If the Chair experiences technical difficulties that result in a loss of connection, the following shall apply: -~~
- ~~(a) a Councillor, the CEO or member of Council staff may bring this to the attention of the Deputy Mayor or the CEO.~~
- ~~(b) the Deputy Mayor, or if the Deputy Mayor is not present, the CEO will take the Chair and adjourn the Council Meeting until such a time as the disconnected Chair re-establishes connection, who will then rejoin the Council Meeting and resume as Chair.~~
- ~~(c) if technical difficulties continue for more than 10 minutes: -~~
- ~~i. where the Deputy Mayor is present, the Deputy Mayor will remain Chair~~

## Governance Rules

- and resume the Council Meeting provided a Quorum can still be achieved;  
or
- ii. where the Deputy Mayor is not present, the CEO will remain Chair to facilitate the election of another Chair in accordance with rule 2.5.2(3) and (4) of these Rules provided a Quorum can still be achieved.
- (d) if a Quorum cannot be achieved, the Council Meeting will be adjourned until a date and time that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment.
- (3) If a Councillor experiences technical difficulties that result in a loss of connection, the following shall apply: -
- (a) a Councillor, the CEO or member of Council staff may bring this to the attention of the Chair.
- (b) the Council Meeting will be adjourned until such a time as the connection is re-established for no longer than 10 minutes.
- (c) if the connection is unable to be re-established, the Council Meeting shall resume in the absence of that Councillor provided that a Quorum is achieved.
- (d) if a Quorum cannot be achieved, the Council Meeting will be adjourned until a date that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment.
- (e) if a Councillor voted on a matter but the vote was not captured due to loss of connection, the vote is not counted and that Councillor will be recorded in the Minutes as not present for the vote.
- (f) if a Councillor re-establishes connection after the Council Meeting has resumed pursuant to sub-rule (c), it is to be treated as though they have returned to the Council Meeting.
- (4) If the CEO, or member of Council staff authorised by the CEO to take Minutes in accordance with rule 5.1(1) of these Rules, experiences technical difficulties that result in a loss of connection the following shall apply: -
- (a) a Councillor, the CEO or member of Council staff may bring this to the attention of the Chair.
- (b) the Council Meeting will be adjourned and resumed until such a time as the technical difficulties are resolved or another member of Council staff is authorised to take the Minutes in accordance with rule 5.1(1) of these Rules.
- (c) if technical difficulties continue for more than 30 minutes, the Council Meeting will be adjourned until a date that is as soon as reasonably practicable and not exceeding 14 days from the time of the adjournment.
- (5) If a member of Council staff or anyone else required to attend a Council Meeting who is attending by electronic means, loses connection the following shall apply: -
- (a) a Councillor, the CEO or a member of Council staff may bring this to the attention of the Chair.
- (b) the Council Meeting will be adjourned until such a time as the connection is re-established for no longer than 10 minutes.
- (c) if the connection is unable to be re-established, the Council Meeting shall resume and the Chair may use their discretion as to whether or not the loss of connection should result in a further adjournment.
- (6) If technical difficulties for any of the sub-rules above do not result in loss of connection but do result in loss of audio, visual or an interrupted ability to understand the proceedings of the Council Meeting or an interrupted ability to communicate to the Council Meeting effectively, then it shall be treated as a loss of connection.

## 2.2 Quorum

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## Governance Rules

### 2.2.1 Requirements

- (1) ~~A Council Meeting cannot commence, resume or continue without~~ an absolute majority of the total number of Councillors holding office being present, forming a Quorum.
- ~~(2) In the event of Councillors abstaining from voting on an item it is still a requirement for a majority of those present at the meeting, including those abstaining from voting, to vote in favour of the motion for it to be adopted.~~
- ~~(2) It should be noted that pursuant to section 61(5)(e) of the Act, a Councillor present at the Council Meeting who does not vote is taken to have voted against the question.~~
- ~~(3) It is noted that under section 61(6A) of the LG Act, for the purposes of these meetings a Council Meeting, a Councillor present by electronic means of communication is deemed present for the purposes of a quorum. Council should consider the situation of technical difficulties Quorum.~~

### 3.3.2 Failure to Raise a Quorum

- ~~(4) (1) If a quorum is not present achieved within 30 minutes of the time appointed for the commencement of any meeting or adjournment the CEO, (or Acting CEO), may adjourn the meeting for a period not exceeding seven (7) days from the date of the planned meeting Council Meeting, then the Council Meeting is lapsed pursuant to rule 2.5.34 of these Rules.~~

### 3.3.3 Inability to Maintain a Quorum

- ~~(1) If during any meeting Council Meeting a quorum Quorum cannot be maintained, the CEO, (or Acting CEO), may adjourn the meeting for a period Council Meeting to a date that is as soon as reasonably practicable and not exceeding seven (7) 14 days from the time of the adjournment.~~
- ~~(5) Inability with the exception to Maintain the circumstances set out in Rules 2.2.2 and 2.2.3 of these Rules.~~

### 3.3.4 2.2.2 Inability to maintain a Quorum due to Declarations of Conflict declared conflicts of Interests interests

- ~~(1) If during any meeting Council Meeting it becomes apparent to the Chair that it will not be possible to maintain a quorum Quorum due to the number of Councillors who have disclosed a declaration of a conflict of interest in an item of business and will be unable to vote a decision in regards to a matter, Council must consider whether the decision can be made in an alternative manner as outlined in section 67(3) of the Local Government Act 2020.~~
- ~~(2) If a decision on the business item is still Council is unable to be made due to use an inability to maintain a quorum for the reasons of conflict of interest alternative manner, then a delegated committee Council must be established by establish a Delegated Committee to make the Council decision in accordance with section 67(4) of the Local Government Act 2020.~~

### 3.3.5 2.2.3 Inability to Maintain a Quorum due to abstaining from voting

- ~~(1) If during any meeting Council Meeting it becomes apparent to the Chair that it will not be possible to maintain a quorum a Quorum cannot be maintained in relation to a Council Decision, due to the number of Councillors~~

## Governance Rules

~~electing that have elected to abstain~~Abstain from voting and leave the ~~chamber in accordance with sub-rule 2.6.5~~Council Meeting, Council must establish a ~~delegated committee~~Delegated Committee in accordance with section 63 of the *Local Government Act 2020*to make that decision.

## Governance Rules

### 3.4.2.3 Business of a Meeting

#### 3.4.12.3.1 Order of Business Listed on an Agenda

- (1) The order in which business is listed on the ~~agenda~~Agenda is determined by the CEO and should be kept consistent ~~from meeting to meeting~~where possible.
- (2) Notwithstanding sub-rule (1), generally, the ~~order~~Order of ~~business~~Business will be as follows: with items grouped within their respective directorates where possible: -
  - ~~(a)~~ Open and Welcome
  - ~~(b)~~ Acknowledgement of Country and opening prayer
  - ~~(a)(c)~~ Apologies and Requests for Leave of Absence
  - ~~(b)(d)~~ Confirmation of Minutes and Attachments
  - ~~(e)~~ Disclosure of Conflicts of Interest
  - ~~(e)(f)~~ Changes to the Order of Business
  - ~~(g)~~ Public Question Time
  - ~~(h)~~ Petitions/Joint Letters
  - ~~(i)~~ Acknowledgements/Councillor Reports
  - ~~(d)~~ Council DecisionsDeclaration of Interest
  - ~~(e)~~ (including Responsible Authority Decisions
  - ~~(f)~~ Planning Authority Decisions
  - ~~(g)~~ Question Time
  - ~~(h)~~ Acknowledgements
  - ~~(i)~~ Council Decisions
  - (j) Council Information
  - ~~(k)~~ Councillor Reports
  - ~~(l)~~ CEO's Report
  - ~~(m)~~ Petitions/Letters
  - ~~(n)(k)~~ Notices of Motion (including Notices of Rescission~~Motions)~~
  - ~~(e)(l)~~ Urgent Business
  - ~~(p)(m)~~ Confidential Business
  - ~~(e)(n)~~ Close Meeting
- (3) Sub-rule (2) does not preclude the CEO from altering the ~~order~~Order of

and

## Governance Rules

~~business~~Business from time to time to enhance the fluent and open process of the government of the Council.

- (4) The CEO may include any ~~matter~~other item heading on the ~~agenda~~Agenda that they believe should be considered by Council after consulting the Mayor.

### ~~3.4.22.3.2~~ Changes to the Order of Business

#### ~~3.4.3~~ Apologies (including leave of absence)

~~A Councillor is required~~

- (1) ~~Once an Agenda has been prepared and sent to seek a leave of absence from Councillors, the Order of Business for that Council if they will knowingly~~Meeting may only be absent from a altered as follows: -

~~(+)~~a) ~~by the CEO prior to the commencement of the Council Meeting, other than an unscheduled meeting, following consultation with the Mayor. Where the alteration occurs after the Agenda has been distributed to the public the alteration must be communicated to the Chair to explain the alteration at the Council Meeting under "changes to Order of Business"; or~~

b) ~~The request by the Chair during the Council Meeting; or~~

c) ~~by Resolution of the Council during the Council Meeting.~~

- (2) ~~A change to the Order of Business after distribution of the Agenda to the public will be recorded in the Minutes of that Council Meeting.~~

### ~~2.3.3~~ Additional Items

- (1) ~~The CEO may approve an additional item for consideration to be included in an Agenda that has already been distributed where:-~~

~~(a) rule 2.3.13 of these Rules does not apply;~~

~~(b) the CEO has consulted with the Mayor; and~~

~~(c) the CEO reasonably believes that there are exceptional circumstances that require inclusion of the item at that Council Meeting.~~

- (2) ~~Notice must be provided to Councillors of the additional Agenda item including the item content and relevant Report (if applicable) to the Councillor's Council email address as soon as practicable.~~

### ~~2.3.4~~ Leave of Absences and Apologies

- ~~(1)(2)~~(2) ~~Where a Councillor has a planned period of leave or absence, that Councillor should apply for a leave of absence by written notification to the Mayor.~~

- ~~(1)(3)~~(3) ~~The Mayor will provide any leave of absence request received to the CEO for inclusion in the Agenda of the next Council Meeting.~~

- ~~(2)(4)~~(4) ~~A must be tendered at an earlier meeting and if granted will be recorded in the minutes. The agenda for the subsequent meeting will show the Councillor as an apology due to a leave of absence being previously granted not included in an Agenda may still be considered by Council if a written request has been received by the Mayor prior to the Council Meeting.~~

## Governance Rules

- If the Councillor cannot seek prior
- ~~(3)(1) Council will not unreasonably withhold its approval, formal, written apologies should be submitted to the CEO at the earliest possible time before non-attendance at any Council Meeting of :~~
- ~~(4) An appropriate notice would include the following:~~
- ~~(5) I am unable to attend the Council Meeting to be held on (date / month / year) and request that my apology be tendered and a leave of absence be granted.~~
- ~~(5) Once the apology application for leave is tendered, the Council will vote on granting consider a leave of absence.~~
- ~~(6) The Council must grant any reasonable request for a leave of absence.~~
- ~~(7) AWhere a Councillor has submitted a leave of absence which is approved, then that Councillor will be noted in the Minutes as not present due to leave of absence granted.~~
- ~~(8) Where a leave of absence has not been approved and a Councillor is unable to attend a Council Meeting, they must notify the CEO of their apology, reason for doing so and request their apology be noted at the Meeting no later than 12:00pm (noon) on the day of the Council Meeting.~~
- ~~(9) If any apologies for that Council Meeting are tendered by CEO, Council will consider a Motion to accept the apologies. The relevant Councillors will be noted in the Minutes for that Council Meeting as an apology.~~
- ~~(10) Where a Councillor is not in attendance at a Council Meeting and a leave of absence has not been approved or apology submitted in accordance with these Rules, then that Councillor will be noted in the Minutes for that Council Meeting as absent.~~
- ~~(7)(11) In accordance with section 35(1)(e) of the Act, a Councillor will cease to hold the office of Councillor if the Councillor is absent from Council Meetings for a period of four consecutive months without leave being obtained from the Council in accordance with section 35(1)(e) of the Local Government Act 2020.~~
- ~~(8) There is no requirement to grant leave of absences or accept apologies from Council staff.~~
- 3.4.42.3.5 Councillor Acknowledgments and Councillor reports**
- ~~(1) At each Council Meeting, other than an unscheduled meeting Unscheduled Meeting, Councillors will have the opportunity to:-~~
- ~~(1)a) acknowledge significant community members and events. These may relate to notable achievements by community members and groups as well as offering of condolences for a recently deceased person who had provided distinguished service in the local area:-~~
- ~~b) report on any meetings, conferences or events that they have recently attended;~~
- ~~or~~
- ~~c) report on any matters or progress in relation to a Delegated Committee they are part of~~
- ~~(2) The duration of any acknowledgement or report from a Councillor will be limited to two (2)-minutes.~~
- ~~(3) AnyThe CEO must be notified of any acknowledgment intended or report to be raised by a Councillor at a Council Meeting must be notified to the CEO at least three (3)~~



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hours before the commencement of the ~~meeting~~.

### ~~3.4.52.3.6~~ Changes to the Order of Business

~~(2)(12)~~ Once an agenda has been prepared and sent to Councillors, the order of business for that meeting may only be altered by resolution of the Council. This includes the request for an item to be brought forward.

~~(3)~~ A resolution to change the order of business will be recorded in the minutes of the meeting.

### ~~3.4.6~~ Representations

~~(1)~~ An individual or deputation wishing to be heard at a meeting of Council must make a written request to the CEO who, after consulting the Mayor, will determine whether the representation will be granted an opportunity to address the Council.

~~(2)(3)~~ In order for requests to be considered, they must be submitted no later than 24 hours prior to the Council Meeting.

~~(3)~~ Representations will only be allowed for items that are listed for consideration on that meeting's agenda under the agenda headings of Responsible Authority Decisions, Planning Authority Decisions and Council Decisions.

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- (4) ~~A delegation wishing to make a Presentation to a Council Briefing Session, must make a written request to the CEO who, after consulting the Mayor, will determine whether the representation will be granted the opportunity, and the date, duration and form of the presentation (in person or on line).~~
- (5) ~~A maximum of six representations will be heard at any Scheduled Council meeting.~~
- (6) ~~If the Mayor and CEO agree to hear representations, a five (5) minute time limit will be set as to the length of the address for each representation.~~
- (7) ~~The Chair has the discretion to determine the order of representations to be heard, however for items under the agenda headings of Responsible Authority Decisions and Planning Authority Decision representations will be heard in the following order:~~
- ~~(a) First – Submissions of objection~~
  - ~~(b) Second – Submissions of support~~
  - ~~(c) Third – Applicant~~
- (8) ~~Councillors may question the person making the representation for the purpose of clarification, but not to seek their opinion on statements made by Councillors (and others) or enter into a discussion.~~
- (9) ~~Any further information that the representation may want the Council to have must be given to the CEO, by 12:00pm (noon) on the day of the meeting. No further written or audio-visual information is allowed to be presented during the meeting, unless such prior approval has been obtained.~~
- (10) ~~The CEO must advise the applicant of the date, time, venue and protocols that apply for Council to hear the representation.~~

### **3.4.72.3.7** Presentation of Officer Reports

- (1) ~~Officer reports~~  
**(1) Reports** must not be read out loud in full at any Council Meeting unless Council resolves to the contrary.

### **3.4.8** Supplementary Reports

- (1) ~~Occasionally there may be reports that have missed the meeting agenda deadline. In these cases, the CEO may approve the reports to be presented as supplementary reports. A notification will be sent to Councillors advising that a supplementary report has been approved for distribution and is available on the Councillor portal. Supplementary reports do not meet the criteria for urgent business as the matter has not arisen since the distribution of the agenda.~~

### **3.4.92.3.8** Petitions / Joint Letters

- (1) For the sake of clarity, a petition and a joint letter have the same meaning and will be treated as being the same by Council.
- (2) ~~Petitions and joint letters received by Councillors and/or Council officers must be lodged with the CEO within the appropriate time for inclusion in the Agenda of a Council Meeting, unless; are a way for the community to formally bring a matter of concern to Council's attention.~~
- ~~(a) the matter which is the subject of the petition or joint letter has been acted upon within the last three (3) months; or~~

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(b) ~~the matter which is the subject of the petition or joint letter has a resolution of the Council within the last 12 months.~~

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- ~~(3)(a) Any petition or joint letter not included in an agenda of a Council Meeting, in accordance with sub-rule (2), will receive a response to the chief petitioner, acknowledging receipt of the petition or joint letter and advising of the action taken or Council resolution that has been made in relation to the subject matter of the petition or joint letter.~~
- ~~(4)(a) Any petition or joint letter received will be tabled at the next available Council Meeting.~~
- ~~(5) Council may resolve to receive the petition or joint letter and to refer the matter for a report or appropriate action as required to the next appropriate meeting of the Council, unless the Council agrees to deal with it earlier.~~
- ~~(6)(3) A petition or joint letter must:~~
- ~~(a) be in legible and permanent type/writing;~~
  - ~~(b) identify the CSC Council as the recipient;~~
  - ~~(c) not be defamatory, indecent, abusive or objectionable in language or content;~~
  - ~~(d) not relate to matters beyond the powers of Council;~~
  - ~~(e) provide a clear and concise statement identifying the subject matter of the petition;~~
  - ~~(f) bear the whole of the petition or request, referred to in sub-rule (63)(e), upon each page;~~
  - ~~(g) consist of single pages of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper;~~
  - ~~(h) identify the full name, address and phone number of the person submitting the petition (chief petitioner), or joint letter, together with the name of the organisation/group they represent if the petition or joint letter is submitted on behalf of an organisation or group; and~~
  - ~~(i) include contain the full name, physical address and signature of each of the petitioners supporting the petition at least ten (10) people.~~
- ~~(7) Any petitions or joint letters that the CEO has determined do not comply with these Governance Rules will not be tabled at a Council Meeting.~~
- ~~(8) A petition or joint letter may nominate a person to whom a reply must be sent, but if no person is nominated or is the obvious intended nominated person, Council may reply to the first signatory which appears on the petition.~~
- ~~(9)(4) An electronic or online petition must be in accordance with sub-rule (63) of these Governance Rules, except sub-rule ~~(-63)(f)~~ and (63)(g).~~
- ~~(10)(5) For the purpose of compliance with sub-rule (63)(i) an electronic or online petition, each petitioner supporting the petition must include their only requires the name, and physical address and email address of each person supporting the petition.~~
- ~~(6) If no person is nominated or is the obvious intended nominated person pursuant to sub-rule (3)(h), Council may reply to the first signatory which appears on the petition.~~
- ~~(7) Petitions and joint letters received by Councillors or member of Council staff must be lodged with the CEO as soon as possible after received for inclusion in the Agenda of a Council Meeting, unless;~~

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- (b) the matter which is the subject of the petition or joint letter has been acted upon within the last 3 months; or
- (11)(c) the matter which is the subject of the petition or joint letter has a Resolution of the Council within the last 12 months.
- (8) Any petition or joint letter where sub-rule (7) applies, will receive a response to the nominated contact acknowledging receipt of the petition or joint letter, and advising of the action taken or Council Resolution that has been made in relation to the subject matter of the petition or joint letter.
- (9) Any petitions or joint letters that the CEO has determined do not comply with these Rules will not be tabled at a Council Meeting.
- (10) Where a petition or joint letter is compliant with these Rules: -
- (12)(a) it will be tabled at the next available Council Meeting where the Order of Business allows and that is not less than three business days from receipt of the petition or joint letter.
- (b) Council may resolve to receive the petition or joint letter and to refer the matter for a Report or appropriate action as required to the next appropriate Council Meeting, unless the Council agrees to deal with it earlier.
- (c) The Minutes of the relevant Council Meeting will include a copy of the petition with personal information redacted.

### 3.4.102.3.9 Public Question Time

- (1) Question time will be available at a Council Meeting, except for an ~~unscheduled meeting~~Unscheduled Meeting, to enable members of the public to address questions to Council.

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- (2) ~~At each meeting, where there is an opportunity for members of the public to ask questions of the Council. If the meeting is to be held in a single electronic or hybrid/parallel format, then the general public will follow the set procedures to submit a question or petition.~~
- ~~(a) by phone through a speaker broadcast to Council; or~~
- ~~(b) by an electronic audio-visual link connected to the meeting.~~
- (2) All such questions must: -
- ~~(3)(a)~~ be received in writing on the prescribed form as ~~outlined provided at Council's Customer Service Centres or on Council's website;~~
- ~~(b)~~ All such questions must be received by the CEO or person authorised for this purpose by the CEO no later than ~~12~~ be submitted by 12:00pm (noon) on the day of the ~~before the Council Meeting by email to~~ governancesupport@campaspe.vic.gov.au or by providing it to one of Council's Customer Service Centres; and
- ~~(c)~~ specify if the person submitting the question will be attending the Council Meeting or not.
- ~~(4)(3)~~ A person submitting a question may request to attend the relevant Council Meeting by electronic means while their question is being read, answered and for any questions. This request must: -
- ~~(a)~~ be made in writing and include the reason for the request;
- ~~(b)~~ be submitted by email to [governancesupport@campaspe.vic.gov.au](mailto:governancesupport@campaspe.vic.gov.au) or by providing it to one of Council's Customer Service Centres; and
- ~~(c)~~ include the full name and contact details of the person submitting the request and refer to the question being asked.
- (4) The CEO must advise the person submitting the question if they can attend the Council Meeting electronically and if so, advise of any relevant details.
- (5) A question will only be read to the ~~meeting~~Council Meeting if the CEO has determined that the question:
- (a) does not relate to a matter containing confidential information as defined in the Act; Local Government Act 2020;
- (b) does not relate to a matter in respect of which Council has no power to act;
- (c) is not defamatory, indecent, abusive or objectionable in language or substance;
- (d) is not a repetition of a question already asked or answered (whether at the same or an earlier ~~meeting~~Council Meeting); and
- (e) is not asked to embarrass a Councillor or member of Council staff.
- (6) If the CEO determines that a question will ~~not~~ be read ~~to the meeting at a Council Meeting~~ then the CEO ~~must~~will: -
- ~~(c)~~ advise the meeting accordingly; and

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~~(d) make the question available to Councillors upon request.~~

~~(7)(a) The CEO must read to the meeting~~ Read the name of the person who has submitted ~~at~~ the question.;

~~(b) The CEO must read the text of the question and the CEO may then;~~

~~(8)(c) either seek a response from the relevant department or member of Council staff prior to the Council Meeting and read the answer provided or, direct that question to be answered by a nominated Councillor or member of Council staff at the Council Meeting.~~

### 3.4.11

~~(7) If the CEO determines that a question will not be read to the Council Meeting, then the CEO must:~~

~~(a) advise the person who submitted the question that the question will not be read at the Council Meeting and the reason why; and~~

~~(b) advise the Councillors of a question received and make the question available to Councillors upon request.~~

~~(9)(8) No debate on or discussion of a question or an answer will be permitted other than for the purposes of clarification.~~

~~(10)(9) A Councillor or member of Council staff nominated to answer a question may:~~

~~(a) seek clarification of the question from the person who submitted it; (if they are in attendance at the Council Meeting);~~

~~(b) seek the assistance of another person in answering the question; or~~

~~(c) defer answering the question, so that the answer may be researched, and a written response be provided within ~~ten~~ (10) working days following the ~~meeting~~ Council Meeting (the question thereby being taken on notice).~~

~~(11) A copy of the written response to a question, referred to in sub-rule (9)(c) will be attached to the minutes of the meeting.~~

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~~(12) No responses will be provided or recorded to questions that were not accepted under sub-rule (4).~~

~~(13)~~(10) An individual is limited to a maximum of two questions at any one Council Meeting.

~~(14)~~(11) A maximum of two questions may be asked about any single topic at the Council Meeting.

~~(15)~~(12) Question time at a Council Meeting will be limited in duration and will not exceed 30 minutes.

~~(16) Council may resolve to bring forward the commencement of Question Time, so that questions are considered before Responsible Authority Decisions and Planning Authority Decisions.~~

~~(13) The question read and answer provided will be included in the Minutes of that Council Meeting.~~

### 3.4.122.3.10 Notices of Motion

~~(1) A Councillor may submit a Notice of Motion to the CEO for inclusion in the Agenda for a Council Meeting.~~

~~(2) A maximum of three Notices of Motion can be submitted per Councillor per Council Meeting.~~

~~(1)~~(3) A Notice of Motion must be in writing, dated and signed by the intending mover and lodged with the CEO no later than 12:00 pm (noon) at least ~~ten (10)~~ business days before the Council Meeting. ~~For the purpose of clarity, the day that the motion at which it is lodged is not included but the day of the meeting is included when calculating the ten (10) business days. Public holidays are not included as business days intended to be considered.~~

~~(2)~~(4) A Notice of Motion will not be accepted for consideration at an ~~unscheduled meeting~~ Unscheduled Meeting.

~~(3)~~(5) A Notice of Motion will only be accepted if it:

- (a) does not relate to a matter in respect of which Council has no power to act;
- (b) does not substantially change the levels of Council services;
- (c) does not commit Council to ~~significant~~ expenditure not ~~included~~ identified in the adopted budget; ~~and that cannot be accommodated in the adopted budget~~
- (d) does not declare a rate or charge;
- (e) does not establish or amend Council policy;
- (f) does not commit Council to any contractual arrangement;
- (g) is not defamatory, indecent, abusive or objectionable in language or substance;
- (h) provides sufficient detail to ensure the ~~motion~~ Motion is implementable; and
- (i) is not against public order or safety.

~~(4)~~(6) A Notice of Motion must include a rationale. The CEO has the discretion to include



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an ~~officer~~Officer comment on any proposed ~~notice~~Notice of ~~motion~~Motion including ~~rescission motions~~Notices of Rescission.

- (5)(7) If a Notice of Motion is considered by the CEO to not meet ~~any or all~~the requirements of sub-rule (35) the CEO must notify the Councillor who delivered the Notice of Motion of the reasons for that opinion and provide adequate support to the Councillor to structure the ~~notice~~Notice of ~~motion~~Motion (if possible) to meet the requirements of sub-rule (35).
- (6)(8) A Notice of Motion cannot be accepted by the Chair unless the full text of any such ~~motion~~Motion has been listed on the ~~agenda~~Agenda for the Council Meeting at which it is proposed to be moved.

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- ~~(7)~~(9) Except by leave of the Council, Notices of Motion before a Council Meeting will be considered in the order in which they were received.
- ~~(8)~~(10) If a Councillor who has given a Notice of Motion is absent from the ~~meeting~~Council Meeting or fails to move the ~~motion~~Motion when called upon by the Chair, any other Councillor may move the ~~motion~~Motion.
- ~~(9)~~(11) If a Councillor proposing the ~~motion~~Motion wishes to amend the Notice of Motion, they may do so by first seeking leave of the Council to amend the Notice of Motion, prior to it being seconded.
- ~~(10)~~(12) Another Councillor can put forward an amendment for consideration, which must be dealt with in accordance with ~~rules~~Rules 2.6-185-12, 2.6-195-13 and 2.6-205-14 of these ~~Governance~~ Rules.
- (13) Where a Notice of Motion is approved by the CEO a copy of that Notice of Motion will be distributed by the CEO to all Councillors at the earliest opportunity.
- (14) A Notice of Motion cannot be submitted in relation to a matter that was the subject of a Notice of Rescission within three calendar months of the Notice of Rescission having been considered by Council.

### 2.3.11 Lost Motion

- ~~(11)~~(1) If a Notice of Motion, whether amended or not, is lost, a similar ~~motion~~Motion cannot again be put before Council for a period of three ~~(3)~~ calendar months from the date it was lost.

### 2.3.12 Lapsed Motion

- (1) A Notice of Motion ~~cannot be submitted in relation to lapses where: -~~
- ~~(a matter that was -)~~ the subject motion is not moved; or
- (b) the motion is moved but not seconded.
- ~~(2) A lapsed Notice of a Rescission Motion within three (3) calendar months of the Rescission Motion having been considered by Council may be resubmitted with the CEO for consideration pursuant to rule 2.3.9 of these Rules.~~

(12)

### 3.4.13~~2.3.13~~ Notice of Rescission ~~Motion~~

- (1) A Councillor may propose a ~~motion~~Motion to rescind a decision of Council provided the ~~previous Resolution, the~~ subject ~~motion~~of the Notice of Rescission, has not been acted on.
- (2) An actual ~~notice~~Notice of ~~motion to rescind or alter~~Rescission a previous ~~resolution~~Resolution of Council: -
- (a) ~~Must~~must be provided to the CEO by 5.00pm the next business day following the Council Meeting at which the ~~motion~~Motion was resolved.;
- (b) ~~Is~~is deemed to have been withdrawn if not moved at the Council Meeting at which the ~~notice~~Notice of ~~rescission - motion~~Motion to rescind is included in the ~~agenda.~~Agenda; and

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- (c) ~~If~~ it is a second or subsequent ~~notice~~Notice of Motion to rescind ~~or alter~~ an earlier ~~resolution~~Resolution, must not be accepted by the CEO until a period of three ~~(3)~~ months has elapsed since the date of the ~~meeting~~Council Meeting at which the ~~motion~~Notice of Motion of rescission ~~or alteration~~ was dealt with.
- (3) Once a Notice of ~~Rescission~~-Motion to rescind has been received by the CEO, no further action is to be taken on the ~~resolution~~Resolution that is the subject of the ~~rescission motion~~Notice of Motion to rescind.
- (4) Any Councillor providing a Notice of ~~Rescission~~-Motion to rescind is required to provide written justification that must include one of the following: -
- (a) ~~The~~that the vote may not have accurately reflected the opinion held by the ~~meeting~~Council Meeting due to the misunderstanding of the ~~motion~~Motion or for some other reason; or
- (b) ~~New~~new information to hand; or
- (c) ~~Some~~some vital information has been overlooked.
- (5) A Notice of ~~Rescission~~-Motion of rescission must include the written endorsement of at least two other Councillors.
- (6) The CEO will inform the Councillor in writing whether the ~~motion~~Notice of Motion of rescission has been accepted or not, and if not, advise the Councillor why not, and then advise the Mayor and the Councillors at the earliest opportunity.

## Governance Rules

~~Councillors at the earliest opportunity.~~

~~(7) If the motion Notice of Motion of rescission has been accepted, it must be listed on the agenda Agenda of the next available Council Meeting.~~

### ~~(a) 2.3.14 Urgent Business~~

~~(1) If the Agenda for a Council Meeting makes provision for urgent business, business can be admitted as urgent business by Resolution of Council provided that: -~~

~~(a) it relates to or arises out of a matter which has arisen since distribution of the Agenda;~~

~~(b) cannot reasonably be deferred to the next Council Meeting as the delay would be detrimental to effect of the decision;~~

~~(a)(c) it involves a matter of urgency as determined by the CEO; and~~

~~(b)(d) it is a matter that cannot be addressed through an operational service request process.~~

~~(2) An item of urgent business must not:~~

~~(a) substantially affect the levels of Council service;~~

~~(b) commit Council to significant expenditure not included in the adopted budget;~~

~~(c) establish or amend Council policy;~~

~~(e)(d) commit Council to any contractual arrangement;~~

~~(e) require, the giving of prior notice in a policy; and~~

~~(d)(f) has the potential to directly affect a person's rights, for which they should be afforded an opportunity to communicate their views and have their interests considered.~~

~~(3) A Councillor proposing an item of business be admitted as urgent business must lodge it in writing to the CEO no later than 3:00pm on the day of the Council Meeting.~~

~~(3)(4) The CEO will advise the Mayor of any matter they determine appropriate for Council to consider admitting as urgent business.~~

### ~~3.4.14 2.3.15 Time Limit for Meetings~~

~~(1) A Council Meeting must not continue after three hours from the time it commences unless a majority of Councillors present vote in favour of its extension in accordance with this rule.~~

~~(2) Extensions of a Council Meeting will be in block periods of 30 minutes.~~

~~(3) After the initial 30 minute extension the Council Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.~~

~~(4) A Council Meeting may only be continued for a maximum of two 30 minute extensions.~~

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- (5) In the absence of such extensions as provided for in sub-rules (2) and (3), or in the event there is further business to be transacted at the completion of two extensions, the Council Meeting must be adjourned to a time and date resolved by Council that is as soon as reasonably practicable and within the next 14 days.
- (6) Notwithstanding sub-rule (5), the Chair may seek leave of the Council not to adjourn the Council Meeting, if the Chair reasonably believes the remaining business will take less than 10 minutes to transact.
- (7) If Council did not resolve the date and time under sub-rule (5), the CEO must give such notice to each Councillor, including the remaining business to be considered, within three business days of the adjournment.

### 2.4 Addressing the Council Meeting

- (1) Any Councillor or person who addresses a Council Meeting must direct all remarks through the Chair.
- (2) The Chair may address a Council Meeting, however, if the Chair wishes to move any Motion or amendment, they must advise the Council of that intention and vacate the Chair for the duration of the item under discussion.
- (3) Any person addressing the Chair should refer to the Chair as:-
  - (a) Mayor (where the Mayor is the Chair);
  - (b) Chair; or
  - (c) Chairperson.
- (4) The Chair of the Council Meeting may advise the Councillors and staff of their naming preference.
- (5) Councillors must be addressed as "Councillor [surname]".
- (6) The CEO must be addressed as CEO unless otherwise stipulated by the CEO.

### 2.5 Council Meeting Procedures

#### 3.4.152.5.1 Role of the Chair

- (1) The Chair must facilitate an orderly, respectful, transparent and constructive Council Meeting by ensuring that all Councillors have the opportunity to be heard, matters are adequately discussed, Council Meeting procedures are followed, and statutory requirements are adhered to.
- (2) The Chair is an independent leader of Council Meetings and generally does not move or second Motions.
- (3) The Chair will adhere to the specific duties and discretions of the Chair outlined in these Rules.

## Governance Rules

### 2.5.2 Mayor to take the Chair

- (1) The Mayor must take the Chair at all Council Meetings at which they are present.
- (2) If the Mayor is not in attendance or vacates the Chair at a Council Meeting (including due to technical difficulties), the Deputy Mayor must take the Chair.
- (3) If the Mayor and Deputy Mayor are not in attendance at a Council Meeting or both have the vacated Chair (including due to technical difficulties), then Council must elect one of the Councillors present as Chair for the Council Meeting.
- (4) To elect one of the Councillors in accordance with sub-rule (3), the CEO will take the Chair for the purposes of facilitating the election. The election process will be as follows: -
  - (a) the CEO will invite nominations for the Chair;
  - (b) any Councillor can be nominated or make a nomination;
  - (c) any Councillor nominated to take the Chair may refuse nomination;
  - (d) if only one Councillor is nominated then that Councillor is elected Chair;
  - (e) if more than one nomination is received then the Councillors shall vote by show of hands and the Councillor with the absolute majority of the votes is elected Chair;
  - (f) if an absolute majority cannot be obtained then the CEO will elect the Chair from the nominated Councillors who received the equal amount of highest votes; and
  - (g) once a Councillor is elected Chair, the CEO will vacate the Chair and the elected Councillor will take the Chair.

### 3.4.162.5.3 The Chair's Duties and Discretions

- (1) In addition to the specific duties and discretions provided in these Rules: -
  - (a) The Chair must not accept any Motion, question or statement which is:
    - i) defamatory;
    - ii) objectionable in language or nature;
    - iii) is vague or unclear in its intention;
    - iv) is outside the powers of Council;
    - v) is not relevant to an item of business on the Agenda and has not been admitted as urgent business; or
    - vi) purports to be an amendment but is not.
  - (b) The Chair must call a person to order if the behaviour of that person is disruptive and interferes with the conduct of the business of Council.

### 2.5.4 Voting

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- (1) To determine a Motion that is put before a Council Meeting, the Chair will first call for those voting in favour of the Motion and then those voting against the Motion and will then declare the results to the Council Meeting.
- (2) Voting on any Motion will be by show of hands.
- (3) Except that a Councillor may call a division, Councillors must remain seated in silence while a vote is being taken.
- (4) All Councillors present are required to vote on any matter before Council unless that Councillor has declared a conflict of interest in the item or signified their intention to Abstain from voting on the matter.
- (5) The Chair must declare the result of the vote, including a vote by division if called, as soon as it is taken.
- (6) The Chair may direct that the vote be re-counted as often as may be necessary to be satisfied of the result.

### **2.5.5 Abstaining from a Vote**

- (1) A Councillor who chooses to Abstain from a vote will be considered as having voted in the negative pursuant to section 61(5)(e) of the Act.
- (2) Where a Councillor abstained from a vote, it will be noted in Minutes.
- (3) Rule 2.5.5 does not apply where a Councillor doesn't vote due to having a conflict of interest, this is dealt with by rule 8.2 of these Rules.

### **3.4.172.5.6 Casting Vote**

- (1) In the event of an equality of votes, the Chair has a casting vote, except in cases where the Act or these Rules determine otherwise.
- (2) If the Chair exercises their casting vote, they must provide an explanation to the Council Meeting as to why they voted in a particular way.

### **3.4.182.5.7 Recording of Opposition of Motion**

- (1) Any Councillor may ask that their opposition to a Motion resolved by Council be recorded in the Minutes of that Council Meeting.

### **3.4.192.5.8 Motion to be Read Again**

- (1) Before any Motion or amendment is put to the vote, a Councillor may request that the Motion or amendment be read again.
- (2) The Chair, whether requested or not, may also ask the CEO (or other person authorised by the CEO to attend the Council Meeting and take the Minutes) to read the question, Motion or amendment to the Council Meeting before the vote is taken.

### **2.5.9 Division**

- (1) Any Councillor may request a division on any vote.
- (2) The request must be made to the Chair either immediately prior to or immediately after the vote has been taken but cannot be called after the next item of business

## Governance Rules

has commenced.

