Moreland
City Council

Governance Rules

Adopted by Council 12 August 2020

Commencement – 1 September 2020

Table of Contents

COMMITMENT 4

CHAPTER 1 - INTRODUCTION 5

1.1 Purpose 5

1.2 Principles 5

CHAPTER 2 - CONTEXT 7

2.1 Affected Persons Rights and Interests 7

2.2 Moreland's Governance Setting 8

2.3 Context 8

2.4 Definitions 9

CHAPTER 3 – MEETING PROCEDURE 12

3.1 Purpose of Council Meetings 12

3.2 Meeting Roles 12

3.3 Notice of Meetings and availability of Agenda 15

3.4 Quorum 17

3.5 Election of the Mayor 19

3.6 Business of Meetings 21

3.7 Community Questions and Submissions 24

3.8 Voting 29

3.9 Addressing the Meeting 31

3.10 Motions and Debate 31

3.11 Points of Order 39

3.12 Minutes 41

3.13 Suspension of Standing Orders 43

3.14 Circumstances in which Council will close a Meeting to members of the public 43

CHAPTER 4 DELEGATED COMMITTEES 45

CHAPTER 5 – CONFLICTS OF INTEREST 46

5.1 Obligations with regard to conflict of interest: 46

5.2 Councillors and Members of Delegated Committees 46

5.3 Procedure at a Council or Delegated Committee Meeting 46

5.4 Procedure at Advisory Committee Meetings and other Meetings organised, hosted or supported by Moreland 47

5.5 Council staff 47

5.6 Procedure for disclosures of conflicts of interest by Council staff 47

5.7 Contractors and Consultants 48
CHAPTER 6 - DELEGATIONS 50
CHAPTER 7 – COMMON SEAL 51
CHAPTER 8 JOINT COUNCIL MEETINGS 52
CHAPTER 9 – WHAT INFORMS DECISION MAKING 53
9.1 Advisory Committees 53
9.2 Hearing Committees 55
9.3 Council Reports 55
9.4 Scheduling of Meetings 55
CHAPTER 10 - COUNCIL RECORDS 57
10.1 Records of Meetings held under the auspices of Council 57
10.2 Councillor attendance records 57
CHAPTER 11 – COMMUNITY ASSET COMMITTEES 58
CHAPTER 12 – ELECTION PERIODS 59
12.1 Election Periods Generally 59
12.2 Election Period Policy 60
APPENDIX 1 69

The Moreland City *Council* has established Governance *Rules* in accordance with section 60 of the *Local Government Act 2020.* The Governance Rules were adopted by resolution of Council on _____ 2020 to commence on 1 September 2020.

COMMITMENT

Good governance, integrity and accountability are central to the *Local Government Act 2020* (*the Act*), to underpin local government democracy, accountability, conduct and enable our community to hold the *Council* to account. *Council* is committed to embedding the principles of good governance throughout its decision making, corporate governance and democratic governance by establishing and adhering to the Governance *Rules* established. The principles of good governance incorporate the principles outlined in *the Act*, including the overarching governance principles as well as the public transparency, community engagement, strategic planning, service performance and financial management principles.

Council decision making will be founded on good governance and conducted with transparency. The process by which decisions will be made is transparent and clearly articulated in these Governance *Rules* for the scrutiny of our community and accountability of *Councillors* and *Council* officers. *Council* recognises that accountability, integrity and transparency are of fundamental importance to our community and are critical for enhancing good governance.

Council seeks to apply good governance in order to:

- Engage our community in decision making;
- Achieve the best outcomes for the Moreland community, including future generations;
- Ensure the transparency of *Council* decisions, actions and information;
- Ensure the ongoing financial viability of *Council*;
- Increase our performance;
- Drive out inefficiencies; and
- Reassure residents that we are spending public monies wisely.

CHAPTER 1 - INTRODUCTION

1.1 Purpose

These Governance *Rules* determine the way in which *Council* will:

- Make decisions:
    - in the best interest of the Moreland community;
    - fairly and on the merits of the question;
    - in a way that ensures any person whose rights will be directly affected by a decision will be entitled to communicate their views and have their interests considered;
- Elect its *Mayor* and *Deputy Mayor*;
- Conduct *Meetings* of *Council* and *Delegated Committees*;
- Give notice of *Meetings* and record and make available *Meeting* records (*Minutes* and livestreamed *Meetings*);
- Be informed in its decision making through community engagement, *Advisory Committees* and *Councillor* areas of responsibility, and *Council* officer reports;
- Require the disclosure and management of conflicts of interest.

The Governance *Rules* also include:

- *Rules* for the conduct of *Council* and *Councillors* during Election Periods, through the Election Period Policy;
- An overview of alignment of the Governance *Rules* within *Council*'s democratic and corporate governance; and
- Provisions for use of the *Common Seal*.

1.2 Principles

Council must, in the performance of its role, give effect to the overarching governance principles outlined in the *Act*. These principles are:

(a) *Council* decisions are to be made and actions taken in accordance with the relevant law;

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations;

(c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;

(d) The municipal community is to be engaged in strategic planning and strategic decision making;

(e) Innovation and continuous improvement are to be pursued;

(f) Collaboration with other *Councils* and Governments and statutory bodies is to be sought;

(g) The ongoing financial viability of the *Council* is to be ensured;

(h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making;

(i) The transparency of *Council* decisions, actions and information is to be ensured.

In giving effect to the overarching governance principles, *Council* must take into account the following supporting principles —

(a) the community engagement principles;

(b) the public transparency principles;

(c) the strategic planning principles;

(d) the financial management principles;

(e) the service performance principles.

CHAPTER 2 - CONTEXT

2.1 Affected Persons Rights and Interests

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:

- fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
- on the merits, free from favouritism or self-interest and without regard to irrelevant considerations.

Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).

Before making a decision that affects a person's rights, *Council* (including persons acting with the delegated authority of *Council*) will identify whose rights may be directly affected and provide an opportunity for that person (or persons) to convey those views regarding the effect on their rights and consider those views.

This includes but is not limited to the rights outlined in the *Charter of Human Rights and Responsibilities Act 2006 and Council's Human Rights Policy.*

The opportunity provided for a person whose rights have been affected to contribute their views will be documented in any relevant report put before the *Council* or *Delegated Committee*.

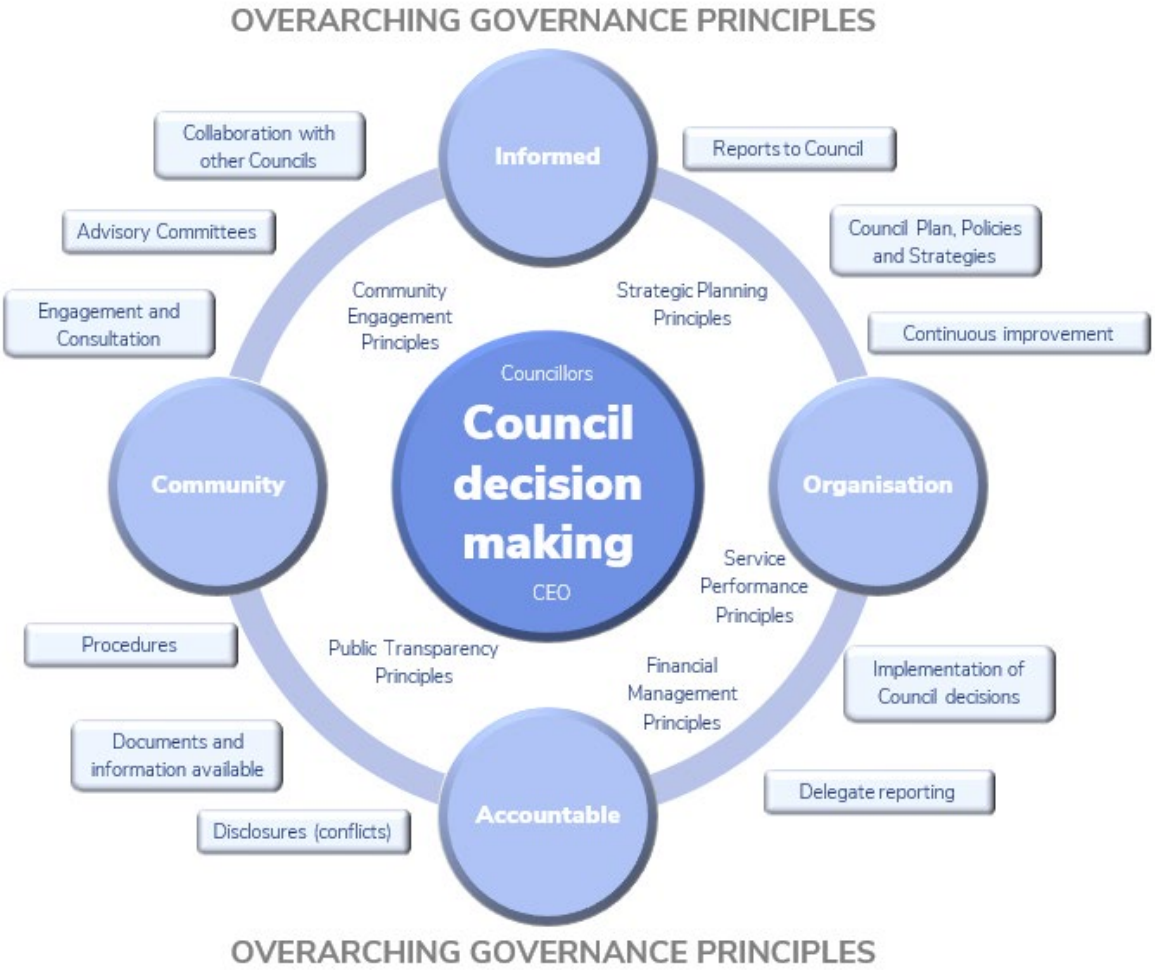
A *Council* officer making a decision under delegation that affects the rights of a person will record in writing the opportunity provided to the person to have their views considered.