- (3) For the purpose of sub-rule (2) the next item of business has not commenced until the Chair has named the mover of the next item of business.
- (4) When a division is called in accordance with sub-rule (2), any vote already taken on the item must be set aside and voting in the division will decide the Motion or amendment.
- (5) Where a Councillor has abstained from the vote, they will be recorded as voting against the Motion.
- (6) When a division is called, the Chair will:
  - (a) advise Councillors that if they abstained from the vote then they will be recorded as voting against the Motion.
  - (b) ask each Councillor wishing to vote in favour of the Motion to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the Minutes; then
  - (c) ask each Councillor wishing to vote against the Motion to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the Minutes; then
  - (d) ask each Councillor abstaining from voting to indicate that they are abstaining by raising a hand and the Chair must then state the names of those Councillors to be recorded in the Minutes; and
  - (e) announce the result of the division.
- (7) No Councillor is prevented from changing their vote when voting on the division. The voting by division will determine the Council's Resolution on the Motion.

### 3.4.202.5.10 Motions in Writing

- (1) All Motions, except procedural Motions, must be submitted in writing.
- (2) A Motion (and therefore a resolution) must be capable of standing alone, that is, a person reading the decision of Council in the Minutes must be able to understand what Council is seeking to achieve without reference to other sources. This usually means it should include specifics about the action to be taken and the details of any other conditions, limitations or other parties to be included when undertaking the action.
- (3) The Chair may adjourn a Council Meeting while a Motion is being written or may request Council to "lay the Motion on the table" (pausing debate), in accordance with rule 2.5.21 of these Rules, until the Motion has been written, allowing the Council Meeting to proceed uninterrupted.
- (4) If debate is paused, a procedural Motion is required to take a Motion from the table (resume debate) in accordance with rule 2.5.21 of these Rules.

### 2.5.11 Moving a Motion

- (1) The procedure for any Motion is:



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- (a) The Chair calls for a Motion to be put to the Council;
  - (b) The mover must outline the Motion without speaking to it;
  - (c) The Motion must be seconded by a Councillor other than the mover.
  - (d) If the Motion is not seconded, the Motion lapses for want of a seconder.
  - (e) If there is a seconder, then the Chair must call on the mover to speak to the Motion.
  - (f) After the mover has spoken to the Motion, the seconder may also speak to the Motion (or reserve/defer their right to speak to later in the debate).
  - (g) After the seconder has spoken, declined or reserved their right to speak, the Chair must: -
    - i. call on any Councillor who wishes to speak against the Motion; then
    - ii. call on any Councillor who wishes to speak for the Motion; then
    - iii. alternate between for and against until all Councillors wishing to speak for or against the Motion have spoken; then
    - iv. call on any other Councillor who wishes to speak to the Motion; then
    - v. where the seconder has reserved their right to speak, ask the seconder if they wish to speak.until all Councillors have had the opportunity to speak to the Motion;
  - (h) If no Councillor wishes to speak to the Motion, then the Chair must ask the mover if they wish to close in accordance with rule 2.5.12 of these Rules and then put the Motion to a vote.
- (2) A Councillor calling the attention of the Chair to raise a point of order is not regarded as speaking to the Motion.
- (3) A Councillor who moves an amendment to the Motion is not regarded as having spoken to the Motion.

### **2.5.12 Closing the debate (right of reply or summary)**

- (1) Where a Motion has not been amended, once all Councillors have had the opportunity to speak to or debate the Motion, in accordance with rule 2.5.18 of these Rules, the Chair will ask the mover of a Motion if they would like to close debate.
- (2) The closing of debate is: -
  - (a) where at least one Councillor has spoken against the Motion – for the mover to exercise a right of reply to reply to matters raised during the debate; or
  - (b) where no Councillor has spoken against the Motion – for the mover to summarise matters raised relevant to that Motion
- (3) No new material or comments may be raised during the close of debate.
- (4) The mover of the Motion can choose not to close the debate and ask that the Chair take the matter to the vote.

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### 3.4.212.5.13 Moving an Amendment

- (9)(2) A Motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the Motion.
- (3) An amendment to a Motion cannot be negative or substantially contrary to the Motion.
- (4) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original Motion.
- (5) If a Councillor proposes an amendment and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote, and debate of the Motion continues in accordance with rule 2.5.18 of these Rules.
- (1)(6) If a Councillor proposes an amendment to which either the original mover or seconder does not agree, the following will apply:
- (a) the amendment must be moved and seconded;
  - (b) a Councillor may speak on any amendment once, whether or not they have spoken to the Motion, but debate must be confined to the terms of the amendment;
  - (c) any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the Motion or an amendment of it may be taken into consideration until the previous amendment has been dealt with and voted on;
  - (d) if the amendment is carried, the Motion as amended then becomes the Motion before the Council Meeting (known as the substantive Motion);
  - (e) the mover and seconder of the amendment become the mover and seconder of the substantive Motion.
  - (f) debate commences as if a new Motion; and
  - (g) the mover of an amendment does not have a right of reply.
- (7) An amended Motion having been moved and seconded may be adjusted by the minute taker by leaving out, inserting or adding words which must be relevant to the original Motion and framed as to complement it as an intelligible and consistent whole.
- (2)(8) No notice need be given of any amendment.

### 3.4.222.5.14 Second or Subsequent Amendments

- (1) A second or subsequent amendment cannot be moved until the immediately preceding amendment is determined.
- (2) If any Councillor intends to move a second or subsequent amendment, they must give notice of their intention to do so prior to the amendment currently being debated being put to the vote.
- (3) A Councillor cannot move more than two amendments in succession, unless granted leave of Council, see rule 2.5.21 of these Rules.

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### 3.4.232.5.15 An Amendment Once Carried

- (1) If an amendment is carried, it becomes the substantive Motion.

### 3.4.242.5.16 Foreshadowing a Motion

- (1) At any time during debate, a Councillor may foreshadow a Motion to inform the Council of their intention to move a Motion at a later stage in the Council Meeting, but this does not extend any special rights to the foreshadowed Motion.
- (2) A foreshadowed Motion may be prefaced with a statement that in the event a particular Motion before the Council is resolved in a certain way a Councillor intends to move a Motion.
- (3) A Motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Council Meeting.
- (4) The Minutes of the Council Meeting will not include foreshadowed Motions unless the foreshadowed Motion is subsequently formally moved as a Motion.
- (5) Foreshadowed Motions must relate to the reports in the Council Meeting Agenda. Foreshadowed Motions cannot be made in relation to Notices of Motion dealt with in rule 2.3.1(1)(k) of these Rules.

### 2.5.17 Separation and Withdrawal of a Motion

- (1) When a Motion or amendment contains more than one part, a Councillor may request the Chair, at any time before a vote is taken, separate the Motion so that: -
- (a) the Motion is separated into parts where each part is spoken to/debated then voted on separately; or
- (b) the Motion be spoken to/debated all together and then voted on in parts.
- (1) The Chair may refuse or allow such any request pursuant to sub-rule (1) at their discretion.
- (2) The Chair, at their discretion, may also decide to deal with any Motion in accordance with sub-rules (1)(a) or (b).
- (3) Before any Motion is put to the vote, it may be withdrawn by the leave of the Council, except for a Councillor Notice of Motion, which can only be withdrawn by the submitting Councillor.

### 3.4.252.5.18 Debating a Motion

- (1) Debate must always be relevant to the Motion before the Council, and if not, the Chair must direct the speaker to confine debate to that Motion.
- (2) In the case of a Notice of Motion for rescission, debate must be confined to the grounds of the rescission and not the merits of the original Motion.
- (3) If after being directed to confine debate to the Motion before the Council, the speaker continues to debate irrelevant points, the Chair may disallow the speaker any further comment in respect of the Motion before the Council.

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- (4) Every Councillor must be afforded the opportunity to debate a Motion subject to rule 2.5.21 of these Rules.
- (5) A Motion has been sufficiently debated when the views of all Councillors have been represented.
- ~~(1)(6)~~ A Motion has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.
- ~~(2)(7)~~ Once the views put are representative of the views of all Councillors the debate would be regarded as sufficient.
- (8) At any time during the debate a Councillor may request through the Chair, that they ask a Councillor, the CEO or an officer directed by the CEO, a question for the purposes of clarification on the item only prior to debate of that item.

### 3.4.262.5.19 Deferring or Pausing Debate

- (1) The deferring or pausing of debate of a Motion is a procedural Motion and must be done in accordance with rule 2.5.21 of these Rules.
- (2) If an item of business is paused for debate, in effect laying a Motion on the table, that item of business must be taken from the table at the same Council Meeting, otherwise the item of business will lapse.
- (3) If an item of business is deferred, the item of business must be placed on the Agenda and included in the Reports of the Council Meeting to which it was deferred. Deferred items of business have priority over any other business except formal business.
- (4) If the procedural Motion to defer the item of business does not include a specific date or Council Meeting, the item of business will automatically lapse from the business of the Council.

### 2.5.20 Procedural Motion

- (1) A procedural Motion must be moved and seconded.
- ~~3.4.27~~
- (2) Unless otherwise prohibited, and subject to rule 2.5.25, a procedural Motion (other than a Notice of Motion or Notice of Rescission) may be moved at any time and must be dealt with immediately by the Chair.
- (3) A procedural Motion cannot be moved or seconded by the Chair.
- (4) The Chair may reject a procedural Motion if they believe the Motion on which it is proposed has not been sufficiently debated, as outlined in rule 2.5.18(5) and 2.5.18(6) of these Rules.

### 3.4.28

- (5) Unless otherwise provided, debate on a procedural Motion is not permitted and the mover does not have a right of reply.
- (6) Unless otherwise provided a procedural Motion cannot be amended.

### 2.5.21 Procedural Motion Table

- (1) Regardless of any other provision in these Rules, a procedural Motion must be dealt

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with in accordance with the Procedural Motion Table appended as Appendix 2 to Rules.

### ~~3.4.29~~3.4.22 When a Resolution has been Acted on

- (1) A ~~resolution~~Resolution, or part thereof, will be considered as having been acted on;
  - (a) once its details have been formally communicated in writing (which includes electronic communications) to either internal or external parties affected by or reliant on the ~~resolution~~Resolution; or
  - (b) ~~when~~where a statutory procedure has been ~~carried out~~commenced.
- (2) The CEO may initiate action or cause action to be initiated on any Council ~~resolution~~Resolution, or part thereof, at any time after the ~~meeting~~Council Meeting at which it was carried.
- (3) If a ~~resolution~~Resolution can be broken down into parts and some parts of the ~~resolution~~Resolution have not been acted on, then any proposed change to the remaining parts is to be treated as an amendment of the ~~resolution~~Resolution unless the substance of the proposed change is to reverse the ~~resolution~~Resolution when considered as a whole.

### ~~3.4.30~~ — Reports from Councillors / Delegates

- ~~(1) At each Council Meeting, Councillors will have the opportunity to speak on any meetings, conferences or events that they have recently attended.~~
- ~~(2) The duration of any report from a Councillor will be limited to two (2) minutes. If a Councillor requires information on the conference/event to be included in the minutes, the Councillor must seek the leave of the Council.~~
- ~~(3) If leave is granted by the Council to include information on a conference/event, the Councillor must submit the additional information in writing to the CEO or member of Council staff responsible for the minutes by 9.00am on the next business day following the meeting.~~

### ~~3.4.31~~ Urgent Business

- ~~(4) If the agenda for a meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if;
 
  - ~~(a) it relates to or arises out of a matter which has arisen since distribution of the agenda; and~~
  - ~~(b) deferring the item until the next Council Meeting will mean a decision on the item will not have any effect on the matter; or~~
  - ~~(c)(d) it involves a matter of urgency as determined by the CEO; and~~
  - ~~(d)(e) it is a matter that cannot be addressed through an operational service request process.~~~~

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- ~~(5) An item of urgent business must not:~~
- ~~(a) substantially affect the levels of Council service;~~
  - ~~(b) commit Council to significant expenditure not included in the adopted budget;~~
  - ~~(c) establish or amend Council Policy;~~
  - ~~(d)(e) commit Council to any contractual arrangement;~~
  - ~~(e) require pursuant to other policy determined by Council from time to time, the giving of prior notice; and~~
  - ~~(f)(d) has the potential to directly affect a person's rights, for which they should be afforded an opportunity to communicate their views and have their interests considered.~~
- ~~(6) A Councillor proposing an item of business be admitted as urgent business must lodge it in writing to the CEO no later than 3 pm on the day of the Council Meeting.~~
- ~~(7)(6) The CEO will advise the Mayor of any matter they determine appropriate for Council to consider admitting as urgent business.~~
- ~~3.4.322.5.23~~ Time Limit for Meetings**
- ~~(4)(8) A Council Meeting must not continue after three (3) hours from the time it commences unless a majority of Councillors present vote in favour of its extension in accordance with this rule.~~
- ~~(5)(9) Extensions of a Council Meeting will be in block periods of 30 minutes.~~
- ~~(6)(10) After the initial 30 minute extension the Council Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.~~
- ~~(7) A meeting may only be continued for a maximum of two 30 minute extensions.~~
- ~~(8) In the absence of such extensions as provided for in sub rules (1) and (3), or in the event there is further business to be transacted at the completion of two extensions, the Council Meeting must stand adjourned to a time and date resolved by Council or within 14 days from the date of the Council Meeting which is adjourned.~~
- ~~(9) Notwithstanding sub rule (5), the Chair may seek leave of the Council not to adjourn the meeting, if the Chair reasonably believes the remaining business will take less than 10 minutes to transact.~~
- ~~(10) If Council did not resolve the date and time for the resumption of the adjourned meeting under sub rule (5), the CEO must give notice to each Councillor, of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered, within three (3) business days of the meeting which is adjourned.~~

## Governance Rules

### ~~3.5 Addressing the Meeting~~

- (1) ~~Any Councillor or person who addresses the meeting must direct all remarks through the Chair.~~
- (2) ~~The Chair may address a meeting, however if the Chair wishes to move any motion or amendment the Chair must advise the Council of that intention and vacate the Chair for the duration of the item under discussion.~~
- (3) ~~Any person addressing the Chair should refer to the Chair as:~~
- ~~▪ Mr Mayor; or~~
  - ~~▪ Madam Mayor; or~~
  - ~~▪ Mayor; or~~
  - ~~▪ Chair; or~~
  - ~~▪ Mr Chair; or~~
  - ~~▪ Madam Chair; as the case may be.~~
- (4) ~~The Mayor of the day may advise the Councillors and staff of their naming preference.~~
- (5) ~~When speaking during a meeting, Councillors and officers must address each other by their titles of Councillor or officer position as the case may be.~~

### ~~3.6 Meeting Procedures~~

#### ~~THE CHAIR~~

#### ~~3.6.12.5.24 Role of the Chair~~

- (1) ~~The Chair must facilitate an orderly, respectful, transparent and constructive meeting by ensuring that all Councillors have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.~~
- (2) ~~The Chair is an independent leader of Council Meetings and generally does not move or second motions.~~
- (3) ~~The Chair will adhere to the specific duties and discretions of the Chair outlined throughout these Governance Rules.~~

#### ~~3.6.2 Mayor to take the Chair~~

- (2) ~~The Mayor must take the Chair at all Council Meetings at which the Mayor is present.~~
- ~~(3)(5) If the Mayor is not in attendance or vacates the Chair at a Council Meeting, the Deputy Mayor must take the Chair.~~
- (4) ~~If the Mayor and Deputy Mayor are not in attendance at a Council Meeting, Council must elect one (1) of the Councillors present as Chair for the Council Meeting.~~

## Governance Rules

### ~~3.6.3~~~~2.5.25~~ The Chair's Duties and Discretions

- (2) In addition to the specific duties and discretions provided in these Governance Rules:
- (a) The Chair must not accept any motion, question or statement which is
- i) defamatory; or
  - ii) objectionable in language or nature; or
  - iii) is vague or unclear in its intention;
  - iv) is outside the powers of Council; or
  - v) is not relevant to an item of business on the agenda and has not been admitted as urgent business; or
  - vi) purports to be an amendment but is not.
- (b) The Chair must call a person to order, if the behaviour of a person is disruptive and interferes with the conduct of the business of Council.

### VOTING

#### 3.6.4 Voting – How Determined

- (1) To determine a motion that is put before a meeting, the Chair will first call for those voting in favour of the motion and then those voting against the motion and will then declare the results to the meeting.

#### 3.6.5 Voting – By Show of Hands

- (1) Voting on any motion will be by show of hands.
- (2) All Councillors present are required to vote on any matter before Council unless that Councillor has declared a conflict of interest in the item or signified their intention to abstain from voting on the matter.
- (3) If a Councillor intends to abstain from voting they must provide an explanation for abstaining once the Chair calls the item for consideration and prior to the next item of business being considered by the meeting.
- (4) The Councillor intending to abstain from the vote may decide to leave or stay in the Chamber while the matter is being considered. If the Councillor who abstains from the vote stays in the Chamber, the Councillor will be considered as having voted in the negative in accordance with section 61(5)(e) of the *Local Government Act 2020*.

#### 3.6.6 Call for a Division

- (1) Immediately after any motion is put to a meeting and before the next item of business has commenced, any Councillor may call for a division.
- (2) The call must be made to the Chair either immediately prior to or immediately after the vote has been taken but cannot be called after the next item of business has commenced.
- (3) For the purpose of sub rule (2) the next item of business has not commenced until the Chair has named the mover of the next item of business.



## Governance Rules

- ~~(4) — When a division is called in accordance with sub-rule (2), any vote already taken on the item must be set aside and voting in the division will decide the motion or amendment.~~

### **3.6.7 — Procedure for a Division**

- ~~(1) — When a division is called, the Chair will:~~
- ~~(a) — advise Councillors that if they intend to abstain from the vote and remain in the meeting that they will be recorded as voting against the motion;~~
  - ~~(b) — Councillors who may have previously left the meeting to abstain from the original vote, will be offered the opportunity to return to the meeting and vote in the division, before the Chair puts the motion to the vote.~~
  - ~~(c) — The Chair will then ask each Councillor wishing to vote in favour of the motion to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the minutes;~~
  - ~~(d) — then ask each Councillor wishing to vote against the motion to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the minutes;~~
  - ~~(e) — then next, ask each Councillor abstaining from voting to indicate their vote by raising a hand and the Chair must then state the names of those Councillors to be recorded in the minutes; and~~
  - ~~(f) — finally, declare the result of the division.~~

### **3.6.8 — Between the Original Vote and the Division**

- ~~(1) — No Councillor is prevented from changing their vote when voting on the division. The voting by division, will determine the Council's resolution on the motion.~~

### **3.6.9 — Vote to be Taken in Silence**

- ~~(7) — (1) — Except that a Councillor may call a division, Councillors must remain seated in silence while a vote is being taken.~~

### **3.6.10 — Recount of Vote**

- ~~(8) — (1) — The Chair may direct that the vote be re-counted as often as may be necessary to be satisfied of the result.~~

### **3.6.11 — Declaration of Vote**

- ~~(1) — The Chair must declare the result of the vote or division as soon as it is taken.~~

### **3.6.122.5.26 — Casting Vote**

- ~~(1) — In the event of an equality of votes, the Chair has a casting vote, except in cases where the *Local Government Act 2020* or these Governance Rules determine otherwise.~~
- ~~(2) — If the Chair exercises their casting vote, they must provide an explanation to the meeting as to why they voted in a particular way.~~

## Governance Rules

### ~~3.6.13~~~~2.5.27~~ Recording of Opposition of Motion

- (1) ~~Any Councillor may ask that their opposition to a motion resolved by the meeting be recorded in the minutes of the meeting.~~

### ~~3.6.14~~~~2.5.28~~ Motion to be Read Again

- (1) ~~Before any motion or amendment is put to the vote, a Councillor may request that the motion or amendment be read again.~~
- (2) ~~The Chair, whether requested or not, may also ask the CEO (or other person authorised by the CEO to attend the meeting and take the minutes of such meeting) to read the question, motion or amendment to the meeting before the vote is taken.~~

### MOTIONS AND AMENDMENTS

~~A resolution, and therefore a motion, must be capable of standing alone, that is, a person reading the decision of Council in the minutes must be able to understand what Council is seeking to achieve without reference to other sources. This usually means it should include specifics about the action to be taken, the timing of the action to be taken and the details of any other conditions, limitations or other parties to be included when undertaking the action.~~

~~To assist in understanding the process of moving motions and amendments, a flow chart is at Appendix 1.~~

### ~~3.6.15~~~~2.5.29~~ Motions in Writing

- (1) ~~All motions, except procedural motions, must be submitted in writing;~~
- (2) ~~The Chair may adjourn a meeting while a motion is being written or may request Council to "lay the motion on the table" (pausing debate), in accordance with rule 2.6.25, until the motion has been written, allowing the meeting to proceed uninterrupted.~~
- (3) ~~If debate is paused in accordance with rule 2.6.25, a procedural motion is required to take a motion from the table (resume debate) in accordance with rule 2.6.25.~~

### ~~3.6.16~~ Moving a Motion

- (2) ~~The procedure for any motion is:~~
- (a) ~~The Chair calls for a motion to be put to the Council.~~
- (b) ~~The mover must outline the motion without speaking in support of it;~~
- (c) ~~The motion must be seconded by a Councillor other than the mover.~~
- (d) ~~If the motion is not seconded, the motion lapses for want of a seconder.~~
- (e) ~~If there is a seconder, then the Chair must call on the mover to speak to the motion.~~
- (f) ~~After the mover has spoken to the motion, the seconder may also speak to the motion (or reserve/defer their right to speak to later in the debate).~~
- (g) ~~After the seconder has spoken to the motion (or after the mover has spoken to the motion if the seconder does not speak or has reserved/deferred their right to speak to the motion) the Chair must call on any Councillor who wishes to speak against the motion, then on any Councillor who wishes to speak for~~

## Governance Rules

~~the motion and continue this sequence until all Councillors wishing to speak to the motion have spoken; and~~

~~(h) If no Councillor wishes to speak against the motion, then the Chair may put the motion.~~

~~(3)(5) A Councillor calling the attention of the Chair to raise a point of order is not regarded as speaking to the motion.~~

~~(4) A Councillor who moves an amendment to the motion is not regarded as having spoken to the motion.~~

~~(5) When a motion contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate parts.~~

~~(6) The Chair may decide to put any motion to the vote in separate parts.~~

### **3.6.17 Right of Reply**

~~(1) The mover of a motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during the debate.~~

~~(2) No new material or comments may be raised during the right of reply.~~

~~(3) If a Councillor has not spoken against a motion, there will be no right of reply.~~

~~(4) After the right of reply has been exercised, the motion must be immediately put to the vote without any further discussion or debate.~~

### ~~3.6.18 2.5.30 Moving an Amendment~~

~~A motion, which has been~~

### **2.5.31 Speaking Order and Times**

~~(3) If a Motion is moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the motion.~~

~~(4) An amendment to a motion cannot be negative, or substantially contrary, to the motion.~~

~~(5) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion.~~

~~(6) If a Councillor proposes an amendment and the original mover and seconder of the motion both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote, and debate of the motion continues in accordance with these Governance Rules.~~

~~(7)(9) If a Councillor proposes an amendment to which either the original mover or seconder does not agree, the following will apply;~~

~~(a) The amendment must be moved and seconded;~~

~~(b) A Councillor may speak on any amendment once, whether or not he or she has spoken to the motion, but debate must be confined to the terms of the amendment;~~

~~(c) Any number of amendments may be proposed to a motion, but only one amendment may be accepted by the Chair at any one time. No second or~~

then

## Governance Rules

~~subsequent amendment, whether to the motion or an amendment of it may be taken into consideration until the previous amendment has been dealt with and voted on;~~

## Governance Rules

- (d) — If the amendment is carried, the motion as amended then becomes the motion before the meeting (known as the substantive motion);
  - (e) — The mover and seconder of the amendment become the mover and seconder of the substantive motion.
  - (f) — Debate commences as if a new motion; and
  - (g) — The mover of an amendment does not have a right of reply.
- (8) — An amendment motion having been moved and seconded may be adjusted by the minute taker by leaving out, inserting or adding words which must be relevant to the original motion and framed as to complement it as an intelligible and consistent whole.

~~(9)(10) — No notice need be given of any amendment.~~

### ~~3.6.192.5.32~~ Second or Subsequent Amendments

~~(2)(4) — A second or subsequent amendment cannot be moved until the immediately preceding amendment is determined.~~

(3) — If any Councillor intends to move a second or subsequent amendment, he or she must give notice of their intention to do who so prior to the amendment currently being debated being put to the vote.

(4) — A Councillor cannot move more than two (2) amendments in succession.

### ~~3.6.202.5.33~~ An Amendment Once Carried

(1) — If an amendment is carried, it becomes the substantive motion.

### ~~3.6.212.5.34~~ Foreshadowing a Motion

(1) — At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special rights to the foreshadowed motion.

(2) — A foreshowed motion may be prefaced with a statement that in the event a particular motion before the Council is resolved in a certain way a Councillor intends to move a motion.

(3) — A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.

(4) — The minutes of the meeting will not include foreshadowed motions unless the foreshadowed motion is subsequently formally moved as a motion.

### ~~3.6.22~~ Withdrawal of a Motion

(1) — Before any motion is put to the vote, it may be withdrawn by the leave of the Council.

## Governance Rules

### ~~3.6.23~~~~2.5.35~~ Debating a Motion

- ~~(3) — Debate must always be relevant to the motion before the Council, and if not, the Chair must direct the speaker to confine debate to the motion before Council.~~
- ~~(a) — In the case of a Notice of Motion for Rescission, debate must be confined to the grounds of the rescission and not the merits of the original motion.~~
- ~~(4) — If after being directed to confine debate to the motion before the Council, the speaker continues to debate irrelevant points, the Chair may disallow the speaker any further comment in respect of the motion before the Council.~~
- ~~(5) — If an item of business before the Council is significant in nature, every Councillor must be afforded the opportunity to debate the motion.~~
- ~~(6)(9) — A motion has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.~~
- ~~(7)(10) — Once the views put are representative of the views of all Councillors the debate would be regarded as sufficient.~~
- ~~(8) — At any time during the debate a Councillor may request through the Chair that the CEO, or an officer directed by the CEO, provide clarification on the item, but they must not debate the item.~~

### ~~3.6.24~~~~2.5.36~~ Deferring or Pausing Debate

- ~~(4)(5) — The deferring or pausing of debate of a motion is a procedural motion and must be done in accordance with rule 2.6.25.~~
- ~~(5)(6) — If an item of business is paused for debate, in effect laying a motion on the table, that item of business must be taken from the table at the same meeting, otherwise the item of business will lapse from being the business of Council.~~
- ~~(6)(7) — If an item of business is deferred, the item of business must be placed on the agenda and included in the business papers of the meeting to which it was deferred. Deferred items of business have priority over any other business except formal business.~~
- ~~(7) — If the procedural motion to defer the item of business does not include a specific date or meeting, the item of business will automatically lapse from the business of the Council.~~

## Governance Rules

### PROCEDURAL MOTIONS

#### 3.6.25 — Procedural Motion Table

Motion	Form	Mover/ Seconded	When prohibited	Effect if Carried	Effect if Lost	Debate- Permitted
<b>Notice of Motion</b>	Submitted within the required timeframe and in accordance with rule 2.4.10	Any Councillor	If not in accordance with rule 2.4.10	The CEO ensures the actions required are carried out.	No further action taken.	Yes
<b>Notice of Rescission</b>	Submitted within the required timeframe and in accordance with rule 2.4.11	Any Councillor, plus the written endorsement of at least two other Councillors	If not in accordance with rule 2.4.11	To set aside the previous decision of the Council, except for any aspects that had already been acted upon by the time the Notice was lodged.	The resolution Previous resolution	Yes, but confined to the grounds of the rescission; not the merits of the original motion
<b>Deferral of a matter (to a future meeting)</b>	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral) ...'	Any Councillor (other than the Chair) who has not moved or seconded the original motion or otherwise spoken to the original motion.	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a <i>Chair</i> ; or (c) When another Councillor is speaking.	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, when a fresh motion may be put and debated.	Debate continues unaffected.	Yes
<b>Closure (of debate)</b>	'That the motion now be put'	Any Councillor (other than the Chair) who has not moved or seconded the original motion or spoken for/against the original motion.	During nominations for a Chair.	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion.	Debate continues unaffected.	No
<b>Laying a motion on the table (pausing debate)</b>	'That the motion be laid on the table'	A Councillor (other than the Chair) who has not spoken for/against the motion.	During the election of the Mayor/Deputy Mayor.	Motion not further discussed or voted on until Council resolves to take the motion from the table at the same Council Meeting.	Debate continues unaffected.	No

## Governance Rules

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate- Permitted
<b>Take a motion from the table (resume debate on a matter)</b>	'That the motion in relation to xx be taken from the table'	Any Councillor (other than the Chair) who has not spoken for/against the motion or an amendment.	When no motion is on the table.	Debate of the item resumes.	Debate of the item remains paused.	No
<b>Alter the order of business</b>	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor (other than the Chair).	(a) At a Meeting to elect the Mayor; or (b) During any debate.	Alters the order of business for the Council Meeting.	Items are considered in the order as listed in the agenda.	No
<b>Suspension of Standing Orders</b>	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor (other than the Chair).		The rules of the meeting are temporarily suspended for the specific reason given in the motion. No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted.	The meeting continues unaffected.	No
<b>Resumption of Standing Orders</b>	'That Standing Orders be resumed'	Any Councillor (other than the Chair).	When Standing Orders have not been suspended.	The temporary suspension of the rules of the meeting is removed.	The meeting cannot continue.	No
<b>Consideration of confidential matter(s) (Close the meeting to members of the public)</b>	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx is confidential as it relates to <i>[insert reason]</i>	Any Councillor (other than the Chair).	During the election of the Mayor/Deputy Mayor.  When the item of business does not meet the definition of confidential as defined in the <i>Local Government Act 2020</i> .	The meeting is closed to members of the public.	The meeting continues to be open to the public.	Yes



## Governance Rules

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate- Permitted
<b>Close the meeting to members of the public for security reasons or to enable meeting to proceed in an orderly manner.</b>	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public <del>for security reasons or to enable the meeting to proceed in an orderly manner</del> <i>[insert reason]</i>	Any Councillor (other than the Chair).	During the election of the Mayor/Deputy Mayor.	The Council Meeting is closed to members of the public.	The Council Meeting continues to be open to the public.	Yes
<b>Reopen the meeting</b>	'That the meeting be reopened to members of the public'	Any Councillor (other than the Chair).		The Council Meeting is reopened to the public.	The Council Meeting remains closed to the public.	No
<b>Dissent in the Chair's ruling of a Point of Order</b>	'That a motion of dissent in the ruling of Chair now be put'	Any Councillor (other than the Chair).	On any motion other than a ruling on a Point of Order by the Chair.	The ruling of the Chair on the Point of Order is lost.	The ruling of the Chair on the Point of Order is upheld.	The Chair is given the opportunity to explain why s/he 'ruled' the way s/he did.

### **~~3.6.26~~** — Moving a Procedural Motion desires may speak to the Motion in the order

- (1) — ~~Unless otherwise prohibited, and subject to rule 2.6.25, a procedural motion (other than a notice of Motion or Rescission) may be moved at any time and must be dealt with immediately by the Chair.~~
- (2) — ~~A procedural motion must be seconded.~~

### **~~3.6.27~~** — Who Can Move a Procedural Motion

- (1) — ~~The mover/seconder of a procedural motion (other than a notice of Motion or Rescission) must not have moved, seconded or spoken to the motion or any amendment of it before the Chair.~~
- (2) — ~~A procedural motion cannot be moved or seconded by the Chair.~~

### **~~3.6.28~~** — Procedural Motion may be Rejected

- (1) — ~~The Chair may reject a procedural motion if they believe the motion on which it is proposed has not been sufficiently debated, as outlined in rule 2.6.23(4) and 2.6.23(5).~~

## Governance Rules

### ~~3.6.29~~ Consideration of Procedural Motions

- (1) ~~Regardless of any other provision in these Governance Rules, a procedural motion must be dealt with in accordance with the table at rule 2.6.25.~~

### ~~3.6.30~~ Debate and Amendments to Procedural Motions Not Allowed

- (1) ~~Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.~~
- (2) ~~Unless otherwise provided a procedural motion cannot be amended.~~

#### SPEAKING TO THE MEETING

### ~~3.6.31~~ Speaking Times

- (1) ~~A Councillor must not speak longer than the time set out below for the following timeframes, unless granted an extension by resolution/Resolution of the Council: -~~
- (a) ~~Aa~~ mover of a ~~motion/Motion~~ – five ~~(5)~~ minutes;
- (b) ~~The/the~~ seconder of a ~~motion/Motion~~ – three ~~(3)~~ minutes; ~~or reserve their right to speak later;~~
- (c) ~~Anyany~~ other Councillor – two ~~(2)~~ minutes;
- ~~(e)(d)~~ Secunder must exercise or forfeit reserved right (if they had reserved their right to speak later in the debate) – three minutes; and
- ~~(d)~~ ~~The mover of a motion when exercising their right of reply – two (2) minutes.~~
- (e) Closure of debate – two minutes
- (2) ~~Once the mover has either closed the debate or forfeited their right to do so, the Motion must be immediately put to a vote without any further discussion or debate.~~
- ~~(2)(3)~~ An extension of speaking time may be granted to a Councillor, ~~except the mover of the motion, by resolution of the Council, at the Chair's discretion.~~
- ~~(3)(4)~~ Only one extension per Councillor is permitted for each item of business.
- ~~(4)(5)~~ Any extension of speaking time must not exceed two ~~(2)~~ minutes.

### ~~3.6.32~~5.37 Interruptions and Interjections

- (1) A Councillor must not be interrupted except by the Chair or by another Councillor raising a Point of Order ~~or personal explanation.~~
- (2) If a Councillor is interrupted by the Chair or by another Councillor raising a Point of Order ~~or personal explanation~~, then they must remain silent until the Councillor raising the Point of Order has been heard and the point of order disposed of, ~~or the personal explanation has been delivered.~~

### ~~3.6.33~~5.38 Priority of Address

- (1) In the case of competition for the right to speak, the Chair must decide the order in which the Councillors will be heard.

## Governance Rules

~~3.6.34~~2.5.39 Councillors ~~Not~~not to ~~Speak Twice~~speak twice to ~~Same~~same Motion or Amendment

- (1) A Councillor must not speak more than once to the same ~~motion~~Motion or amendment, except;
  - (a) As the mover of a ~~motion in~~Motion closing (exercising a right of reply; or summary); ~~or~~
  - (b) When a Councillor is raising a Point of Order ~~or providing a personal explanation~~.

## Governance Rules

### POINTS OF ORDER

#### ~~3.6.352.5.40~~ Points of Order

- (1) ~~A Pointpoint of Orderorder is taken when a Councillor draws the attention of the Chair to an alleged irregularity inact, disorder or to a Councillor being out of order.~~
- ~~(1)(2)~~ A Councillor may raise a point of order by stating "point of order" and briefly the proceedingsmatter which is the subject of the point of order and if related to these Rules by stating the relevant rule or Rules.
- (2) ~~A Pointpoint of Orderorder may be raised in relation to:~~
- ~~(a) a time limit has been exceeded;~~
  - ~~(b) a quorum is not present;~~
  - ~~(c) a question of procedure;~~
- (3) ~~debate matter that is irrelevant to the item of business under:-~~
- ~~(a) Contrary to these Rules;~~
  - ~~(b) Defamatory;~~
  - ~~(c) Irrelevant;~~
  - ~~(d) Outside Council's power;~~
  - ~~(d)(e) Under judicial consideration;~~
  - ~~(f) Not clearly understood and requires the Chairperson's clarification;~~
  - ~~(g) Improper, offensive, obscene, ambiguous or obscure; or~~
  - ~~(e) Personally offensive to a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;~~
  - ~~(f) an item of business or debate or other person is outside the powers of Council; or~~
  - ~~(g)(h) any act of Disorder.~~
- ~~(3)(4)~~ A Councillor may at any time raise a point of order which will, until disposed of, take precedence over the consideration and decision of every other item of business.
- ~~(4)(5)~~ A Councillor who is addressing the Council must not be interrupted unless called to order at which time they must remain silent until the Councillor raising the Pointpoint of Orderorder has been heard and the point of order disposed of.
- (5) ~~A Point of Order must be raised by stating 'Point of Order' and the alleged irregularity being raised.~~
- (6) ~~The expression of difference of opinion or to contradict a speaker is not considered a Pointpoint of Order.~~
- ~~3.6.36~~ Consideration of Point of Order**
- ~~(1)~~ When called to order, a Councillor must remain silent until the Point of Order is decided unless they are requested by the Chair to provide an explanation.

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### ~~3.6.37~~2.5.41 Chair to Decide Point of Order

- (1) ~~When called to order, a Councillor must remain silent until the point of order is decided unless they are requested by the Chair to provide an explanation.~~
- ~~(1)~~(2) The Chair may temporarily adjourn the ~~meeting~~Council Meeting to consider a ~~Point~~point of ~~Order~~order but must otherwise rule upon it as soon as it is raised.
- ~~(2)~~(3) All matters before the Council are to be suspended until the ~~Point~~point of ~~Order~~order is decided.

### ~~3.6.38~~ — Disagreeing with Chair's Ruling

- (4) ~~(1)~~—The decision of the Chair in respect to a Point of Order raised will be final and conclusive unless the majority of Councillors present at the ~~meeting~~Council Meeting move a ~~motion~~Motion of dissent.

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### ~~3.6.39~~2.5.42 Motion of Dissent

- (1) A ~~motion~~Motion of dissent in the Chair's ruling of a ~~Point~~point of ~~Order~~order must, if seconded, be given priority over all other items of business and a substitute Chair must be elected to preside while the ~~motion~~Motion is being considered.
- ~~(2)~~ A substitute Chair for the purposes of sub-rule (1) will be decided in accordance with rules 2.5.2 (2), (3) and (4) of these Rules.
- ~~(2)~~(3) The substitute Chair will call on the first Chair to provide an explanation for their ruling and must preside over the vote on the first Chair's ruling.
- ~~(3)~~(4) The ruling must be decided by a majority vote.
- ~~(4)~~(5) Once the vote has been conducted the ~~first~~initial Chair will preside for the remainder of the ~~meeting~~Council Meeting.