Section 60(2) Local Government Act 2020

The Governance Rules must provide for a Council to— (a) consider and make decisions on any matter being considered by the Council fairly and on the merits;

and (b) institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

2.2 Moreland's Governance Setting



2.3 Context

The Governance *Rules* are to be read in the context of and in conjunction with:

- Community Engagement Policy
- Public Transparency Policy;
- Conflict of Interest Guide for *Councillors* and Staff;
- Good Governance Framework;
- Conflicts of interest Guidance;
- *Councillor* Code of Conduct;
- Employee Code of Conduct;
- Other relevant policies.

Each numbered section or sub-section is a *Rule* or *Sub-Rule* as developed from time to time.

Guidance and Overview Notes within these *Rules* are intended to be explanatory and included for guidance and do not form part of these Governance *Rules*. They will be monitored and updated to reflect changes to legislation or to assist interpretation and understanding.

2.4 Definitions

(1) In these Governance Rules:

Act means the Local Government Act 2020;

Absolute Majority means the number of Councillors which is greater than half the total number of the Councillors of a Council. In the case of a Delegated Committee an Absolute Majority is the number of members which is greater than half the number members appointed to the Delegated Committee;

Advisory committee means a committee established by the Council, that provides advice to —

(a) the Council; or

(b) a Delegated Committee; or

(c) a member of Council staff who has been delegated a power, duty or function of the Council;

that is not a Delegated Committee;

Agenda means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting;

Agreement of Council means indicative agreement of all of the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote.

Authorised Officer has the same meaning as in the Act;

Chairperson means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson;

Chamber means any room where the Council holds a Council Meeting

Chief Executive Officer means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office;

Common Seal means the common seal of Council;

Council means Moreland City Council;

Councillor means a Councillor of Council;

Council Meeting means a Meeting of the Council convened in accordance with these Governance Rules and includes an Ordinary Meeting, a Special Meeting and a Meeting Designated for Planning and Related Matters;

Council staff means a person who is appointed (other than an independent contractor under a contract for services or a volunteer) to enable the functions of the Council to be carried out;

Delegate means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation from the Chief Executive Officer;

Delegated Committee means a Committee established by Council to which powers, duties or functions have been delegated in accordance with section 11 of the Act;

Deputy Mayor means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor;

Director means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer;

Disorder means any Disorderly conduct of a member of the Gallery or a Councillor and includes:

- interjecting when another person is speaking, except, in the case of a *Councillor*, to raise a *Point of Order*;
- making comments that are defamatory, malicious, abusive or offensive;
- refusing to leave the *Meeting* when requested, ordered or directed to do so by the *Chairperson* in accordance with these Governance *Rules*; and
- engaging in any other conduct which prevents the orderly conduct of the *Meeting*;

Foreshadowed Item means a matter raised in the relevant section of the *Council Meeting* that a *Councillor* intends to submit a *Notice of Motion* for the next *Ordinary Meeting*;

Majority of the Votes means a majority of *Councillors* present at the time of a vote voting in favour of a matter;

Mayor means the *Mayor* of *Council* and any person appointed by *Council* to be acting as *Mayor*, including a *Deputy Mayor*, if the *Mayor* is not available;

Meeting means an *Ordinary Meeting*, *Special Meeting*, *Meeting Designated for Planning and Related Matters* or a *Delegated Committee Meeting*;

Meeting Designated for Planning and Related Matters means an *Ordinary Council Meeting* that is held only for the consideration of planning and related matters;

Minister means the *Minister* administering the *Act*;

Minutes means the official record of the proceedings and decisions of a *Meeting*;

Motion means a proposal framed in a way that will result in the opinion of *Council* being expressed, and a *Council* decision being made, if the proposal is adopted;

Notice of Motion means a notice setting out the text of a *Motion* which a *Councillor* proposes to move at a *Council Meeting*;

On Notice means held or deferred to enable preparation of a response;

Point of Order means a procedural point (about how the *Meeting* is being conducted), not involving the substance of a matter before a *Meeting*;

Procedural Motion means a *Motion* that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure;

Rule or Sub-Rule means a *Rule* or *Sub-Rule* included in these Governance *Rules*;

Second vote means a vote cast by the *Chairperson* when there has been an equality of votes cast for and against a matter (also known as a casting vote). A *Councillor* who does not vote will be taken to have voted against the question;

Special Meeting means a *Meeting* of the *Council* convened for a particular purpose or matter that cannot be effectively dealt with in the schedule of Ordinary *Council Meetings* set by *Council*;

these ***Rules*** means these Governance *Rules*.

(2) Definitions provided by the *Act*

The following definitions provided by the *Act* are applied to these Governance *Rules*:

Confidential Information means the *Confidential Information* established by a *Council* under section 53;

Confidential information means the following information—

(a) *Council* business information, being information that would prejudice the *Council*'s position in commercial negotiations if prematurely released;

(b) security information, being information that if released is likely to endanger the security of *Council* property or the safety of any person;

(c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;

(d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;

(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;

(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

(g) private commercial information, being information provided by a business, commercial or financial undertaking that—

   i. relates to trade secrets; or

   ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

(h) confidential *Meeting* information, being the records of *Meetings* closed to the public under section 66(2)(a);

(i) internal arbitration information, being information specified in section 145;

(j) *Councillor* Conduct Panel confidential information, being information specified in section 169;

(k) information prescribed by the regulations to be confidential information for the purposes of this definition;

(l) information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*;

Electoral Material means an advertisement, handbill, pamphlet or notice that contains *Electoral Matter* but does not include an advertisement in a newspaper that is only announcing the holding of a *Meeting*.

Electoral Matter means matter which is intended or likely to affect voting in an election but does not include any *Electoral Material* produced by or on behalf of the election manager for the purposes of conducting an election.

Nomination Day means the last day on which nominations to be a candidate at a *Council* election may be received in accordance with the *Act* and the regulations.

CHAPTER 3 – *MEETING* PROCEDURE

3.1 Purpose of *Council Meetings*

(1) *Council* holds Ordinary *Meetings* and, when required, *Special Meetings* to conduct the business of *Council*.

(2) *Council* is committed to transparency in decision making and, in accordance with the *Act*, *Council* and *Delegated Committee Meetings* are open to the public and the community are able to attend. *Meetings* will only be closed to members of the public if:

(a) the *Meeting* is to consider confidential information; or

(b) a *Meeting* is required to be closed for security reasons; or

(c) it is necessary to enable the *Meeting* to proceed in an orderly manner.

(3) *If a Meeting is closed to the public for the reasons outlined in Sub-Rule 2(b) or 2(c), the Meeting will continue to be livestreamed. In the event a livestream is not available, the Meeting will be adjourned.*

(4) For the avoidance of doubt, if a *Meeting* is open to the public and the livestream is not available, a *Meeting* that has not commenced will proceed as scheduled and a *Meeting* that has commenced will continue.

3.2 *Meeting* Roles

Overview Notes:

In accordance with the *Act*, the *Mayor* must take the Chair at all *Council Meetings* at which the *Mayor* is present. If the *Mayor* is absent, the *Deputy Mayor* (if any) must take the Chair and if both are absent, *Council* must elect one of the *Councillors* as temporary *Chairperson*

The way in which *Council* and *Delegated Committee Meetings* are conducted makes a significant contribution to good governance. The *Chairperson* plays a crucial role in facilitating an orderly, respectful, transparent and constructive *Meeting* by ensuring all *Councillors* and members of *Delegated Committees* have the opportunity to be heard, matters are adequately discussed, *Meeting* procedures are followed appropriately, and statutory requirements are adhered to.

The *Chairperson* is an independent leader of *Meetings* and generally does not participate in debate or move or second *Motions*.

The *Act* provides for the *Mayor* to appoint a *Councillor* as the Chair of a *Delegated Committee* and any such appointment prevails over any appointment made by the *Council*. While there are no limitations on exercising that power, the *Mayor* must always act in a way that is consistent with the adopted *Councillor* Code of Conduct and transparency commitments of the *Council*.

Each member of the *Meeting* has an obligation to participate in good decision-making through their preparation and contribution to the *Meeting*.

Specific duties and discretions of the *Chairperson* are outlined throughout these Governance *Rules*.