### ~~3.6.40~~ **Personal Explanation**

- ~~(1)~~ A Councillor may, at a time convenient to Council, make a brief personal explanation in respect of any statement (whether made at a Council Meeting or not) affecting him or her as a Councillor.
- ~~(2)~~ However, a personal explanation arising out of a statement at a Council Meeting must be made as soon as possible after that statement was made.
- ~~(3)~~ A personal explanation must not be debated except upon a motion to censure the Councillor who has made it.

### ~~3.6.41~~2.5.43 Disorderly Conduct

- (1) The conduct of Councillors and members of Delegated Committees is governed by the ~~Local Government Act 1989, the Local Government Act 2020, these Governance Rules~~Act and the Councillor Code of Conduct.
- (2) The Chair may call a break in a Council Meeting for either a short time, or to resume another day if the behaviour ~~at the Council Meeting~~ by Councillors or people in attendance at the ~~meeting~~Council Meeting are significantly ~~disrupting the meeting~~disruptive.
- (3) The break referred to in sub-rule (2) is an adjournment and must be conducted in accordance with ~~rules 2.6.255.21 and 2.6.435.33 of these Rules.~~
- (4) If a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Council Meeting and prevents the conduct of Council business:
  - (a) Council may, by ~~resolution~~Resolution, suspend that Councillor from a portion of the Council Meeting or from the ~~balance~~remainder of the Council Meeting if the Chair has already warned the Councillor to cease that behaviour; or
  - (b) The Mayor, under section 19 of the ~~Local Government Act 2020~~, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the ~~meeting~~Council Meeting for a period of time or the ~~balance~~remainder of the Council Meeting.
- (5) When Council suspends a Councillor under sub-rule (4)(a), or the Mayor directs a

## Governance-Rules

Councillor to leave the ~~meeting~~Council Meeting under sub-rule (4)(b), the Councillor will take no active part in the portion of the Council Meeting from which they have been suspended.

## Governance Rules

- (6) If a Councillor has been directed to leave in accordance with sub-rule (4)(b), the ~~minutes~~Minutes of the Council Meeting will record the time the Councillor left ~~the meeting~~ and if so allowed, the time the Councillor returned to the ~~meeting~~Council Meeting.
- (7) If a Councillor has been suspended from a ~~meeting~~Council Meeting or directed to leave in accordance with sub-rule (4) the Chair may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

### SUSPENSION OF STANDING ORDERS

#### ~~Standing Orders~~

#### 2.5.44 Suspension of Standing Orders

- (1) ~~Standing orders~~ are the ~~rules~~Rules made to govern the procedure at Council Meetings contained in these ~~Governance~~ Rules. The ~~Standing Orders~~ ~~standing orders~~ cover a range of matters including the ~~order~~Order of ~~business, rules~~Business, Rules of debate, procedural ~~motions~~Motions and election procedures.
- (2) ~~Standing Orders~~ can be suspended to facilitate the business of a ~~meeting~~Council Meeting.

#### ~~3.6.42 Suspension of Standing Orders for the Purpose of Discussion~~

- (1)(3) To temporarily remove the constraints of formal ~~meeting~~Council Meeting procedure and allow full discussion or clarification of any issues, Council may, by ~~resolution~~Resolution, suspend standing orders in accordance with the ~~procedural motion~~ table at rule ~~2.6.25-5.21 of these Rules~~.
- (2)(4) Suspension of standing orders must not be used purely to dispense with the processes and protocol of the government of Council.
- (3)(5) No ~~motion~~Motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders, except a ~~motion~~Motion to resume standing orders.
- (4)(6) No ~~motion~~Motion to suspend standing orders can be accepted by the Chair during a second extension of time for a ~~meeting~~Council Meeting.

### ADJOURNMENTS

#### ~~3.6.43~~2.5.45 Adjourning the Meeting

- (1) Once a ~~meeting~~Council Meeting is declared open, ~~the Chair or Council by Resolution~~ may, ~~from time to time, resolve to~~ adjourn the ~~Council~~ Meeting:
- (a) ~~if a quorum is not present within half an hour after the time appointed for the meeting;~~
- (b)(a) if at any time throughout a ~~meeting~~Council Meeting a ~~quorum~~Quorum is lost;
- (c)(b) if the ~~meeting~~Council Meeting becomes excessively disorderly and order cannot be restored;
- (d)(c) to allow for additional information to be presented to a ~~meeting~~Council Meeting;
- (e)(d) to give Councillors a comfort break;



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(f)(e)if the ~~meeting~~Council Meeting has been in progress for longer than 2 hours;

(g)(f)Anyany other situation if the adjournment could aid the process of the ~~meeting~~Council Meeting.

(2) A ~~meeting~~Council Meeting cannot be adjourned for a period exceeding ~~fourteen~~(14) days from the date of the adjournment.

(3) An appropriate ~~motion~~Motion would be:

“That the ~~meeting~~Council Meeting be adjourned until \_\_ (time the date specified, which does not exceed ~~fourteen~~(14) days)”.

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- ~~(4) — No discussion is allowed on any motion for adjournment of the meeting, but if on being put the motion is lost, the subject then under consideration of the next on the Agenda or any other matter that may be allowed precedence must be resolved before any subsequent motion for adjournment is made.~~

### 3.6.442.5.46 Notice for Adjournment of Meeting

- (1) If a ~~meeting~~Council Meeting is adjourned, the CEO will ensure that the Agenda for such a ~~meeting~~Council Meeting is identical to the ~~agenda~~Agenda for the ~~meeting~~Council Meeting which was ~~resolved to be~~ adjourned.
- (2) Except when a ~~meeting~~Council Meeting is adjourned until later on the same day, the CEO must give all Councillors written notice of a new date for the continuation of the adjourned ~~meeting~~Council Meeting and every reasonable attempt must be made to advise the public of the new ~~meeting~~Council Meeting date and time.
- (3) If it is not practical to provide written notice to Councillors because time does not permit that to occur then provided a reasonable attempt is made to contact each Councillor, contact by telephone, electronic medium, or in person will be sufficient.

### 3.6.452.5.47 Lapsed ~~meeting~~Council Meeting

- ~~(1) —~~  
(1) A ~~meeting~~Council Meeting is deemed to have lapsed if a ~~meeting~~it does not commence and therefore no ~~resolution~~Resolution can be carried to adjourn the ~~meeting~~Council Meeting.

### **3.6.46 — Undisposed Business of a Lapsed Meeting**

- ~~(1)(2) —~~ If a Council Meeting lapses, the undisposed ~~of Business~~ business will, unless it has already been disposed of at an ~~unscheduled~~Council ~~Unscheduled~~ Meeting, be included in the ~~agenda~~Agenda for the next scheduled Council Meeting.
- ~~(2)(3) —~~ The business of the lapsed ~~meeting~~Council Meeting must be dealt with prior to any other business, except formal business, and in the same order as the original ~~meeting papers~~Council Meeting Order of Business.

### 3.6.472.5.48 Compliance with Governance Rules

- (1) If during a ~~meeting~~Council Meeting the CEO becomes aware of any non-compliance with the ~~meeting~~Council Meeting procedures contained in these Governance Rules or other applicable legislation relating to meeting procedures, the CEO must immediately inform the Chair about the requirement of these Governance Rules or other applicable legislation relating to meeting procedures.
- (2) The Chair must allow the CEO to advise the ~~meeting~~Council Meeting of any such breach or likely breach of these Governance Rules or other applicable legislation and the ~~meeting~~Chair must take account of the advice given.

#### Behavioural

### 3.7.2.6 Conduct During Council Meetings

#### 3.7.12.6.1 Electronic Devices

- (1) ~~(1) —~~ Any person in attendance at a Council Meeting must ensure that their

## Governance Rules

electronic device is turned off or switched to silent.

~~(1)(2)~~ Media representatives must seek prior permission from the CEO to use recording devices during the Council Meeting and/or within the Council Chamber for the purposes of taking photos or providing social media updates.

~~(3)~~ Subject to sub-rule (2) the use of recording devices during the Council Meeting and/or within the Council Chamber for the purposes of audio or visual recording is prohibited. Media representatives and members of the public may access the live broadcasting or recording after the Council Meeting via Council's website.

### 3.7.22.6.2 Behaviour during Council Meetings

~~(1)~~ It

(1) Having regard to the role of Councillors under the Act and in the interests of good governance, it is the responsibility of individual Councillors to exhibit good conduct in ~~meetings~~Council Meetings. Councillors should listen while others are speaking, avoid interrupting, be aware of their body language and use reasonable and temperate language in debates (no matter how contentious the topic may be).

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### 3.7.32.6.3 Criticism of Council Staff

- (1) The CEO may address a Council Meeting in respect of any statement made affecting a member of Council officerstaff if that comment is made at a Council Meeting or in the media.

### 3.7.42.6.4 Gallery to be Silent

- (1) Visitors must not interject or take part in the debate of any item of business before the Council.
- (2) Silence must be maintained by members of the public in the gallery at all times.

### 3.7.52.6.5 Display of Posters, Banners and Placards

- (1) A person must not display any placards or posters in the Council Chamber or in any building where a Council Meeting is being, or is about to be held, except outside the entrance to the building.
- (2) A poster, banner or placards must not:
  - (a) Display any offensive, indecent, insulting or objectionable item or words; or
  - (b) Obstruct the entrance to the Council Chamber or a building where a Council Meeting is being or is about to be held; or
  - (c) Obstruct the view or physically impede any person.
- (3) The Chair or CEO may order and cause the removal of any poster, banner or placard that is deemed by the Chair or CEO to be objectionable, disrespectful or otherwise inappropriate.

### 3.7.62.6.6 Ejection of Disorderly Visitors

- (1) If a person, other than a Councillor, interjects or is gesticulating offensively during the Council Meeting, the Chair must direct;
  - (a) the person to stop interjecting or gesticulating offensively; and/or
  - (b) the removal of the person if they continue to interject or gesticulate offensively.
- (2) The Chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.
- (3) In giving effect to a person's removal under sub-rule (1)(b) or material under sub-rule (2), the Chair may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the person, object or material.

### 3.7.72.6.7 Chair May Adjourn Disorderly Meeting

- (1) If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meetingCouncil Meeting, they may adjourn the meetingCouncil Meeting to a later time on the same day, or to some later day prior

## Governance Rules

to the next Council Meeting, at a time and date and venue to be fixed as they think proper.

- (2) Any adjournment is to be done in accordance with ~~rules~~ 2.6.435.21 and 2.5.33 of these ~~Governance~~ Rules.

## Governance Rules

### 3.8 Provisions to Record Council Meetings

- (1) ~~The CEO (or other person authorised by the CEO) may conduct electronic broadcasting of the proceedings of Council Meetings.~~
- (2) ~~Recordings will be retained and available to the public for viewing or listening for a period of twelve (12) months from the date of the meeting.~~
- (3) ~~Public Council Meetings are an open forum of statements, questions and answers. Occasionally some things that are said may be regarded as offensive, defamatory or contrary to law. In circumstances when statements are made that may fall into these categories the CEO, at their sole discretion, may edit the recorded version of the meeting so as not to cause embarrassment or increase liability exposure to members of the public or Council.~~
- (4) ~~In circumstances where comments are made that may be considered defamatory, breach copyright, breach privacy or may be considered discriminatory, such comments will be edited from the available recorded version of the meeting before being posted to Council's website.~~

~~(5) The use of recording devices during the Council Meeting within the Council Chamber are prohibited. Media representatives and members of the public may access the live broadcasting or recording after the meeting via Council's website.~~

### 3.92.7 Joint Council Meetings

- (1) Council may resolve to participate in a Joint Council Meeting, with other councils, to consider;
  - (a) Collaborative projects;
  - (b) Collaborative procurement; or
  - (c) Emergency Response and Recovery.
- (2) If Council resolves to participate in a Joint Council Meeting, the CEO will agree on the governance rules Governance Rules with the participating Council's CEOs/Councils.
- (3) If CSC Council is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.
- (4) Consistent information will be provided to Councillors prior to any Joint Council Meeting and every endeavour will be made by the CEO to facilitate a joint briefing.
- (5) A joint briefing ~~arranged in accordance with sub rule (2)~~ may be held electronically.

### 3.10 Submissions and Submissions Hearing

- (1) ~~Council may call for submissions in relation to a proposed decision from any person affected by the proposed decision.~~
- (2) ~~For a submission to be valid, a person making a submission must provide in writing how they could be affected by the proposed decision, outline their views and/or how they want their interests considered when Council considers it decision.~~
- (3) ~~Council must, when calling for submissions, provide a public notice in local circulating media publications and on Council's website providing a minimum of 28 days for submissions to be received by Council and fix the date, time and place for a Submissions Hearing if submissions~~

## Governance-Rules

are received.

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- (4) — ~~People making a submission may request to speak in support of their submission to Council at a Submissions Hearing.~~
- (5) — ~~A Submissions Hearing must be held at least 14 days prior to the proposed decision being considered at a Council meeting.~~
- (6) — ~~Any person speaking in support of their submission will have a maximum of 5 minutes to address Council at the Submissions Hearing and must only speak to the content of their written submission.~~
- (7) — ~~Council must consider all submissions received prior to consideration of the proposed decision for which the submissions were called.~~
- (8) — ~~Council must advise in writing, each person who has made a separate submission of the decision made in relation to their submission and the reasons for this.~~

### **3.112.8** Procedure Not Provided for in These Rules

- (1) — ~~\_\_\_\_\_~~ In all cases not specifically provided by these ~~Governance~~ Rules, ~~the~~ Council will decide, by Resolution, the procedure to apply.



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### 3. Public Submissions

- (1) Submissions may be provided to Council from a Submitter where: -
  - (a) Council has called for Submissions in relation to a proposed decision; or
  - (b) a Submitter has made a written request to be heard by Council.
- (2) The CEO will decide if Submissions will be: -
  - (a) heard at a Council Meeting, following consultation with the Mayor;
  - (b) heard at a Council briefing session, following consultation with the Mayor;
  - (c) heard at a meeting or hearing called by the CEO, in which case Councillors will be notified and invited to attend;
  - (d) provided in writing, in which case Councillors will be provided a copy of any such Submission.
- (3) Submissions can only be provided by a person who is or by persons who are affected by the relevant decision of Council.
- (4) Where Submissions are being heard in accordance with sub-rule (2)(a), (b) or (c) the CEO, must advise the Submitters of the date, time, venue and protocols that apply.
- (5) Council must consider all Submissions received prior to consideration of the proposed decision, the subject of the Submission.

### 4. Meeting Procedure for committees

#### 4.4.1 Delegated Committees

#### **4.1 Overview**

- (1) Council may establish Delegated Committees in accordance with section 63(1) of the ~~Local Government Act 2020.~~

##### **4.1.1 Governance Rules Apply**

- (2) If Council establishes a Delegated Committee, these ~~Governance~~ Rules will apply to a Delegated Committee Meeting, with any necessary modifications.
- (3) For the purpose of sub-rule (1):
  - (a) A Council Meeting is to read as a reference to a Delegated Committee Meeting;
  - (b) A Councillor is to be read as a reference to a Member of the Delegated Committee; and
  - (c) A reference to the Mayor is to be read as a reference to the Chair of the Delegated Committee.
- (4) ~~The following Governance Rules do not apply to the conduct of Delegated~~

## Governance Rules

### Committee Meetings:

- (a) ~~2.4.1 – Order of Business~~
- (b) ~~2.4.3 – Councillor Acknowledgements~~
- (c) ~~2.4.10 – Public Question Time~~
- (d) ~~2.4.11 – Notices of Motion~~

~~(e) **4.1.1 – 2.4.15 – Urgent Business**~~

- (f) ~~2.6.36 – Speaking Times~~

~~(5)(4)~~ If Council establishes a Delegated Committee, Council may ~~resolve that any further provision~~ decide which of these ~~Governance Rules do not~~ will apply to ~~that any~~ Delegated Committee, by Council Resolution.

## Governance Rules

Meeting Procedure for

### 5.4.2 Community Asset Committees

#### **5.1 Overview**

- (1) Council may establish a Community Asset Committee, for the management of a community asset such as a hall or reserve, in accordance with section 65 of the *Local Government Act 2020*. ~~Council may appoint members of the community to a Community Asset Committee Act.~~

#### **5.2 Operation of Community Asset Committee**

- (1) ~~Council, if it establishes a Community Asset Committee, may resolve which rules within these Governance Rules apply to that Committee.~~
- (2) ~~Notwithstanding sub rule (1), a Community Asset Committee must adhere to Chapter 5 Meeting Records.~~
- (2) A Community Asset Committee must adhere to rules 5.1 and 5.2 of these Rules.
- (3) a Community Asset Committee must act in accordance with its adopted Charter, Instrumentinstrument of Delegationdelegation from the CEO and any Terms of Reference adopted by Council.

## Governance Rules

### 6.5. Meeting Records

#### 6.15.1 Minutes

##### 6.1.1 Keeping of Minutes

- (1) The CEO, or a person authorised by the CEO, is responsible for the keeping of ~~minutes~~Minutes on behalf of Council ~~of each Council Meeting~~.
- (2) Each item in the ~~minutes~~Minutes must be clearly headed with a subject title and be consecutively numbered and consecutively page numbered. ~~The minutes must be signed by the Chair of the meeting at which they have been confirmed.~~

##### 6.1.2 Content of Minutes

~~(1)~~(3) The CEO (or other person authorised by the CEO to take the ~~minutes~~Minutes) must keep ~~minutes~~Minutes of each Council Meeting and those ~~minutes~~Minutes must record:

- (a) the date, place, time and nature of ~~the Council Meeting~~;
- ~~(a)~~(b) ~~When~~ the Council Meeting was commenced, adjourned, resumed and concluded;
- ~~(b)~~(c) the names of Councillors and whether they are present, an apology, or leave of absence or other details as provided;
- ~~(c)~~(d) the names of members of Council staff in attendance with their organisational titles;
- ~~(d)~~(e) the disclosure of a conflict of interest made by a Councillor in accordance with the ~~Local Government Act 1989 or Local Government Act 2020, whichever provision is in force.~~Act;
- ~~(e)~~(f) arrivals and departure times (including temporary departures) of Councillors during the course of the ~~meeting~~Council Meeting;
- ~~(f)~~(g) each ~~motion~~Motion and amendment moved, including the mover and seconder of the ~~motion~~Motion;
- ~~(g)~~(h) the outcome of every ~~motion~~Motion (including procedural ~~motions~~Motions) and amendment, that is whether it was put to the vote and the result (namely, carried, lost, withdrawn, lapsed for the want of a seconder, or amended);
- ~~(h)~~(i) if a division is called, the names of every Councillor and the way their vote was cast (either for or against);
- ~~(i)~~(j) the name of the Councillor who abstained from voting on an item and the Councillor's reason for abstaining;
- ~~(j)~~(k) details of a failure to achieve a ~~quorum~~Quorum and any adjournment whether as a result or otherwise;
- ~~(k)~~(l) a summary of any question asked and the response provided as part of

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public question time;

(+) (m) a summary of all committee reports and or deputations made to Council;

(m) (n) the time and reason for any adjournment of the ~~meeting~~ Council Meeting or suspension of standing orders;

## Governance Rules

~~(o)~~ the name of, time and reason for, a Councillor leaving a Council Meeting (including technical difficulties where they are attending by electronic means) and time they returned (if applicable);

~~(n)~~~~(p)~~ closure of the ~~meeting~~Council Meeting to members of the public and the reason for such closure; ~~and~~

~~(e)~~~~(q)~~ any other matter which the CEO deems should be recorded to clarify the intention of the ~~meeting~~Council Meeting or the reading of the ~~minutes~~Minutes.

### 6.1.35.2 Confirmation of Minutes

- (1) The Minutes as recorded by the CEO, or person authorised by the CEO to take the ~~minutes~~Minutes, will be made available as the proposed ~~minutes~~Minutes to:
  - (a) Councillors, within seven ~~(7)~~ business days of the Council Meeting as they relate; and
  - (b) Members of the public, within nine ~~(9)~~ business days of the Council Meeting as they relate.
- (2) At every Council Meeting the Minutes of the preceding Council Meeting(s) must be dealt with as follows:
  - (a) A Motion moved to confirm the Minutes in the following ~~or substantively similar~~ terms, 'That the Minutes of the .....Meeting held on ..... 20..... be confirmed.'
  - (b) If a Councillor indicates opposition to the ~~minutes~~Minutes, the Councillor must specify the particular item or items in the Minutes and after asking any questions to clarify the matter, can only move a ~~motion~~Motion to rectify the alleged error(s) in the Minutes by adding the following words to the ~~motion~~Motion in sub-rule (2)(a) '...subject to the following alteration(s) '.
- (3) No debate or discussion is permitted on the confirmation of ~~minutes~~Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate.
- ~~(4)~~ Once the ~~minutes~~Minutes are confirmed in their original or amended form, the ~~minutes~~Minutes must, if practicable be signed by the Chair of the Council Meeting at which they have been confirmed;.
- ~~(4)~~~~(5)~~ Once Minutes have been signed they are to be uploaded to Council's website and saved to Council's electronic database.
- ~~(5)~~ The minutes must be entered in the minute book and each item in the minute book must be entered consecutively.

## Governance Rules

### ~~7.6.~~ Mayor and Deputy Mayor ~~Appointment~~Election Processes

#### ~~7.16.1~~ Eligibility

- (1) ~~(1)~~ Any Councillor is eligible for election or re-election to the office of Mayor or Deputy Mayor.

### ~~7.2~~ When Required

#### ~~6.2~~ The Election of the Mayor and Deputy Mayor (if determined by Council)

- (1) ~~A Council Meeting to elect the Mayor and Deputy Mayor (if applicable) must be held:~~
- ~~=~~
- ~~(a) as soon practical after the declaration of the results of a general election of Councillors must elect a Councillor annually or bi-annually to be Mayor of the Council at a Council Meeting which is to be held, being no later than 30 November;~~
- ~~(1)(b) as close to the end of the one or two yearrelevant term as is reasonably practicable as set out under section 26 of the Local Government Act 2020;~~  
~~or~~
- ~~(2)(c) The Mayor is to be elected as soon as practicable after any vacancy in within one month after the office of Mayor occurs the Mayor or Deputy Mayor (if applicable) otherwise becomes vacant.~~
- (2) ~~Council may resolve to establish a position of Deputy Mayor.~~
- (3) ~~If Council has resolved to establish an office of Deputy Mayor, the Councillors must also elect a Councillor annually to be the Deputy Mayor during Council Meeting at which the Mayor is to be elected.~~
- (4) ~~Council must resolve whether the Mayor and Deputy Mayor (if applicable) is to be elected for a 1 or bi-annually to be the Deputy Mayor of the Council at a Council Meeting which is to be held as close to the end of the one or two year term as is reasonably practicable and prior to the relevant election.~~
- (5) ~~The CEO will facilitate the election of the Mayor in accordance with section 27 of the Local Government the Act and will act as the temporary Chair of that Council Meeting.~~
- ~~(3)(6) The Mayor becomes the Chair of the Council Meeting once elected by Council and will facilitate the election of the Deputy Mayor in accordance with the Act 2020.~~

#### ~~7.36.3~~ Agenda Content

- (1) ~~The agendaAgenda for the Council Meeting to elect the Mayor and Deputy Mayor (if applicable): -~~
- ~~(1)(a) must include so far as is possible; the election of the Mayor;~~
- ~~▪ the election of the Mayor;~~

## Governance Rules

- (b) must include the election of the Deputy Mayor (if Council resolves that a Deputy Mayor is to be elected);
- (c) may include appointments of Council representatives to committees, peak industry bodies, regional and community based organisations; and
- (d) may include the fixing of the dates, times and place/locations of all Council Meetings for a ~~twelve~~ (12) month period.

### ~~7.4 Temporary Chair~~

- (1) ~~The CEO will be temporary Chair of the meeting at which the election of the Mayor and Deputy Mayor is to be conducted but will have no voting rights.~~

### ~~7.5 Returning Officer~~

- (1) ~~The CEO will be the Returning Officer for the election of the Mayor and Deputy Mayor.~~

### ~~7.66.4~~ Nominations for the Office of Mayor

- (1) ~~The~~During the Council Meeting where the election of the Mayor is to occur, the CEO will call for nominations for the position of Mayor and confirm acceptance of the nomination with the nominee.
- (2) Any Councillor nominated may refuse nomination or withdraw at any stage before the voting is finalised.



## Governance Rules

(3) If there is only one nomination for the position of Mayor, that person is deemed to be elected Mayor.

~~(4) If there is more than one nomination at the Council Meeting, the election of the Mayor will follow rule 6.86 of these Governance Rules.~~

~~(4)~~

### 7.76.5 Nominations for the Office of Deputy Mayor

(1) The Mayor will call for nominations for the position of Deputy Mayor and confirm acceptance of the nomination with the nominee.

(2) Any Councillor nominated may refuse nomination.

(3) If there is only one nomination for the position of Deputy Mayor, that person is deemed to be elected Deputy Mayor.

~~(4) If there is more than one nomination at the Council Meeting, the election of the Deputy Mayor will follow rule 6.86 of these Governance Rules.~~

~~(4)~~

### 7.86.6 Determining the Election of the Mayor and Deputy Mayor

(1) The process to elect the Mayor and Deputy Mayor is:

(a) If there is more than one nomination (each of which must be seconded), the Councillors present at the ~~meeting~~Council Meeting must vote for one of the candidates by a show of hands. In the event of a candidate receiving an absolute majority of the votes, the candidate is declared to have been elected.

(b) In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the ~~meeting~~Council Meeting must then vote for one of the remaining candidates by a show of hands.

(c) If one ~~(1)~~ of the remaining candidates receives an absolute majority of the votes, ~~he or she is~~they are duly elected. If none of the remaining candidates ~~receives~~receive an absolute majority of the votes, the process ~~of declaring the candidate with the fewest number of votes a defeated candidate and voting for the remaining candidate by a show of hands~~set out in sub-rule (b) must be repeated until one ~~(1)~~ of the candidates receives an absolute majority of the votes. That candidate will then be declared to have been duly elected.

~~(2) In the event of~~ after two (2) or more candidates having equal ~~further~~ votes and one (1) of them ~~having to be declared:~~

~~(a) a defeated~~are taken neither candidate; or

~~(b) duly elected;~~

~~the temporary Chair will have no second or casting vote, and the result will be determined by lot.~~

## Governance Rules

### 7.9 ~~Determining by Lot~~

~~(1)(d) If a lot is required, the CEO will, receives an absolute majority, the Council may resolve to conduct the lot and the following provisions will apply: a new election at a later date and time.~~

- ~~(a) The order of drawing lots shall be determined by the alphabetical order of the surname of the Councillors who received an equal number of votes, except that if two (2) or more such Councillors surnames are identical, the order shall be determined by the alphabetical order of the Councillor's first name;~~
- ~~(b) As many identical pieces of paper as there are Councillors who receive an equal number of votes shall be placed in a receptacle provided by the CEO;~~
- ~~(c) Each candidate will draw one (1) lot;~~
- ~~(d) If the lot is being conducted to determine which candidate is to be duly excluded, the word "Excluded" shall be written on one (1) of the pieces of paper and the Councillor who draws the paper with the word "Excluded" written on it shall be declared to have been excluded.~~
- ~~(e) If more can one candidate remains, a further drawing of lots will be conducted until one candidate remains and declared the Mayor.~~

### 7.106.7 Acting Mayor

- (1) If Council has established an office of Deputy Mayor, the Deputy Mayor must perform the role of the Mayor in accordance with section 21 of the ~~Local Government Act 2020.~~
- (2) If Council has not established an office of Deputy Mayor and;
  - a.a) ~~the Mayor is unable for any reason to attend a Council meetingMeeting or part of a Council meetingMeeting; or~~
  - b.b) ~~the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or~~
  - c.c) ~~the office of Mayor is vacant;~~

Council must appoint a Councillor to be the Acting Mayor in accordance with section 20B of the Act.

~~Local Government Act 2020.~~

### 7.11 ~~Mayor to Take Chair~~

- ~~(1) After the election of the Mayor is determined, the Mayor will take the Chair.~~

### 7.126.8 Ceremonial Mayoral Speech

- (1) ~~(1) Upon being elected, the Mayor may make a ceremonial speech to outline the priorities for the year ahead based on the adopted Council Plan, for not more than five minutes.~~

## Governance Rules

### ~~8.6.9~~ Election Period Policy

### ~~8.17.~~ Election Period Policy

### 9.7.1 Election Period Policy

(1) ~~Council's Election Period Policy which is included at Appendix 1, forms part of and is to be read in conjunction with these Rules.~~

(1)(2) ~~Council will have in place an election-period-policy~~ Election Period Policy that:

- (a) ~~Governs decision making during a local government—election period~~ Government Election Period, including what may be considered at a Council Meeting.;
- (b) ~~Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections.;~~
- (c) ~~Sets out the conditions for any community engagement required to be undertaken during an election-period~~ Election Period, including consultations and Civic events.;
- (d) ~~Sets out the requirements for any council publications during a local government election-period~~ Government Election Period including the use of Council's website, social media, newsletters and advertising.;
- (e) ~~Defines role and responsibilities in relation to who is the principle spokesperson for Council is during the election-period~~ Election Period.

(2) ~~The Election Period Policy forms part of these Governance Rules.~~

- (3) ~~At least once in each Council term and no later than 12 months prior to the commencement of an election period, Council will review its election-period~~ Election Period policy.
- (4) ~~The operation of Committees~~ committees established by Council will be suspended upon the commencement of the ~~election-period~~ Election Period prior to a general ~~council~~ Council election and will resume following the election.
- (5) ~~During the election-period~~ Election Period prior to a general ~~council~~ Council election, the CEO will not accept any Notices of Motion or Notices of Rescission Motions for consideration ~~and decision~~ at a Council Meeting conducted during the ~~election period~~ Election Period ~~save for consideration and decisions allowed by the Election Period Policy.~~

(6) ~~During the election period prior to a general council election or by election, Council Meetings held during the election period will not consider any urgent business, conduct public question time or receive any deputations or delegations.~~

## Governance Rules

### 10.8. Disclosure of Conflict of Interests

#### 10.18.1 Obligations

- (1) Councillors, members of Delegated Committees and Community Asset Committees and members of Council staff are required to:
  - (a) ~~Avoid~~avoid all situations that may give rise to conflicts of interest;
  - (b) ~~Identify~~identify any conflicts of interest; and
  - (c) ~~Disclosed~~disclose or declare conflicts of interest.

#### 10.28.2 Councillors and members of Delegated Committees

- (1) Councillors and ~~members of Delegated Committees~~Members must not participate in discussion or decision making on a matter in which they have a conflict of interest.
- (2) Councillors and ~~members of Delegated Committees~~Members must disclose the conflict of interest ~~in writing and to the CEO by providing the disclosure~~ in the form determined by the CEO.
- (3) When disclosing a conflict of interest, ~~Councillors~~the Councillor or Member must clearly state their connection to the matter.
- (4) All disclosures of conflicts of interest will be recorded in the ~~minutes~~Minutes of a Council Meeting or ~~Delegated~~ Committee Meeting.
- (5) Council will maintain a Conflict of Interest Register that will be made available on ~~Council's website for inspection at a Council Customer Service Centre upon request.~~

#### 10.2.18.2.1 Procedure at a Council or Delegated Committee Meeting

- (1) At the time indicated in the ~~agenda~~Agenda, a Councillor with a conflict of interest in an item on the ~~agenda~~Agenda must indicate they have a conflict of interest by clearly stating;
  - (a) ~~The~~the item for which they have a conflict of interest; ~~and~~
  - (b) ~~The nature of~~whether their conflict of interest ~~is of a general or material nature;~~ and
  - (c) ~~The~~the circumstances that give rise to the conflict of interest.
- (2) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the ~~meeting~~Council Meeting the existence of the conflict of interest and leave the ~~meeting~~Council Meeting.
- (3) A Councillor who is not present at the designated time in the ~~agenda~~Agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner required for the declaration of conflicts of interest at sub-~~rule~~ (1) prior to leaving the ~~meeting~~Council Meeting.

## Governance Rules

- (4) A Councillor or member of a Delegated Committee who discloses a conflict of interest and leaves a Council Meeting must not communicate with any participants in the ~~meeting~~Council Meeting while the decision is being made.

## Governance Rules

~~(5) Where the Council Meeting is a Virtual Meeting or Hybrid Meeting, a Councillor or member of a Delegated Committee required to leave the Council Meeting due to a conflict of interest must:~~

~~(a) deactivate their microphone and camera; or~~

~~(b) disconnect completely or be removed from the online meeting platform.~~

~~(6) The Chair or CEO will contact the Councillor or Member of the Delegated Committee by other means to notify them to rejoin the Council Meeting.~~

### 10.2.28.2.2 Procedure at other meetings organised, hosted or supported by Council

(1) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.

(2) At the time indicated on the ~~agenda~~Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the item of business in which the conflict of interest arises.

~~(3) If there is no agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon as the matter arises.~~

~~(4)~~(3) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.

~~(5)~~(4) The existence of a conflict of interest will be recorded in the ~~minutes~~Minutes of the meeting.

~~(6)~~(5) If there are no ~~minutes~~Minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the CEO for recording in the register of Conflicts of interest.

~~(7)~~(6) The meeting ~~minutes~~Minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.

### 10.38.3 Council Staff

(1) Must act in accordance with the Employee Code of Conduct.

(2) Must not exercise a delegation or make a decision on any matter if they have a conflict of interest.

(3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at rule 8.3.1 of these ~~Governance~~Rules.

#### 10.3.18.3.1 Procedure for disclosures of conflicts of interest

(1) ~~Members of~~ Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the CEO.

(2) All conflicts of interest disclosed by ~~a member of~~ Council staff will be provided to the ~~Manager—Governance~~Director Corporate for recording in the register of ~~Conflicts~~conflicts of Interest~~interest~~.

(3) A ~~member of~~ Council staff ~~member~~ who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if;

## Governance Rules

- (a) ~~The~~ number and qualifications of other people providing advice regarding the same matter is equal or greater; or
- (b) ~~The~~ staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
- (c) ~~The~~ CEO determines that the staff member's conflict of interest has not influenced the advice provided; and
- (d) ~~The~~ existence of the conflict of interest is documented in all advice provided by that staff member and in the case of verbal advice is documented by the decision maker.

## Governance Rules

### 11. Miscellaneous

Change of Council

#### 11.1 Appendix 1 – Election Period Policy

- ~~(2) — Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held by a particular Council.~~

~~Council will review significant policies at least once in each council term (every four years) and such reviews may lead to a change in policy position~~

~~Appendix 2 – Procedural Motion Table~~

~~Appendix 3 – Flow Chart of Motions~~

~~(3)(4) —~~

- ~~(4) — Subject to sub rule (4), if Council wishes to change a Council policy, a formal notice of rescission is not required.~~

~~(5) **If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comments sought, prior to the policy being changed.**~~



# Election Period Policy

**Council Policy Number** 152

Date adopted

Scheduled for review



Council Policy

## 1. Purpose

- 1.1 The purpose of this Policy is to outline the conduct, functions and responsibilities of Council during the election period for municipal general elections to ensure that Council complies with its statutory obligations under section 69 of the *Local Government Act 2020* (the **Act**) and acts in a manner which is lawful, reasonable and able to withstand public scrutiny.

## 2. Policy Statement

- 2.1 Council is committed to fair and democratic elections and to implementing good governance practices in its decision making. Whilst certain types of decisions are prohibited during the Election Period, in the interests of transparency, this Policy facilitates the continuation of ordinary Council business during that period to ensure that the best interests of the community continue to be considered and that appropriate decisions are made.
- 2.2 Council agrees to function in accordance with this Policy during the election period.

## 3. Scope

- 3.1 This Policy applies to Councillors and Council staff during the Election Period irrespective of whether they are nominating as a candidate in the election or not. This policy addresses two fundamental policy principles:
- (a) Council decision making – to ensure that inappropriate decisions are not made during the Election Period; and
  - (b) Use of Council resources – to ensure that resources are used appropriately during the Election Period.

## 4. Responsibility of Councillors

- 4.1 Councillors are required to be mindful of their statutory obligations under section 123 of the Act which prohibits a Councillor from intentionally misusing their position either to gain an advantage or to cause detriment.

## Part A – Council Decision Making

### 5. Election Period

- 5.1 In accordance with the Act, the 'Election Period' is defined to mean the period that starts at the time nominations close on nomination day and ends at 6:00pm on election day.
- 5.2 The term 'nomination day' is defined to mean the last day on which nominations to be a candidate at a Council election may be received.
- 5.3 Accordingly, the election period commences 32 days before the election, when nominations close, until 6:00pm on election day.

Council Policy

Council Policy

Council Policy

**6. Decisions During the Election Period**

- 6.1 It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an Election Period. The Council therefore commits to the principle that it will make every endeavour to avoid making decisions that inappropriately bind the incoming Council.

**7. Decisions Prohibited During the Election Period**

- 7.1 During the Election Period Council must carefully consider whether a decision should be made or whether it should be deferred until after the election period so as not to unreasonably bind the incoming Council to that decision.
- 7.2 Council is prohibited under section 69(2) of the Act from making decisions during the Election Period that -
- (a) Relate to the appointment or remuneration of a Chief Executive Officer, but not to the appointment or remuneration of an acting Chief Executive Officer;
  - (b) Commit the Council to expenditure exceeding 1% of the Council's income from general rates, municipal charges and services rates and charges in the preceding financial year;
  - (c) The Council considers could be reasonably deferred until the next Council is in place; or
  - (d) The Council considers should not be made during an election period.
- (Major Policy Decisions).
- 7.3 This policy also prohibits any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- 7.4 Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of this provision is entitled to compensation from Council for that loss or damage.
- 7.5 Council will avoid making decisions during the election period which are considered to be of a significant nature either based on financial considerations or community impacts (Significant Decisions), except where the issue: -
- (a) is urgent;
  - (b) is necessary to fulfil statutory obligations;
  - (c) is necessary for operational purposes; or
  - (d) cannot be deferred without serious implications.
- 7.6 The Chief Executive Officer is responsible for determining whether an exception should be applied to enable the matter to be considered by Council.