3.2.1 *Chairperson* and *Members*

(1) The *Chairperson*, *Councillors* and members of *Delegated Committees* will ensure good decision-making by endeavouring to ensure:

(a) Decision making is transparent to members and observers;

(b) *Meeting* members have sufficient information to make good decisions;

(c) Every member is supported to contribute to decisions;

(d) Any person whose rights are affected has their interests considered;

(e) Debate and discussion is focussed on the issues at hand;

(f) *Meetings* are conducted in an orderly manner.

3.2.2 *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 at a *Council Meeting*, the *Deputy Mayor* (if one has been elected) must take the Chair.

(3) If the *Mayor* and any *Deputy Mayor* are not in attendance at a *Council Meeting*, *Council* must appoint one of the *Councillors* as a temporary *Chairperson*.

3.2.3 *Delegated Committee Chairperson*

(1) At the *Meeting* at which *Council* appoints the members of a *Delegated Committee* it must also appoint a *Chairperson*. If *Council* is appointing a single *member* as a result of a vacancy, or additional *members*, there is no change to the appointed *Chairperson* unless resolved by *Council*.

(2) For the avoidance of doubt, *Sub-Rule* (1) does not intend to limit the powers of the *Mayor* provided in the *Act*.

3.2.4 The *Chairperson*'s Duties and Discretions

In addition to the specific duties and discretions provided in these Governance *Rules*, the *Chairperson*:

(1) must not accept any *Motion*, question or statement which is:

(a) vague or ambiguous;

(b) defamatory, malicious, abusive or objectionable in language or substance; or

(c) outside the powers of *Council*;

(2) must allow the *Chief Executive Officer* the opportunity to correct factual errors or incorrect assertions that arise during the *Meeting*;

(3) must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of *Council*;

(4) may direct that a vote be recounted to be certain of the result;

(5) must decide on all points of order in accordance with *Rule* 3.11 and

(6) May adjourn a *Disorderly Meeting*.

(7) Subject to *Sub-Rules* 1(1) and (2), the *Chairperson* may determine to close a *Meeting* to the public to maintain security and order, if the circumstances prevent seeking a *Council* resolution in accordance with *Rule* 14.

3.2.5 *Chief Executive Officer*

(1) *The Chief Executive Officer*, or *delegate*, may participate in the *Meeting* to provide support to the *Chairperson* and advice to the *Meeting*.

(2) *The Chief Executive Officer*:

(a) Must immediately advise if a proposed resolution or action is, to their knowledge, contrary to legislation or *Council* Policy;

(b) May advise if there are administrative or operational implications arising from a proposed resolution;

(c) May assist to clarify the intent of any unclear *Motion* to facilitate implementation of a resolution;

(d) On request, assist with procedural issues that may arise.

3.2.6 *Councillors* and *members* of *Delegated Committees*

(1) *Councillors* and *members* of *Delegated Committees* contribute to good governance and decision making by:

(a) Seeking views of community members and reading *Agenda* papers prior to the *Meeting*;

(b) Demonstrating due respect and consideration to community views and the professional / expert advice provided in the *Agenda* papers;

(c) Attending *Meetings* and participating in debate and discussion;

(d) Demonstrating respect for the role of the *Chairperson* and the rights of other *Councillors* or *members* of *Delegated Committees* to contribute to the decision-making;

(e) Being courteous and orderly.

3.2.7 Community

(1) *Council Meetings* are decision making forums for the *Council* that are open to the community to attend and/or view proceedings.

(2) Community members may only participate in *Council Meetings* in accordance with *Sub-Rule* 3.7.

(3) Community members are encouraged to participate in *Council*'s engagement processes.

(4) Community members may seek to inform individual *Councillors* of their views by contacting them directly in advance of *Meetings*.

3.2.8 Apologies and absences

(1) *Councillors* and members of *Delegated Committees* who are unable to attend a *Meeting* may submit an apology:

(a) In writing to the *Chairperson*, who will advise the *Meeting*: or

(b) By seeking another *Councillor* or member of the *Delegated Committee* to submit it at the *Meeting* on their behalf.

(2) An apology submitted to a *Meeting* will be recorded in the *Minutes*.

(3) A *Councillor* intending to take a leave of absence must submit it in writing to the *Mayor*.

(4) The *Mayor* will seek to have any leave of absence request received included in the *Agenda* of the next *Council Meeting*.

(5) A leave of absence not included in a *Council Meeting Agenda* may still be considered by *Council* if a written request has been received by the *Mayor* prior to the *Meeting*.

(6) *Council* will not unreasonably withhold its approval of a leave of absence request.

(7) A *Councillor* who has not submitted an apology or had a leave of absence approved who is not in attendance at a *Council* or *Delegated Committee Meeting* will be recorded as absent.

Section 35 (1) (e) of the Act *provides a Councillor ceases to hold office if they are absent from Council Meetings for a period of 4 consecutive months without leave obtained from the Council.*

3.3 Notice of *Meetings* and availability of *Agenda*

Overview Notes:

Council Meetings are held regularly to conduct the ongoing business of the Council and Special Meetings are held from time to time for specific purposes.

The community must be made aware of the times, dates and locations of Council and Delegated Committee Meetings and the matters Council will consider. The timing of this notice should give the community adequate time to make arrangements to attend the Meeting or view via the livestream.

An Agenda for each Council Meeting must be provided to Councillors in advance so that they can prepare adequately for the Council Meeting. The Agenda contains the order of business and the professional advice of the organisation, with a recommendation for Council to consider.

The Agenda is made available to the public via Council's website and at Customer Service Centres.

3.3.1 Date, time and place of *Council Meetings*

(1) At or before the last *Meeting* each year, *Council* must fix the date, time and place of all *Council Meetings* and any *Delegated Committee Meetings* for the following calendar year.

(2) *Council* may resolve a *Delegated Committee* will set its own schedule of *Meetings*.

(3) When setting the dates of Ordinary *Meetings*, *Council* may set *Meetings* Designated for Planning and Related Matters.

(4) *Council* by resolution, or the *Chief Executive Officer*, may change the date, time and place of, or cancel, any Ordinary *Meeting* which has been fixed, or schedule an additional ordinary *Meeting* and must provide notice of the change to the public.

3.3.2 *Special Meetings*

(1) *Council* may by resolution call a *Special Meeting*.

(2) The *Mayor*, or three *Councillors* may by written notice to the *Chief Executive Officer* call a *Special Meeting*.

(3) The *Chief Executive Officer*, following consultation with the *Mayor*, may call a *Special Meeting*.

(4) A written notice to call a *Special Meeting* must:

  (a) Specify the business to be transacted;

  (b) be delivered to the *Chief Executive Officer* or *Delegate* in sufficient time to enable notice to be given in accordance with *Rule* 3.3.5.

(5) The *Chief Executive Officer* must determine the time and date for the *Special Meeting* giving consideration to:

  (a) the urgency of the business to be transacted

  (b) the availability of *Councillors*

  (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted

(6) The *Chief Executive Officer* must arrange for notice of the *Meeting* on *Council*'s website, and other mediums that will maximise the opportunity for the community to be notified in accordance with 3.3.5.

(7) Any resolution of *Council* to call a *Special Meeting* must specify the date and time of the *Special Meeting* and the business to be transacted. The date and time of the *Special Meeting* must not be prior to 6pm on the day following the *Council Meeting* at which the resolution was made.

(8) The *Chief Executive Officer* must call a *Special Meeting* to elect a *Mayor* following a *Council* election declaration, in accordance with the *Act*.

(9) The Special *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 *Chief Executive Officer*.

(10) Only the business specified in the *Council* resolution, or written notice, may be considered at a *Special Meeting*, unless *Council*, by unanimous resolution determines to admit another matter.

3.3.3 Call of the *Council*

(1) If a quorum cannot be achieved or maintained repeatedly due to the absence of *Councillors*, the *Chief Executive Officer* may require all *Councillors* to attend a Call of the *Council Meeting*.

(2) Notice of the *Meeting* must be given in accordance with *Sub-Rule* 3.3.5(2);

(3) The *Agenda* for a Call of the *Council Meeting* must only contain matters that have been unable to be transacted because a quorum has not been achieved or maintained.

(4) If a *Councillor* does not attend within 30 minutes after the time fixed for a call of the *Council Meeting*, or remain at the *Meeting* for the business to be conducted, the *Chief Executive Officer* must, following the *Meeting*, seek a reason in writing from the *Councillor*(s) not in attendance.

(5) If, after considering the reason provided by the *Councillor* for the absence in accordance with *Sub-Rule* (2), the *Chief Executive Officer*, in consultation with the *Mayor*, or *Deputy Mayor* if the reason has been provided by the *Mayor*, does not consider the *Councillor* has provided a reasonable excuse for not attending, the *Chief Executive Officer* must recommend to the *Council* to make an application for an internal arbitration process in accordance with section 143 of the *Act*.

Section 143 of the Act provides:
Application for an internal arbitration process
(1) An arbiter may hear an application that alleges misconduct by a Councillor.
(2) An application for an internal arbitration process to make a finding of misconduct against a Councillor may be made by—
(a) the Council following a resolution of the Council; or
(b) a Councillor or a group of Councillors.

3.3.4 Notice of *Meeting*s

(1) A schedule of *Council Meetings* must be prepared and published on *Council*'s website and in ways that ensures it is available to a broad section of the community at least once each year and with such greater frequency as the *Chief Executive Officer* determines. The schedule of *Council Meetings* must also be available from *Council*'s Customer Service Centres.

(2) A notice of a *Meeting*, that is not a *Special Meeting*, incorporating or accompanied by an *Agenda* of the business to be dealt with, must be sent electronically to every *Councillor* for all *Council Meetings*, at least six days before the *Meeting*. A period of less than six days may be justified if exceptional circumstances exist.

(3) An *Agenda* for an Ordinary *Meeting* held in accordance with the schedule of *Council Meetings* prepared in accordance with *Sub-Rule* (1) will be made available on *Council*'s the website at least 6 days prior to the *Meeting*.

(4) An *Agenda* for each *Council Meeting*, that is not a *Special Meeting*, will be made available on *Council's* website no less than 48 hours before the *Council Meeting*.

(5) An *Agenda* for a *Special Meeting* or Ordinary *Meeting* held in addition to the *Meetings* scheduled in accordance with *Sub-Rule* (1) must be made available electronically to every *Councillor* at least 48 hours before the *Meeting*. A period of less than 48 hours may be justified if exceptional circumstances exist.

(6) An *Agenda* for a Special *Council Meeting* or Ordinary *Meeting* held in addition to the *Meetings* scheduled in accordance with *Sub-Rule* (1) will be made available on *Council*'s website no less than 24 hours before the *Council Meeting*.

(7) The extraordinary circumstances that mean *Council* is unable to give the notice described in this *Rule* must be recorded in the *Minutes* of the relevant *Special Meeting*.

(8) Notice of a *Special Meeting* must be published on *Council*'s website and in ways that will be available to a broad section of the community as soon as practicable after the time and date of the *Meeting* has been determined.

(9) If a *Special Meeting* is called to consider a matter that directly affects the rights of any person(s), every endeavour must be made to notify that person(s).

3.4 Quorum

Overview Notes:

No business can be transacted at a Council Meeting or a Delegated Committee Meeting unless a majority of the Councillors or members of the Delegated Committee (as the case may be) is present (quorum). If there is no quorum at the commencement of a Meeting or if a quorum cannot be maintained during a Meeting, the Meeting is to be adjourned to another date and/or time.

(1) *Meetings* must commence within 30 minutes of the scheduled starting time.

(2) If, after 30 minutes from the scheduled starting time of any *Meeting* or adjournment, a quorum cannot be obtained, the *Chairperson*, or if the *Chairperson* is not present, those *Councillors* present or, if there are no *Councillors* present, the *Chief Executive Officer* or, in the absence of the *Chief Executive Officer*, a *Delegate*, may adjourn the *Meeting* for a period not exceeding seven days from the date of the adjournment.

(3) If, during any *Meeting* or any adjournment of the *Meeting*, a quorum cannot be maintained, the *Chairperson*, or if the *Chairperson* is not present, those *Councillors* present or, if there are no *Councillors* present, the *Chief Executive Officer* or, in the absence of the *Chief Executive Officer*, a *Delegate*, may adjourn the *Meeting* for a period not exceeding seven days from the date of the adjournment.

(4) The *Chairperson* may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more *Councillors* that will cause a quorum to be lost and direct the *Chief Executive Officer* to include that item of business on an *Agenda* for a future *Council Meeting*.

(5) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of *Councillors*, *Council* will:

   (a) Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or

   (b) Determine to make decisions on separate parts of the matter at a *Meeting* where quorum can be maintained, before making a decision on the whole matter.

(6) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of *Councillors*, and the matter cannot be separated into component parts or prior decisions made, *Council* will delegate the decision to be made:

(a) By the *Chief Executive Officer*; or

(b) By a *Delegated Committee*, established for the purpose of determining the matter, comprised of all the *Councillors* who have not disclosed a conflict of interest and any other person(s) the *Council* considers suitable.

(7) A decision made under delegation due to *Council* not being able to achieve or maintain a quorum will be reported to the next *Council Meeting*.

For example, if Council is proposing to include items in the budget that would give rise to conflicts of interest to more than half of the number of Councillors, Council may consider whether to include these items in the budget as individual decisions prior to adopting the budget as a whole.

3.4.1 Notice of adjourned *Council Meeting*

(1) The *Chief Executive Officer* must provide written notice, including by electronic means, to each *Councillor* of any *Council Meeting* adjourned to another date or time.

(2) Where it is not practicable because time does not permit notice in accordance with clause 4(6) to occur, then, provided every reasonable attempt is made to contact each *Councillor* either verbally, or by some other means, it will be sufficient.

(3) Notice of an adjournment to another date or time due to another date or time must be published on *Council*'s website as soon as practical.

Quorum Calculation

Section 61(4) of the Act *provides that a quorum at a Meeting must be at least a majority of the Councillors or members of the Delegated Committee.*

Number of Councillors/Committee Members	*Number required for Quorum*
11	*6*
10	*6*
9	*5*
8	*5*
7	*4*

3.5 Election of the *Mayor*

Overview Notes:

The role and functions of the Mayor are provided in the Act. The holder of this significant office is the Chairperson at Council Meetings, the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties. The Mayor also leads engagement with the community on the development of the Council Plan.

This section describes how the Mayor, a Deputy Mayor and any Acting Mayor are to be elected.

(1) The *Chief Executive Officer* must determine the most appropriate time and date for the election of the *Mayor*, except that the election of the *Mayor* must be held in accordance with any provisions contained in the *Act*.

(2) *At the Meeting to elect the Mayor, Council must first resolve if the term of the Mayor is to be 1 or 2 years.*

The Act *has specific provisions governing the election of the Mayor and the term of office for the Mayor:*

Section 25 - Election of Mayor

25 Election of Mayor

(1) At a Council Meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.

(2) Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.

(3) The election of the Mayor must—

(a) be chaired by the Chief Executive Officer;

and

(b) subject to this section, be conducted in accordance with the Governance Rules.

(4) Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.

(5) If an absolute majority of the Councillors cannot be obtained at the Meeting, the Council may resolve to conduct a new election at a later specified time and date.

(6) If only one Councillor is a candidate for Mayor, the Meeting must declare that Councillor to be duly elected as Mayor.

(7) In this section, ***absolute majority*** *means the number of Councillors which is greater than half the total number of the Councillors of a Council.*

Section 26 – When is a Mayor to be elected

(1) A Mayor is to be elected no later than one month after the date of a general election.

…

(3) Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

(4) If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.

(5) If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.

(6) A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.

(7) The election of a Mayor after the period specified in this section does not invalidate the election.

(8) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.

3.5.1 Role and Election of *Deputy Mayor*

(1) At the *Council Meeting* at which the *Mayor* is to be elected, the *Council* may resolve to establish the position of *Deputy Mayor* and elect a *Councillor* to the position of *Deputy Mayor*.

(2) If the *Mayor* is not in attendance at a *Council Meeting* the *Deputy Mayor* must take the Chair in accordance with Clause 16(2).

(3) The term of a *Deputy Mayor* is identical to the term of the *Mayor* as resolved by *Council*.

(4) If the *Council* has not resolved to establish the position of *Deputy Mayor*, other than, *Sub-Rule* 3.5.1, any provisions in this these Governance *Rules* relating to the *Deputy Mayor* have no effect.

Section 21 of the Act - Role and powers of the Deputy Mayor
The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if—
(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.

3.5.2 Method of Voting

The election of the *Mayor* must be carried out by a show of hands.

3.5.3 Determining the Election of *Mayor / Deputy Mayor*

(1) The *Chief Executive Officer* will preside during the election of the *Mayor*.

(2) The *Chief Executive Officer* must invite nominations for the office of *Mayor* and confirm acceptance of the nomination with the nominee.

(3) Where in an election for the *Mayor*:

- (a) only one candidate has been nominated, that candidate must be declared elected;
- (b) two candidates have been nominated, a vote must be taken and the candidate who receives an *Absolute Majority* of votes must be declared elected;
- (c) two candidates have been nominated and no candidate receives an *Absolute Majority* of votes, a *Second* vote will be conducted.
- (d) where, after a *Second* vote, where two candidates have been nominated and no candidate receives an *Absolute Majority* of votes the *Chief Executive Officer* will seek the *Meeting* to resolve to conduct a new election at a *Meeting* to be held at 6 pm the following day;
- (e) more than two candidates have been nominated and no candidate receives an *Absolute Majority*:
  - (i) the candidate with the fewest number of votes cast must be eliminated;
  - (ii) the names of the remaining candidates must be put to the vote again; and
  - (iii) the procedure in (i) and (ii) above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in *Sub-Rules* (b) to (d).

(f) in the event of more than two candidates having an equality of votes and one of them having to be declared a defeated candidate (where there are three or more candidates with equal votes); the *Chief Executive Officer* will conduct a vote for one candidate to be defeated;

(g) In the event the vote for a candidate to be defeated results in an equality of votes the defeated candidate will be determined by lot.