**8. Legislated Decisions**

- 8.1 Council's limitations on making Major Policy Decisions and Significant Decisions during the Election Period do not extend to decisions required to be made under legislation to which specific timeframes may apply.

**9. Election Period Statement**

- 9.1 In order to assist Council with its commitment to appropriate decision making during the Election Period, the Chief Executive Officer will ensure that an "Election Period Statement" is included in every officer's report submitted to the Council for a decision.
- 9.2 The "Election Period Statement" will describe the status of each item, specifically relating to section 69 of the Act, confirming that the matter does not relate to a Major Policy Decision or Significant Decision.
- 9.3

## Part B – Use of Council Resources

### 10. Use of Council Resources during an Election

- 10.1 Councillors and members of Council staff will comply with section 304 of the Act regarding the prohibition with respect to the use of Council resources during the Election Period.
- 10.2 That section makes it a criminal offence for a Councillor or member of Council staff to use Council resources in a way that is intended to or is likely to affect the result of an election under the Act.

### 11. Media and Publicity

- 11.1 Section 304 of the Act also prohibits Councillors or members of Council staff from printing, publishing or distributing electoral materials unless it is information which is only about the election process.

#### 11.2 Publications:

- (a) Pamphlets, brochures, and newsletters relating to Council services / facilities / programs / projects will be reviewed, for material which may be construed as electoral matter. If these publications are found to contain electoral matter, they will be withdrawn from display/distribution during the election period.
- (b) The Annual Report will be produced to meet legislative requirements without reference to any electoral matter.

#### 11.3 Website:

- (a) Council's website will be scrutinised by the Chief Executive Officer, during the election period. Councillor profiles will be modified – names, contact details and Council appointments will remain but information that could be construed as individual Councillor Policy statements will be removed for the election period. Other material on the website or links to material that might be considered as electoral matter will be reviewed. New material will be scrutinised by the Chief Executive Officer before publication while historical material will generally remain at the discretion of the Chief Executive Officer.

#### 11.4 Media

- (a) Media releases and advertisements during the election period will focus on Council activities and services and will not contain electoral matter.
- (b) Any required speeches to be made on behalf of Council during the election period by the Mayor, Councillors, or Council staff will be approved by the Chief Executive Officer.

#### 11.5 Councillors

- (a) This Policy does not restrict the ability of Councillors to issue media releases or make media comment in their own name (not referenced as Councillor or Cr) and using their own resources.

- 11.6 Council communications are a legitimate way to promote Council activities and services. It is important that all Councillors have access to the Council's communication resources to enable them to fulfil their elected roles. However, they cannot be developed or used in support of a candidate's election campaign.

## 11.7 During the Election Period: -

- (a) A Council employee must not make any public statement that could be construed as influencing the election. Statements of clarification may be required from time to time and these are to be made in accordance with the Media Liaison Procedure.
- (b) Council publicity and communications will be restricted to promoting normal Council activities and services and for informing residents about the conduct of the election.
- (c) No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- (d) Councillors must not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention specifically in support of an election campaign.
- (e) Ward meetings and newsletters are not to be arranged by Council during the election period.
- (f) Council logos or letterheads, Council branding including corporate colours or Council provided photographs must not be used by Councillors in any way that relates to an election.

**12. Council Equipment and Facilities**

- 12.1 Equipment and facilities provided to Councillors for the purpose of conducting normal Council business must not be used for campaigning purposes.

**13. Councillor Expenses**

- 13.1 Reimbursement of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses supporting or connected with a candidate's election campaign.

**14. Other Matters**

- 14.1 Council recognises that all election candidates have rights to access information, and that it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and transparency will be observed and practised in the provision of all information and advice during the election period. Information and briefing material prepared by staff for Councillors during the election period will relate only to factual matters or to existing Council policies and services.
- 14.2 All such requests are to be issued through an Information Request Register which will contain the details of requests made and advice provided and is a public document. Such information will not relate to new policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign. Only information that can be reasonably accessed will be released.
- 14.3 All requests for information are to be directed to the Director Corporate who will maintain a public register that records all requests made and the responses given.

**15. Role of Council Staff**

- 15.1 Council staff will not undertake any tasks connected directly or indirectly with a councillor or candidate's election campaign.

**16. Politicisation of Meetings**

- 16.1 During the election period there will be no Council policy formation or adoption, no censure of government departments or Ministers and Notices of Motions and General Business are not to be of a political nature.

**17. Other Resources**

- 17.1 The Council will ensure other Council resources are not used inappropriately in ways that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human and material resources.
- 17.2 Prior to the election period for any election the Chief Executive Officer will ensure that all members of Council staff are advised in regard to the application of these procedures:
- (a) Council staff will not undertake an activity that may affect voting in the election, except if it only relates to the election process and is authorised by the Chief Executive Officer; and
  - (b) Council staff will not authorise, use or allocate a Council resource for any purpose that may influence voting in the election, except if it only relates to the election process and is authorised by the Chief Executive Officer.
- 17.3 Any staff member who considers that a particular use of Council resources may influence voting in an election or provide an undue advantage for a candidate should advise their manager before authorising, using or allocating the resource. The manager will seek appropriate advice in order to ascertain whether the use of Council resources is in accordance with this statement.
- 17.4 In applying these principles, the Council understands that the following will be normal practice during Election Periods:
- (a) Public events will only be organised and run by Council if they are part of the normal services or operation of Council;
  - (b) Media services, including media releases, will not be provided for Councillors by the administration during the election period. The Mayor or Councillors will not be quoted in any media releases;
  - (c) Councillor newsletters will not be resourced by Council in any way during the election period;
  - (d) Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election;
  - (e) Community engagement activities related to any electoral matter or likely to become an electoral matter or affect voting will be suspended during the election period, however other engagement activities relating to the day to day business of Council may continue.

**Exclusions**

Nil

**Human Rights**

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

**Definitions**

Council:	the Campaspe Shire Council
Election Period:	as described in clause 5 of this policy
Major Policy Decisions:	as described in clause 7.2 of this policy
Significant Decisions:	as described in clause 7.5 of this policy

**Related Legislation**

*Local Government Act 2020*

**Related Policies, Procedures and Strategies**

Council Policy 058 Council Expenses

**Attachments**

Nil

**Review Period**

Four years

**Responsible officer**

Director Corporate

**Administrative Updates**

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

**Approval History**

Adopted	28 January 2016	Minutes Book Reference No 63 (Item 6.13)
Revised	13 September 2016	Minute Book Reference No 823 (Item 6.5)
Revised	21 November 2017	Minute Book Reference No 3382 (item 6.3)
Revised	17 September 2019	Minute Book Reference No 3516 (item 7.1)
Revised	23 June 2020	Minute Book Reference No 2209 (item 9.2)
Revised	22 February 2021	Administrative update to apply consistent references to Campaspe Shire Council ('Council') and the <i>Local Government Act 2020</i>

Chief Executive Officer: .....

Date: .....

Council Policy

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# Election Period

<b>Council Policy Number</b>	<b>152</b>
Date adopted	23 June 2020
Scheduled for review	June 2024



Council Policy

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## Purpose

- To provide procedures intended to prevent Campaspe Shire Council ('Council') from making inappropriate decisions or using resources inappropriately during the election period before a general election.
- To limit public consultation and the scheduling of Council events during the election period.
- To provide procedures to ensure access to information held by Council is made equally available and accessible to candidates during the election.

## Policy Statement

Council is committed to fair and democratic elections and therefore adopts and endorses the following practices and legislative requirements.

This policy is in two parts, addressing two fundamental policy principles:

- Council Decision Making; and
- Use of Council Resources.

### Part A Council Decision Making

#### 1. Decisions During the Election Period

It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. The Council therefore commits to the principle that it will make every endeavour to avoid making decisions that inappropriately bind the incoming Council.

The election period commences 32 days before the election, **when nominations close**, until 6:00pm on Election Day.

#### 2. Decisions Prohibited During the Election Period

Section 69 the *Local Government Act 2020* (the 'Act') specifies decisions that are prohibited by a Council during the election period for a general election:

- Relating to the appointment or remuneration of a Chief Executive Officer, but not to the appointment or remuneration of an acting Chief Executive Officer; or
- Commits the Council to expenditure exceeding 1% of the Council's income from general rates, municipal charges and services rates and charges in the preceding financial year; or
- The Council considers could be reasonably deferred until the next Council is in place; or
- The Council considers should not be made during an election period.

This policy also prohibits any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

#### 3. Election Period Statement

In order to assist the Council with its commitment to appropriate decision making during the election period, the Chief Executive Officer will ensure that an "Election Period Statement" is included in every report submitted to the Council for a decision.

The "Election Period Statement" will describe the status of each item, specifically relating to section 69 of the Act.

This type of procedure assists Councillors and serves as a reminder to the community that the Council is taking its responsibilities seriously.

#### **Part B Use of Council Resources**

#### **4. Use of Council Resources during an Election**

Councillors and members of Council staff will comply with section 304 of the Act regarding the prohibition of Council resources during the election period.

#### **5. Media and Publicity**

Section 304 of the Act also prohibits Councils from printing, publishing or distributing electoral matter unless it is only about the election process.

##### **Publications**

- Pamphlets, brochures, and newsletters relating to Council services / facilities / programs / projects will be reviewed, for material which may be construed as electoral matter. If these publications are found to contain electoral matter, they will be withdrawn from display/distribution during the election period.
- The Annual Report will be produced to meet legislative requirements without reference to any electoral matter.

##### **Website**

- Council's website will be scrutinised by the Chief Executive Officer, during the election period. Councillor profiles will be modified – names, contact details and Council appointments will remain but information that could be construed as individual Councillor Policy statements will be removed for the election period. Other material on the website or links to material that might be considered as electoral matter will be reviewed. New material will be scrutinised by the Chief Executive Officer before publication while historical material will generally remain.

##### **Media**

- Media releases and advertisements during the election period will focus on Council activities and services and will not contain electoral matter.

##### **Councillors**

- Election Period Procedures do not restrict the ability of Councillors to issue media releases or make media comment in their own name (not referenced as Councillor or Cr) and using their own resources.

Council communications are a legitimate way to promote Council activities and services. It is important that all Councillors have access to the Council's communication resources to enable them to fulfil their elected roles. However, they cannot be developed or used in support of a candidate's election campaign.

During the election period as defined:

- A Council employee must not make any public statement that could be construed as influencing the election. Statements of clarification may be required from time to time and these are to be made in accordance with the Media Liaison Procedure.
- Council publicity and communications will be restricted to promoting normal Council activities and services and for informing residents about the conduct of the election.
- No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- Councillors must not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention specifically in support of an election campaign.
- Ward meetings and newsletters are not to be arranged by Council during the election period.
- Council logos or letterheads, Council branding including corporate colours or Council provided photographs must not be used by Councillors in any way that relates to an election.



**6. Council Equipment and Facilities**

Equipment and facilities provided to Councillors for the purpose of conducting normal Council business must not be used for campaigning purposes.

**7. Councillor Expenses**

Reimbursement of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses supporting or connected with a candidate's election campaign.

**8. Other Election Period Matters**

Council recognises that all election candidates have rights to information. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and transparency will be observed and practised in the provision of all information and advice during the Election Period. Information and briefing material prepared by staff for Councillors during the Election Period will relate only to factual matters or to existing Council policies and services.

All such requests are to be issued through an Information Request Register which will contain the details of requests made and advice provided and is a public document. Such information will not relate to new policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign. Only information that can be reasonably accessed will be released.

All requests for information are to be directed to the Manager Governance and Strategy.

**9+. Role of Council Staff**

Council staff will not undertake any tasks connected directly or indirectly with a councillor or candidate's election campaign.

**10. Politicisation of Meetings**

During the election periods there will be no Council policy formation or adoption, no censure of government departments or Ministers and Notices of Motions and General Business are not to be of a political nature.

**11. Other Resources**

1. The Council will ensure other Council resources are not used inappropriately in ways that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human and material resources.
2. Prior to the election period for any election the Chief Executive Officer will ensure that all members of Council staff are advised in regard to the application of these procedures:
  - a) Council staff will not undertake an activity that may affect voting in the election, except if it only relates to the election process and is authorised by the Chief Executive Officer; and
  - b) Council staff will not authorise, use or allocate a Council resource for any purpose that may influence voting in the election, except if it only relates to the election process and is authorised by the Chief Executive Officer.
3. Any staff member who considers that a particular use of Council resources may influence voting in an election or provide an undue advantage for a candidate should advise their manager before authorising, using or allocating the resource. The manager will seek appropriate advice in order to ascertain whether the use of Council resources is in accordance with this statement.
4. In applying these principles, the Council understands that the following will be normal practice during election periods:
  - a) Public events will only be organised and run by Council if they are part of the normal services or operation of Council;
  - b) Media services, including media releases, will not be provided for Councillors by the administration during the election period. The Mayor or Councillors will not be quoted in any media releases;

- c) Councillor newsletters will not be resourced by Council in any way during the election period; and
- d) Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election.
- e) Community engagement activities related to any electoral matter or likely to become an electoral matter will be suspended during the election period.

#### Exclusions

Nil

#### Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

#### Definitions

Election Period: The election period starts on the last day on which nominations for that election can be received and ends at 6:00 pm on election day.

#### Related Legislation

*Local Government Act 2020*

#### Related Policies, Procedures and Strategies

Council Policy 058 Council Expenses

#### Attachments

Nil

#### Review Period

Four years

#### Responsible officer

Manager Governance and Strategy

#### Administrative Updates

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

#### Approval History

Adopted	28 January 2016	Minutes Book Reference No 63 (Item 6.13)
Revised	13 September 2016	Minute Book Reference No 823 (Item 6.5)
Revised	21 November 2017	Minute Book Reference No 3382 (item 6.3)
Revised	17 September 2019	Minute Book Reference No 3516 (item 7.1)
Revised	23 June 2020	Minute Book Reference No 2209 (item 9.2)
Revised	22 February 2021	Administrative update to apply consistent references to Campaspe Shire Council ('Council') and the <i>Local Government Act 2020</i>

Chief Executive Officer:  .....

Date: 24/2/2021 .....

# Election Period Policy

<b>Council Policy Number</b>	<b>152</b>
Date adopted	23 June 2020
Scheduled for review	June 2024



## 1. Purpose

- ~~To provide procedures intended to prevent Campaspe Shire~~ The purpose of this Policy is to outline the conduct, functions and responsibilities of Council ('Council') from making inappropriate decisions or using resources inappropriately during the election period before a for municipal general election.
- ~~To limit public consultation and the scheduling of Council events during the election period.~~
- 1.1 To provide procedures elections to ensure access to information held by Council is made equally available that Council complies with its statutory obligations under section 69 of the Local Government Act 2020 (the Act) and accessible to candidates during the election. acts in a manner which is lawful, reasonable and able to withstand public scrutiny.

## 2. Policy Statement

- 2.1 Council is committed to fair and democratic elections and therefore adopts and endorses the following to implementing good governance practices in its decision making. Whilst certain types of decisions are prohibited during the Election Period, in the interests of transparency, this Policy facilitates the continuation of ordinary Council business during that period to ensure that the best interests of the community continue to be considered and that appropriate decisions are made.
- 2.2 Council agrees to function in accordance with this Policy during the election period.

## 3. Scope

- 3.1 This Policy applies to Councillors and legislative requirements.

Council staff during the Election Period irrespective of whether they are nominating as a candidate in the election or not. This policy is in two parts, addressing addresses two fundamental policy principles:

- a) ~~Council Decision Making; and~~
- (a) ~~b) Council decision making – to ensure that inappropriate decisions are not made during the Election Period; and~~
- (b) Use of Council Resources. resources – to ensure that resources are used appropriately during the Election Period.

## 4. Responsibility of Councillors

- 4.1 Councillors are required to be mindful of their statutory obligations under section 123 of the Act which prohibits a Councillor from intentionally misusing their position either to gain an advantage or to cause detriment.

## Part A Council Decision Making

**5. Election Period<sup>1</sup>**

- 5.1 In accordance with the Act, the 'Election Period' is defined to mean the period that starts at the time nominations close on nomination day and ends at 6:00pm on election day.
- 5.2 The term 'nomination day' is defined to mean the last day on which nominations to be a candidate at a Council election may be received.
- 5.3 Accordingly, the election period commences 32 days before the election, when nominations close, until 6:00pm on election day.

**6. Decisions During the Election Period**

- 6.1 It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an ~~election period~~Election Period. The Council therefore commits to the principle that it will make every endeavour to avoid making decisions that inappropriately bind the incoming Council.

~~The election period commences 32 days before the election, when nominations close, until 6:00pm on Election Day.~~

2

**7. Decisions Prohibited During the Election Period**

~~Section 7.1~~ During the Election Period Council must carefully consider whether a decision should be made or whether it should be deferred until after the election period so as not to unreasonably bind the incoming Council to that decision.

7.2 Council is prohibited under section 69(2) of the *Local Government Act 2020* (the 'Act') ~~specifies from making~~ decisions that are prohibited by a Council during the election period for a general election: Election Period that -

- a)~~(a)~~ ~~Relating~~Relate to the appointment or remuneration of a Chief Executive Officer, but not to the appointment or remuneration of an acting Chief Executive Officer; ~~or~~
- b)~~(b)~~ ~~Commits~~Commit the Council to expenditure exceeding 1% of the Council's income from general rates, municipal charges and services rates and charges in the preceding financial year; ~~or~~
- e)~~(c)~~ The Council considers could be reasonably deferred until the next Council is in place; or
- e)~~(d)~~ The Council considers should not be made during an election period.

(Major Policy Decisions).

7.3 This policy also prohibits any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

~~7.4~~ Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of this provision is entitled to compensation from Council for that ~~loss or damage.~~

7.5 Council will avoid making decisions during the election period which are considered to be of a significant nature either based on financial considerations or community impacts (Significant Decisions), except where the issue: -

- (a) is urgent;
- (b) is necessary to fulfil statutory obligations;
- (c) is necessary for operational purposes; or
- (d) cannot be deferred without serious implications.

7.6 The Chief Executive Officer is responsible for determining whether an exception should be applied to enable the matter to be considered by Council.

## **8. Legislated Decisions**

8.1 Council's limitations on making Major Policy Decisions and Significant Decisions during the Election Period do not extend to decisions required to be made under legislation to which specific timeframes may apply.

## **9. Election Period Statement**

9.1 In order to assist the Council with its commitment to appropriate decision making during the ~~election period~~ Election Period, the Chief Executive Officer will ensure that an "Election Period Statement" is included in every officer's report submitted to the Council for a decision.

9.2 The "Election Period Statement" will describe the status of each item, specifically relating to section 69 of the Act, confirming that the matter does not relate to a Major Policy Decision or Significant Decision.

~~This type of procedure assists Councillors and serves as a reminder to the community that the Council is taking its responsibilities seriously.~~

9.3

## **Part B – Use of Council Resources**

4

### **10. Use of Council Resources during an Election**

10.1 Councillors and members of Council staff will comply with section 304 of the Act regarding the prohibition with respect to the use of Council resources during the ~~election period~~ Election Period.

510.2 That section makes it a criminal offence for a Councillor or member of Council staff to use Council resources in a way that is intended to or is likely to affect the result of an election under the Act.

### **11. Media and Publicity**

11.1 Section 304 of the Act also prohibits ~~Councils~~ Councillors or members of Council staff from printing, publishing or distributing electoral ~~matter~~ materials unless it is information which is only about the election process.

#### **11.2 Publications:**

- (a) Pamphlets, brochures, and newsletters relating to Council services / facilities / programs / projects will be reviewed, for material which may be construed as electoral matter. If these publications are found to contain electoral matter, they will be withdrawn from display/distribution during the election period.
- (b) The Annual Report will be produced to meet legislative requirements without reference to any electoral matter.

#### **11.3 Website:**



(a) Council's website will be scrutinised by the Chief Executive Officer, during the election period. Councillor profiles will be modified – names, contact details and Council appointments will remain but information that could be construed as individual Councillor Policy statements will be removed for the election period. Other material on the website or links to material that might be considered as electoral matter will be reviewed. New material will be scrutinised by the Chief Executive Officer before publication while historical material will generally remain. at the discretion of the Chief Executive Officer.

(e)

#### 11.4 Media

(e)(a) Media releases and advertisements during the election period will focus on Council activities and services and will not contain electoral matter.

#### Councillors

(b) ~~Election Period Procedures do~~Any required speeches to be made on behalf of Council during the election period by the Mayor, Councillors, or Council staff will be approved by the Chief Executive Officer.

#### 11.5 Councillors

(e)(a) This Policy does not restrict the ability of Councillors to issue media releases or make media comment in their own name (not referenced as Councillor or Cr) and using their own resources.

11.6 Council communications are a legitimate way to promote Council activities and services. It is important that all Councillors have access to the Council's communication resources to enable them to fulfil their elected roles. However, they cannot be developed or used in support of a candidate's election campaign.

11.7 During the ~~election period as defined:~~Election Period: -

- (a) A Council employee must not make any public statement that could be construed as influencing the election. Statements of clarification may be required from time to time and these are to be made in accordance with the Media Liaison Procedure.
- (b) Council publicity and communications will be restricted to promoting normal Council activities and services and for informing residents about the conduct of the election.
- (c) No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- (d) Councillors must not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention specifically in support of an election campaign.
- (e) Ward meetings and newsletters are not to be arranged by Council during the election period.
- (f) Council logos or letterheads, Council branding including corporate colours or Council provided photographs must not be used by Councillors in any way that relates to an election.

6

## 12. Council Equipment and Facilities

12.1 Equipment and facilities provided to Councillors for the purpose of conducting normal Council business must not be used for campaigning purposes.

7

### **13. Councillor Expenses**

13.1 Reimbursement of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses supporting or connected with a candidate's election campaign.

8

### **14. Other ~~Election Period~~ Matters**

14.1 Council recognises that all election candidates have rights to access information. ~~However, and that~~ it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and transparency will be observed and practised in the provision of all information and advice during the ~~Election Period~~ election period. Information and briefing material prepared by staff for Councillors during the ~~Election Period~~ election period will relate only to factual matters or to existing Council policies and services.

14.2 All such requests are to be issued through an Information Request Register which will contain the details of requests made and advice provided and is a public document. Such information will not relate to new policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign. Only information that can be reasonably accessed will be released.

14.3 All requests for information are to be directed to the ~~Manager Governance~~ Director Corporate who will maintain a public register that records all requests made and Strategy the responses given.

9.

### **15. Role of Council Staff**

15.1 Council staff will not undertake any tasks connected directly or indirectly with a councillor or candidate's election campaign.

10.

### **16. Politicisation of Meetings**

16.1 During the election ~~periods~~ period there will be no Council policy formation or adoption, no censure of government departments or Ministers and Notices of Motions and General Business are not to be of a political nature.

### **~~14-17.~~ Other Resources**

17.1 The Council will ensure other Council resources are not used inappropriately in ways that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human and material resources.

17.2 Prior to the election period for any election the Chief Executive Officer will ensure that all members of Council staff are advised in regard to the application of these procedures:

- (a) Council staff will not undertake an activity that may affect voting in the election, except if it only relates to the election process and is authorised by the Chief Executive Officer; and
- (b) Council staff will not authorise, use or allocate a Council resource for any purpose that may influence voting in the election, except if it only relates to the election process and is authorised by the Chief Executive Officer.

**17.3:** Any staff member who considers that a particular use of Council resources may influence voting in an election or provide an undue advantage for a candidate should advise their manager before authorising, using or allocating the resource. The manager will seek appropriate advice in order to ascertain whether the use of Council resources is in accordance with this statement.

**17.4:** In applying these principles, the Council understands that the following will be normal practice during ~~election periods~~**Election Periods:**

- (a) Public events will only be organised and run by Council if they are part of the normal services or operation of Council;
- (b) Media services, including media releases, will not be provided for Councillors by the administration during the election period. The Mayor or Councillors will not be quoted in any media releases;
- (c) Councillor newsletters will not be resourced by Council in any way during the election period; **and**
- (d) Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election-;
- (e) Community engagement activities related to any electoral matter or likely to become an electoral matter **or affect voting** will be suspended during the election period., **however other engagement activities relating to the day to day business of Council may continue.**

#### Exclusions

Nil

#### Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

#### Definitions

**Council:** the Campaspe Shire Council

**Election Period:** as described in clause 5 of this policy

**Major Policy Decisions:** as described in clause 7.2 of this policy

**Significant Decisions:** as described in clause 7.5 of this policy

**Election Period:** The election period starts on the last day on which nominations for that election can be received and ends at 6:00 pm on election day.

#### Related Legislation

*Local Government Act 2020*

#### Related Policies, Procedures and Strategies

Council Policy 058 Council Expenses

#### Attachments

Nil

#### Review Period

Four years

#### Responsible officer

Manager Governance and StrategyDirector Corporate

#### Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a



Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

#### Approval History

Adopted	28 January 2016	Minutes Book Reference No 63 (Item 6.13)
Revised	13 September 2016	Minute Book Reference No 823 (Item 6.5)
Revised	21 November 2017	Minute Book Reference No 3382 (item 6.3)
Revised	17 September 2019	Minute Book Reference No 3516 (item 7.1)
Revised	23 June 2020	Minute Book Reference No 2209 (item 9.2)
Revised	22 February 2021	Administrative update to apply consistent references to  Campaspe Shire Council ('Council') and the <i>Local Government Act 2020</i>

Chief Executive Officer: .....

Date: .....

**Appendix 2 Procedural Motion Table** (refer 2.5.21 Governance Rules)

## Appendix 2 – Procedural Motion Table

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Deferral of a matter (to a future meeting)</b>	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...	Any Councillor who has not moved or seconded the original Motion or otherwise spoken to the original Motion.	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a <i>Chair</i> ; or (c) When another Councillor is speaking.	Consideration / debate on the Motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, when a fresh Motion may be put and debated.	Debate continues unaffected.	Yes
<b>End debate (and put Motion to a vote)</b>	'That the Motion now be put'	Any Councillor (other than the Chair) who has not moved or seconded the original Motion or spoken for/against the original Motion.	During nominations for a Chair.	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the Motion.	Debate continues unaffected.	No
<b>Laying a Motion on the table (pausing debate)</b>	'That the Motion be laid on the table'	A Councillor (other than the Chair) who has not spoken for/against the Motion.	During the election of the Mayor/Deputy Mayor.	Motion not further discussed or voted on until Council resolves to take the Motion from the table at the same Council Meeting.	Debate continues unaffected.	No
<b>Take a Motion from the table (resume debate on a matter)</b>	'That the Motion in relation to xx be taken from the table'	Any Councillor (other than the Chair) who has not spoken for/against the Motion or an amendment.	When no Motion is on the table.	Debate of the item resumes.	Debate of the item remains paused.	No
<b>Alter the Order of Business</b>	'That the item listed at xx on the Agenda be considered before/after the item listed as xy'	Any Councillor (other than the Chair).	(a) At a Meeting to elect the Mayor/Deputy Mayor; or (b) During any debate.	Alters the Order of Business for the Council Meeting.	Items are considered in the order as listed in the Agenda.	No

extract from Campaspe Shire Council Governance Rules adopted by Council DD Month YYYY

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Suspension of Standing Orders</b>	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor (other than the Chair).		The Rules of the meeting are temporarily suspended for the specific reason given in the Motion. No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted.	The meeting continues unaffected.	No
<b>Resumption of Standing Orders</b>	'That Standing Orders be resumed'	Any Councillor (other than the Chair).	When Standing Orders have not been suspended.	The temporary suspension of the Rules of the meeting is removed.	The meeting cannot continue.	No
<b>Consideration of confidential matter(s) (Close the Council Meeting to members of the public)</b>	That, in accordance with section 66(2)(a) of the Act the meeting be closed to members of the public for the consideration of item xx <i>is confidential as it relates to [insert reason]</i>	Any Councillor (other than the Chair).	During the election of the Mayor/Deputy Mayor.  When the item of business does not meet the definition of confidential as defined in the Act.	The meeting is closed to members of the public.	The meeting continues to be open to the public.	Yes
<b>Close the meeting to members of the public for security reasons or to enable meeting to proceed in an orderly manner.</b>	That, in accordance with section 66(2)(a) of the Act the meeting be closed to members of the public <i>[for security reasons or to enable the meeting to proceed in an orderly manner [insert reason]</i>	Any Councillor (other than the Chair).	During the election of the Mayor/Deputy Mayor.	The Council Meeting is closed to members of the public.	The Council Meeting continues to be open to the public.	Yes
<b>Reopen the meeting</b>	'That the meeting be reopened to members of the public'	Any Councillor (other than the Chair).		The Council Meeting is reopened to the public.	The Council Meeting remains closed to the public.	No

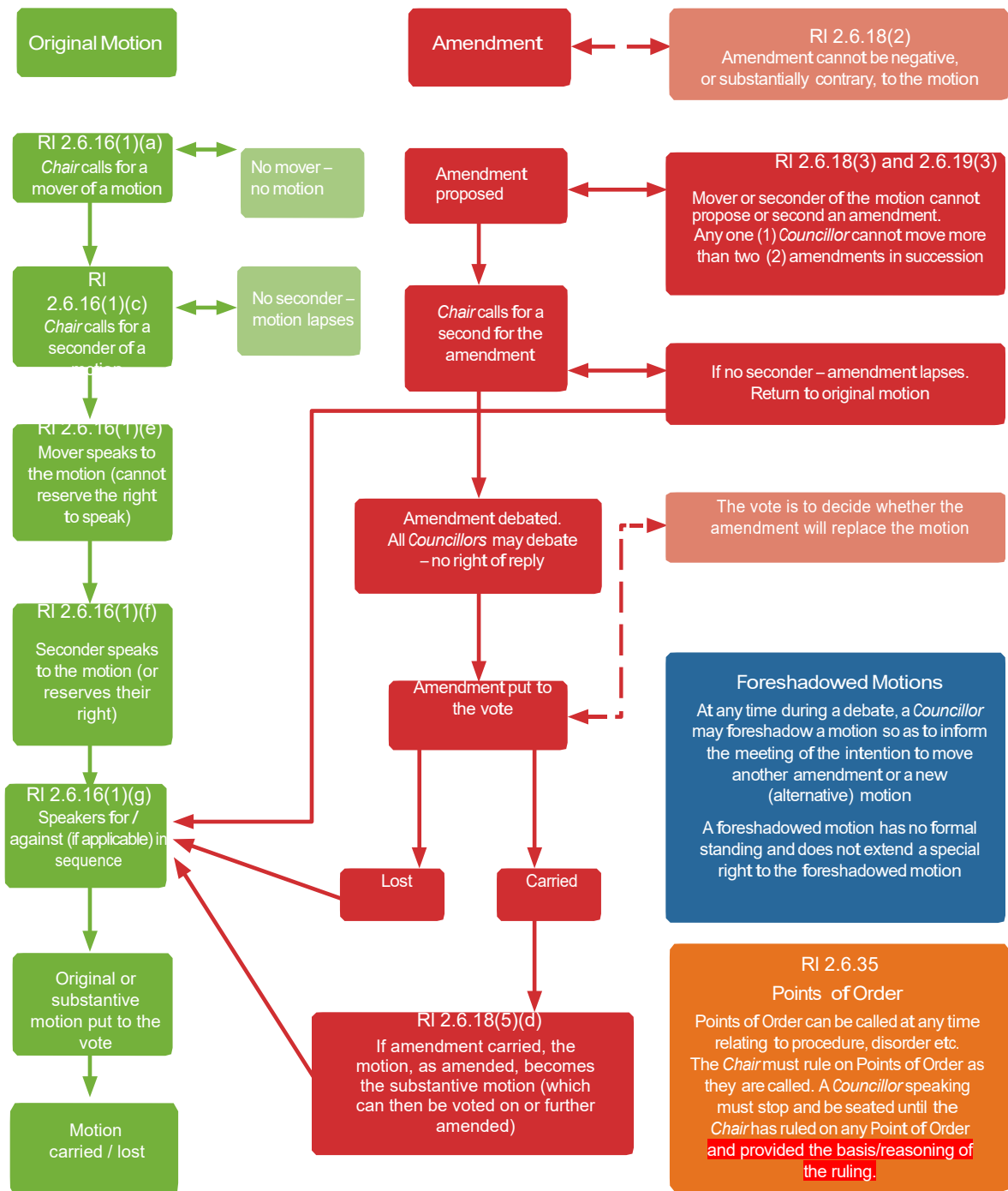
extract from Campaspe Shire Council Governance Rules adopted by Council DD Month YYYY

<b>Motion</b>	<b>Form</b>	<b>Mover/ Seconder</b>	<b>When prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted</b>
<b>Leave to Move a Further Amendment</b>	'That Councillor xx be granted leave to move a further amendment'	Any Councillor (other than the Chair)	If a leave request has been lost	The Councillor may move and any Councillor may second a further amendment.	The amendment is not put to the Council	No
<b>Dissent in the Chair's ruling of a Point of Order</b>	'That a Motion of dissent in the ruling of Chair now be put'	Any Councillor (other than the Chair).	On any Motion other than a ruling on a Point of Order by the Chair.	The ruling of the Chair on the Point of Order is lost.	The ruling of the Chair on the Point of Order is upheld.	The Chair is given the opportunity to explain why they 'ruled' the way they did.

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*extract from Campaspe Shire Council Governance Rules adopted by Council DD Month YYYY*

Appendix 3 – Flow Chart of Motions



extract from Campaspe Shire Council Governance Rules adopted by Council DD Month YYYY



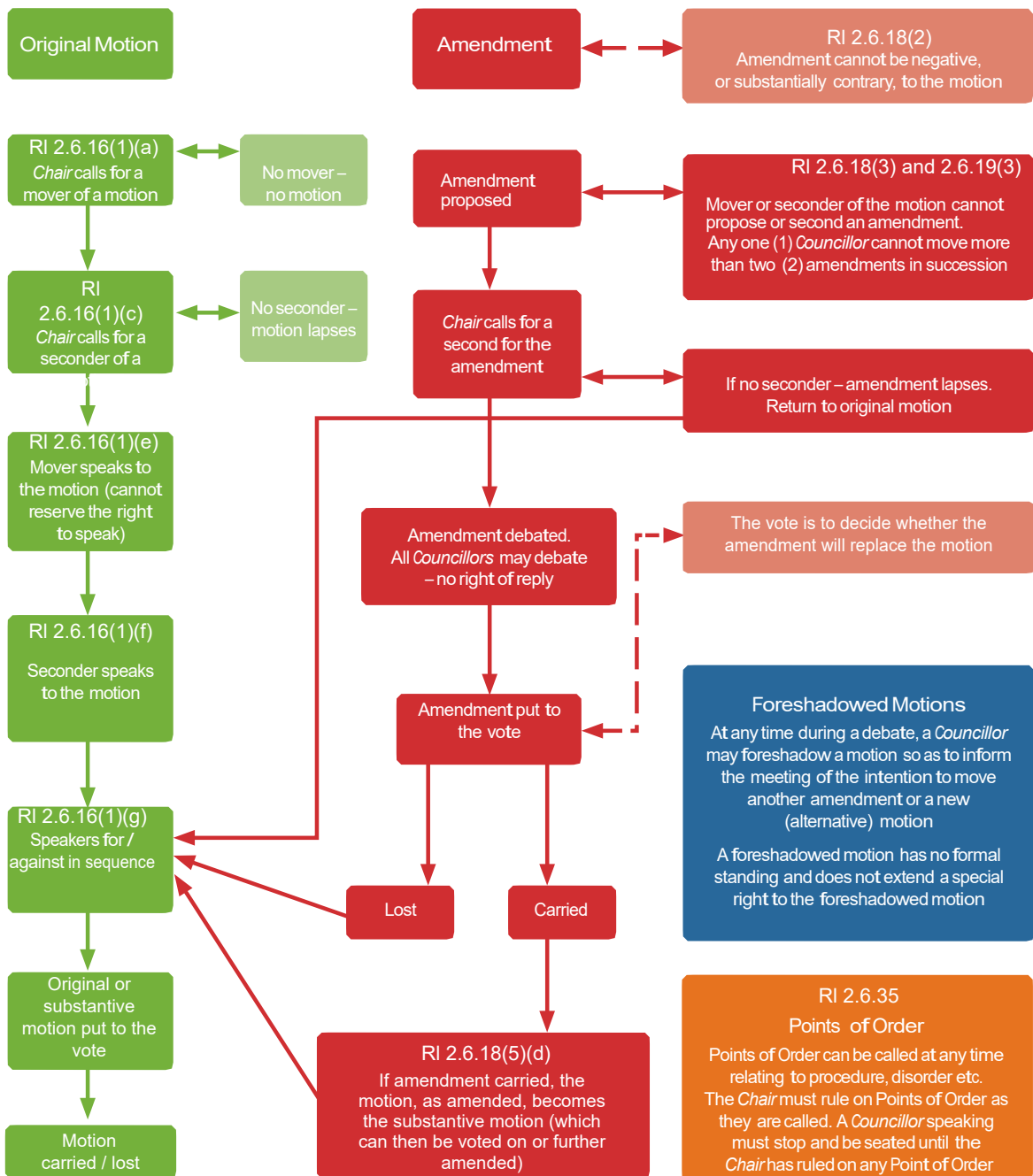
# GOVERNANCE RULES MEETING PROCEDURE QUICK REFERENCE GUIDE



Issued: 1 September 2020



Appendix 1 - Procedure for Motions and Amendments



extract from Campaspe Shire Council Governance Rules adopted by Council 18 August 2020

**PROCEDURAL MOTIONS** (refer 2.6.25 Governance Rules)

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Notice of Motion</b>	Submitted within the required timeframe and in accordance with rule 2.4.10	Any Councillor	If not in accordance with rule 2.4.10	The CEO ensures the actions required are carried out.	No further action taken.	Yes
<b>Notice of Rescission</b>	Submitted within the required timeframe and in accordance with rule 2.4.11	Any Councillor, plus the written endorsement of at least two other Councillors	If not in accordance with rule 2.4.11	To set aside the previous decision of the Council, except for any aspects that had already been acted upon by the time the Notice was lodged.	The resolution Previous resolution	Yes, but confined to the grounds of the rescission; not the merits of the original motion
<b>Deferral of a matter (to a future meeting)</b>	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral) ...'	Any Councillor (other than the Chair) who has not moved or seconded the original motion or otherwise spoken to the original motion.	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a <i>Chair</i> ; or (c) When another Councillor is speaking.	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, when a fresh motion may be put and debated.	Debate continues unaffected.	Yes
<b>Closure (of debate)</b>	'That the motion now be put'	Any Councillor (other than the Chair) who has not moved or seconded the original motion or spoken for/against the original motion.	During nominations for a Chair.	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion.	Debate continues unaffected.	No
<b>Laying a motion on the table (pausing debate)</b>	'That the motion be laid on the table'	A Councillor (other than the Chair) who has not spoken for/against the motion.	During the election of the Mayor/Deputy Mayor.	Motion not further discussed or voted on until Council resolves to take the motion from the table at the same Council Meeting.	Debate continues unaffected.	No
<b>Take a motion from the table (resume debate on a matter)</b>	'That the motion in relation to xx be taken from the table'	Any Councillor (other than the Chair) who has not spoken for/against the motion or an amendment.	When no motion is on the table.	Debate of the item resumes.	Debate of the item remains paused.	No
<b>Alter the order of business</b>	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor (other than the Chair).	(a) At a Meeting to elect the Mayor; or (b) During any debate.	Alters the order of business for the Council Meeting.	Items are considered in the order as listed in the agenda.	No

extract from Campaspe Shire Council Governance Rules adopted by Council 18 August 2020



Motion	Form	Mover/ Secunder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Suspension of Standing Orders</b>	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor (other than the Chair).		The rules of the meeting are temporarily suspended for the specific reason given in the motion. No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted.	The meeting continues unaffected.	No
<b>Resumption of Standing Orders</b>	'That Standing Orders be resumed'	Any Councillor (other than the Chair).	When Standing Orders have not been suspended.	The temporary suspension of the rules of the meeting is removed.	The meeting cannot continue.	No
<b>Consideration of confidential matter(s) (Close the meeting to members of the public)</b>	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx <i>is confidential as it relates to [insert reason]</i>	Any Councillor (other than the Chair).	During the election of the Mayor/Deputy Mayor.  When the item of business does not meet the definition of confidential as defined in the <i>Local Government Act 2020</i> .	The meeting is closed to members of the public.	The meeting continues to be open to the public.	Yes
<b>Close the meeting to members of the public for security reasons or to enable meeting to proceed in an orderly manner.</b>	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public <i>[for security reasons or to enable the meeting to proceed in an orderly manner [insert reason]</i>	Any Councillor (other than the Chair).	During the election of the Mayor/Deputy Mayor.	The Council Meeting is closed to members of the public.	The Council Meeting continues to be open to the public.	Yes
<b>Reopen the meeting</b>	'That the meeting be reopened to members of the public'	Any Councillor (other than the Chair).		The Council Meeting is reopened to the public.	The Council Meeting remains closed to the public.	No
<b>Dissent in the Chair's ruling of a Point of Order</b>	'That a motion of dissent in the ruling of Chair now be put'	Any Councillor (other than the Chair).	On any motion other than a ruling on a Point of Order by the Chair.	The ruling of the Chair on the Point of Order is lost.	The ruling of the Chair on the Point of Order is upheld.	The Chair is given the opportunity to explain why s/he 'ruled' the way s/he did.

extract from Campaspe Shire Council Governance Rules adopted by Council 18 August 2020

## 9.1.2 Policy 58 - Council Expenses

Directorate:	Office of the CEO
Responsible Officer:	Governance Advisor
Manager:	Chief Executive Officer
Attachments:	<ol style="list-style-type: none"><li>1. REVISED 058 Council Expenses Policy CLEAN [9.1.2.1 - 8 pages]</li><li>2. CURRENT 058 Council Expenses [9.1.2.2 - 13 pages]</li><li>3. REVISED 058 Council Expenses Policy TRACKED [9.1.2.3 - 9 pages]</li></ol>

### 1. PURPOSE

To present Council with a revised Council Expenses Policy for the purposes of adoption.

The revised Council Expenses Policy includes updates and amendments to: -

1. change wording to paragraph 3.2.1 of the Policy for clarity.
2. increase training and professional development budget allocation in paragraph 3.2.1 of the Policy from \$2,000.00 to \$8,000.00 for Councillors and from \$3,000.00 to \$10,000.00 for the Mayor.
3. include the Australian Local Government Women's Association (ALGWA), both the national and Victorian branch, conferences and meetings in the list of events to be attended in addition to the budget allocation.
4. make minor administrative changes such as amending the Council staff who are responsible for reporting and grammar.

### 2. RECOMMENDATION

**That Council adopt the revised Council Expenses Policy as attached.**

### 3. DISCUSSION

The budget allocation for training and professional development was set by a previous Council Expenses Policy adopted by Council on 21 July 2020 and has not been increased since. It also does not include the ALGWA conferences and meetings (National and Victorian branches).

There have been restrictions and a lack of availability of adequate training and professional development opportunities throughout the last three years due to COVID-19 and floods. In a rapidly changing business environment, councils and boards need to be flexible and responsive to meet current needs and prepare organisations to face future challenges.

To become a valuable contributor to an organisation, Councillors must have an in-depth knowledge of their responsibilities and the skills to effectively perform their role.

Further, there have been increases in the cost of training, conferences and events which have not been adequately accounted for in the current budget allocation included in the Policy creating further restrictions on the level of training and professional development available to Councillors.

The increased training and professional development allowance is to provide Councillors with adequate resources to develop and enhance their skillset as a Councillor and become more informed on current issues and resources available.

The Australian Institute Company Directors Courses and the ALGWA conferences and meetings (National and Victorian Branches) create opportunities for education, development, information and collaborative learning for mayors and councillors which many other councils currently participate in. This addition will allow the Mayor and Councillors the ability to participate in the valuable networking, education and development opportunities provided.

The administrative changes will ensure that the Policy document lines up with Council's staffing and structural changes so that the document reflects what practically occurs. Any other minor changes are to ensure that the Policy is easier to read and understand.

#### **4. CONSULTATION**

##### Internal consultation:

- 01 February 2023 - Executive Management Group
- 15 February 2023 - Executive Management Group

##### External consultation:

No external consultation was undertaken on the revision of this policy.

The compliance requirements for Council as pursuant to Section 41 of the Act do not require any external consultation.

The minor nature of the changes to the policy would not trigger the requirement for any further external consultation.

##### Councillors:

- 07 February 2023 - Council Briefing Session.

#### **5. POLICY AND LEGISLATIVE IMPLICATIONS**

Section 41 of the *Local Government Act 2020* requires a Council Expenses policy be adopted and maintained in relation to the reimbursement of out-of-pocket expenses for Councillors and members of Delegated Committees.

This report seeks to amend the current Council adopted Council Expenses Policy (Policy no. 058) which was adopted on 18 August 2021 (also noting there was a further administrative change on 16 November 2021 to include Councillor parking permits).

#### **6. FINANCIAL AND ECONOMIC IMPLICATIONS**

Council's annual budgeting process considers and accounts for (when necessary) the following expenses provided in the policy (listed below with the relevant paragraph number from the Policy): -

- Mayor and Councillor Allowances (1)
- Reimbursement of expenses to Councillors (2)

- Training and Professional Development (3.2)
- Information Technology (3.3)
- Office space and support (3.4)
- Provision of Councillor support (3.4)
- Mayoral vehicle (4.1)
- Mayor's reimbursement of hospitality and entertainment expenses (4.2)
- Insurances, legal and parking permits (5)

## **7. ENVIRONMENTAL IMPLICATIONS**

This report does not raise any environmental risks.

## **8. SOCIAL IMPLICATIONS**

This report does not raise any social risks.

## **9. RELEVANCE TO COUNCIL PLAN 2021-2025**

This amendment will allow the opportunity for further education and development for Councillors and ensure that they are better equipped to make informed decisions that advance the strategies and goals within the Council Plan.

## **10. ISSUES AND RISK MANAGEMENT**

### **Issues:**

There has been limited ability for Councillors to avail themselves of training and professional development / networking since they were elected in late October 2020.

### **Risk:**

Risk management has been considered in the preparation of this report and no risks with an extreme rating have been identified in this process.

It is crucial that Councillors can access relevant training and professional development to improve their knowledge of the sector and the obligations they must meet.

## **11. CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any conflicts of interest in this matter.

## **12. CHARTER OF HUMAN RIGHTS**

This report does not raise any implications or risks under the Charter of Human Rights.

## **13. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

# Council Expenses

**Council Policy Number** 058

Date adopted

Scheduled for review



Council Policy

Council Policy

Council Policy

Council Policy

## Preamble

Campaspe Shire Council ("Council") must adopt and maintain an expenses policy in relation to the reimbursement of out of pocket expenses for Councillors and members of Delegated Committees.

## Purpose

To provide guidance on the policy and process for the reimbursement of out of pocket expenses for Councillors and members of Delegated Committees.

This policy also outlines the resources and facilities provided to the Mayor and Councillors as required by sections 41 and 42 of the *Local Government Act 2020*.

## Policy Statement

### 1. Councillor Allowance

Mayor and Councillor allowances will be paid in accordance with section 39 of the *Local Government Act 2020*. In addition to the allowance, an amount equivalent to the superannuation guarantee contribution is payable. Councillor Allowances are taxable income and are paid by Electronic Funds Transfer ("EFT") monthly in advance.

### 2. Reimbursement of Out of Pocket Expenses

#### 2.1 General

Section 40 of the *Local Government Act 2020* specifies that:

- (1) A Council must reimburse a Councillor or a member of a delegated committee for out of pocket expenses which the Council is satisfied:
  - (a) are bona fide expenses; and
  - (b) have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
  - (c) are reasonably necessary for the Councillor or member of a delegated committee to perform that role.
- (2) A Council must provide details of all reimbursements under this section to the Audit and Risk Committee.

Councillors and Delegated Committee members will be reimbursed for approved out of pocket expenses and/or travel claims on the presentation of a signed form/s supported by official receipts and other relevant documentation. Refer to Attachment 1 and 2.

Councillors and Delegated Committee members must submit their claims on a monthly basis.

#### 2.2 Eligible Meetings and Events

Councillors will be eligible for reimbursement of expenses for the following:

- a) Council Meetings and Councillor Briefing Sessions;
- b) Delegated Committee meetings;

- c) Ordinary, committee or sub-committee meetings of State, Regional or local organisations or bodies when the Councillor has, by Council resolution been elected as a Council delegate;
- d) Meetings and civic or ceremonial functions convened by the Council or the Mayor;
- e) A meeting, function or other official event as a representative of the Council or Mayor;
- f) Conferences, functions, professional development and training when the attendance has been approved by the CEO in consultation with the Mayor.

### 2.3 Reimbursement of Travelling Expenses

- a) Councillors and Delegated Committee members will be reimbursed for the use of their own private vehicle in accordance with 2.3.d.
- b) Council will not reimburse the cost of any infringements incurred by Councillors or the Delegated Committee member.
- c) Council prefers and encourages Councillors and Delegated Committee members to utilise a Council pool vehicle and/or share transport when attending a conference or meeting outside the municipality.
- d) Councillors and Delegated Committee members may claim for travelling expenses for approved Council business as outlined in point 2.7 including:
  - i. travel time - \$40.00 per round trip exceeding 100kms on any day on approved Council business up to a maximum of \$5,000 per annum;
  - ii. reimbursement for private vehicle usage at current Australian Taxation Office rate;
  - iii. reimbursement for public transport and taxi/ride share expenses when travel to conferences, functions, professional development and training commences.
  - iv. car parking fees – fees will be reimbursed in respect of hotel/motel parking, airport parking and conference parking.
- e) Councillors and Delegated Committee members must submit claims for travelling expenses within 30 days of the end of the month. Claims greater than 2 months old will not be reimbursed. All claims must show details of the approved Council business attended and kilometres travelled. Refer to Attachment 1.

### 2.4 Accommodation and Meal Expenses

As a general principle, the following guidelines will apply to accommodation and meal expenses:

- The accommodation standard should not exceed the four star rating (Councillors and Delegated Committee members may upgrade accommodation at their own cost).
- Items purchased from the mini bar will be at the Councillor's or Delegated Committee member's own cost.
- Reasonable meals at breakfast, lunch and dinner are claimable as per Australian Taxation Office ('ATO') guidelines.
- Alcohol purchases are at the cost of the Councillor or Delegated Committee member.

If arrangements are made by the Councillor or Delegated Committee member that exceed the agreed rates, then the Councillor or Delegated Committee member is responsible for the difference between the agreed rate and the actual rate. Itemised tax invoices must be produced to confirm amounts claimed.

Council will reimburse the actual costs paid upon presentation of appropriate documentation.

Partners may join the Councillor or Delegated Committee member but at their own expense.

All arrangements will be coordinated through Councillor Support.

The Mayor in consultation with the CEO may vary these arrangements if considered appropriate.

## 2.5. Child and Family Care

Council will provide reimbursement of costs for out of pocket expenses for the provision of child care (up to and including children aged 14 years) and carer services when it is reasonably required for a Councillor or member of a Delegated Committee to perform their role within the meaning of section 4 of the *Carers Recognition Act 2012* to undertake official duties and attend eligible meetings and events outlined in point 2.2.

No payments for care will be made to a person who:

- a) Has a financial or pecuniary relationship with the Councillor or Delegated Committee member.
- b) Resides either permanently or temporarily with the Councillor or Delegated Committee member.
- c) Has a relationship with the Councillor / Delegated committee member or their partner such that it would be inappropriate for Council to reimburse monies paid to the same provider.
- d) Has a relationship as a family member as defined in section 126 of the Local Government Act 2020.

All claims for carers and child care must be submitted on the Reimbursement of Expenses Claim Form with sufficient evidence from the provider or a statutory declaration from the Councillor or Delegated Committee member. Refer Attachment 2.

## 2.6 Councillors with Disabilities

The Council will meet reasonable additional expenses to assist a Councillor with a disability to perform their duties as a Councillor in accordance with legislation.

## 2.7 Expense Reimbursement Claims

To assist Councillors and Delegated Committee members with their expense reimbursement claims the following guidance is provided:

### What's Claimable

- Travel to attend a site inspection or a meeting about an issue that's likely to come before Council or a Delegated Committee for a decision.
- Travel to and expenses related to a Council run event.
- Travel to Council Meetings and Councillor Briefing Sessions.
- Travel to Delegated Committee meetings.
- Travel to ordinary, committee or sub-committee meetings of State, regional or local organisations or bodies if the Councillor has, by Council resolution been elected as a Council delegate.
- Travel to meetings and civic or ceremonial functions convened by the Council or the Mayor.
- Travel to a Councillor only session.
- Travel to a meeting, function or other official role as a representative of the Mayor.
- Travel to invited functions within the municipality in the role as a Councillor or Delegated Committee member.
- Child and Family Care Costs if approved in accordance with this policy.
- Training and professional development if approved in accordance with this policy or by Council resolution.



**What's Not Claimable**

- Cost of raffle tickets
- Entry/ticket fees for community run events
- Cost of attending service clubs, cultural, arts, historical, recreational and sporting club events
- Donations
- Cost of attending business events
- School presentations
- Health organisations' promotions
- Expenses relating to attendance at a political function
- Educational organisations' promotions
- Business networking
- Community forums
- Informal meetings
- Traffic infringements
- Attendance at private events, e.g. weddings, funerals, birthdays, celebrations
- Attendance at Christmas parties
- Travel to non-approved functions
- Fundraising events especially for organisations with no presence in the municipality

Expense reimbursement claims must be submitted on the approved form. Refer Attachment 2.

**2.8 Charity Events**

If Councillors attend charity events for which payment is required, the cost is borne by the individual Councillor.

**2.9 Hospitality and Entertainment Expenses**

The Mayor may incur reasonable hospitality and entertainment expenses on behalf of Council when conducting Council business.

The incurring of reasonable hospitality and entertainment expenses by other Councillors while conducting Council business will only be accepted if appropriate and prior approval has been granted by the GEO in consultation with the Mayor.

**2.10 Political Functions**

If Councillors attend a political party fundraising event for which payment is required, the cost is borne by the individual Councillor.

**2.11 Council Presentations at Events and Functions**

In circumstances when the Mayor has been invited to an event or function in a particular Ward and is unable to attend and the Deputy Mayor is unavailable, a Ward Councillor will be given the first option to represent the Mayor.

In circumstances when the Mayor has been invited to an event or function outside of Campaspe on a particular subject and is unable to attend and the Deputy Mayor is unavailable, the relevant portfolio Councillor will be given the first option to represent the Mayor.

Organising Councillor attendance in lieu of the Deputy Mayor will be managed by Councillor Support.



### 3. Resources and Facilities

#### 3.1 General

Section 420 of the *Local Government Act 2020* specifies that:

- (1) *A Council must make available to the Mayor and the Councillors the resources and facilities reasonably necessary to enable them to perform their role.*

#### 3.2 Training and Professional Development

Councillors are encouraged to attend conferences, seminars, workshops and training programs to enhance their professional and personal skills and knowledge to better perform their role as a Councillor. A training request form is at Attachment 3.

Training and development should link with Council's goals, objectives and values.

##### 3.2.1 Training and Professional Development Budget Allocation

Councillors may choose to attend any conferences, seminars, workshops or professional development events to a maximum value of:

- Councillor \$8,000.00 per financial year
- Mayor \$10,000.00 per financial year

The budget allocation for individual training cannot be carried over from year to year and can only be used by the individual Councillor.

Councillors seeking to attend training courses or professional development programs that exceed the maximum assigned value must discuss the opportunity with the CEO and if attendance is considered appropriate, obtain consent from Council by resolution prior to registration for attendance.

- Costs relating to the following events are in addition to the Mayor and Councillors' budget allocation described above: - MAV State Council Meetings,
- MAV State Conference,
- Australian Local Government Association (ALGA) National General Assembly;
- Australian Local Government Women's Association (ALGWA) conferences and meetings;
- Australian Local Government Women's Association – Victorian Branch (ALGWA - Vic) conferences and meetings; and
- Rural Councils Victoria Annual Conference.

##### 3.2.2 Registrations and Bookings

Councillor and Delegated Committee member requests to attend professional development or training within the annual allocated budget should be submitted to Councillor Support to facilitate registration and bookings. Council may determine where the Councillor is staying.

##### 3.2.3 Reporting

Councillors and Delegated Committee members will be required to submit a written report in respect of any training and professional development courses/conferences attended. The report should be submitted no later than two months after the attendance. A template for the report is at Attachment 4.

#### 3.3. Information Technology

##### 3.3.1 Equipment

The following equipment will be provided for conducting Council business:

- Smartphone with email access
- iPad, tablet or laptop

Council will maintain a register of all equipment provided to Councillors for Council business. The register will be available for public inspection.

All equipment must be returned to the Director Corporate on the conclusion of the Councillor's term, or in the event the Councillor resigns their position earlier.

Reasonable personal use is permitted *as long as it does not affect the primary use and functionality of the device*. Councillors *must not* install software, apps or other products on Council devices without prior approval.

Council issued devices are not to be used in any other employment or business conducted by a Councillor.

Council will bear reasonable operating costs of Council supplied mobile telephone and devices but will not be responsible for calls and data roaming outside of Australia, unless a prior arrangement has been made with the CEO. The Councillor's mobile number will be made available to the public.

### 3.3.2 Email

Councillors will be provided with an email account managed through Council.

### 3.3.3 Document Management

All correspondence received as a Councillor that is provided to a Council officer is defined as corporate information. Councillors are responsible to ensure all corporate information is forwarded to Council for registration in the electronic document management system. This refers to, but is not limited to, formal letters and emails, noting Councillor Support has access to Councillor emails.

## 3.4 Office Space and Support

Councillors are provided with a meeting space equipped with a laptop, printer and telephone that may be used at any time within the general office security protocols.

In addition to the meeting room space, the Mayor is provided with a separate office.

The Mayor and Councillors will be provided with appropriate administrative support during normal business hours by Councillor Support.

## 4. Additional Facilities for the Office of the Mayor

### 4.1 Mayoral Vehicle

Council will provide, at its cost, the Mayor with a fully registered, insured and maintained vehicle for official and reasonable private use during the mayoral term

Reasonable private use excludes the use of the mayoral vehicle:

- By others (with the exception of spouse/partner and/or Councillors);
- For private business purposes
- For personal holidays
- For private purposes outside of the State of Victoria (excluding Moama and surrounds)

### 4.2 Hospitality and Entertainment expenses

The Mayor may claim reimbursement for, or Council payment of, reasonable hospitality expenses incurred in entertaining individuals and officials while conducting Council business.

**5. General****5.1 Insurance**

Councillors and members of Delegated Committees are covered by the following insurance policies while performing the duties of their civic office including attendance at meetings of external bodies as Council's representative – Personal Accident, Public Liability, Professional Indemnity and Councillors and Officers Liability insurances.

Council will pay the insurance policy excess in respect of any claim made against a Councillor or member of a Delegated Committee arising from Council business when any claim is accepted by Council's Insurers, whether defended or not.

**5.2 Legal**

Other than by specific Council resolution or in accordance with a Council policy, any legal expenses incurred by a Councillor are the responsibility of the individual Councillor.

**5.3 Parking Permits**

Councillors will receive a parking permit for on-street parking in Hare and Heygarth Streets, Echuca for use when undertaking approved Council business at the Echuca Civic Centre.

**Exclusions**

Nil

**Human Rights**

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

**Definitions**

Carer	A Carer is defined under section 4 of the <i>Carers Recognition Act 2012</i> .
CEO	Chief Executive Officer of Council.
Councillor	Elected representative of the Council.
Delegated committee	A delegated committee established by Council including at least two Councillors and may include any other persons appointed to the delegated committee by the Council who are entitled to vote.

**Related Legislation**

*Local Government Act 2020*

*Carers Recognition Act 2012*

**Related Policies, Procedures and Strategies**

Council Policy 166 - Councillor Portfolios

Council Internal Policy INT072 ICT

Council Internal Policy INT003 Motor Vehicle Usage

**Related Forms**

Travel Claim Form

Reimbursement of Expenses Form

Training Request Form

Councillor Skills Development Report

**Review Period**

Four years

**Responsible officer**

Director Corporate

**Administrative Updates**

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

**Approval History**

Adopted	22 July 1999	Minute Book Reference No 3769 (Item 12.1)
Revised	12 September 2000	Minute Book Reference No 4658 (Item 12.1)
Revised	12 December 2000	Minute Book Reference No 4845 (Item 12.2)
Revised	11 September 2001	Minute Book Reference No 5565 (Item 12.2)
Revised	13 August 2002	Minute Book Reference No 6305 (Item 12.1)
Revised	14 October 2003	Minute Book Reference No 7100 (item 12.1)
Revised	12 October 2004	Minute Book Reference No 7999 (item 12.1)
Revised	13 September 2005	Minute Book Reference No 9008 (item 12.1)
Revised	14 February 2006	Minute Book Reference No 9529 (item 12.1)
Revised	9 November 2006	Minute Book Reference No 10418 (item 9.2)
Revised	14 June 2007	Minute Book Reference No 11114 (item 9.1)
Revised	18 August 2009	Minute Book Reference No 14208 (Item 9.1)
Revised	17 November 2009	Minute Book Reference No 14737 (Item 9.8)
Revised	21 September 2010	Minute Book Reference No 16407 (Item 12.6)
Revised	18 October 2011	Minute Book Reference No 18261 (item 13.3)
Revised	20 August 2013	Minute Book Reference No 1041 (item 6.3)
Revised	18 August 2015	Minute Book Reference No 905 (Item 6.2)
Revised	13 September 2016	Minute Book Reference No 823 (Item 6.5)
Revised	17 October 2017	Minute Book Reference No 2865 (item 6.3)
Revised	19 November 2019	Minute Book Reference No 5112 (item 7.6)
Revised	21 July 2020	Minute Book Reference No 2882 (item 9.2)
Revised	22 February 2021	Administrative update to apply consistent references to Campaspe Shire Council ('Council')
Revised	18 August 2021	Minute Book Reference No 9 (item 9.6)
Revised	16 November 2021	Administrative update to Councillor parking permits

Chief Executive Officer: .....

Date: .....

Council Policy

Council Policy

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Council Policy

# Council Expenses

<b>Council Policy Number</b>	<b>058</b>
Date adopted	18 August 2021
Scheduled for review	August 2025



Council Policy

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Council Policy

## Preamble

Campaspe Shire Council ('Council') must adopt and maintain an expenses policy in relation to the reimbursement of out of pocket expenses for Councillors and members of delegated committees.

## Purpose

To provide guidance on the policy and process for the reimbursement of out of pocket expenses for Councillors and members of delegated committees.

This policy also outlines the resources and facilities provided to the Mayor and Councillors as required by sections 41 and 42 of the *Local Government Act 2020*.

## Policy Statement

### 1. Councillor Allowance

Mayor and Councillor allowances will be paid in accordance with section 39 of the *Local Government Act 2020*. In addition to the allowance, an amount equivalent to the superannuation guarantee contribution is payable. Councillor Allowances are taxable income and are paid by Electronic Funds Transfer ('EFT') monthly in advance.

### 2. Reimbursement of Out of Pocket Expenses

#### 2.1 General

Section 40 of the *Local Government Act 2020* specifies that:

- (1) A Council must reimburse a Councillor or a member of a delegated committee for out of pocket expenses which the Council is satisfied:
  - (a) are bona fide expenses; and
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Councillors and delegated committee members will be reimbursed for approved out of pocket expenses and/or travel claims on the presentation of a signed form/s supported by official receipts and other relevant documentation. Refer to Attachment 1 and 2.

Councillors and delegated committee members must submit their claims on a monthly basis.

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Councillors will be eligible for reimbursement of expenses for the following:

- a) Council Meetings and Councillor Briefing Sessions;
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- c) Ordinary, committee or sub-committee meetings of State, Regional or local organisations or bodies when the Councillor has, by Council resolution been elected as a Council delegate;
- d) Meetings and civic or ceremonial functions convened by the Council or the Mayor;
- e) A meeting, function or other official event as a representative of the Council or Mayor;
- f) Conferences, functions, professional development and training when the attendance has been approved by the Manager Governance and Strategy in consultation with the Mayor and CEO.

### 2.3 Reimbursement of Travelling Expenses

- a) Councillors and delegated committee members will be reimbursed for the use of their own private vehicle in accordance with 2.3.d.
- b) Council will not reimburse the cost of any infringements incurred by Councillors or the delegated committee member.
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As a general principle, the following guidelines will apply to accommodation and meal expenses:

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- Items purchased from the mini bar will be at the Councillor's or delegated committee member's own cost.
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Council will reimburse the actual costs paid upon presentation of appropriate documentation.

Partners may join the Councillor or delegated committee member but at their own expense.

All arrangements will be coordinated through Governance Support.

The Mayor in consultation with the CEO may vary these arrangements if considered appropriate.



### 2.5. Child and Family Care

Council will provide reimbursement of costs for out of pocket expenses for the provision of child care (up to and including children aged 14 years) and carer services when it is reasonably required for a Councillor or member of a delegated committee to perform their role within the meaning of section 4 of the *Carers Recognition Act 2012* to undertake official duties and attend eligible meetings and events outlined in point 2.2.

No payments for care will be made to a person who:

- a) Has a financial or pecuniary relationship with the Councillor or delegated committee member.
- b) Resides either permanently or temporarily with the Councillor or delegated committee member.
- c) Has a relationship with the Councillor / delegated committee member or their partner such that it would be inappropriate for Council to reimburse monies paid to the same provider.
- d) Has a relationship as a family member as defined in section 126 of the Local Government Act 2020.

All claims for carers and child care must be submitted on the Reimbursement of Expenses Claim Form with sufficient evidence from the provider or a statutory declaration from the Councillor or delegated committee member. Refer Attachment 2.

### 2.6 Councillors with Disabilities

The Council will meet reasonable additional expenses to assist a Councillor with a disability to perform their duties as a Councillor in accordance with legislation.

### 2.7 Expense Reimbursement Claims

To assist Councillors and delegated committee members with their expense reimbursement claims the following guidance is provided:

#### What's Claimable

- Travel to attend a site inspection or a meeting about an issue that's likely to come before Council or a delegated Committee for a decision.
- Travel to and expenses related to a Council run event.
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- Travel to ordinary, committee or sub-committee meetings of State, regional or local organisations or bodies if the Councillor has, by Council resolution been elected as a Council delegate.
- Travel to meetings and civic or ceremonial functions convened by the Council or the Mayor.
- Travel to a Councillor only session.
- Travel to a meeting, function or other official role as a representative of the Mayor.
- Travel to invited functions within the municipality in the role as a Councillor or delegated committee member.
- Child and Family Care Costs if approved in accordance with this policy.
- Training and professional development if approved in accordance with this policy or by Council resolution.

**What's Not Claimable**

- Cost of raffle tickets
- Entry/ticket fees for community run events
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- Donations
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- Informal meetings
- Traffic infringements
- Attendance at private events, e.g. weddings, funerals, birthdays, celebrations
- Attendance at Christmas parties
- Travel to non-approved functions
- Fundraising events especially for organisations with no presence in the municipality

Expense reimbursement claims must be submitted on the approved form. Refer Attachment 2.

**2.8 Charity Events**

If Councillors attend charity events for which payment is required, the cost is borne by the individual Councillor.

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The Mayor may incur reasonable hospitality and entertainment expenses on behalf of Council when conducting Council business.

The incurring of reasonable hospitality and entertainment expenses by other Councillors while conducting Council business will only be accepted if appropriate and prior approval has been granted by the CEO in consultation with the Mayor.

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If Councillors attend a political party fundraising event for which payment is required, the cost is borne by the individual Councillor.

**2.11 Council Presentations at Events and Functions**

In circumstances when the Mayor has been invited to an event or function in a particular Ward and is unable to attend and the Deputy Mayor is unavailable, a Ward Councillor will be given the first option to represent the Mayor.

In circumstances when the Mayor has been invited to an event or function outside of Campaspe on a particular subject and is unable to attend and the Deputy Mayor is unavailable, the relevant portfolio Councillor will be given the first option to represent the Mayor.

Organising Councillor attendance in lieu of the Deputy Mayor will be managed by Governance Support.



### 3. Resources and Facilities

#### 3.1 General

Section 420 of the *Local Government Act 2020* specifies that:

- (1) *A Council must make available to the Mayor and the Councillors the resources and facilities reasonably necessary to enable them to perform their role.*

#### 3.2 Training and Professional Development

Councillors are encouraged to attend conferences, seminars, workshops and training programs to enhance their professional and personal skills and knowledge to better perform their role as a Councillor. A training request form is at Attachment 3.

Training and development should link with Council's goals, objectives and values.

##### 3.2.1 Training and Professional Development Budget Allocation

Councillors may choose to attend any conferences, seminars, workshops or professional development events to a maximum value of:

- Councillor \$2,000 per financial year
- Mayor \$3,000 per financial year

The budget allocation for individual training cannot be carried over from year to year and can only be used by the individual Councillor.

Councillors seeking to attend training courses or professional development programs that exceed the maximum assigned value must discuss the opportunity with the CEO and if attendance is considered appropriate, obtain consent from Council by resolution prior to registration for attendance.

The Mayor and or Council delegate will attend the following events in addition to the annual financial allocation so they may vote on behalf of Council:

- MAV State Council Meetings,
- MAV State Conference,
- National General Assembly of Local Government; and the
- Rural Councils Victoria Annual Conference.

##### 3.2.2 Registrations and Bookings

Councillor and delegated committee member requests to attend professional development or training within the annual allocated budget should be submitted to Governance Support to facilitate registration and bookings. Council may determine where the Councillor is staying.

##### 3.2.3 Reporting

Councillors and delegated committee members will be required to submit a written report in respect of any training and professional development courses/conferences attended. The report should be submitted no later than two months after the attendance. A template for the report is at Attachment 4.

#### 3.3. Information Technology

##### 3.3.1 Equipment

The following equipment will be provided for conducting Council business:

- Smartphone with email access
- iPad, tablet or laptop

Council will maintain a register of all equipment provided to Councillors for Council business. The register will be available for public inspection.

All equipment must be returned to the Manager Governance and Strategy on the conclusion of the Councillor's term, or in the event the Councillor resigns their position earlier.

Reasonable personal use is permitted as long as it does not affect the primary use and functionality of the device. Councillors *must not* install software, apps or other products on Council devices without prior approval.

Council devices are not to be used in any other employment or business conducted by a Councillor.

Council will bear reasonable operating costs of Council supplied mobile telephone and devices but will not be responsible for calls and data roaming outside of Australia, unless a prior arrangement has been made with the Manager Governance and Strategy. The Councillor's mobile number will be made available to the public.

### 3.3.2 Email

Councillors will be provided with an email account managed through Council.

### 3.3.3 Document Management

All correspondence received as a Councillor that is provided to a Council officer is defined as corporate information. Councillors are responsible to ensure all corporate information is forwarded to Council for registration in the electronic document management system. This refers to, but is not limited to, formal letters and emails. Governance Support has access to Councillor emails.

## 3.4 Office Space and Support

Councillors are provided with a meeting space equipped with a laptop, printer and telephone that may be used at any time within the general office security protocols.

In addition to the meeting room space, the Mayor is provided with a separate office.

The Mayor and Councillors will be provided with appropriate administrative support during normal business hours by Governance Support.

## 4. Additional Facilities for the Office of the Mayor

### 4.1 Mayoral Vehicle

Council will provide, at its cost, the Mayor with a fully registered, insured and maintained vehicle for official and reasonable personal use during the mayoral term

Reasonable private use excludes the use of the mayoral vehicle:

- By others (with the exception of spouse/partner and/or Councillors);
- For private business purposes
- For personal holidays
- For private purposes outside of the State of Victoria (excluding Moama and surrounds)

### 4.2 Hospitality and Entertainment expenses

The Mayor may claim reimbursement for, or Council payment of, reasonable hospitality expenses incurred in entertaining individuals and officials while conducting Council business.

**5. General****5.1 Insurance**

Councillors and members of Delegated committees are covered by the following insurance policies while performing the duties of their civic office including attendance at meetings of external bodies as Council's representative – Personal Accident, Public Liability, Professional Indemnity and Councillors and Officers Liability insurances.

Council will pay the insurance policy excess in respect of any claim made against a Councillor or member of a delegated Committee arising from Council business when any claim is accepted by Council's Insurers, whether defended or not.

**5.2 Legal**

Other than by specific Council resolution or in accordance with a Council policy, any legal expenses incurred by a Councillor are the responsibility of the individual Councillor.

**5.3 Parking Permits**

Councillors will receive a parking permit for on-street parking in Hare and Heygarth Streets, Echuca for use when undertaking approved Council business at the Echuca Civic Centre.

**Exclusions**

Nil

**Human Rights**

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

**Definitions**

Carer	A Carer is defined under section 4 of the <i>Carers Recognition Act 2012</i>
Councillor	Elected representative of the Council.
Delegated committee	A delegated committee established by Council including at least two Councillors and may include any other persons appointed to the delegated committee by the Council who are entitled to vote.

**Related Legislation**

*Local Government Act 2020*

*Carers Recognition Act 2012*

**Related Policies, Procedures and Strategies**

Council Policy 166 - Councillor Portfolios

Council Internal Policy INT072 ICT

Council Internal Policy INT003 Motor Vehicle Usage

**Attachments**

Attachment 1 – Travel Claim Form

Attachment 2 – Reimbursement of Expenses Form

Attachment 3 – Training Request Form

Attachment 4 - Councillor Skills Development Report

**Review Period**

Four years

**Responsible officer**

Manager Governance and Strategy

**Administrative Updates**

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

**Approval History**

Adopted	22 July 1999	Minute Book Reference No 3769 (Item 12.1)
Revised	12 September 2000	Minute Book Reference No 4658 (Item 12.1)
Revised	12 December 2000	Minute Book Reference No 4845 (Item 12.2)
Revised	11 September 2001	Minute Book Reference No 5565 (Item 12.2)
Revised	13 August 2002	Minute Book Reference No 6305 (Item 12.1)
Revised	14 October 2003	Minute Book Reference No 7100 (item 12.1)
Revised	12 October 2004	Minute Book Reference No 7999 (item 12.1)
Revised	13 September 2005	Minute Book Reference No 9008 (item 12.1)
Revised	14 February 2006	Minute Book Reference No 9529 (item 12.1)
Revised	9 November 2006	Minute Book Reference No 10418 (item 9.2)
Revised	14 June 2007	Minute Book Reference No 11114 (item 9.1)
Revised	18 August 2009	Minute Book Reference No 14208 (Item 9.1)
Revised	17 November 2009	Minute Book Reference No 14737 (Item 9.8)
Revised	21 September 2010	Minute Book Reference No 16407 (Item 12.6)
Revised	18 October 2011	Minute Book Reference No 18261 (item 13.3)
Revised	20 August 2013	Minute Book Reference No 1041 (item 6.3)
Revised	18 August 2015	Minute Book Reference No 905 (Item 6.2)
Revised	13 September 2016	Minute Book Reference No 823 (Item 6.5)
Revised	17 October 2017	Minute Book Reference No 2865 (item 6.3)
Revised	19 November 2019	Minute Book Reference No 5112 (item 7.6)
Revised	21 July 2020	Minute Book Reference No 2882 (item 9.2)
Revised	22 February 2021	Administrative update to apply consistent references to Campaspe Shire Council ('Council')
Revised	18 August 2021	Minute Book Reference No 9 (item 9.6) Administrative
Revised	16 November 2021	Administrative update - Councillor parking permits

Chief Executive Officer: .....

17 November 2021

Date: .....

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# Councillor & Delegated Committee Member Travel Claim

Councillor/Delegated Committee Member: .....

Month: ..... Vehicle make: ..... Registration: .....

Date of Travel	Start Location	End Location	Start Time	Finish Time	Reason for Council Business	Odometer Start	Odometer End	Kilometres Claimed

Claimant's signature: ..... Date: .....

*I certify that the travel claimed for reimbursement has been incurred by me while performing my official duties and functions as a Councillor of the Campaspe Shire Council and that the claim complies with the Council Expenses Policy.*

**Authorising officer 1**

Name:..... Title: .....