(h) if a lot is conducted, the *Chief Executive Officer* will conduct of the lot and the following provisions will apply:

(i) each candidate will draw one lot;

(ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the *Councillors* who received an equal number of votes except that if two or more *Councillor* surnames are identical, the order will be determined by the alphabetical order of the *Councillors*' first names;

(iii) as many identical pieces of paper as there are *Councillors* who received an equal number of votes must be placed in a receptacle;

(iv) the word 'Defeated' shall be written on one of the pieces of paper, and the *Councillor* who draws the paper with the word 'Defeated' written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates).

(4) If *Council* resolves to have the office of *Deputy Mayor*, the provisions of *Sub-Rules* (2) and (3) apply to the election of the *Deputy Mayor* with all necessary modifications and adaptations.

3.5.4 Ceremonial *Mayor*al Speech

(1) Upon being elected, the *Mayor* may make a ceremonial speech.

(2) The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead based on the adopted *Council* Plan.

3.6 Business of *Meetings*

Overview Notes:

The business to be transacted at a Council Meeting is contained in the Agenda provided to Councillors and available to the public on Council's website. The Chief Executive Officer oversees preparation of the Agenda and determines the content and order of business to facilitate open, efficient and effective processes of government. The role of the Mayor includes providing advice to the Chief Executive Officer when the Chief Executive Officer is setting the Agenda for Council Meetings. Council can admit an item of urgent business if it has arisen after distribution of the Agenda and cannot be reasonably deferred to the next Meeting.

This section also provides time limits for Meetings. A Council Meeting must not continue after 3 hours unless a majority of Councillors agree, when up to 2 extensions of 30 minutes can be made.

3.6.1 Business at *Meetings*

(1) The *Chief Executive Officer* may include any matter on the *Agenda* for a *Council Meeting* which he or she thinks should be considered at the *Meeting* to which the *Agenda* relates.

(2) No business can be dealt with at an Ordinary *Meeting* unless it is:

(3) Contained on the *Agenda*; or

(4) Admitted as Urgent Business in accordance with *Rule* 3.6.5

3.6.2 Order of business for Ordinary *Council Meetings*

(1) The order of business must be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government. Generally, the order of business of any Ordinary *Meeting* will be as follows:

(a) Welcome;

(b) Apologies/Leaves of Absence;

(c) Disclosures of conflicts of interest; (*Rule* 5.3)

(d) Confirmation of *Minutes* of previous *Meetings*; (*Rule* 3.12.3)

(e) Petitions; (*Rule* 3.7.3)

(f) Public question time; (*Rule* 3.7.1)

(g) *Council* reports;

(h) Notices of *Motion*; (*Rule* 3.10.14)

(i) Notices of rescission; (*Rule* 3.10.15)

(j) *Foreshadowed Items*;

(k) Urgent business; (*Rule* 3.6.5);

(l) Confidential business.

3.6.3 Order of business for *Meeting*s Designated for Planning and Related Matters

(1) The order of business of any *Meeting Designated for Planning and Related Matters* will be as follows:

(a) Welcome;

(b) Apologies;

(c) Disclosures of conflicts of interest; (*Rule* 5.3)

(d) Confirmation of *Minutes* of previous *Meetings*; (*Rule* 3.12.3)

(e) *Council* reports;

(f) Urgent business (*Rule* 3.6.5);

(g) Confidential business.

3.6.4 Change to order of business

(1) Once an *Agenda* has been sent to *Councillors*, the order of business for that *Meeting* may be altered with the *Agreement of Council*.

(2) If the *Agreement of Council* is not achieved, the order of business may be altered by a resolution of *Council*.

(3) The *Chief Executive Officer*, following consultation with the *Mayor*, may withdraw a report included in the *Agenda*, if special circumstance exist that mean *Council* consideration of the report would not be appropriate.

3.6.5 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 *Meeting* will mean a decision on the item will not have any effect on the matter; or

(c) The item involves a matter of urgency as determined by the *Chief Executive Officer*; and

(d) It cannot be addressed through an operational service request process.

(2) In addition to the requirements in Sub-*Rule* (1), where Urgent Business is to be admitted to a *Meeting Designated for Planning and Related Matters*, the urgent business must relate to a planning matter.

(3) A *Councillor* proposing a matter be admitted as urgent business must lodge it in writing to the *Chief Executive Officer* no later than 3 pm on the day of the *Meeting*.

(4) The *Chief Executive Officer* will advise the *Mayor* of any matter he or she determines appropriate for *Council* to consider admitting as urgent business.

3.6.6 Time Limits for *Meeting*s

(1) A *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 Clause.

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

(3) After the initial 30 minute extension the *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-clauses (1), (2) and (3), or in the event there is further business to be transacted at the completion of two extensions, the *Meeting* must stand adjourned to 6 pm on the following day. In that event, the provisions of *Rule* 3.4.1 apply in respect of any *Councillor* not in attendance at the adjourned *Meeting*.

(6) Notwithstanding sub-clause (5), the *Chairperson* may seek the *Agreement of Council* not to adjourn the *Meeting* to the following day, if the *Chairperson* reasonably believes the remaining business will take less than 10 minutes to transact.

3.6.7 *Chairperson* may temporarily adjourn a *Meeting* exceeding two hours

(1) The *Chairperson* may adjourn a *Meeting* for a 10 minute break, at an appropriate point in proceedings after two hours has elapsed.

(2) Notwithstanding *Sub-Rule* (1), the *Chairperson* may seek the *Agreement of Council* not to adjourn the *Meeting* if the *Chairperson* reasonably believes the remaining business of the *Meeting* will take less than 30 minutes to transact.

3.7 Community Questions and Submissions

Overview Notes:

As outlined in the purpose of these Governance *Rules*, *Council Meetings* are held for *Council* to make its decisions. Members of the public do not have a right to address *Council*, however provisions are made for *Council* to respond to questions from the community, and in particular circumstances, such as *Meetings* Designated for Planning and Related Matters, for the public to make submissions to *Council*.

At each Ordinary *Meeting* there is an opportunity for members of the public to ask questions of the *Council* or make a statement to *Council*. Assistance will be available for any community member seeking or requiring support to write or ask their question(s).

At a *Meeting Designated for Planning and Related Matters*, objectors to, and proponents of, planning permit applications, are provided a three minute opportunity to address *Council* in relation to items being considered at that *Meeting*.

Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to *Council*.

All petitions will be managed in accordance with a petitions procedure established by the *Chief Executive Officer*.

This Section sets out the procedures to be followed to submit a question, statement or petition, the circumstances under which a question or petition may be disallowed and the process for addressing and responding to the question or petition at or after the *Meeting*.

3.7.1 Questions of *Council* and Community Statements

(1) Members of the public may only address a *Council Meeting* in accordance with the provisions of these Governance *Rules*.

(2) Unless *Council* resolves differently, there must be a time provided for questions of *Council* and Community Statements at every Ordinary *Meeting* not designated for Planning and Related Matters to enable members of the public to submit questions to *Council*.

(3) Sub-clause (2) does not apply during any period when a *Meeting* is closed to members of the public in accordance with section 66(2) of the *Act*.

(4) There will be no Questions of *Council* and Community Statements during a local government election period.

(5) The time provided for questions of *Council* and community statements will not exceed 30 minutes in duration, unless by resolution of *Council*, in which case, the time may be extended for one period of up to 30 minutes.

(6) Priority will be given to questions and statements that relate to matters listed in the *Agenda*. If time allows, questions about items other than those listed on the *Agenda* will be considered.

(7) A maximum of two questions or statements, in any combination, is allowed per person. If a person has submitted two questions or statements, the second or statement question may, at the discretion of the *Chairperson*:

   (a) be deferred until all other persons who have submitted questions have asked their first question; and/or
   (b) not be asked or permitted if the time allotted for public question time has expired.

(8) A person submitting two questions or statements, in any combination, may identify the priority order of the questions or statements.

3.7.2 Questions of *Council*

(1) Persons wishing to ask a question will be encouraged to submit their question on the Questions of *Council* form available on *Council*'s website by 12 noon on the day of the Ordinary *Council Meeting*, but questions will be accepted up until the time of the *Meeting*.

(2) Questions can be submitted by:

  (a) The online form at www.moreland.vic.gov.au

  (b) Email to: governance@moreland.vic.gov.au; or

  (c) Mail to: Locked Bag 10, Moreland Vic. 3058; or

  (d) In person at the Coburg Civic Centre Customer Service Centre at 90 Bell Street Coburg.

(3) Assistance will be available for any community member seeking or requiring support to write their question(s).

(4) Public Question Time will not be extended for the purposes of responding to questions that are not related to matters listed on the *Agenda*.

(5) For the purposes of *Sub-Rule* (4) questions that are submitted in writing but not asked, will be taken *On Notice*.

(6) A maximum of three questions will be heard on any one subject. *Council* will then proceed to the next subject, returning to the previous subject if time allows.