Signature:..... Date:.....

**Authorising officer 2**

Name:..... Title: .....

Signature:..... Date:.....

Office Use Only			
Total kms		@	\$
Trips greater than 100kms		@	\$
TOTAL			\$
Account codes:		CC:1000 NA: 63204	
Date received			
Date paid			

Document No 008 2975198  
 Version: 2, Version Date: 17/11/2021



## Councillor & Delegated Committee Member Reimbursement of Expenses Claim Form

Rev No: 005  
Date: 1 July 2020

Councillor: ..... Month: .....

Date	Item	Reason for expense	Amount
	<input type="checkbox"/> Parking <input type="checkbox"/> Train/Tram/Taxi ticket <input type="checkbox"/> Meals <input type="checkbox"/> Child care <input type="checkbox"/> Other Taxi Invoice/Receipt attached <input type="checkbox"/>		
	<input type="checkbox"/> Parking <input type="checkbox"/> Train/Tram/Taxi ticket <input type="checkbox"/> Meals <input type="checkbox"/> Child care <input type="checkbox"/> Other Taxi Invoice/Receipt attached <input type="checkbox"/>		
	<input type="checkbox"/> Parking <input type="checkbox"/> Train/Tram/Taxi ticket <input type="checkbox"/> Meals <input type="checkbox"/> Child care <input type="checkbox"/> Other Taxi Invoice/Receipt attached <input type="checkbox"/>		
	<input type="checkbox"/> Parking <input type="checkbox"/> Train/Tram/Taxi ticket <input type="checkbox"/> Meals <input type="checkbox"/> Child care <input type="checkbox"/> Other Taxi Invoice/Receipt attached <input type="checkbox"/>		
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	<input type="checkbox"/> Parking <input type="checkbox"/> Train/Tram/Taxi ticket <input type="checkbox"/> Meals <input type="checkbox"/> Child care <input type="checkbox"/> Other Taxi Invoice/Receipt attached <input type="checkbox"/>		
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	<input type="checkbox"/> Parking <input type="checkbox"/> Train/Tram/Taxi ticket <input type="checkbox"/> Meals <input type="checkbox"/> Child care <input type="checkbox"/> Other Taxi Invoice/Receipt attached <input type="checkbox"/>		

Claimant signature: ..... Date: .....

Authorising officer 1: ..... Date: .....

Authorising officer 2: ..... Date: .....

Account codes: CC: 1000 NA: 63204

**Tax Invoice/Receipts must be supplied for all expenses**

# Councillor/Delegated Committee Member Training Request



Training and Professional Development requests are considered in accordance with Council Policy 058 – Council Expenses.

To be completed for all training requests.			
Forward completed form to the Manager Governance and Strategy at least <b>28 days</b> prior to event date			
<b>Personal Details</b>			
Name			
<b>Request Type</b>			
<input type="checkbox"/> Training <input type="checkbox"/> Professional Development			
<i>Registration forms and course information (learning outcomes and objectives) must be attached to the request.</i>			
Training / Event			
Date		Cost (inc gst)	
Provider			
Location / Address			
This request is - <input type="checkbox"/> Current (occurring within next 8 weeks) <input type="checkbox"/> Planned (occurring within next 12 months)			
Training details attached (mandatory) <input type="checkbox"/> Registration Form <input type="checkbox"/> Program / Course outline			
<b>Reason for Training</b>			
<b>How will this training align with Council's goals and values?</b>			
<input type="checkbox"/> Respect <input type="checkbox"/> Customer Focus <input type="checkbox"/> Teamwork <input type="checkbox"/> Accountability <input type="checkbox"/> Continuous Improvement			
<b>Explain</b>			
<b>Endorsed</b>			
	Name	Date	Signature
Mayor			
<b>Approved</b>			
Governance Manager			
Council resolution			
<b>Governance Use only - Conditions/Notes</b>			
Applicant Notified of outcome of request: <input type="checkbox"/> Yes <input type="checkbox"/> No			



## Councillor & Delegated Committee Member Skills Development Training Report

presented as a verbal or written report

**Training:**     Short Course     Workshop     Forum     Conference / Seminar

Course Description:	
Provider:	
Location:	
Date:	
Councillor/Delegated Committee Member:	

**1. Program Overview**

.....

.....

**2. How do the learning outcomes align with Council's goals and values?**

Respect     Customer Focused     Continuous Improvement     Teamwork     Accountability

*Explain*

.....

.....

**3. How has the learning benefitted the Councillor/Delegated Committee Member?**

.....

.....

**4. How will the learning benefit Council?**

.....

.....

**5. Lessons learnt**

.....

.....

**6. Industry Trends**

.....

.....

**7. Innovations / Improvements the learning will bring to the work area**

.....

.....



**8. Top three takeaways from the training**

- 1. ....
- 2. ....
- 3. ....

# Council Expenses



Council Policy

<b>Council Policy Number</b>	<b>058</b>
Date adopted	18 August 2021
Scheduled for review	August 2025

## Preamble

Campaspe Shire Council ('Council') must adopt and maintain an expenses policy in relation to the reimbursement of out of pocket expenses for Councillors and members of ~~delegated committees~~ Delegated Committees.

## Purpose

To provide guidance on the policy and process for the reimbursement of out of pocket expenses for Councillors and members of ~~delegated committees~~ Delegated Committees.

This policy also outlines the resources and facilities provided to the Mayor and Councillors as required by sections 41 and 42 of the *Local Government Act 2020*.

## Policy Statement

### 1. Councillor Allowance

Mayor and Councillor allowances will be paid in accordance with section 39 of the *Local Government Act 2020*. In addition to the allowance, an amount equivalent to the superannuation guarantee contribution is payable. Councillor Allowances are taxable income and are paid by Electronic Funds Transfer ('EFT') monthly in advance.

### 2. Reimbursement of Out of Pocket Expenses

#### 2.1 General

Section 40 of the *Local Government Act 2020* specifies that:

- (1) A Council must reimburse a Councillor or a member of a delegated committee for out of pocket expenses which the Council is satisfied:
  - (a) are bona fide expenses; and
  - (b) have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
  - (c) are reasonably necessary for the Councillor or member of a delegated committee to perform that role.
- (2) A Council must provide details of all reimbursements under this section to the Audit and Risk Committee.

Councillors and ~~delegated committee~~ Delegated Committee members will be reimbursed for approved out of pocket expenses and/or travel claims on the presentation of a signed form/s supported by official receipts and other relevant documentation. Refer to Attachment 1 and 2.

Councillors and ~~delegated committee~~ Delegated Committee members must submit their claims on a monthly basis.

#### 2.2 Eligible Meetings and Events

Councillors will be eligible for reimbursement of expenses for the following:

- a) Council Meetings and Councillor Briefing Sessions;

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- b) Delegated ~~committee~~Committee meetings;
- c) Ordinary, committee or sub-committee meetings of State, Regional or local organisations or bodies when the Councillor has, by Council resolution been elected as a Council delegate;
- d) Meetings and civic or ceremonial functions convened by the Council or the Mayor;
- e) A meeting, function or other official event as a representative of the Council or Mayor;
- f) Conferences, functions, professional development and training when the attendance has been approved by the ~~Manager Governance and Strategy~~CEO in consultation with the Mayor ~~and CEO~~.

### 2.3 Reimbursement of Travelling Expenses

- a) Councillors and ~~delegated-committee~~Delegated Committee members will be reimbursed for the use of their own private vehicle in accordance with 2.3.d.
- b) Council will not reimburse the cost of any infringements incurred by Councillors or the ~~delegated-committee~~Delegated Committee member.
- c) Council prefers and encourages Councillors and ~~delegated-committee~~Delegated Committee members to utilise a Council pool vehicle and/or share transport when attending a conference or meeting outside the municipality.
- d) Councillors and ~~delegated-committee~~Delegated Committee members may claim for travelling expenses for approved Council business as outlined in point 2.7 including:
  - i. travel time - \$40.00 per round trip exceeding 100kms on any day on approved Council business up to a maximum of \$5,000 per annum;
  - ii. reimbursement for private vehicle usage at current Australian Taxation Office rate;
  - iii. reimbursement for public transport and taxi/ride share expenses when travel to conferences, functions, professional development and training commences.
  - iv. car parking fees – fees will be reimbursed in respect of hotel/motel parking, airport parking and conference parking.
- e) Councillors and ~~delegated-committee~~Delegated Committee members must submit claims for travelling expenses within 30 days of the end of the month. Claims greater than 2 months old will not be reimbursed. All claims must show details of the approved Council business attended and kilometres travelled. Refer to Attachment 1.

### 2.4 Accommodation and Meal Expenses

As a general principle, the following guidelines will apply to accommodation and meal expenses:

- The accommodation standard should not exceed the four star rating (Councillors and ~~delegated-committee~~Delegated Committee members may upgrade accommodation at their own cost).
- Items purchased from the mini bar will be at the Councillor's or ~~delegated-committee~~Delegated Committee member's own cost.
- Reasonable meals at breakfast, lunch and dinner are claimable as per Australian Taxation Office ('ATO') guidelines.
- Alcohol purchases are at the cost of the Councillor or ~~delegated-committee~~Delegated Committee member.

If arrangements are made by the Councillor or ~~delegated-committee~~Delegated Committee member that exceed the agreed rates, then the Councillor or ~~delegated-committee~~Delegated Committee member is responsible for the difference between the agreed rate and the actual rate. Itemised tax invoices must be produced to confirm amounts claimed.

Council will reimburse the actual costs paid upon presentation of appropriate documentation.

Partners may join the Councillor or ~~delegated committee~~Delegated Committee member but at their own expense.

All arrangements will be coordinated through GovernanceCouncillor Support.

The Mayor in consultation with the CEO may vary these arrangements if considered appropriate.

## 2.5. Child and Family Care

Council will provide reimbursement of costs for out of pocket expenses for the provision of child care (up to and including children aged 14 years) and carer services when it is reasonably required for a Councillor or member of a ~~delegated committee~~Delegated Committee to perform their role within the meaning of section 4 of the *Carers Recognition Act 2012* to undertake official duties and attend eligible meetings and events outlined in point 2.2.

No payments for care will be made to a person who:

- a) Has a financial or pecuniary relationship with the Councillor or ~~delegated committee~~Delegated Committee member.
- b) Resides either permanently or temporarily with the Councillor or ~~delegated committee~~Delegated Committee member.
- c) Has a relationship with the Councillor / ~~delegated~~Delegated committee member or their partner such that it would be inappropriate for Council to reimburse monies paid to the same provider.
- d) Has a relationship as a family member as defined in section 126 of the Local Government Act 2020.

All claims for carers and child care must be submitted on the Reimbursement of Expenses Claim Form with sufficient evidence from the provider or a statutory declaration from the Councillor or ~~delegated committee~~Delegated Committee member. Refer Attachment 2.

## 2.6 Councillors with Disabilities

The Council will meet reasonable additional expenses to assist a Councillor with a disability to perform their duties as a Councillor in accordance with legislation.

## 2.7 Expense Reimbursement Claims

To assist Councillors and ~~delegated committee~~Delegated Committee members with their expense reimbursement claims the following guidance is provided:

### What's Claimable

- Travel to attend a site inspection or a meeting about an issue that's likely to come before Council or a ~~delegated~~Delegated Committee for a decision.
- Travel to and expenses related to a Council run event.
- Travel to Council Meetings and Councillor Briefing Sessions.
- Travel to Delegated ~~committee~~Committee meetings.
- Travel to ordinary, committee or sub-committee meetings of State, regional or local organisations or bodies if the Councillor has, by Council resolution been elected as a Council delegate.
- Travel to meetings and civic or ceremonial functions convened by the Council or the Mayor.
- Travel to a Councillor only session.
- Travel to a meeting, function or other official role as a representative of the Mayor.
- Travel to invited functions within the municipality in the role as a Councillor or ~~delegated committee~~Delegated Committee member.
- Child and Family Care Costs if approved in accordance with this policy.
- Training and professional development if approved in accordance with this policy or by Council resolution.

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**What's Not Claimable**

- Cost of raffle tickets
- Entry/ticket fees for community run events
- Cost of attending service clubs, cultural, arts, historical, recreational and sporting club events
- Donations
- Cost of attending business events
- School presentations
- Health organisations' promotions
- Expenses relating to attendance at a political function
- Educational organisations' promotions
- Business networking
- Community forums
- Informal meetings
- Traffic infringements
- Attendance at private events, e.g. weddings, funerals, birthdays, celebrations
- Attendance at Christmas parties
- Travel to non-approved functions
- Fundraising events especially for organisations with no presence in the municipality

Expense reimbursement claims must be submitted on the approved form. Refer Attachment 2.

**2.8 Charity Events**

If Councillors attend charity events for which payment is required, the cost is borne by the individual Councillor.

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The Mayor may incur reasonable hospitality and entertainment expenses on behalf of Council when conducting Council business.

The incurring of reasonable hospitality and entertainment expenses by other Councillors while conducting Council business will only be accepted if appropriate and prior approval has been granted by the GEO in consultation with the Mayor.

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If Councillors attend a political party fundraising event for which payment is required, the cost is borne by the individual Councillor.

**2.11 Council Presentations at Events and Functions**

In circumstances when the Mayor has been invited to an event or function in a particular Ward and is unable to attend and the Deputy Mayor is unavailable, a Ward Councillor will be given the first option to represent the Mayor.

In circumstances when the Mayor has been invited to an event or function outside of Campaspe on a particular subject and is unable to attend and the Deputy Mayor is unavailable, the relevant portfolio Councillor will be given the first option to represent the Mayor.

Organising Councillor attendance in lieu of the Deputy Mayor will be managed by [GovernanceCouncillor](#) Support.

### 3. Resources and Facilities

#### 3.1 General

Section 420 of the *Local Government Act 2020* specifies that:

- (1) *A Council must make available to the Mayor and the Councillors the resources and facilities reasonably necessary to enable them to perform their role.*

#### 3.2 Training and Professional Development

Councillors are encouraged to attend conferences, seminars, workshops and training programs to enhance their professional and personal skills and knowledge to better perform their role as a Councillor. A training request form is at Attachment 3.

Training and development should link with Council's goals, objectives and values.

##### 3.2.1 Training and Professional Development Budget Allocation

Councillors may choose to attend any conferences, seminars, workshops or professional development events to a maximum value of:

- Councillor \$28,000.00 per financial year
- Mayor \$310,000.00 per financial year

The budget allocation for individual training cannot be carried over from year to year and can only be used by the individual Councillor.

Councillors seeking to attend training courses or professional development programs that exceed the maximum assigned value must discuss the opportunity with the CEO and if attendance is considered appropriate, obtain consent from Council by resolution prior to registration for attendance.

~~The Mayor and or Council delegate will attend the~~ Costs relating to the following events are in addition to the ~~annual financial~~ Mayor and Councillors' budget allocation ~~so they may vote on behalf of Council:~~

- described above: - MAV State Council Meetings,
- MAV State Conference,
- Australian Local Government Association (ALGA) National General Assembly of;
- Australian Local Government; Women's Association (ALGWA) conferences and the meetings;
- Australian Local Government Women's Association – Victorian Branch (ALGWA - Vic) conferences and meetings; and
- Rural Councils Victoria Annual Conference.

##### 3.2.2 Registrations and Bookings

Councillor and ~~delegated committee~~ Delegated Committee member requests to attend professional development or training within the annual allocated budget should be submitted to Governance Councillor Support to facilitate registration and bookings. Council may determine where the Councillor is staying.

##### 3.2.3 Reporting

Councillors and ~~delegated committee~~ Delegated Committee members will be required to submit a written report in respect of any training and professional development courses/conferences attended. The report should be submitted no later than two months after the attendance. A template for the report is at Attachment 4.

### 3.3. Information Technology

#### 3.3.1 Equipment

The following equipment will be provided for conducting Council business:

- Smartphone with email access
- iPad, tablet or laptop

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All equipment must be returned to the ~~Manager Governance and Strategy~~ Director Corporate on the conclusion of the Councillor's term, or in the event the Councillor resigns their position earlier.

Reasonable personal use is permitted as long as it does not affect the primary use and functionality of the device. Councillors *must not* install software, apps or other products on Council devices without prior approval.

Council issued devices are not to be used in any other employment or business conducted by a Councillor.

Council will bear reasonable operating costs of Council supplied mobile telephone and devices but will not be responsible for calls and data roaming outside of Australia, unless a prior arrangement has been made with the ~~Manager Governance and Strategy~~ CEO. The Councillor's mobile number will be made available to the public.

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Councillors will be provided with an email account managed through Council.

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All correspondence received as a Councillor that is provided to a Council officer is defined as corporate information. Councillors are responsible to ensure all corporate information is forwarded to Council for registration in the electronic document management system. This refers to, but is not limited to, formal letters and emails. ~~Governance, noting Councillor~~ Support has access to Councillor emails.

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Councillors are provided with a meeting space equipped with a laptop, printer and telephone that may be used at any time within the general office security protocols.

In addition to the meeting room space, the Mayor is provided with a separate office.

The Mayor and Councillors will be provided with appropriate administrative support during normal business hours by GovernanceCouncillor Support.

## 4. Additional Facilities for the Office of the Mayor

### 4.1 Mayoral Vehicle

Council will provide, at its cost, the Mayor with a fully registered, insured and maintained vehicle for official and reasonable personal/private use during the mayoral term

Reasonable private use excludes the use of the mayoral vehicle:

- By others (with the exception of spouse/partner and/or Councillors);
- For private business purposes
- For personal holidays
- For private purposes outside of the State of Victoria (excluding Moama and surrounds)

### 4.2 Hospitality and Entertainment expenses

The Mayor may claim reimbursement for, or Council payment of, reasonable hospitality expenses incurred in entertaining individuals and officials while conducting Council business.



## 5. General

### 5.1 Insurance

Councillors and members of Delegated ~~committees~~Committees are covered by the following insurance policies while performing the duties of their civic office including attendance at meetings of external bodies as Council's representative – Personal Accident, Public Liability, Professional Indemnity and Councillors and Officers Liability insurances.

Council will pay the insurance policy excess in respect of any claim made against a Councillor or member of a ~~delegated~~Delegated Committee arising from Council business when any claim is accepted by Council's Insurers, whether defended or not.

### 5.2 Legal

Other than by specific Council resolution or in accordance with a Council policy, any legal expenses incurred by a Councillor are the responsibility of the individual Councillor.

### 5.3 Parking Permits

Councillors will receive a parking permit for on-street parking in Hare and Heygarth Streets, Echuca for use when undertaking approved Council business at the Echuca Civic Centre.

### Exclusions

Nil

### Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

### Definitions

Carer	A Carer is defined under section 4 of the <i>Carers Recognition Act 2012</i> .
<u>CEO</u>	<u>Chief Executive Officer of Council.</u>
Councillor	Elected representative of the Council.
Delegated committee	A delegated committee established by Council including at least two Councillors and may include any other persons appointed to the delegated committee by the Council who are entitled to vote.

### Related Legislation

*Local Government Act 2020*

*Carers Recognition Act 2012*

### Related Policies, Procedures and Strategies

Council Policy 166 - Councillor Portfolios

Council Internal Policy INT072 ICT

Council Internal Policy INT003 Motor Vehicle Usage

### Attachments

#### Attachment 1 – Related Forms

Travel Claim Form

Attachment 2—Reimbursement of Expenses Form

Attachment 3—Training Request Form

**Attachment 4** – Councillor Skills Development Report**Review Period**

Four years

**Responsible officer**Manager Governance and Strategy Director Corporate**Administrative Updates**

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

**Approval History**

Adopted	22 July 1999	Minute Book Reference No 3769 (Item 12.1)
Revised	12 September 2000	Minute Book Reference No 4658 (Item 12.1)
Revised	12 December 2000	Minute Book Reference No 4845 (Item 12.2)
Revised	11 September 2001	Minute Book Reference No 5565 (Item 12.2)
Revised	13 August 2002	Minute Book Reference No 6305 (Item 12.1)
Revised	14 October 2003	Minute Book Reference No 7100 (item 12.1)
Revised	12 October 2004	Minute Book Reference No 7999 (item 12.1)
Revised	13 September 2005	Minute Book Reference No 9008 (item 12.1)
Revised	14 February 2006	Minute Book Reference No 9529 (item 12.1)
Revised	9 November 2006	Minute Book Reference No 10418 (item 9.2)
Revised	14 June 2007	Minute Book Reference No 11114 (item 9.1)
Revised	18 August 2009	Minute Book Reference No 14208 (Item 9.1)
Revised	17 November 2009	Minute Book Reference No 14737 (Item 9.8)
Revised	21 September 2010	Minute Book Reference No 16407 (Item 12.6)
Revised	18 October 2011	Minute Book Reference No 18261 (item 13.3)
Revised	20 August 2013	Minute Book Reference No 1041 (item 6.3)
Revised	18 August 2015	Minute Book Reference No 905 (Item 6.2)
Revised	13 September 2016	Minute Book Reference No 823 (Item 6.5)
Revised	17 October 2017	Minute Book Reference No 2865 (item 6.3)
Revised	19 November 2019	Minute Book Reference No 5112 (item 7.6)
Revised	21 July 2020	Minute Book Reference No 2882 (item 9.2)
Revised	22 February 2021	Administrative update to apply consistent references to Campaspe Shire Council ('Council')
Revised	18 August 2021	Minute Book Reference No 9 (item 9.6)
Revised	16 November 2021	Administrative update to Councillor parking permits

Chief Executive Officer: .....

Date: .....

Council Policy

Council Policy

Council Policy

Council Policy

### 9.1.3 VEC Submission - Campaspe Shire Council Electoral Structure Review

Directorate:	Office of the CEO
Responsible Officer:	Governance Advisor
Manager:	Chief Executive Officer
Attachments:	Nil

#### 1. PURPOSE

In October 2022, the Minister for Local Government established two Electoral Representation Advisory Panels (ERAPs) to conduct electoral structure reviews of 39 local councils, including Campaspe Shire Council. The major aim is to ensure electoral structures are compliant with the *Local Government Act 2020*.

The reviews will commence in early 2023 and be completed by early 2024. Round 1 of the electoral structure reviews undertaken by ERAPs will focus on large and small rural shire councils (including Campaspe Shire Council).

Round 1 reviews will consider:

1. the appropriate number of councillors for a council
2. whether the council should be subdivided into wards or unsubdivided, and if subdivided, the number of wards
3. ward boundaries
4. number of councillors per ward, and
5. ward names.

#### 2. RECOMMENDATION

**That Council:**

1. **Notes the report.**
2. **Notes the submission deadline of 22 February 2023.**

#### 3. DISCUSSION

Campaspe Shire Council is currently divided into five wards with a total of nine Councillors:

1. Echuca Ward – 3 Councillors
2. Kyabram Deakin Ward – 3 Councillors
3. Rochester Ward – 1 Councillor
4. Waranga Ward – 1 Councillor

5. Western Ward – 1 Councillor.

Permitted structures under the review, include:

- Unsubdivided council
- Single-councillor wards
- Multi-councillor wards with an equal number of councillors per ward.

Based on the Local Government Act 2020, Section 13(4), Campaspe Shire Council does not comply with the permitted structure requirements, and will therefore, have some change implemented through the review.

The timeframes for the electoral structure review relating to Campaspe Shire Council are:

- Information sessions: 30 January 2023 to 1 February 2023 (past)
- Preliminary submissions open: 1 February 2023 (past)
- Preliminary submissions close: **22 February 2023**
- Preliminary report released and response submissions open: 22 March 2023
- Response submissions close: 12 April 2023
- Public hearing: 18 to 20 April 2023 (Campaspe Shire Council has been assigned 10am on Tuesday 18 April 2023 and if required, Thursday 20 April at 10am or 2pm)
- Final report released: 17 May 2023.

As per the above timeframes, the reviews provide three opportunities for involvement during Round 1:

1. a preliminary public submission
2. a response submission to the preliminary report
3. at an online public hearing, if a person makes a request to speak in their response submission.

Anyone can make a submission to the review, including councils, individual councillors and community members. The key deadline relevant to the process now is close of preliminary submissions at **5:00pm on 22 February 2023**.

The preliminary submissions are provided to the Electoral Representation Advisory Panel for consideration when completing the preliminary report.

Officers are seeking a direction on Council's preferred option or options to inform a submission, if one is provided. Recommendations of options to be considered are as follows:

- A) Do not provide a preliminary submission, and rely on submissions from community members as to their preference in representation.
- B) Submit a preliminary submission that addresses each of the elements to be considered, being whether Council in the future:
  - a. Is unsubdivided

- b. Has three wards with three councillors in each ward, or
- c. Has nine single-councillor wards.

#### **4. CONSULTATION**

##### External consultation:

- The Victorian Electoral Commission has promoted this review with media releases, social media, website, and held information sessions on 30 January 2023 and 31 January 2023.
- Council has published details of the review and information sessions.

##### Councillors:

- 07 February 2023 - Council Briefing Session.

#### **5. POLICY AND LEGISLATIVE IMPLICATIONS**

The requirements of the Local Government Act 2020:

##### **13 Constitution of a Council**

*(4) A Council may be constituted so that it consists of—*

*(a) subject to subsection (5), all Councillors elected to represent the municipal district as a whole; or*

*(b) all Councillors elected to represent single member wards into which the municipal district is divided; or*

*(c) subject to subsection (5A), an equal number of Councillors elected to represent each ward into which the municipal district is divided.*

#### **6. FINANCIAL AND ECONOMIC IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no issues of ongoing financial viability of the Council have been identified within this report.

#### **7. ENVIRONMENTAL IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no environmental sustainability issues including mitigation and planning for climate change risks have been identified within this report.

#### **8. SOCIAL IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no social implications for the municipality have been identified with this report.

#### **9. RELEVANCE TO COUNCIL PLAN 2021-2025**

Not applicable

#### **10. ISSUES AND RISK MANAGEMENT**

##### Issues:

Ensuring that the future structure provides the appropriate Councillor representation for our community.

**Risk:**

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

**11. CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, the officer preparing this report declares no conflict of interest regarding this matter.

**12. CHARTER OF HUMAN RIGHTS**

This Report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

**13. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

**14. CONCLUSION**

Council has the opportunity to provide a preliminary submission to the electoral structure review. Officers are seeking Council's direction on this matter.

## 9.1.4 Municipal Association of Victoria President and Board Elections 2023

Directorate:	Office of the CEO
Responsible Officer:	Chief Executive Officer
Attachments:	<ol style="list-style-type: none"><li>1. Candidate statements - MAV board election 2023 - President [9.1.4.1 - 2 pages]</li><li>2. CONFIDENTIAL REDACTED - Confidential attachment - Candidates [9.1.4.2 - 1 page]</li></ol>

### 1. PURPOSE

For Council to determine its preference for president of the Municipal Association of Victoria.

### 2. RECOMMENDATION

#### That Council

1. **determine either candidate A or B for President, as per the confidential attachment, for submission to the MAV; and**
2. **that the decision remains confidential.**

### 3. DISCUSSION

Each year the Victorian Electoral Commission, on behalf of the MAV, conduct the annual election of its President.

Member organisations of MAV, through its nominated representative, are entitled to one vote for the election of the president of the MAV. Councillor Colleen Gates is Campaspe Shire Council's nominated representative will submit the vote on Council's behalf.

Council has received the candidate statements of two candidates which are attached.

Officers are seeking Council's determination as to their preferred candidate.

Completed ballot material must be received by Election Manager no later than 6:00pm on Friday, 03 March 2023. Late votes cannot be included in the count.

Each member Council has the ability to maintain confidentiality of its vote.

For the purposes of confidentiality candidates have been deidentified and Councillors are asked to indicate their preferred candidate within the Council Meeting.

### 4. CONSULTATION

#### Internal consultation:

- Nil.

External consultation:

- Nil.

Councillors:

- Councillor Briefing Session – 21 February 2023

## **5. POLICY AND LEGISLATIVE IMPLICATIONS**

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and there are no Council Policy or legislative implications arising from this report.

## **6. FINANCIAL AND ECONOMIC IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no issues of ongoing financial viability of the Council have been identified within this report.

## **7. ENVIRONMENTAL IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no environmental sustainability issues including mitigation and planning for climate change risks have been identified within this report.

## **8. SOCIAL IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no social implications for the municipality have been identified with this report.

## **9. RELEVANCE TO COUNCIL PLAN 2021-2025**

Not applicable

## **10. ISSUES AND RISK MANAGEMENT**

**Issues:**

Nil.

**Risk:**

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

## **11. CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, the officer preparing this report declares no conflict of interest regarding this matter.

## **12. CHARTER OF HUMAN RIGHTS**

This Report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

## **13. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.





## **President and Board Elections 2023**

### **Election of President**

Voting instructions,  
candidates' statements  
and photographs



**NOTICE:** The contents of candidate statements are provided by the candidates. Any enquiries about candidate statements should be directed to the relevant candidate. Candidate statements are not verified or endorsed by the Election Manager.



**ANDERSON, Jennifer**

The MAV faces many challenges in the next two years, including recruiting a CEO, council culture work, and advocating for an improved candidate and councillor induction program. A board, willing to engage meaningfully, focus on building visibility and influence others for improved sector outcomes whilst acknowledging each council is unique and may require tailored solutions, will be critical. I've been a Macedon Ranges Shire Councillor for ten years, Mayor for five terms and on the MAV board for four years, including the deputy chair of the Emergency Management Advisory Committee. I have chaired the Peri Urban Group of Rural Councils and the Loddon Mallee Waste and Resource Recovery Group. I am an AICD Graduate and Fellow. The MAV needs to ensure it remains relevant to members, through improved communication and collaboration with councils, our communities, other peak organisations and State and Federal government. All councils must feel involved in the MAV's campaigns and the community needs to be aware of, and believe in, the great work of their local government. If elected President I will listen, respond to all issues raised and provide leadership with strong and transparent governance. I can be contacted via 0408273670 or [janderson@mrsc.vic.gov.au](mailto:janderson@mrsc.vic.gov.au)

1

**NOTICE:** The contents of candidate statements are provided by the candidates. Any enquiries about candidate statements should be directed to the relevant candidate. Candidate statements are not verified or endorsed by the Election Manager.



**CLARK, David**

Thank you for supporting myself, our MAV Board and the organization over these last two years. In 2021 I committed to providing strong, cohesive and politically astute leadership to both MAV and the sector. I also promised to deliver on new rules for MAV and to tell your stories, be that in the media, with State and Federal Politicians or to the community. Having done that I am seeking your support for one more term as your President, in order to build on what we have achieved to date. This includes recruiting a new CEO to lead our excellent MAV team; resetting our relationship with the re-elected State Government, building from the very strong working relationship I have with our own Minister; leading the sector in a range of policy and program challenges; continuing to build the credibility and importance of what we do for communities; creating a positive way forward for our financial future and ensuring we have good leaders to follow me when my term concludes. I again promise to be fearless and relentless as your advocate, but most of all absolutely positive about the great things we deliver for our communities every day.

2

## 9.2 Executive Director

### 9.2.1 Future of Council's Industrial zoned land

Directorate:	Executive Director
Responsible Officer:	Economic Development Manager
Manager:	Executive Director
Attachments:	Nil

#### 1. PURPOSE

Provide an overview of its undeveloped industrial land holdings in Echuca and Rochester and the options available.

To seek Council endorsement for the disposal of Stage Three of the Echuca Industrial Estate with an active planning permit PLN140/2020.

To identify future uses of land known as Stage Four of the Echuca Industrial Estate and report back to Council and to seek approval to commence the design for the next stage of the Rochester Industrial Estate to obtain relevant approvals to enable the application for a planning permit.

#### 2. RECOMMENDATION

##### That Council

- 1. Authorise the CEO to sell Stage Three of the Echuca Industrial Estate with an active planning permit (PLN 140/2020).**
- 2. Investigate future uses of land known as Stage Four of the Echuca Industrial Estate and consider these findings at a future meeting.**
- 3. Commence design of the next stage of the Rochester Industrial Estate in order to obtain a Planning Permit.**
- 4. Undertake a supply and demand assessment of Industrial Land across Campaspe Shire to ensure that there is sufficient land to enable future growth.**

#### 3. DISCUSSION

Over many decades, Council has developed industrial estates of varying sizes in Echuca, Kyabram, Rochester and Tongala. Prior to amalgamation, the former Shire of Deakin and former Shire of Rochester established industrial estates in each town respectively. Following amalgamation, Campaspe Shire, with the support of the Victorian State Government, has progressively developed the Echuca Industrial Estate and Kyabram Business Park, to encourage economic development, employment growth and to ensure that businesses had an opportunity to purchase industrial zoned land to establish and/or grow their business.

The Kyabram Business Park was developed as Council had recognised that there was no industrial zoned land available in Kyabram to support business attraction and growth. In the last 12 months there has been strong interest and sales of industrial land. Council has sold nine lots since January 2022, eight in Kyabram and one in Echuca. Currently there is only one block of Council owned industrial zoned land available for sale in the Shire, located at 7 Greiner Court, Tongala.

## Echuca

Council has land earmarked for future industrial development in Echuca and Rochester.

Located to the west of the Council developed Echuca Industrial Estate which fronts McKenzie Road. The undeveloped parcel is accessible from Despatch Street or Old Aerodrome Road. Diagram One below is an overview of the land holding (outlined in red) which includes the drainage retention dam and an easement on McKenzie Road. The total land size is approximately 11.55 hectares. Part of the undeveloped land has been designed for sub-division with a Planning Permit issued in 2021 (PLN 140/2020) for an additional 24 lots.

The next stage of development (Stage Three) does not extend through to Old Aerodrome Road and has potential to be developed in future.

Council could consider constructing the next stage of the Echuca Industrial Estate, Stage Three for 24 lots itself, as it did with the first two stages. The provision of a Quantity Surveyors report is required to determine accurate costings and an evaluation of the possible funding options should this direction be pursued.

The consideration of a two-lot subdivision of the land to separate Stage Three from Stage Four to enable the sale of Stage Four to a private developer.



Diagram One

There are currently two usage licences in place in Stage Three with businesses for land that abuts each business utilising sites in Stage Two. The licenced land provides each business with extra storage for materials and equipment. The licences are renewed annually and provide Council with a revenue stream. A licensee has recently approached Council to seek access to more land in the Echuca Industrial Estate through an additional licence. Licencing the undeveloped land was authorised by Council's (former) CEO and was conditional upon the applicant agreeing to pay the legal costs (for both parties) for the preparation of the licence and meeting the special conditions set out by Council, including Public Liability insurance etc. Councils Commercial Leasing Policy 110 only permits a 12-month licence.

## Rochester

In Rochester, Council has acquired a disused channel from Goulburn Murray Water (GMW) which abuts the Rochester Industrial Estate and provides access to a further parcel of land to the east, zoned Farming (FZ1). The acquisition of the former channel land links the parcels of land and will allow for all the land to be developed and the continuation of internal roadways.

The land was not impacted by inundation during the recent floods and was utilised as a temporary waste collection site. There is strong interest in the land as part of the economic recovery plan for Rochester.

Council resolved to sell the final two lots within the developed area of the Rochester Industrial Estate, 20-22 Malloy Street, in June 2022. Diagram Two is an overview of the land which abuts the current Rochester Industrial Estate (outlined in red). Noting that lot 22 and the block to the left of it, 20 – 22 Malloy Street, have been sold. The land to the west of these lots is a drainage retention dam.



Diagram Two



Diagram Three depicts the former GMW channel area, recently acquired by Campaspe Shire Council (outlined in red).



Diagram Three

Diagram Four depicts the Farming zoned (FZ1) land to the east of the former channel.



Diagram Four

Council has received an application to purchase land for the undeveloped land that abuts directly an adjoining current site, A similar request was presented to Council in 2018 and the CEO (at the time) agreed to the sale. A boundary realignment was going to be undertaken to facilitate the sale and the valuation price was reflective of the fact that the land was undeveloped. The sale process was underway when Council received notification from the proponent that circumstances had changed and requested that the purchase be put on hold.

## **Development**

In estimating the cost to Council to develop the land and the cost for planning and design of the next stage of the Echuca Industrial Estate, consideration of the construction of Stage Two of the Kyabram Business Park has been utilised. The cost for planning and design for the next stage of the Echuca Industrial Estate was \$190K. The design works included all studies, designs, regulatory and stakeholder signoffs with completion of 'for construction' plans and a planning permit. The cost to construct is unknown.

The cost to develop 17 lots in stage 2 of the Kyabram Business Park in 2016 was \$2.9M. The breakdown is as follows;

Design and tender costs \$157K

Construction costs \$2.68M

Project Management \$154K

Council received grant funding of \$1.942M through the Victorian State Government's, Local Government Infrastructure program for the project.

Council has set aside funds in the 10-year Capital Works Plan for industrial land development and construction in 2023/24 with \$4,000,000 for the Echuca Industrial Estate and \$150,000 for Rochester – design and planning permit approvals.

Council's Industrial Reserve fund was established to quarantine the proceeds of Council's industrial land sales for potential future development. The balance of the Industrial Reserve Fund on 30 June 2022 was \$2,978,944 excluding the sale of 65-91 Denmark Road, Echuca. Council received funding from the Victorian State Government for the development of the Kyabram Business Park and the initial stages of the Echuca Industrial Estate. Most funding opportunities require a commitment from Council and therefore the Industrial Reserve fund will be important should Council opt to develop the land itself.

Selling the land to a private developer with a Planning Permit in place will generate revenue for Council, which Council could determine to re-direct to further preparatory industrial land purchases or other Economic Development activities. Given the complexity of undertaking a development of this nature, it should be noted with the limited capacity of the organisation to deliver such a significant undertaking, officers therefore recommend that Council dispose of Stage Three with the planning permit in place.

## **Shire wide**

A supply and demand analysis across Campaspe would provide clarity on industrial land availability based, this evidence would allow Council to determine if there is sufficiently zoned land to support expected business growth in future. It is not a requirement of Council to provide industrial land for sale.

## 4. CONSULTATION

### Internal consultation:

- Executive Management Group
- Property Manager

### External consultation:

- Dawes Vary Riordan

### Councillors:

- Briefing session 7 February 2023

## 5. POLICY AND LEGISLATIVE IMPLICATIONS

Under the *Local Government Act 2020* Part 5 114 Restriction on power to sell or exchange land (1) Except where section 116 applies, if a Council sells or exchanges any land it must comply with this section. (2) Before selling or exchanging the land, the Council must— (a) at least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so— (i) on the Council's Internet site; and (ii) in any other manner prescribed by the regulations for the purposes of this subsection; and (b) undertake a community engagement process in accordance with its community engagement policy; and (c) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to the sale or exchange. Council must have a current market valuation issued within six months of the date.

Councils Industrial Land Policy (30) sets out the requirements and timeframes for development of industrial land to ensure that the land is being developed in accordance with the purchaser's application proposal. Council lodge a Caveat over the Certificate of Title to ensure that the Policy requirements are met, and this is removed after the four-year period has lapsed.

## 6. FINANCIAL AND ECONOMIC IMPLICATIONS

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and issues of ongoing financial viability of the Council have been identified within this report.

Council's Industrial Reserve fund was established to quarantine the proceeds of Council's industrial land sales for future development. The balance of the Industrial Reserve Fund on 30 June 2022 was \$2,978,944.

Sufficient supply of industrial zoned land is an important element of investment attraction and economic growth.

## 7. ENVIRONMENTAL IMPLICATIONS

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no environmental sustainability issues including mitigation and planning for climate change risks have been identified within this report.

## 8. SOCIAL IMPLICATIONS

A thriving economy with diverse employment opportunities enhances the attraction of Campaspe Shire as a destination to live, work, play and invest.



## 9. RELEVANCE TO COUNCIL PLAN 2021-2025

### **Flourishing local economy**

A resilient long-term economy attractive to local and external investors.

Land availability and pricing is a competitive advantage for Campaspe Shire.

Interest in the purchase and development of stage 3 of the Echuca Industrial Estate would provide a strong indication of market confidence and investor return.

A supply and demand analysis of land across Campaspe will determine the need for development.

Stimulated economic activity that provides local jobs.

## 10. ISSUES AND RISK MANAGEMENT

### **Issues:**

#### Issue 1: Holding and development costs

The land requires regular maintenance including slashing for fire prevention purposes. When works staff are busy, private contractors are engaged to undertake the works. The contractors are usually busy and price services accordingly.

Both sites (Echuca and Rochester) have had issues with illegal dumping, trespassing and unauthorised agistment of animals.

If Council was to take on the role of developer, it would need to obtain all the necessary planning permit approvals and then source the funding to construct. Council could allocate funds or seek funding support from State and/or Federal Governments. There would also be internal project management costs, sales and marketing and maintenance costs.

#### Issue 2: Timing

Local businesses are looking to expand their operations in both Rochester and Echuca through the acquisition or licence of Council owned land. If these businesses cannot grow on current sites in a timely manner, they may consider whether to remain in the current location or move elsewhere. A determination is required regarding how to proceed, to ensure that development is not hindered, and market confidence impacted. Officers continue to field enquiries from businesses, some new to the area and some already located in the industrial estates, who are seeking more land to establish/expand.

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

## 11. CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, the officer preparing this report declares no conflict of interest regarding this matter.

## 12. CHARTER OF HUMAN RIGHTS

This Report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

### **13. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

### **14. CONCLUSION**

A Council determination on its future role in the provision of Industrial land is required and will be considered as part of the Economic Development & Tourism Strategy.

A further Council determination will be required regarding the future use of the undeveloped land in the Echuca Industrial Estate.

Developing the land in Rochester will require a design and the obtaining all the relevant approvals. Funding is available from the industrial land reserve and will be subject to internal project management allocation, sales and marketing support and ongoing maintenance is required until land is disposed of.

## 9.2.2 Flood review and mitigation project

Directorate: Executive Director

Responsible Officer: Executive Director

Attachments: Nil

### 1. PURPOSE

Officers are seeking Council ratification of the application to the Disaster Ready Fund (DRF) which has been submitted to Emergency Management Victoria.

### 2. RECOMMENDATION

#### That Council:

- 1. Allocate \$356,667 within the 2023-2024 budget process as its contribution toward the Disaster Ready Fund application.**
- 2. Ratify the application to the Disaster Ready Fund of \$1,088,333 to Emergency Management Victoria.**

### 3. DISCUSSION

The Australian Federal Government has established the Disaster Ready Fund (DRF), which will provide up to one billion dollars over the next five years to help protect communities against the impacts of natural disasters across Australia. Applications for Round One where up to \$200 million in funding is available closed on 16 February 2023 requiring Officers to respond between Council meetings. The short time frame to submit for first round funding to Emergency Management Victoria was challenging given the organisations current focus on recovery, coupled with expectation from the community for Council to be proactive in preparing for future flood disasters.

Council staff have submitted a grant application which if successful aims to increase the resilience of communities across the municipality, ensuring that communities are better prepared to understand and manage flood risks, and enhance Council's ability to prepare and respond to flood-related disasters.

The proposed project will review and extend the existing draft Echuca Moama Torrumbarry flood study to incorporate the 2022 disaster and deliver a Risk Management Plan. The Plan will provide key recommendations, delivering a detailed investigation, functional design, cost estimates and approvals to then be able to construct the first stage of flood protection.

### 4. DISCUSSION

The application if successful aims to deliver the following:

1. Updating the 1993 study and adjusting the underpinning hydraulic model to incorporate the much more extensive and recent 2022 flood data. This is necessary to generate community confidence, demonstrate the accuracy of the model and to address discrepancies discovered during the 2022 event. Community and Stakeholder engagement to collect additional data, verify the modelling accuracy and generate community knowledge and understanding of flooding affects.

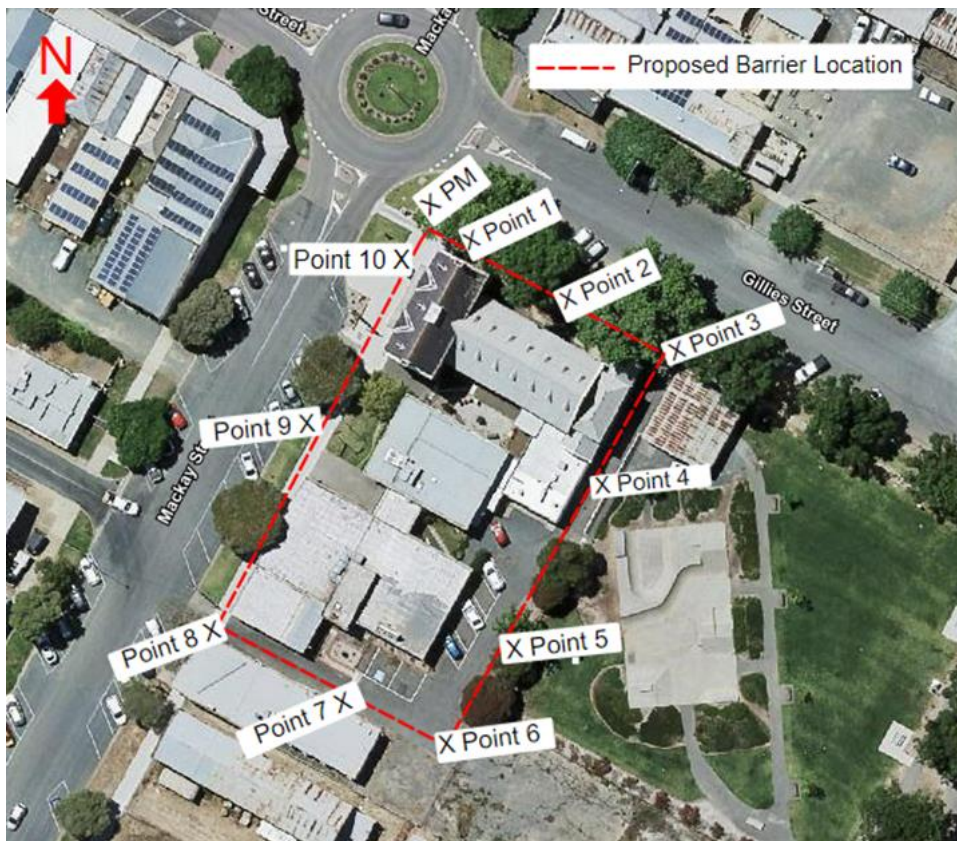
2. Preparation of the Flood Risk Management Plan to identify, evaluate and recommend options for mitigation works and investigate recommendations to determine their overall feasibility and requirements. The plan will prepare functional designs for the Stage 2 levees and associated infrastructure works, prepare more accurate estimates of cost and seek the required consents and approvals so works are ready to proceed.
3. Acquisition of proprietary demountable levee panels along with design and construction of site works to enable installation, operation and preparation as well as operating procedures for inclusion in the Flood Emergency Management Plans. The levees will protect key community facilities in Rochester rendered inoperable in the 2022 flood and maintain road access in Echuca that was completely cut isolating essential services and the community in the 2022 flood. Please see the below proposed locations for the demountable levees:

### Campaspe Esplanade Echuca





## Rochester Services Hub



The existing draft Echuca Moama Flood Study, calibrated to the 1993 event, was ready for formal exhibition when the October 2022 flood event struck. The severity of the event impacted communities across Campaspe Shire as well as surrounding communities along the NSW border. As the draft Echuca Moama Flood Study excludes the recent flood event, the study requires urgent review and extension to prepare the region.

### Proposed budget and timeline – Council contribution (matched funding)

\$1,088,333 – total requested

Grant Amount Sought:	\$1,088,333
Council Co Contribution required (50%)	\$1,109,917 – Include \$753,250 (in kind) plus a \$356,667 cash contribution)

Grant funds must be matched by the applicant on 50% co contribution basis, either cash or in kind.

The \$753,250 co-contribution comprises:

- In-kind contributions from the NCCMA, the Project Control Group, Water Technology,
- Expenditure incurred since the 1 July 2019 on the Echuca Moama Torrumbarry Flood Study Program, and
- Remaining budgeted expenditure on the Echuca Moama Torrumbarry Flood Study.

The grant guidelines provide for extension of existing programs by utilising past expenditure and budgeted expenditure as part of Council’s co-contribution provided those funds were not sourced from the Commonwealth.

## 5. CONSULTATION

### Internal consultation:

- Development Engineer
- Executive Director
- Executive Management Group

### External consultation:

- John McCartney, Consultant
- North Central Catchment Management Authority
- Water Technology Pty Ltd.

### Councillors:

- 07 02 2023 Council Briefing Session.

## 6. POLICY AND LEGISLATIVE IMPLICATIONS

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and there are no Council Policy or legislative implications arising from this report.

No policy implications

## 7. FINANCIAL AND ECONOMIC IMPLICATIONS

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no issues of ongoing financial viability of the Council have been identified within this report.

## 8. ENVIRONMENTAL IMPLICATIONS

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no environmental sustainability issues including mitigation and planning for climate change risks have been identified within this report.

## 9. SOCIAL IMPLICATIONS

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no social implications for the municipality have been identified with this report.

## 10. RELEVANCE TO COUNCIL PLAN 2021-2025

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no social implications for the municipality have been identified with this report.

## 11. ISSUES AND RISK MANAGEMENT

### Issues:

#### Ongoing storage of Temporary Flood Barriers

It has been determined that the most appropriate method of storage and protection of the moulded barriers is to locate them within shipping containers within the Rochester and Echuca works depots.

### **Risk:**

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

### **12. CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, the officer preparing this report declares no conflict of interest regarding this matter.

### **13. CHARTER OF HUMAN RIGHTS**

This Report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

### **14. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

## 9.3 Infrastructure

### 9.3.1 Seeking Council Consent, under Section 349 of the Land Act 1958, to closure of a road known as Crown Allotment 2047 on Plan OP125279, Parish of Echuca North

Directorate	Infrastructure
Responsible Officer:	Acting Manager Assets
Manager	Acting Director Infrastructure
Attachment	1. Closure of Government Road - CA 2047 [9.3.1.1 - 1 page]

#### 1. PURPOSE

Department of Energy, Environment and Climate Control (DEECA), formerly DELWP, seeks Council consent, under Section 349 of the Land Act 1958, to closure of Crown Allotment 2047, Parish of Echuca North, as shown on plan OP125279 as below.

The land package (road reserve) is currently unused and unmaintained by Council, and only serving to access the property of which both sides are owned by the adjacent landowner. Refer item 4 for details.

The purpose of this report is to seek Council's consent under Section 349 of the Land Act 1958, to closure of Crown Allotment 2047, Parish of Echuca North as shown on plan OP125279.

#### 2. RECOMMENDATION

##### That Council

- 1. consent under Section 349 of the Land Act 1958 to the closure of Crown Allotment 2047, Parish of Echuca North as shown on plan OP125279.**
- 2. authorise the Chief Executive Officer to complete the Consent Form (Attachment 9.1.1) and apply the Council Seal to give effect to Council's concurrence to the road closure.**
- 3. resolves that from now onwards, Council's consent pursuant to Section 349 of the Sale of Land Act 1958 can be made by the CEO pursuant to their S5 delegation or by Council staff pursuant to their delegation in the S7 (if applicable) unless the road closure would have a community impact.**

#### 3. DISCUSSION

Department of Energy, Environment and Climate Control (DEECA), formerly DELWP, has been working with property owners I & C Wright for the closure of this unused road which crosses their property boundary as it is used by the owners as a driveway to access their residence.

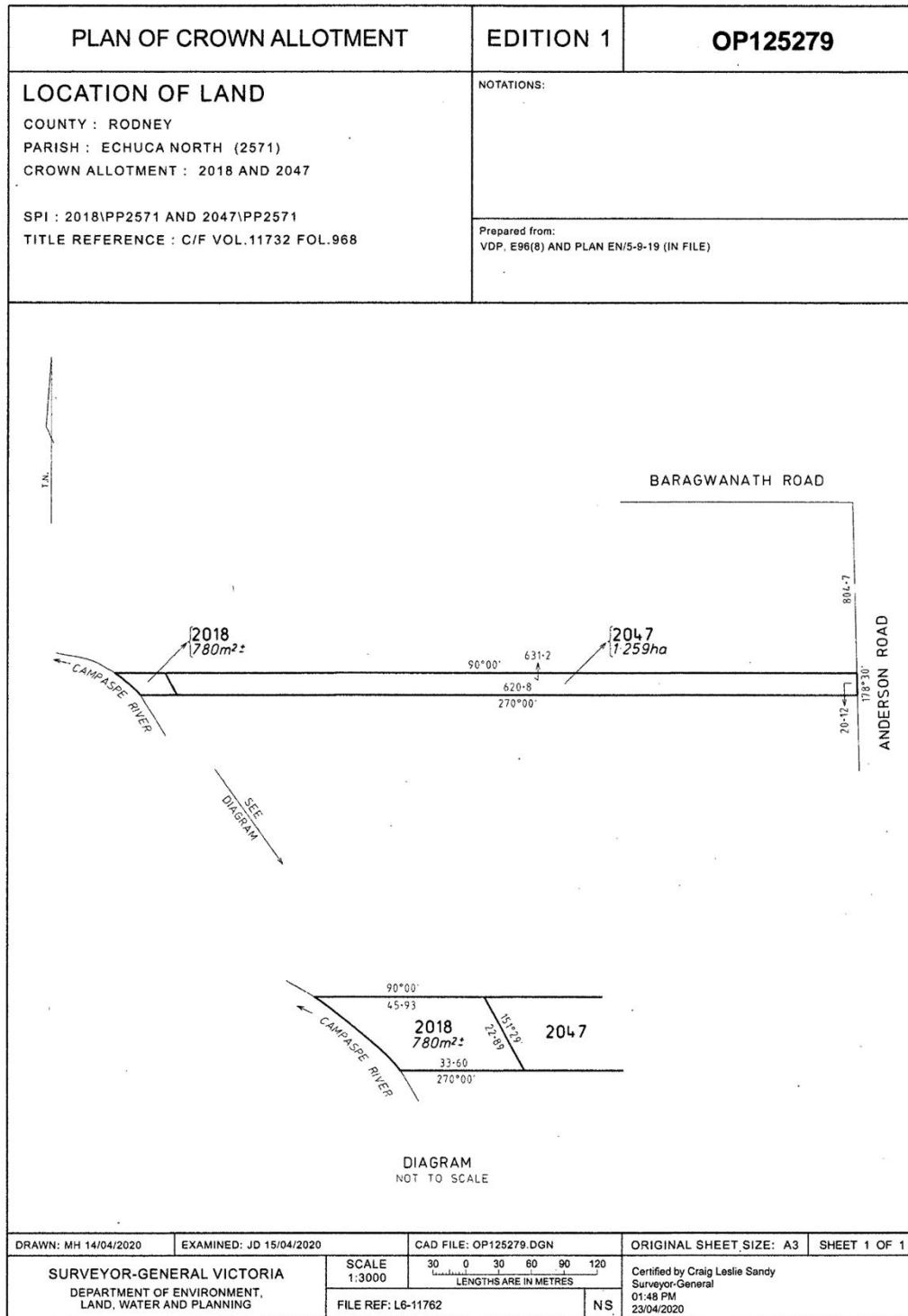
However, a road laid out on land of the Crown which is unused as to the whole or any portion of the length or width may be closed by the Governor-in-Council as to the whole or any part, as the case may be, by order published in the Government Gazette; but only with the concurrence in



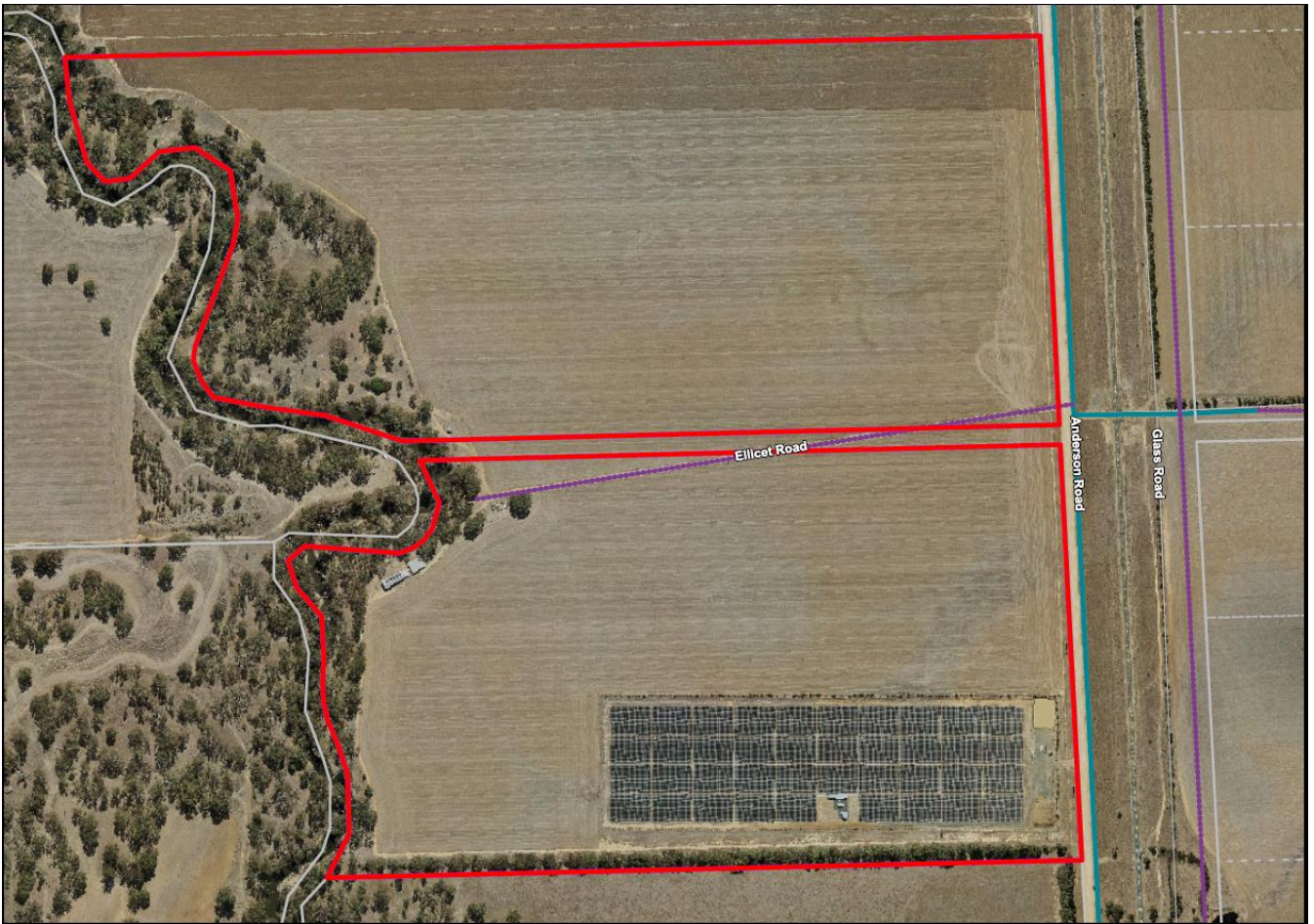
writing of the Council of the municipality in whose district the road is located, and of the owners of any land adjoining the road.

If Council favours the closing of the road described in the next paragraph, its concurrence should be given in writing to satisfy the requirements of the relevant legislation.

The section of road is known as Crown Allotment 2047, Partish of Echuca North as shown on Plan OP125279 below and lies between Anderson Road and the Campaspe River:



Council do not maintain this section of unused road shown on the aerial map below as 'Eliicet Road' and it is not on Council's Road Register.



However please note that the section of Ellicet Road (200m) east of Anderson Road (highlighted in teal) over the railway is on Council's Road Register classed as Earth.

#### 4. CONSULTATION

##### Internal consultation:

- Road Use Officer
- Property Manager
- Acting Governance Manager

##### External consultation:

- DEECA (formerly DELWP)
- I & C Wright

#### 5. POLICY AND LEGISLATIVE IMPLICATIONS

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and there are no legislative implications arising from this report.

## **6. FINANCIAL AND ECONOMIC IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no issues of ongoing financial viability of the Council have been identified within this report.

## **7. ENVIRONMENTAL IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no environmental sustainability issues including mitigation and planning for climate change risks have been identified within this report.

## **8. SOCIAL IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no social implications for the municipality have been identified with this report.

## **9. RELEVANCE TO COUNCIL PLAN 2021-2025**

Not applicable

## **10. ISSUES AND RISK MANAGEMENT**

### **Issues:**

#### **Issue 1:**

No issues, this is a procedural matter under Section 349 of the Land Act 1958.

### **Risk:**

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

## **11. CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, the officer preparing this report declares no conflict of interest regarding this matter.

## **12. CHARTER OF HUMAN RIGHTS**

This Report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

## **13. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

## **14. CONCLUSION**

This is a procedural matter under Section 349 of the Land Act 1958 and at the request of DEECA (formerly DELWP). As it is not on Council's Road Register and will not be required for any purpose now or in the future, written concurrence be provided to DEECA for the road closure.





## 9.3.2 C22068 - Flood Recovery Panel

Directorate: Infrastructure

Responsible Officer: Acting Director Infrastructure

Manager: Chief Executive Officer

Attachments: 1. CONFIDENTIAL REDACTED - C22068 Flood Recovery Panel  
Confidential Supporting Document [9.3.2.1 - 2 pages]

### 1. PURPOSE

In October 2022, the Shire of Campaspe was impacted by a significant flood event. Council has received approval to commence Flood Emergency works for essential public assets under the Disaster Recovery Funding Arrangements (DRFA) (category B). Emergency works activities are urgent activities necessary to temporarily restore an essential public asset to enable it to operate or be operated at an acceptable level of service to support the immediate recovery of a community. Emergency works are urgent activities necessary during or immediately following an eligible disaster, to protect the health and safety of the public and provide an acceptable level of service.

Under the requirements of DRFA funding, all emergency and immediate works are required to be completed by the 30<sup>th</sup> of April 2023.

Eight contractors were awarded a schedule of rates panel contract on 1 February 2023 by the Chief Executive Officer. However the CEO financial delegation has now been expended. Detailed scoping of the works to be undertaken was completed in parallel with the awarding of the tender due to the widespread flood damage, many assets still inundated, and limited availability of engineering resources. This approach also enabled emergency works to commence as soon as practical, essential to meet the funding deadline and control & remove road safety risks.

### 2. RECOMMENDATION

**That Council approve the awarding of works under contract for C22068 – Flood Emergency Works (Civil) - Panel of Suppliers exceeding \$1million to the following tenderers:**

1. Civil and Earth
2. NGH Earthmoving
3. Girdwood Contracting Pty Ltd
4. Earthworks Civil
5. Danspec
6. GE Civil
7. Northern Construction Group (Aust) Pty Ltd
8. Ward Bros

### 3. DISCUSSION

#### Process and submissions

Invitations for “Tender 22068 – Flood Emergency Works (Civil) - Panel of Suppliers” were advertised using Council’s internet portal eprocure via Council’s website from 19 December 2022 to 18 January 2023 and in Campaspe’s local papers the following week. The nominated closing date for the tender was 2pm, 18 January 2023 with one addendum being issued during this time which did not extend the closing date.

The sixteen submissions received at the close of the tender period are listed in the confidential attachment.

#### Evaluation

An evaluation panel was formed to evaluate the tender submissions.

The conforming tenders were evaluated using a weighted attribute method based on the evaluation criteria and weightings listed in the tender documents as noted below.

#### **Mandatory – OH&S**

- Demonstration of effective and routine application of OH&S and Risk Management Systems

#### **Financial Benefit 60%**

- Price

#### **Methodology 20%**

- Demonstration of the works will be provided to meet the outcomes required, as written in the specification including, traffic management, OH&S management, weather conditions, haulage, packages of minor works spread geographically, proposed plant and labour.

#### **Experience & Availability 20%**

- Demonstration of past performance by tenderer and key personnel in delivering required works including drainage structures, roads and footpaths, signs, levees and flood debris.

Scoring Rationale	Scoring
<b>High Standard:</b> The submission exceeds the selection criteria in some or all respects and reflects industry best practice. The supporting information is comprehensive and complete. Considered likely to exceed Council’s requirements in delivery of the contract.	5
<b>Good Standard:</b> The submission satisfies the selection criteria in all respects. The supporting information is reasonable and complete. Considered likely to deliver the contract to Council’s requirements with minimal supervision.	4
<b>Acceptable Standard:</b> The submission is of an acceptable standard, with only minor deficiencies and shortcomings in the detail of the supporting information. Delivery of the contract to Council’s requirements is probable with a minimal level of supervision.	3

<p><b>Sub Standard:</b></p> <p>The submission does not satisfy the selection criteria. There are major or many deficiencies in the detail of the supporting information. Delivery of the contract to Council's requirements is unlikely and would require significant and regular supervisory intervention.</p>	2
<p><b>Poor Standard:</b></p> <p>The submission does not satisfy the selection criteria. There are major deficiencies in the detail of the supporting information. Delivery of the contract to Council's requirements is unlikely without significant and regular supervisory intervention.</p>	1
<p><b>Non-conforming:</b></p> <p>Non-conforming. Does not comply with requirements specified in the tender conditions.</p>	0

There were 9 conforming tenders out of 16 submissions, the 7 non-conforming were either due to not completing the schedules or were not a principal contractor, that is they could only perform a small number of tasks required and would need to engage a civil contractor for the main works. Although these contractors did not make it on to the panel, having submitted a tender allowed Council to acknowledge their business and if needed will seek their services.

Out of the 9 conforming tenders, only 8 are recommended for the panel due to one tenderer having a schedule of rates that far exceeded the median price and a cost that Council would not be prepared to pay.

All 8 recommended contractors have experience in the requirements of tasks required for this panel.

#### 4. CONSULTATION

##### Internal consultation:

- Management Accountant
- Procurement
- Project Sponsor
- Flood Recovery Co-ordinator
- Works Co-ordinator
- Engineering Design Co-ordinator

##### External consultation:

- DRFA Claims Assessor

#### 5. POLICY AND LEGISLATIVE IMPLICATIONS

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and there are no Council Policy or legislative implications arising from this report.

## 6. FINANCIAL AND ECONOMIC IMPLICATIONS

Council is yet to receive confirmation of the level of funding approved by DRFA and will need to continue to access its own resources for these urgent works to continue. Urgent advocacy is required to achieve resolution and ensure works can continue to mitigate further impact on the economy.

## 7. ENVIRONMENTAL IMPLICATIONS

The damage to the municipality has been extensive and infrastructure will continue to deteriorate until extensive urgent repairs are completed.

## 8. SOCIAL IMPLICATIONS

Council is yet to receive confirmation of the level of funding approved by DRFA and will need to continue to access its own resources for these urgent works to continue. Urgent advocacy is required to achieve resolution and ensure works can continue to mitigate further impact on community well-being.

## 9. RELEVANCE TO COUNCIL PLAN 2021-2025

### Well planned places

Ability to travel safely and easily by road and rail

## 10. ISSUES AND RISK MANAGEMENT

### Issues:

#### Issue 1:

Timeline – Not authorising the contract works value over \$1 million on time prevents works being completed within external funding deadlines, resulting in council funding the incomplete works.

### Risk:

Risk	Likelihood	Consequence	Rating	Mitigation action
Issue 1	Almost certain	Major	Extreme	Council approve recommendation to award contract works value over \$1 million.

## 11. CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, the officer preparing this report declares no conflict of interest regarding this matter.

## 12. CHARTER OF HUMAN RIGHTS

This Report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.



### **13. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

### **14. CONCLUSION**

The responses to written questions provides confidence that the following 8 recommended contractors have the resources and capacity to undertake the works required and will provide Council with value for money.

## 10 Council Information

### 10.1 Notes of Appreciation

The following have been received:

- Aussie Breadtags for Wheelchairs – thank you and appreciation to the Campaspe Regional Library for an outstanding effort in the collection of Bread Tags.

The tags are made into recycled products in South Australia, which are then sold to raise funds to purchase wheelchairs for disadvantaged people. The main funding goes towards supporting people in South Africa where the campaign originally started in 2006.

- Jack Norris, Campaspe Shire Council Youth Action Group (YAG) – on behalf of the YAG extend appreciation for the work and time of Mayor Cr Rob Amos, Cr Chrissy Weller and Cr Tony Marwood over the past 12 months.

*“All three have shown their willingness to meet with us to hear from us about our concerns, our ideas and our visions ahead for young people calling the Campaspe Shire Council home.”*

*“We look forward to continuing our working relationship with Mayor Amos, Cr Weller and Cr Marwood into 2023 as we ensure that young people have a voice, that young people can take action and that young people have a future in the Campaspe Shire Council.”*

Congratulations also extended to:

- Cr Weller for her time as Mayor
- Cr Amos on his election as Mayor
- Pauline Gordon on her appointment as the Chief Executive Officer

Appreciation also extended to Ben Hearn, Community Development Officer – Youth for his dedication, passion and leadership to the YAG.

*“The time he gives to each member of the YAG shows that he is very passionate in advocating for and delivering positive outcomes for young people in the Campaspe Shire.”*

- Echuca Luxury Houseboats – expressing thanks and appreciation for the efforts of Council staff with the beginning of the reinstatement of activities at Riverboat Dock following the floods.

*“We know that council has many demands on its time and resources given recent events and as such the efforts at Riverboat Dock need commending. I would especially like to thank Daniel Basham who demonstrated amazing communication skills and responsiveness in coordinating the partial removal of the temporary levee and involvement in the clean-up.”*

*“Additionally, Brendan Kneebone and contractors Tim Denahy (plumber) and Jim Richardson (electrician) deserve a pat on the back for the speed with which they restored functionality to the site.”*

*“Furthermore, we really appreciate that the Councillors through their weight behind the coordinated effort.”*

- Close the Loop – thank you for being part of the circular economy! Campaspe Shire Council has recycled a total of 4.86kg of toner cartridges between 1/10/2022 to 31/12/2022.
- Echuca Moama Community Projects – thank you to Jenny and the staff at the Campaspe Regional Library for supporting the 2022 Christmas Toy Appeal.

*“We supported 274 local kids this year in receiving toys for Christmas. What a fantastic result and our biggest year ever.”*

- Rathchanok Sooksai - thank you for a beautiful citizenship ceremony to on Australia Day.

*“I hope you are enjoy your Australia as I am.”*

## **RECOMMENDATION**

**That Council acknowledge the notes of appreciation as listed.**

## 10.2 Council Plan Year 2 Action Progress Report Q2 Update

Directorate:	Corporate
Responsible Officer:	Acting Director Corporate
Manager:	Chief Executive Officer
Attachments:	1. Council Plan Action Progress Report Q2 2022 2023 [10.2.1 - 8 pages]

### 1. SUMMARY

To provide Council with the second quarter update on the progress of implementation of Council Plan Actions.

### 2. RECOMMENDATION

**That Council note the progress towards the year 2 actions of the Council Plan supporting implementation of the Council Plan Vision.**

### 3. DISCUSSION

This report provides an update on the implementation of the 87 actions funded under the 22/23 budget and listed as year 2 actions in the 2021-2025 Council Plan to support the delivery of the Vision 'Our places are vibrant and sustainable, our people are strong and supportive'. The range of initiatives reflect the diverse services that Council provide to the community. Progress in relation to the implementation of these initiatives are reported quarterly. This report provides the end of quarter two update and notes the following progress of implementation of actions:

Year 2 actions listed in the 2021-25 Council Plan

- 14 – Completed
- 66 - In progress
- 7- Not Started

Detailed status for each action as at the end of December 2022 (Q2) is provided in the attachment to this report.

### 4. OPTIONS

Option 1: Council note the progress towards implementation of the Council Plan

This report seeks to provide Council and the community with an update in relation to the progress of implementation of actions that support the delivery of Council's Vision.

This option is recommended by officers.

Option 2: Council not note the progress towards implementation of the Council Plan

This option is not recommended by officers.

### 5. CONSULTATION

### Internal consultation:

Directors and Department Managers from across the organisation have been consulted in relation to the progress of actions.

## **6. POLICY AND LEGISLATIVE IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no issue with Council Policy and relevant law has been identified within this report.

There are ten of the 87 Year 2 Council Plan actions that relate to changes, reviews or developments of council policy or strategy or respond to legislative requirements. This includes development of a Playground Policy, Rural Living Strategy, Campaspe Planning Scheme Amendments, Municipal Early Years Plan, Domestic Wastewater Management Plan and Fleet Policy review.

## **7. FINANCIAL AND ECONOMIC IMPLICATIONS**

Of the 87 Year 2 Council Plan actions, 22 actions relate to economic sustainability and financial viability for council and our community. Examples include Economic Development Strategy and Action Plan, Industrial Land Strategy, Commercial Strategy, Transport Freight Route Action Plan, Employer Forums, Port of Echuca Transition to Campaspe Port Enterprise, Delivery of Roads to Recovery Projects and development of a Regional Circular Economy Plan.

## **8. ENVIRONMENTAL IMPLICATIONS**

Twenty-five Year 2 Council Plan actions relate to environmental sustainability, and Planning for climate change including kerbside bin and other waste programs, contaminated land management, use of recycled materials in council projects, development of an environmentally sustainable design guideline, review of green fleet options, advocacy for on-farm efficiencies and irrigation practice and modernisation, domestic waste water management plan review, waste water recycling and feasibility report, integrated water management project for Aquatic Reserve, offsets for native vegetation loss on private land, weed and pest control and other environment strategy actions.

## **9. SOCIAL IMPLICATIONS**

Social implications are a key consideration of 55 of the Year 2 Council Plan actions and cover a range of areas including development of a Tourism and Events Place Based Plan, Echuca West Precinct Structure Plan for additional residential housing, vocational training and employment, completion and implementation of various recreation reserve designs and master plans, Rushworth Murchison rail trail project commencement, public wi-fi and digital connectivity and engaging with local indigenous groups.

## **10. RELEVANCE TO COUNCIL PLAN 2021-2025**

The Council Plan is Council's key strategic document for the term of the Council, which reflects the outcomes of stakeholder and community engagement. The Plan describes Council's strategic objectives, strategies for achieving the objectives and how the outcomes will be measured. This report relates directly to the Council Plan as it provides an update on progress towards the delivery of the objectives identified in support of Council's vision.

## **11. ISSUES AND RISK MANAGEMENT**

## **Issues:**

The Action Plan responds to some of the key challenges that are facing not only Campaspe but also many other rural and regional communities. Over each of the four years of the 2021-2025 Council Plan a set of annual objectives is developed to address these risks and deliver Council's vision for our community.

The key challenges include:

- Water security for the agricultural industry
- High costs of inputs for industry
- Transport connectivity and access
- After-hours health care
- An ageing population
- Substance abuse
- Availability of tertiary education and training
- Cross-border regulation
- Climate change
- Waste minimisation and sustainable disposal
- Energy self-sufficiency
- Water sustainability
- Digital connectivity

## **Risk:**

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

## **12. CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, the officer preparing this report declares no conflict of interest regarding this matter.

## **13. CHARTER OF HUMAN RIGHTS**

This Report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

## **14. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer is so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

## **15. CONCLUSION**

This report seeks to provide Council and the community with an update in relation to the progress of implementation of actions that support the delivery of Council's Vision.