(7) Persons submitting questions must be present in the public gallery either personally or by representative unless the question has been submitted in accordance with a procedure developed at *Rule* 3.7.4.

(8) When invited by the *Chairperson*, the person submitting the question:

  (a) Must state their name and suburb;

  (b) May ask their question, without any preamble or background.

(9) The *Chairperson* shall elect to answer the question themselves or nominate one appropriate *Councillor* to answer each question. Prior to responding, the *Chairperson* may seek contextual information from the person submitting the question.

(10) If the *Chairperson*, or a *Councillor* nominated by the *Chairperson*, is unable to answer the question, the *Chairperson* may refer the question to the *Chief Executive Officer*, who may refer it to a member of *Council staff*.

(11) No discussion of a question or answer will be allowed, other than for the purposes of clarification by a *Councillor*.

(12) A question or community statement may be disallowed by the *Chairperson* if the *Chairperson* determines it:

  (a) relates to a matter outside the duties, functions or powers of *Council*;

  (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

  (c) may lead to a breach of *Council*'s obligation to comply with its statutory obligations;

  (d) deals with subject matter already answered; or

  (e) deals with a matter that should be, or has been, considered as a confidential matter.

(13) No questions directed at an individual *Councillor* or member of *Council staff* will be allowed.

(14) The *Chairperson* may decide to take a question *On Notice*. Questions *On Notice* will be actioned by the relevant *Director* and a written response forwarded to the person and made available to *Councillors*. The status of *On Notice* items will be reported to the next practicable *Council Meeting*.

(15) A question will only be dealt with as an *On Notice* question if the entire question has been provided in writing and contact details for a response are provided. An incomplete question or a question where not contact details are provided will not be prioritised to be included before the time allowed for public question time and community statements has elapsed.

3.7.3 Community statements

(1) A member of the community may make a statement, for up to 2 minutes, in relation to a matter listed in the *Agenda* for a *Meeting*.

(2) Community Statements may not be directed at individual *Councillors* or members of *Council staff*.

(3) Community Statements will not receive a response.

(4) The *Chairperson* may cease a community statement he or she deems inappropriate.

(5) A member of the public wishing to make a community statement may indication their intention in advance of the *Meeting* or by completing a form on arrival at the *Meeting*.

3.7.4 Questions and community statements from members of the public not in attendance and at *Meeting*s conducted electronically

(1) *Council* may, by resolution, determine that the *Chief Executive Officer* must develop a procedure that enables the submission of questions and statements by community members who are not in attendance but are viewing the livestream to be admitted to the *Meeting*.

(2) A procedure developed at *Sub-Rule* (1) must include the person asking the question being visible to the *Meeting* when asking a question.

(3) A procedure developed in accordance with *Sub-Rule* (1) must give consideration to:

   (a) Accessibility;

   (b) Community members in attendance at the *Meeting*; and

   (c) Relevance of the question to an item on the *Agenda* for the *Meeting*.

(4) If a *Council Meeting* is being conducted electronically or online, in accordance with any Guidelines issued for the *Minister* for Local Government, provision will be made for questions and community statement to be made via video call, if the question or intent to make a submission is lodged in accordance with *Rules* 3.7.2 or 3.7.3 as is applicable.

3.7.5 Petitions and joint letters

(1) Every petition submitted to *Council* must:

   (a) be in legible and in permanent writing;

   (b) state clearly on each page the matter and the action sought of *Council*;

   (c) not be derogatory, defamatory or objectionable in language or nature;

   (d) not relate to matters outside the powers of *Council*; and

   (e) include the names, addresses and original signatures of at least 10 people;

   (f) clearly indicate the name and contact details of the lead petitioner.

(2) If the lead petitioner is present at the *Meeting* at the time a petition is presented, the *Chairperson* may invite the lead petitioner to address the *Meeting* for up to two minutes.

(3) Where a petition has been signed by less than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of *Council staff* for action as an operational item.

(4) Any *Councillor* presenting a petition is responsible for ensuring that:

(a) he or she is familiar with the contents and purpose of the petition; and

(b) the petition is not derogatory, defamatory or objectionable in language or nature.

(5) Unless sub-clauses (5) or (6) apply, the only *Motions* that may be considered by *Council* on any petition are:

(a) that the petition be received; and

(b) that the petition be referred to the *Chief Executive Officer* or relevant *Director* for consideration and response; or

(c) that the petition be referred to the *Chief Executive Officer* or relevant *Director* for a report to a future *Council Meeting*.

(6) If a petition relates to an item listed on the *Agenda* for the *Meeting* at which it is submitted, the petition may be dealt with in conjunction with the item.

(7) If a petition relates to:

(a) a 'planning matter' which is the subject of a public exhibition or notification process under the *Planning and Environment Act 1987*); or

(b) a matter which *Council* has determined will be the subject of a Hearing Committee and is the subject of a public submissions process in accordance with *Council*'s Community Engagement Policy,

the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).

(8) An online or electronic petition may be submitted to a *Council Meeting*.

(9) The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to *Council* for submission to a *Council Meeting*.

(10) An online or electronic petition will not be presented to a *Council Meeting* if it contains signatures that are false or misleading.

3.7.6 Submissions to *Meeting*s designated for Planning and related matters

At a *Meeting Designated for Planning and Related Matters*:

(1) the *Chairperson* may invite a *Council* Officer to provide an overview of a planning matter to be considered; and

(2) an objector to, or proponent of, a Planning Permit Application or Planning Scheme Amendment included in the *Agenda*, may be invited by the *Chairperson* to address the *Meeting* for no more than three minutes.

3.7.7 Public addressing the *Meeting*

(1) Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chairperson* whenever called on to do so.

(2) *Council* may suspend standing orders in accordance with *Rule* 3.10.13, to hear from a community member or representative of an organisation, on matters of significance to the *Council*, only if prior arrangements have been made by written request to the *Mayor* or *Chief Executive Officer*.

There are a number of statutory powers conferred on Council which required a public submissions process under section 223 of the Local Government Act 1989- these include adoption of key Council documents (such as the Council Plan and Budget), sale of land, closure of roads and making of local laws. The public submissions process requires Council to give public notice of the proposal and to consider (and hear if requested) submissions received before making a final decision on the matter.

In 2020 these 'statutory' consultations are no longer provided for in the Act. Instead, Council's Community Engagement Policy has been developed to ensure effective engagement with those community members who may be impacted by a Council decision. There is a transitional period where both Acts apply with regard to submissions.

Council has established processes for seeking community input and may adopt policies, protocols or guidelines to ensure opportunities exist for this input, beyond formal consultation processes.

3.7.8 Display of placards and posters

(1) Subject to *Sub-Rules* (2) and (3), a person can display any placards or posters in the *Council Chamber* or in any building where a *Meeting* is being, or is about to be, held, including outside the entrance to the building.

(2) A placard or poster 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;

  (c) obstruct the view or physically impede any person; or

  (d) be attached to a pole, stick or other object.

(3) The *Chairperson* may order and cause the removal of any placard or poster that is deemed by the *Chairperson* to be objectionable, disrespectful or otherwise inappropriate.

3.7.9 Prohibited items

(1) A person may not bring in the *Council Chamber* or any building where a *Meeting* is being, or is about to be, held, including outside the entrance to the building any item that may affect the safety or security of the *Meeting*.

(2) Items considered to affect the safety or security of a *Meeting* include:

  (a) A bag or object larger than a small backpack;

  (b) Devices that amplify sound;

  (c) Any other object identified by a *Councillor*, *Council* officer or security officer.

(3) The *Chairperson* may cause the removal of any object or material that is deemed by the *Chairperson* to be objectionable or disrespectful.

3.7.10 *Chairperson* May Remove

(1) Members of the public present at a *Council Meeting* must not interject during the *Council Meeting*.

(2) If a person, other than a *Councillor*, interjects or gesticulating offensively during the *Council Meeting*, the *Mayor* may direct:

  (a) the person to stop interjecting or gesticulating offensively; and

  (b) if the person continues to interject or gesticulate offensively, the removal of the person.

(3) In causing a person's removal under *Sub-Rule* (2)(b), or the removal of an object or material under *Sub-Rule* (3), the *Chairperson* may ask the *Chief Executive Officer*, an *Authorised Officer*or a member of security or Victoria Police to remove the person, object or material.

It is intended that this power to remove a member of the public, be exercisable by the Chairperson, without the need for any Council resolution. The Chairperson may choose to order the removal of a person whose actions immediately threaten the stability of the Meeting or wrongly threatens his or her authority in chairing the Meeting.

3.7.11 *Chairperson* may adjourn *Disorderly Meeting*

(1) The *Chairperson* may call a break in a *Meeting* for either a short time, or to resume another day if:

(a) the behaviour at the *Council* table or in the gallery is significantly disrupting the *Meeting*; or

(b) as provided in *Rule* 3.6.7 when a *Meeting* has been in progress for longer than 2 hours.

(2) The break referred to in sub-clause (1) is an adjournment.

(3) If the *Chairperson* calls a *Meeting* to resume on another day, the provisions of 3.4.1 apply.

3.8 Voting

Overview Notes:

At the conclusion of debate on a matter before the Meeting, the Chairperson must put the question, Motion or amendment to the vote. Each Councillor is entitled to one vote and voting must be able to be seen by those participating in the Meeting and those observing the Meeting. The vote is determined by a majority of the Councillors present at the Meeting at the time the vote is taken voting in favour of the Motion.

If a vote is tied, the Chairperson generally has a casting vote.

Sometimes a Councillor may want his or her vote is recorded – this is provided for in this section, along with the procedure when a Councillor calls for a division on a vote which is when how each Councillor voted is recorded.

Provision is made for the introduction of an electronic voting system as long as Council has resolved to implement the system and all participants in the Meeting and those observing a Meeting are able to see which way Councillor has voted on a matter at the time the vote is taken.

3.8.1 How a matter is determined

(1) To determine a *Motion* at a *Meeting*, the *Chairperson* must first call for those in favour of the *Motion* and then those opposed to the *Motion*, and must then declare the result to the *Meeting*.

(2) In the event of a tied vote, the *Chairperson* must, unless the *Act* provides otherwise, exercise a *Second vote*.

3.8.2 Voting must be seen

(1) Voting may be by any method resolved by *Council* that enables those in attendance and those watching a livestream broadcast to clearly see which way a *Council* has voted at the time a vote is taken.

(2) In the absence of a *Council* resolving an alternative method, voting on any matter is by show of hands.

3.8.3 When a division is permitted

(1) A division may be requested by any *Councillor* on any vote.

(2) The request must be made to the *Chairperson* either immediately prior to, or immediately after, the vote has been taken, and may not be made after the *Meeting* has moved to the next item of business.

(3) When a division is called for the *Chairperson* must:

  (a) first ask each *Councillor* wishing to vote in favour of the *Motion* to clearly indicate their vote and the *Chairperson* must then state the names of those *Councillors* to be recorded in the *Minutes*;

  (b) then ask each *Councillor* wishing to vote against the *Motion* to clearly indicate their vote and the *Chairperson* must then state the names of those *Councillors* to be recorded in the *Minutes*;

  (c) next, ask each *Councillor* abstaining from voting to clearly indicate their vote and the *Chairperson* must then state the names of those *Councillors* to be recorded in the *Minutes*; and

  (d) finally, declare the result of the division.

(4) Where a division is requested after the original vote has been taken, the *Motion* is decided on the division and the fact that there may be a difference between the result obtained when the original vote was taken and the result obtained on the division must be disregarded.

3.8.4 No discussion once a vote has been declared

(1) Once a vote on a *Motion* has been declared carried or lost by the *Chairperson*, no further discussion relating to the *Motion* is allowed, unless the discussion:

  (a) involves a *Councillor* requesting that his or her opposition to a resolution be recorded in the *Minutes* or calling for a division in accordance with *Rule* 8.3; or

  (b) is a *Councillor* foreshadowing a notice of rescission where a resolution has just been made, or a positive *Motion* where a resolution has just been rescinded.

(2) If a *Motion* is defeated, a new *Motion* on the same matter may be considered by *Council* only to avoid that matter being left in limbo.

Section 61 of the Act provides:

...

(5) A question before a Council Meeting is to be determined as follows—

(a) each Councillor present at a Council Meeting who is entitled to vote is entitled to one vote;

(b) voting at a Meeting must not be in secret, but if the Meeting is closed to the public, a Councillor is not required to divulge their vote to the public;

(c) the question is determined in the affirmative by a majority of the Councillors present at a Meeting at the time the vote is taken voting in favour of the question;

(d) subject to subsection (6), if the number of votes in favour of the question is half the number of Councillors present at the Meeting at the time the vote is taken, the Chairperson has a Second vote;

(e) for the purpose of determining the result of a vote, a Councillor present at the Meeting who does not vote is to be taken to have voted against the question.

_____

The Chairperson does not have a casting vote in the election of Mayor or Deputy Mayor as these positions must be elected by an Absolute Majority of Councillors.

The effect of (e) above is that a Councillor who abstains from voting is taken to have voted against a matter.

3.9 Addressing the *Meeting*

Overview Notes:

This section provides for how the Meeting is to be addressed by Councillors and Members of Council staff.

Members of the Community may only address a Meeting in accordance with Rule 3.7.

3.9.1 *Councillor* allowed to speak uninterrupted

A *Councillor* who has the floor must not be interrupted unless called to order, or given notice by the *Chairperson* his speaking time has elapsed or is about to elapse, when he or she must sit down and remain silent until the *Councillor* raising the *Point of Order* has been heard and the *Point of Order* dealt with.

3.9.2 Addressing the *Meeting*

(1) If the *Chairperson* so determines:

(a) any person addressing the *Chairperson* must refer to the *Chairperson* as:

(b) *Mayor*; or

(c) *Chairperson*,

as the case may be;

(d) all *Councillors*, other than the *Mayor*, must be addressed as Cr.....(surname); and

(e) all *Council staff*, must be addressed by their official title.

(2) Except for the *Chairperson* and *Chief Executive Officer*, any person who addresses the *Meeting* must stand and direct all remarks through the *Chairperson*.

(3) The *Chairperson* may permit any *Councillor* or person to remain seated while addressing the *Chairperson*.

3.10 *Motions* and Debate

Overview Notes:

This Section describes the procedure for introducing a Motion or amendment, the Rules of debate, foreshadowing a Motion or amendment and the duty of the Chairperson in relation to accepting Motions and amendments. It also describes the process for a Councillor lodging a Notice of Motion for consideration and/or indicating they will raise a matter at the next Council Meeting (foreshadowing items).

A Councillor may move any Motion related to an item included in the Agenda. In the interest of transparency and informed decision making, Motions or amendments should not introduce new matters to a debate that have not been the subject of the report or background of the Motion being considered by Council. Motions are required to be submitted in writing so they can be displayed to the Meeting.

As a resolution must be able to be acted upon, a Motion must clearly state what is intended and what its effect will be if it becomes the decision. This provides clarity for the implementation of Council decisions.

This Section also describes the circumstances and procedures under which a Council decision can be rescinded or altered. It also prescribes a procedure under which a Council policy can be altered or varied.

3.10.1 Moving a *Motion*

The procedure for moving any *Motion* is:

(1) The mover must outline the *Motion* without speaking in support of it;

(2) The *Motion* must be seconded by a *Councillor* other than the mover;

(3) If a *Motion* is not seconded, the *Motion* lapses for want of a seconder;

(4) If there is a seconder, then the *Chairperson* must call on the mover to speak to the *Motion*;

(5) After the mover has spoken to the *Motion*, the seconder may also speak to the *Motion*;

(6) After the seconder has spoken to the *Motion* (or after the mover has spoken to the *Motion* if the seconder does not speak to the *Motion*), the *Chairperson* must call on any *Councillor* who wishes to speak against the *Motion*, then on any *Councillor* who wishes to speak for the *Motion*, after waiting until all *Councillors* wishing to speak to the *Motion* have spoken; and

(7) If no *Councillor* wishes to speak against the *Motion*, then the *Chairperson* may put the *Motion* or call on any other Member to speak.

A resolution must be capable of standing alone, that is, a person reading the decision of Council in the Minutes will 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, the details of any organisation that will be contacted or directly affected by the decision.

3.10.2 *Chairperson*'s duty

Any *Motion* which:

(1) is defamatory; or

(2) is objectionable in language or nature; or

(3) is vague or unclear in its intention; or

(4) is outside the powers of *Council*; or

(5) is not relevant to an item of business on the *Agenda* and has not been admitted as urgent business; or

(6) purports to be an amendment but is not

must not be accepted by the *Chairperson*.

3.10.3 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 debate.

(2) No new matters may be raised in the right of reply.

(3) If no *Councillor* has spoken against a *Motion*, there will be no right of reply.

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

3.10.4 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 may be proposed or seconded by any *Councillor*, except the mover and seconder of the original *Motion*.

(3) 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.

(4) If a *Councillor* proposes an amendment to which either the 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 *Chairperson* 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 *Meeting* (known as the 'substantive *Motion*'); and

(e) the mover of an amendment does not have right of reply.

If a proposed amendment is Ruled to be the negative of, or substantially contrary to, the Motion, it should be treated as an alternative Motion to be considered only in the event that the Motion before the Chair is lost – see Foreshadowing Motions.

3.10.5 Foreshadowing *Motions*

(1) At any time during debate a *Councillor* may foreshadow a *Motion* so as to inform *Council* of his or her intention to move a *Motion* at a later stage in the *Meeting*, but this does not extend any special right to the foreshadowed *Motion*.

(2) A *Motion* foreshadowed may be prefaced with a statement that, in the event of a particular *Motion* before the *Meeting* being resolved in a certain way, a *Councillor* intends to move an alternative or additional *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*.

3.10.6 Withdrawal of *Motions*

Before any *Motion* is put to the vote, it may be withdrawn with the *Agreement of Council*.

3.10.7 Separation of *Motions*

(1) Where a *Motion* contains more than one part, a *Councillor* may request the *Chairperson* to put the *Motion* to the vote in separate parts.