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## Council Plan Action Report Q2 2022-2023

Strategic Priority Area:		Flourishing local economy				
Desired Outcome:		Flourishing local economy				
Strategy	Major Initiative	Measure	Implementation Timeframe		Quarter 2 Status	Status Update
			Start Date	End Date		
A resilient long-term economy attractive to local and external investors	We will complete the Economic Development Consultancy and implement an action plan.	Consultancy completed and action plan in place with timelines identified	1/07/2022	30/06/2023	In Progress	Issues and Opportunities Paper needs updating to incorporate current ABS data. Updates following Federal Budget and Victorian elections required.
	We will develop a Tourism and Events Place Based Plan in partnership with Murray River Council. This includes a review of service level agreements associated with tourism destination marketing and visitor information services.	Tourism and Events Place Based Plan completed. Service level agreements in place and endorsed by Council.	1/07/2022	30/06/2023	In Progress	Commercial discussions have commenced. Presentation scheduled by EMDTA to council for 28th February.
	We will review Council's role in delivering industrial land and provide Council with strategic options to support economic growth.	Review of Council's role in the supply of industrial land completed, with a report outlining strategic options to support economic growth endorsed by Council.	1/07/2022	30/06/2023	In Progress	To be discussed at briefing session on 7 February
Stimulated economic activity that provides local jobs	We will engage with local and state stakeholders to identify and respond to the need for freight routes.	A strategic working party is in place, including State and Federal Government representatives and freight industry leaders, and an issues paper and action plan completed.	1/07/2022	30/06/2023	In Progress	Regional transport network engaged in development of action plan.
	We will embed the business concierge approach to encourage and support new business.	Business concierge model in place with an annual training provided for businesses in partnership with Small Business Victoria.	1/07/2022	30/06/2023	Completed	The concierge process was reviewed with Small Business Victoria and changes were made to council's service model. This is now available via council's website.
	We will engage in the development of local career pathways, including vocational training pathways, in partnership with peak bodies.	Two industry information sessions held, showcasing career opportunities to local students.	1/07/2022	30/06/2023	In Progress	Through Council's Engage! funding over 50 local youth have been provided a \$200 to support Vocational Training opportunities.  Council has also an active Partner in the CCLEN (Campaspe Cohuna Local Learning and Employment Network) Which support the Development of career pathways for local youth.  The Youth expo that was facilitated in Kyabram, in partnership with the CCLEN and Council's FreeZa funding.  Council staff have also supported the Beacon Job Skills Readiness program which supports all year 9 and 10 students (est 600 Students) across the Shire and the Beacon Leadership Forum planned for February 2023.
	We will implement the Goulburn Valley Designated Area Migration Agreement (GV DAMA) with Greater Shepparton City Council and Moira Shire Council.	GV DAMA in place and 64 employment placements achieved.	1/07/2022	30/06/2023	In Progress	DAMA implemented March 2022. Council briefing scheduled for February 2023.
	We will hold four major employer forums in various locations across the shire to improve communication between Council and employers.	Four forums held, with 100 participants per forum.	1/07/2022	30/06/2023	In Progress	Two well attended farmers forums have been held - one on the east side and one on the west side of the shire.



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	We will support traineeships, cadetships, apprenticeships and student placements as a pathway to join Council.	A minimum of five placements in place across Council.	1/07/2022	30/06/2023	In Progress	For the period 1 July to date, seven trainees have completed their placements with council mainly in the Works area. Three more trainees are due to commence their placements before the end of January 2023, two of these are in the Local Laws area and one in Works. Planning are also investigating a graduate trainee placement opportunity in their team.
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Strategic Priority Area:		Resilient protected and healthy natural environment				
Desired Outcome:		Resilient protected and healthy natural environment				
Strategy	Major Initiative	Measure	Implementation Timeframe		Quarter 2 Status	Status Update
			Start Date	End Date		
Well managed resources for a sustainable future	We will develop and implement a compliance program to address kerbside bin contamination.	Compliance program in place to address the top five contamination issues.	1/07/2022	30/06/2023	In Progress	Program has commenced and will continue throughout 22/23 year
	We will continue to increase the number of food and garden organics kerbside bin services.	An additional 500 kerbside green bins in place.	1/07/2022	30/06/2023	In Progress	134 delivered for the quarter
	We will complete investigations and develop an action plan to manage the contaminated land at the Toolleen, Colbinabbin, Tennyson and Girgarre former landfill sites.	Investigations completed and action plan adopted by Council.	1/07/2022	30/06/2023	In Progress	Development of the brief for EOI for suitable contractors to assist with the development and implementation for the action plan is underway.
	We will conduct a review of our fleet to align with business requirements.	Report completed and presented to the Executive Management Group for a decision.	1/07/2022	30/06/2023	In Progress	Review of the Fleet Policy is currently being undertaken.
	We will investigate using recycled materials in Council projects.	Discussion paper completed and presented to the Executive Management Group for a decision.	1/07/2022	30/06/2023	In Progress	Investigations commenced
	We will develop an Environmentally Sustainable Design Guideline to be applied to Council projects.	Guideline developed and approved by the Executive Management Group.	1/07/2022	30/06/2023	In Progress	Draft ESD Guidelines have been prepared and are presently being reviewed internally. After seeking the necessary feedback, a report will be submitted to Council for adoption.
Sustainable water and energy use	We will investigate the inclusion of 'green' fleet options into Council's fleet.	Options paper completed and presented to the Executive Management Group for a decision.	1/07/2022	30/06/2023	In Progress	'Green' fleet options are being considered as part of the overall fleet review that is now underway.
	We will identify and pursue advocacy and funding opportunities for on farm efficiencies in irrigation practice and modernisation.	Advocacy and funding opportunities identified and actioned, with advocacy summary sheets distributed to decision makers, lobbying for support to improve irrigation.	1/07/2022	30/06/2023	Not Started	This item is no longer achievable due to changes to state policy which prevent officers from actioning.
	We will deliver a solar program for Council owned community buildings across multiple locations funded through the Local Roads and Community Infrastructure Program.	Solar program completed and funds expended.	1/07/2022	30/06/2023	In Progress	Tenders currently open. Tenders close 16 January 2023.
	We will review the Domestic Wastewater Management Plan in line with EPA Act changes.	Review completed with changes approved and implemented.	1/07/2022	30/06/2023	Not Started	The Domestic Wastewater Management Plan will be reviewed now that the EPA Act has been amended.
	We will work with our partners in Coliban Water, DELWP, and Yorta Yorta to complete a waste water recycling feasibility report for Echuca West.	Report completed and presented to the Executive Management Group.	1/07/2022	30/06/2023	In Progress	A consultant has been engaged to prepare the feasibility study. The consultants have had initial discussions with the key stakeholders and the feasibility study has just commenced.

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	We will complete the Integrated Water Management project at the Aquatic Reserve.	Aquatic Reserve water quality project completed.	1/07/2022	30/06/2023	In Progress	Design complete. Planning Permit issued. Following the October flooding the area is to undergo an assessment prior to going to tender and works commencing in accordance with funding.
	We will conduct assessments for the supply of raw water or stormwater to Echuca East and Echuca South Recreation Reserves and, if appropriate, complete designs.	Assessments completed and presented to the Executive Management Group and Council for a decision.	1/07/2022	30/06/2023	In Progress	Raw Water Supply Assessment to Echuca East Open Space and Echuca South Reserve has commenced with a scope of works developed and contract awarded. Initial assessment of the options has been presented with further development of preferred option underway. Presentation of final report and recommendations targeted for June 2023.
Protected natural environment	We will deliver actions in the Roadside Weeds and Pest Control Plan in line with funding received.	100 per cent of the state funding expended.	1/07/2022	30/06/2023	In Progress	Spraying and pest control is underway.
	We will implement all actions in the Environment Strategy.	All 40 actions implemented.	1/07/2022	30/06/2023	In Progress	Strategy was adopted in November 2022.
	We will engage Yorta Yorta to develop a fire and weed management program at Victoria Park and Scenic Trail in Echuca.	Program developed with implementation plan in place to deliver actions.	1/07/2022	30/06/2023	In Progress	Preliminary discussion held with Yorta Yorta regarding a fire and weed management program.
	We will open up the Rural Tree Scheme to support rural landholders to increase biodiversity and spend the allocated budget on purchasing plants.	Scheme completed and budget fully expended.	1/07/2022	30/06/2023	Completed	Strong uptake in program received. Will remain open until funds expended.
	We will participate in the Goulburn Murray Valley Regional Fruit Fly Program.	Attend 80 per cent of meetings.	1/07/2022	30/06/2023	In Progress	Attended 100% of meetings in Q1.

Strategic Priority Area:		Well planned places				
Desired Outcome:		Well planned places				
Strategy	Major Initiative	Measure	Implementation Timeframe		Quarter 2 Status	Status Update
			Start Date	End Date		
	We will finalise the Echuca Aquatic Reserve designs and pursue funding opportunities.	Designs endorsed by Council and funding opportunities identified and applied to.	1/07/2022	30/06/2023	In Progress	Preliminary design completed. Funding secured for stormwater project with works scheduled for March 2023.
	We will finalise a review of the Victoria Park Master Plan in Echuca, design a multi-purpose facility and pursue funding opportunities.	Designs and project cost endorsed by Council, with a Council commitment made to part funding the project, and external funding opportunities identified and applied to.	1/07/2022	30/06/2023	In Progress	The DRAFT Masterplan is currently on public exhibition with a close date of 27 January 2023. Feedback from Councillors, the project reference group and user groups regarding the detailed design has been incorporated into the design process.
	We will prepare a design for the shared user path between Victoria Park and River Boat Dock in Echuca.	Design completed and costed.	1/07/2022	30/06/2023	In Progress	EMG have supported this project for Advanced Design. Progress is subject to PM availability.
	We will construct Stage 2 and commit to funding for Stage 3 of the Echuca East Recreation Reserve project.	Stage 2 completed and funding for Stage 3 allocated.	1/07/2022	30/06/2023	Completed	This project was completed late December 2022.
	We will support the outcomes of the Place Based Plans and Township Facility Plans to ensure local aspirations are progressed in partnership with Council.	Local aspirations of townships identified and projects identified for progression.	1/07/2022	30/06/2023	In Progress	Place Based Planning has progressed for Colbinabbin and Tongala. Consultants have been engaged for all the other identified communities. It is planned that Rochester and Rushworth will commence January/February 2023.
	We will transition the management of the Port of Echuca to the Campaspe Port Enterprise (CPE).	CPE operational with their Strategic Plan and Budget endorsed by Council.	1/07/2022	30/06/2023	In Progress	CPE has appointed a General Manager and Executive Assistant and developed a draft staff structure while still operating within the 2022-23 Council budget.

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Attractive and useable sites of importance	We will pursue advocacy and funding opportunities for the redevelopment of the Echuca Aerodrome.	Advocacy and funding opportunities identified and actioned, with advocacy summary sheets distributed to decision makers.	1/07/2022	30/06/2023	In Progress	Advocacy sheet developed and funding application submitted.  It was determined that the Murray River Council were no longer involved with any funding of the Aerodrome - they withdrew from the arrangement of providing 10% of the costs in 1996.  Focus will be to determine the current position (state) of the facility and what needs to happen to ensure it meets basic standards for operations. What is the annual funding required to do this? Also determine who uses the facility and the overall financial position.
	We will complete upgrades at the Echuca Holiday Park.	Two upgrade projects completed and one upgrade project started.	1/07/2022	30/06/2023	In Progress	Tenders for amenities block, 2 x accessible cabins, playground and waterpark are currently being assessed. It is expected that contracts will be awarded in January 2023.
	We will upgrade public seating and landscaping, and install lighting in the Port of Echuca.	Projects completed.	1/07/2022	30/06/2023	In Progress	Tree planting in Murray Esplanade completed. Further works need to be scoped before progressing.
	We will refurbish the log slip and upgrade exhibits at the Port of Echuca Discovery Centre.	Log slip and exhibit projects completed.	1/07/2022	30/06/2023	In Progress	Tender for log slip refurbishment have been finalised and works commenced in December.  Works on Strathmerton Station will commence and end of January.  All other works are complete
Land and underlying infrastructure suitable for growing populations	We will engage a consultant to prepare a strategy on rural living opportunities and low density residential in identified townships.	Consultant engaged and development of strategy underway for nine townships.	1/07/2022	30/06/2023	In Progress	The Residential Land Review has been prepared and submitted to Council for adoption. Officers will now proceed with preparing a scheme amendment to introduce the recommendations from the strategy.
	We will ensure kindergarten infrastructure is planned and provided for in Echuca West.	Echuca West has sufficient kindergarten places to meet demand.	1/07/2022	30/06/2023	In Progress	Sandhurst Catholic Early Childhood Education & Care Limited is progressing its planning application. A Deed of Development is in draft.
	We will develop and implement actions identified in the Asset Plan.	Six actions completed.	1/07/2022	30/06/2023	In Progress	Actions to be completed by June 2023 well on progress.
	We will refurbish the Rushworth Service Centre to provide an open and accessible community space and library.	Refurbishment completed.	1/07/2022	30/06/2023	In Progress	Detailed tenders called for, closed 8 November. Three tenders received. Assessment completed and contractor appointed. Plan to commence work end January 2023.
	We will showcase a minimum of 5 capital works projects through different communications.	A minimum of 5 projects showcased.	1/07/2022	30/06/2023	In Progress	Five projects identified and current focus. To be reviewed quarterly.
Quality, attractive recreational spaces	We will pursue advocacy and funding opportunities for the redevelopment of Victoria Park in Echuca.	Advocacy plan and fact sheets have been distributed to decision makers to lobby for funding.	1/07/2022	30/06/2023	Completed	Advocacy sheet prepared and distributed in October in preparation for the State Government elections.
	We will develop a playground policy in line with the Open Space Strategy.	Policy completed and adopted by Council.	1/07/2022	30/06/2023	In Progress	The Open Space Strategy was adopted June 2022. Officers have commenced the drafting the Playground Policy to align with the endorsed Open Space Strategy. Response and Recovery to October flooding has impacted the progress of this policy.

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	We will complete Stage 1 of the Victoria Park Boat Ramp project.	Stage 1 works completed.	1/07/2022	30/06/2023	In Progress	Survey and design work started (contract let) however have been impeded by 2022 floods. Survey and design work to commence first quarter 2023. Timeline will need to be reassessed early 2023.
Improved walkability and cyclability within townships	We will assist the Murray River Tourism Board with advocacy and auspice the funding for the Murray River Adventure Trail.	Advocacy and letters of support to relevant government bodies completed.	1/07/2022	30/06/2023	In Progress	Funding application submitted.
	We will prioritise the development of a program of designs to complete missing links and shared paths and cycleways.	Design work completed in line with program of works from the Active Transport Strategy.	1/07/2022	30/06/2023	In Progress	Undertaking projects in line with the Missing Links Plan.
	We will pursue advocacy and funding opportunities to improve walking and cycling linkages.	Advocacy plan and fact sheets distributed to decision makers to lobby for funding.	1/07/2022	30/06/2023	In Progress	Advocacy plan prepared for Rushworth Rail Trail.
	We will start the Rushworth Murchison Rail Trail project.	Trail works started.	1/07/2022	30/06/2023	In Progress	Community engagement and design completed. Tender to be called for in January 2023 for stage one works.
Ability to travel safely and easily by road and rail	We will work with the Department of Transport to prepare a Network Movement Plan to increase shared paths and connectivity to capture all walking, cycling and traffic movements for Echuca.	A plan is completed and incorporated into the Campaspe Planning Scheme.	1/07/2022	30/06/2023	In Progress	Amendment C117 has identified a shared network with Echuca West. Officers are working with Department of Transport to prepare an Echuca wide movement plan.
	We will pursue advocacy and funding opportunities to improve public transport.	Advocacy plan and fact sheets distributed to decision makers to lobby for funding.	1/07/2022	30/06/2023	In Progress	Advocacy plan prepared.
	We will deliver all Roads to Recovery projects under the Road Management Plan.	Projects completed and annual funding expended.	1/07/2022	30/06/2023	In Progress	Projects are tracking well.
Digital connectedness maximising mobility, economic productivity, health care access and education participation	We will install public Wi-Fi at the Echuca East Community Facility and the Tongala Sound Shell.	Public Wi-Fi installed at both locations.	1/07/2022	30/06/2023	In Progress	Scoping works have commenced for both sites with survey still to be undertaken to determine the best location for each installation.
	We will pursue advocacy and funding opportunities to improve digital connectivity.	Advocacy plan and fact sheets distributed to decision makers to lobby for funding.	1/07/2022	30/06/2023	In Progress	Advocacy to support improved mobile communications around Toolleen.
	We will support community members to learn about technology through library programs.	Four programs provided focusing on technology.	1/07/2022	30/06/2023	In Progress	NBN Local Ambassador, Charlene Donovan, conducted tech sessions at Kyabram, Echuca and Rochester Libraries during Q1 and Q2. The final two NBN sessions were conducted in Q2 with 12 people attending, some sessions were cancelled due to the flood event.  A total of 124 people were assisted with one-to-one tech support by library staff
	We will offer telehealth Maternal & Child Health consultations when physical access is not possible.	All consultations offered telehealth, when physical access is restricted.	1/07/2022	30/06/2023	In Progress	Telephone consultations continue to be offered to families where accessing a MCH centre is difficult. A Health Direct subscription has commenced. Staff training to utilise Health Direct is anticipated to occur Quarter 3.

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Strategic Priority Area:		Growing quality of life				
Desired Outcome:		Growing quality of life				
Strategy	Major Initiative	Measure	Implementation Timeframe		Quarter 2 Status	Status Update
			Start Date	End Date		
Communities have a say on local infrastructure and attractions that stimulate engagement and activity	We will conduct an engagement program to review aquatic services and work with communities to develop Place Based Plans and Township Facility Plans.	Place Based Plans and Township Facility Plans for 8 towns completed.	1/07/2022	30/06/2023	In Progress	Place Based Planning has progressed for Colbinabbin and Tongala. Consultants have been engaged for all the other identified communities. It is planned that Rushworth and Rochester Place Based Plans will commence January/February 2023.
	We will participate in the development of a Regional Circular Economy Plan and review options for implementation of new services.	Options reviewed and report presented to Council for consideration.	1/07/2022	30/06/2023	In Progress	Officers attended the RCEP meetings and have partnered with Bendigo, Gannawarra, Mount Alexander, Macedon Ranges, Mildura Rural City, Buloke, Swan Hill, and SV to conduct a Circular Economy Scan of the region. Project is being conducted by Aurecon partnering with Lifecycles and is led by Bendigo. Campaspe has attended two workshops to date and provided Council's draft Economic Development Strategy to feed into the project.
Effective and efficient services available locally	We will engage a consultant to conduct a review of the quarries.	Review completed and presented to Executive Management Group.	1/07/2022	30/06/2023	Not Started	Work on this action has not commenced yet.
	We will review the results of community feedback on Council's communications and identify areas for improvement.	Survey results from UNI SA reviewed and actions identified.	1/07/2022	30/06/2023	In Progress	Following a review of the results, communications have focused on key topics and information of high interest to the community. This has included communications on rates, activities for young people and older residents, events, major projects and other capital works updates. Information is presented in different formats, using photos, maps and other visual information to aid readability and enhance accessibility.
	We will improve our organisational performance in regards to acknowledging correspondence and telephone messages.	90 per cent responded to in line with targets set in the Customer Service Charter.	1/07/2022	30/06/2023	In Progress	Performance against Customer Service Charter reported to EMG in monthly report.
	We will complete the Capital Works Program by 30 June and complete the carry forward projects by 1 September.	85 per cent of the Capital Works Program and 100 per cent of carry over projects completed.	1/07/2022	30/06/2023	In Progress	65% of carry over projects were completed by end December '22. Some delays were experienced due to weather, flooding and contractor and materials delivery.  Floods last quarter of 2022 had a significant impact on capital works  Delivery of CWP based on actual spend is 37% (44% Acts & Commitments)
	We will replace Council's ICT disaster recovery solution to ensure ongoing business continuity.	Disaster recovery solution replaced.	1/07/2022	30/06/2023	In Progress	Now looking to combine backup with disaster recovery. Focus is on cloud first approach, funding permitting.  Initial vendor engagements are now complete. Demonstrations to confirm functional capability have been held with five vendors with 3 being managed solutions and two self-managed cloud offerings.  A review of potential solutions and recommendation on the most suitable approach considering the overall solution costs and benefits will be prepared in the New Year before progressing to procurement and implementation.

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	We will develop an online reporting platform for dog attacks.	Online reporting platform developed.	1/07/2022	30/06/2023	Completed	Online form available on Council's website.
	We will update community education material relating to dog attacks, permanent identification and the importance of desexing.	Education materials updated and made available to the community.	1/07/2022	30/06/2023	Completed	Council's website includes relevant information and the relevant departments have information sheets and pamphlets. Council have also agreed to apply each year for funding in relation to the de-sexing program offered within the Shire.
	We will develop and implement procedures that improve transparency and the use of Council's CCTV systems.	Procedures developed and approved.	1/07/2022	30/06/2023	Not Started	Work on this action has not commenced yet.
	We will implement recommendations from the Bushfire Mitigation Plan.	Recommendations implemented.	1/07/2022	30/06/2023	In Progress	Draft Bushfire Management Plan under development by contracted consultant.
Children, young people and families healthy and well	We will review the Municipal Early Years Plan following feedback from the community.	Plan reviewed and adopted by Council.	1/07/2022	30/06/2023	In Progress	RFQ released December for consultant to draw together community and stakeholder feedback, to inform interim plan that will align with commencement of next planning cycle and merging the MEYP, MPHWP, A&I Strategy. Assessment of responses and appointment of Consultant to occur by early February.
	We will develop a multi-year action plan to deliver the objectives in the Municipal Public Health and Wellbeing Plan.	Plan developed and endorsed by the Executive Management Group.	1/07/2022	30/06/2023	In Progress	Work is underway to streamline and combine action planning for the Municipal Health and Wellbeing Plan. Municipal Early Years Plan and the Access and Inclusion Strategy. It is intended the plans will merge in the next planning cycle.
	We will update the Arbovirus Management Plan to support surveillance and treatment of mosquito borne diseases.	Plan reviewed and endorsed by Council.	1/07/2022	30/06/2023	In Progress	A desktop review of the plan is underway, and the plan will remain largely unchanged, noting only administrative and government department updates. A draft service agreement for the mosquito management program is to be provided by the Department of Health. Once agreed and fully executed, this action will be completed.
	We will offer the Sleep and Settling Model of Care within the Maternal and Child Health service.	Sleep and settling group sessions and outreach consultations held.	1/07/2022	30/06/2023	In Progress	In-home support to individual families is well progressed. Additional module to be embedded in first time parents' groups (Groups have been scheduled for 2023 - first group will commence February 2023).
	We will host Story Walk sessions and Walking Book Clubs at libraries to promote physical movement.	Story Walk sessions held and a pilot of the Walking Book Club completed.	1/07/2022	30/06/2023	In Progress	The Walk and Talk Book club session was conducted in November (4 people) and December (5 people) and a further 3 people have registered to attend the January session.  A Storywalk session was scheduled for Children's Week in October, however was cancelled due to the flood event.
	We will implement the Adolescent Vaccination Catch Up program.	Program completed.	1/07/2022	30/06/2023	In Progress	The adolescent catch up program is now underway.
Inclusive, connected, culturally diverse and safe	We will review the outcomes in the Access and Inclusion Strategy and Action Plan.	Review completed and presented to the Executive Management Group for a decision.	1/07/2022	30/06/2023	In Progress	Due to the implications of the Flood event in October 2022, the internal working party to establish a joint plan as indicated last quarter has yet to be established. It is hoped that this work can commence in the 4th quarter.
	We will engage with Dja Dja Wurrung to establish a Statement of Intent.	Development of a Statement of Intent underway.	1/07/2022	30/06/2023	Not Started	Work on this action has not commenced yet.
	We will engage with Taungurung Land and Waters Council to establish a Statement of Intent.	Development of a Statement of Intent underway.	1/07/2022	30/06/2023	Not Started	Work on this action has not commenced yet.

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We will continue to meet and report on obligations under the Dja Dja Wurrung Recognition and Settlement Agreement and Land Use Activity Agreement.	Report completed and presented to Council.	1/07/2022	30/06/2023	In Progress	Council continues to implement the agreed process to ensure its compliance with the Dja Dja Wurrung Recognition and Settlement Agreement and Land Use Activity Agreement.
We will engage with Yorta Yorta Nations Aboriginal Corporation.	Two meetings held with Council.	1/07/2022	30/06/2023	Not Started	The impact of the October Flood has impacted the progress of this important work, it is hoped that in Q3 more progress can be made.
We will conduct an audit on cultural safety in Maternal & Child Health services and Centre Based Care services.	Audits completed, with a plan developed and endorsed by the Executive Management Group.	1/07/2022	30/06/2023	In Progress	The team will commence engagement with Best Start partners to seek support to conduct audits of sites.



## 10.3 Community Equipment Grants Program

Directorate:	Executive Director
Responsible Officer:	Community Executive Assistant
Manager:	Executive Director
Attachments:	Nil

### 1. SUMMARY

That Council note the one successful application which met the criteria for Community Equipment Grants.

### 2. RECOMMENDATION

**That Council note the following successful community equipment grant awarded under delegation by the CEO:**

- 1. Kyabram Italian Social Bocce Club Inc. - awarded \$2,000 to purchase 12 sets of Raffa Bocce Balls for Come & Try Days.**

### 3. PURPOSE

To note the successful application from the Community Equipment Grants Program.

### 4. DISCUSSION

Following a review of the grants programs available to community groups, Council at its 18 May 2022 meeting resolved to establish the Community Equipment Grants Program as an ongoing program, applications accepted ongoing and assessed bi-monthly in July, September, November, January, March and May with a budget allocation of \$104,000.

The amount available for each bi-monthly assessment is \$17,000. The unspent allocation from each assessment will be rolled over into the next assessment period.

The purpose of the program is to provide assistance to community groups and sporting clubs to purchase equipment to support programs and activities.

<b>Funds Available</b>	<b>Allocation</b>	<b>Balance</b>
<b>\$30,536</b>	<b>\$2,000</b>	<b>\$28,536</b>

Expected outcomes for the Community Equipment Grants Program include but are not limited to:

- Conduct local events, activities and programs that celebrate and encourage a diverse, inclusive and welcoming community.
- Promotes art in public spaces including community buildings, streetscapes and open spaces.
- Supports a resilient community through community involvement, social connections and life-long learning.

- Provides sporting, and recreational programs and facilities that facilitate active and healthy lifestyles for all ages and abilities.
- Facilitate community health, wellbeing and safety.
- Recognise our unique local cultural identity and heritage.

Applicants must:

- be an incorporated association, or
- not for profit group (e.g. education institution, healthcare, religious or faith-based institution), and
- have their application submitted by an appropriate auspicing body which meets the above.

The applications have been assessed by the Executive Director and the Executive Assistant, using the following assessment criteria, as indicated in the funding guidelines.

• The application identifies clear outcome/s resulting from the purchase/s
• The application addresses one or more of the funding priorities.
• The application clearly demonstrates the link between the purchase/s and the intended outcome/s
• A plan for adding to, or growing, target group/s is outlined
• How will it promote inclusivity of all members of our community and accessibility for all?
• The application outlines matched funding, in kind support or partner contribution (financial and in kind)
• The purchase/s are made in and support Campaspe Shire businesses.
• Value for money in regard to the items being purchased

Panel members who declared a conflict of interest with any of the applications did not participate in the assessment of those applications.

Applicants with outstanding acquittals from a previous grant round are not eligible for funding consideration, as outlined in the guidelines.

Successful applicants are required to submit an acquittal report on outcomes achieved with the funding, within eight weeks of the purchase/s being made.

The report must include receipts and a short statement on the effectiveness of the program/ event/ equipment in achieving the stated outcomes in the application.

Applications can be for a maximum of \$2,000.

- Total funds available for applications: \$30,536
- Total of applications received: \$2,000
- Total allocations awarded: \$2,000

<b>Organisation</b>	<b>Project details</b>	<b>Amount requested</b>	<b>Project expenditure</b>	<b>Amount awarded</b>
Kyabram Italian Social Bocce Club Inc.	To purchase power leads, lighting and promotional banners	\$2,000	\$3,000	<b>\$2,000</b>
<b>TOTAL</b>		<b>\$12,000</b>	<b>\$3,000</b>	<b>\$2,000</b>

## 5. CONSULTATION

### Internal consultation:

- Executive Management Group

## 6. POLICY AND LEGISLATIVE IMPLICATIONS

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and there are no legislative implications arising from this report.

## 7. FINANCIAL AND ECONOMIC IMPLICATIONS

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no issues of ongoing financial viability of the Council have been identified within this report.

## 8. ENVIRONMENTAL IMPLICATIONS

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no environmental sustainability issues including mitigation and planning for climate change risks have been identified within this report.

## 9. SOCIAL IMPLICATIONS

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no social implications for the municipality have been identified with this report.

## 10. RELEVANCE TO COUNCIL PLAN 2021-2025

### **Strong and Engaged Communities**

- Enable residents to be active and engaged in their community and support participation in artistic, cultural, sporting, and leisure opportunities.

## 11. ISSUES AND RISK MANAGEMENT

### Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

## 12. CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, the officer preparing this report declares no conflict of interest regarding this matter.

### **13. CHARTER OF HUMAN RIGHTS**

This Report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

### **14. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

### **15. CONCLUSION**

One application was received to the Community Equipment Grants Program and deemed successful to receive full funding.

Council's contribution of \$2,000 will lead to the provision of purchases to the value of \$3,000.

## 10.4 Community Event Sponsorship

Directorate:	Executive Director
Responsible Officer:	Community Executive Assistant
Manager:	Executive Director
Attachments:	Nil

### 1. SUMMARY

That Council acknowledge three successful applications received for Community Event Sponsorship.

### 2. RECOMMENDATION

#### That Council:

1. **Acknowledge the following sponsorships were approved, in accordance with the Community Event Sponsorship criteria, and the applicants advised in writing:**
  - a. **Rochester Agricultural & Pastoral Inc., \$1,000 cash and additional support to the value of \$850 (waste management and temporary white picket fencing) to assist with hosting the 2023 Rochester Show to be held from 24 – 25 February 2023.**
  - b. **Rushworth Easter Heritage Festival Inc., \$5,000 cash and additional support to the value of \$4,800 (traffic and waste management and temporary white picket fencing) towards hosting the 2023 Rushworth Easter Heritage Festival to be held on 8 April 2023.**
  - c. **Kyabram Swimming Club Inc., support to the value of \$870 to cover Kyabram Swimming Pool hire fees for the Kyabram Encouragement Meet to be held on 4 February 2023.**

### 3. DISCUSSION

The Community Event Sponsorship program offers financial support to not-for-profit community organisations, groups and associations to conduct events that contribute to the municipality and support Council's vision.

The program has guidelines for applications submitted to Council.

The following applications were received:

**Rochester Agricultural & Pastoral Association Inc.** – requested \$1,000 cash and support to the value of \$850 (waste management and temporary white picket fencing), to assist with hosting the 2023 Rochester Show to be held from 24 - 25 February 2023.

To keep the event at minimal to no cost for community members who attend, no admission fee will be charged.

Due to the Covid 19 pandemic the Rochester Show has not been held since 2020. The Show will be an opportunity to bring the Rochester & District community together as they continue to rebuild following the October 2022 floods.

Council will receive recognition of the sponsorship through the use of banners at the event and the Campaspe Shire logo will also be used on all promotional material relating to the event, including website and social media.

The application was submitted on 12 December 2022 which is not within the required three-month notification period.

**Rushworth Easter Heritage Festival Inc.** – requested \$5,000 cash and support to the value of \$4,800 (waste and traffic management and temporary white picket fencing), to assist with hosting the 2023 Rushworth Easter Heritage Festival to be held on 8 April 2023.

Local groups involved in the event have been part of the festival for many years, providing static and moving vintage vehicle displays. Market stalls are charged a fee to have a site in the High Street median strip.

Bringing people from outside of the Shire, the festival showcases the local amenities including the state forest, the Waranga Basin and promotes sustainability of these natural attractions.

The last event evaluation conducted over this event, in 2018, indicated that the Rushworth Easter Heritage Festival was estimated to contribute \$540,000 into the local economy.

Council will receive recognition of the sponsorship through the use of banners at the event and the Campaspe Shire logo will also be used on all promotional material relating to the event, including website and social media.

The application has been submitted within the required three-month notification period.

**Kyabram Swimming Club Inc.** - requested support to the value of \$870 to assist with costs associated with Kyabram Swimming Pool hire for the Kyabram Encouragement Meet to be held on 4 February 2023.

With limited opportunity for encouragement meets across the state this event brings swimmers and their families to the region. The event enables competitors to improve their individual times and also provides an opportunity for people seeking to try competitive swimming.

This year the carnival coincides with the Kyabram Tastes & Tunes Festival, which will provide another attraction for participants to spend time in Kyabram.

Council will receive recognition of the sponsorship through the use of banners at the event and the Campaspe Shire logo will also be used on all promotional material relating to the event, including website and social media.

The application has not been submitted within the required three-month notification period.

Organisation	Project details	Amount requested	Project expenditure	Amount recommended
Rochester Agricultural & Pastoral Association Inc.	2023 Rochester Show	\$1,000	\$26,300	\$1,000
Rushworth Easter Heritage Festival Inc.	2023 Rushworth Easter Heritage Festival	\$5,000	\$9,000	\$5,000

Kyabram Swimming Club Inc.	Kyabram Encouragement Meet	\$870	\$1,070	\$870 in-kind
<b>TOTAL</b>		<b>\$6,870</b>	<b>\$36,370</b>	<b>\$6,870</b>

<b>Events Sponsorship Program fund balance prior to these applications:</b>	<b>\$37,250</b>
<b>Requested Funding:</b>	<b>\$6,000</b>
<b>Funding amount recommended:</b>	<b>\$6,000</b>
<b>2022/2023 Fund Balance: (as at 21 February 2023)</b>	<b>\$31,250</b>

Council's contribution of \$6,000 will assist in the provision of events with an estimated value of \$36,370.

#### **4. CONSULTATION**

Internal consultation:

- Grants assessment panel
- EMG

#### **5. POLICY AND LEGISLATIVE IMPLICATIONS**

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and there are no legislative implications arising from this report.

#### **6. FINANCIAL AND ECONOMIC IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no issues of ongoing financial viability of the Council have been identified within this report.

#### **7. ENVIRONMENTAL IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no environmental sustainability issues including mitigation and planning for climate change risks have been identified within this report.

#### **8. SOCIAL IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no social implications for the municipality have been identified with this report.

These events is an opportunity to come together to support one another for positive social outcomes.

#### **9. RELEVANCE TO COUNCIL PLAN 2021-2025**

##### **Growing quality of life**

Communities have a say on local infrastructure and attractions that stimulate engagement and activity

Children, young people and families healthy and well

Inclusive, connected, culturally diverse and safe

## **10. ISSUES AND RISK MANAGEMENT**

### **Risk:**

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

## **11. CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, the officer preparing this report declares no conflict of interest regarding this matter.

## **12. CHARTER OF HUMAN RIGHTS**

This Report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

## **13. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

## **14. CONCLUSION**

Council received three applications to the Community Event Sponsorship Program. It should be noted that all three applications were successful in receiving a total of \$6,000 cash and additional support to the value of \$6,520 towards event costs.



## 10.5 Junior Development Grants Program

Directorate:	Executive Director
Responsible Officer:	Community Executive Assistant
Manager:	Executive Director
Attachments:	Nil

### 1. SUMMARY

That Council note the one successful application to the Junior Development Grants Program.

### 2. RECOMMENDATION

**That Council note the following application was approved in accordance with the Junior Development Grants Program criteria:**

**Eric Billing, Stanhope - \$200 to assist with costs associated with representing Victoria participating in the 17 & Under Victorian Men's Netball team for the 2023 AMMNA Championships in Perth from 7 - 16 April 2023.**

### 3. PURPOSE

To note the outcome of the one Junior Development Grants Program application considered in accordance with the grant guidelines and criteria.

### 4. DISCUSSION

The Junior Development Grants Program supports young people aged 18 years or younger in their personal development and growth.

More specifically, it supports local young people who have been chosen to represent their institution, club or organisation at a State or National level in a variety of areas including sport and recreation, culture, the arts, science and technology. This funding program has guidelines for applications submitted to council.

One application per person can be submitted per financial year for State representation.

Grants available for State Representation are:

- \$100 if within Victoria or 200kms interstate
- \$200 if more than 200kms interstate

If more than three applications are received for the same event or activity, the value of the grants will be divided equally among the applicants.

Applications can be made throughout the year, subject to the availability of funds.

This month the following applications have been received:

**Eric Billing, Stanhope** – to assist with costs associated with participating in the 17 & under 17 & Under Victorian Men's Netball team for the 2023 Australian Men's & Mixed Netball Association (AMMNA) Championships in Perth from 7 - 16 April 2023.

Eric has been selected to represent the state at the championships. This will provide Eric a great experience, showcasing his netball abilities and help other young males from rural areas feel free to play netball.

Applicant	Amount requested	Amount recommended	Purpose	Comment
Eric Billing, Stanhope	\$200	\$200	To assist with costs associated with representing Victoria Eric in the 17 & under 17 & Under Victorian Men's Netball team for the 2023 AMMNA Championships in Perth from 7 - 16 April 2023.	Approved by CEO as the application met all assessment criteria.

**Fund Balance Prior to application approval: \$24,700**

**Funding approved: \$200**

**2022/2023 Fund Balance: (21 February 2023) \$24,500**

## 5. CONSULTATION

### Internal consultation:

- CEO

### External consultation:

- Not required

### Councillors:

- Not Required

## 6. POLICY AND LEGISLATIVE IMPLICATIONS

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and there are no legislative implications arising from this report.

## 7. FINANCIAL AND ECONOMIC IMPLICATIONS

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no issues of ongoing financial viability of the Council have been identified within this report.

## 8. ENVIRONMENTAL IMPLICATIONS

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no environmental sustainability issues including mitigation and planning for climate change risks have been identified within this report.

## **9. SOCIAL IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no social implications for the municipality have been identified with this report.

## **10. RELEVANCE TO COUNCIL PLAN 2021-2025**

### **Growing quality of life**

Children, young people and families healthy and well

## **11. ISSUES AND RISK MANAGEMENT**

### **Issues:**

Not applicable

### **Risk:**

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

## **12. CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, the officer preparing this report declares no conflict of interest regarding this matter.

## **13. CHARTER OF HUMAN RIGHTS**

This Report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

## **14. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer is so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

## **15. CONCLUSION**

Council received one application to the Junior Development Grants Program. Council to note that this application was successful.

## **11 Petitions and Letters**

- Petition – Matheson Road drainage channel upgrade.

## **12 Notices of Motion**

## **13 Urgent Business**

## **14 Confidential Business**

## **15 Close Meeting**

Pauline Gordon

Chief Executive Officer