(2) The *Chairperson* may decide to put any *Motion* to the vote in separate parts.

3.10.8 *Motions* moved in a block

The *Chairperson* may allow like *Motions* to be moved, or request *Councillors* to move like items, in a block (*en bloc*), if once passed the *Motions* will only:

(a) note actions already taken; or

(b) will not commit *Council* to further action, spending or changes to policy.

3.10.9 *Motions* in writing

(1) All *Motions*, except *Procedural Motions*, must be submitted in writing.

(2) The *Chairperson* may adjourn a *Meeting* while a *Motion* is being written or may request *Council* to defer the matter until the *Motion* has been written, allowing the *Meeting* to proceed uninterrupted.

3.10.10 Debate must be relevant to the *Motion*

(1) Debate must always be relevant to the *Motion* before the *Meeting*, and, if not, the *Chairperson* must request the speaker to confine debate to the *Motion*.

(2) If, after being requested by the *Chairperson* to confine debate to the *Motion* before the *Meeting*, the speaker continues to debate irrelevant matters, the *Chairperson* may direct the speaker to be seated and not speak further in respect of the *Motion* before the *Chairperson*. The speaker must immediately comply with any such direction.

3.10.11 Adequate and sufficient debate

(1) Adequate debate is required where a matter is contentious in nature. In such a case, every *Councillor* should be given an opportunity to participate in the debate.

(2) 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.

(3) Once the views put are representative of the views of all *Councillors* or Members of the *Delegated Committee*, the debate would be regarded as sufficient.

3.10.12 Speaking times

(1) Unless a *Motion* for an extension of speaking time has been carried, the maximum speaking times are:

(a) the mover of a *Motion* or amendment - three minutes;

(b) the mover of a *Motion* when exercising his or her right of reply - two minutes; and

(c) any other speaker - three minutes.

(2) A *Motion* for an extension of speaking time must be proposed before the initial speaking time, for that speaker, expires.

(3) A *Motion* for an extension of speaking time must not be accepted by the *Chairperson* if another *Councillor* has commenced speaking.

(4) Only one extension of speaking time is permitted for each speaker.

(5) Any extension of speaking time must not be more than two minutes.

3.10.13 *Procedural Motions*

(1) Unless otherwise prohibited, and subject to *Sub-Rule* (3), a *Procedural Motion* may be moved at any time and must be dealt with immediately by the *Chairperson*.

(2) *Procedural Motions* require a seconder.

(3) The *Chairperson* may reject a *Procedural Motion* if he or she believes the *Motion* on which it is proposed has not been adequately or sufficiently debated.

(4) Regardless of any other provision in this Local Law, a *Procedural Motion* must be dealt with in accordance with the table at *Sub-Rule* (8).

(5) A *Procedural Motion* may not be moved or seconded by the *Chairperson*.

(6) Unless otherwise provided, debate on a *Procedural Motion* is not permitted and the mover does not have a right of reply.

(7) Unless otherwise provided, a *Procedural Motion* must not be amended.

(8) *Procedural Motions* table:

Motion	Form	Mover/Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future *Meeting*)	'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 *Chairperson*; 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*, where a fresh *Motion* may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the *Motion* now be put'	Any *Councillor* who has not moved or seconded the original *Motion* or spoken for/against the original *Motion*	During nominations for a *Chairperson*	*Motion* or amendment is put to the vote immediately without further debate, subject to any *Councillor* exercising his or her right to ask any question concerning or arising out of the *Motion*	Debate continues unaffected	No
Laying a *Motion* on the table (pausing debate)	'That the *Motion* be laid on the table'	A *Councillor* 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 question from the table at the same *Meeting*	Debate continues unaffected	No
Take a *Motion* from the table (resume debate on a matter)	'That the *Motion* in relation to xx be taken from the table'	Any *Councillor*	When no *Motion* is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the *Agenda* be considered before/after the item listed as xy'	Any *Councillor*	(a) At a *Meeting* to elect the *Mayor*; or (b) During any debate	Alters the order of business for the *Meeting*	Items are considered in the order as listed in the *Agenda*	No

Motion	Form	Mover/Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Suspension of Standing Orders	'That Standing Orders be suspended to …' (reason must be provided	Any *Councillor*		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
Resumption of Standing Orders	'That Standing Orders be resumed'	Any *Councillor*	When Standing Orders have not been suspended	The temporary suspension of the *Rules* of the *Meeting* is removed	The *Meeting* cannot continue	No
Adjourn the *Meeting*	'That the *Meeting* be adjourned for xx minutes/until xx date [and insert reason]	Any *Councillor*	When Standing Orders have not been suspended	The *Meeting* is ceased to reconvene at the specified time/date.	The *Meeting* continues (if the Governance *Rules* allow)	Yes
Consideration of confidential matter(s) (Close the *Meeting* to members of the public)	That, in accordance with section 66(2)(a) of the *Local Government Act* 2020 the *Meeting* be closed to members of the public for the consideration of item xx *which is confidential as it relates to [insert reason]*	Any *Councillor*	During the election of the *Mayor/Deputy Mayor*	The *Meeting* is closed to members of the public	The *Meeting* Continues to be open to the public	Yes
Reopen the *Meeting*	'That the *Meeting* be reopened to members of the public'	Any *Councillor*		The *Meeting* is reopened to the public	The *Meeting* remains closed to the public	No

3.10.14 Notices of *Motion*

(1) A *Councillor* can submit to the *Chief Executive Officer* a *Notice of Motion* for inclusion in the *Agenda* for a *Meeting*.

(2) A *Notice of Motion* must be in writing, signed by the *Councillor* (including by electronic means), and be lodged with the *Chief Executive Officer* no later than 12 noon 10 business days before the *Meeting* at which it is intended to be considered to ensure its inclusion in the *Agenda*.

(3) The *Chief Executive Officer* must inform *Councillors* about the legal and cost implications of any proposed *Notice of Motion*. The *Chief Executive Officer* may suggest revised wording to the draft *Notice of Motion* to facilitate compliance with the requirements for Notices of *Motion* under this Local Law.

(4) A *Notice of Motion* must relate to the objectives, role and functions or *Council* as outlined in the Act.

(5) A *Notice of Motion* must call for a *Council* report if the *Notice of Motion* proposes any action that:

  (a) impacts the levels of *Council* service;

  (b) commits *Council* to expenditure greater than $5,000 that is not included in the adopted *Council* Budget;

  (c) proposes to establish, amend or extend *Council* policy;

  (d) proposes to impact the rights of any person who has not had the opportunity to contribute their views;

  (e) commits *Council* to any contractual arrangement; or

  (f) concerns any litigation in respect of which *Council* is a party.

(6) The *Chief Executive Officer* must reject any *Notice of Motion* which:

  (a) is too vague;

  (b) is defamatory;

  (c) may be prejudicial to any person or *Council*;

  (d) is objectionable in language or nature; or

  (e) is outside the powers of *Council*.

(7) The *Chief Executive Officer* may reject a proposed *Notice of Motion* that relates to a matter that can be addressed through the operational service request process.

(8) If rejecting a *Notice of Motion*, the *Chief Executive Officer* must inform the *Councillor* who lodged it of that rejection and the reasons for the rejection no later than nine business days before the *Meeting* at which it is intended to be considered. The *Councillor* may submit a revised *Motion* within 24 hours.

(9) The *Chief Executive Officer* may designate a *Notice of Motion* to be confidential in accordance with relevant grounds as contained in the Act, in which case, the *Notice of Motion* will be considered in the part of the relevant *Council Meeting* that is closed to members of the public.

(10) The full text of any *Notice of Motion* accepted by the *Chief Executive Officer* must be included in the *Agenda* and outline the policy, financial and resourcing implications if the *Notice of Motion* is passed.

(11) The *Chief Executive Officer* may arrange for comments of members of *Council staff* to be provided to *Councillors* prior to the *Notice of Motion* being published in the *Agenda* for the relevant *Council Meeting*.

(12) The *Chief Executive Officer* must cause all Notices of *Motion* to be sequentially numbered, dated and entered in a register.

(13) Unless *Council* resolves otherwise, each *Notice of Motion* must be considered in the order in which they were received.

(14) The *Motion* moved must not be substantially different to the *Motion* published in the *Agenda*, however may be amended by resolution of the *Council*.

(15) If a *Councillor* who has lodged a *Notice of Motion* is absent from the *Meeting* or fails to move the *Motion* when called upon by the *Chairperson* to do so, any other *Councillor* may move the *Motion*.

(16) If a *Notice of Motion* is not moved at the *Council Meeting* at which it is listed, it lapses.

3.10.15 Notices of Rescission

(1) A notice of rescission is a form of *Notice of Motion*. Accordingly, all provisions in these *Rules* regulating Notices of *Motion* equally apply to notices of rescission.

(2) *Motions* to rescind or alter a previous resolution of *Council* can be made by:

(a) notice of rescission delivered by a *Councillor* in accordance with *Sub-Rule* (3); or

(b) recommendation contained in an officer's report included in the *Agenda*.

(3) A *Councillor* may propose a *Motion* to rescind or alter a previous resolution of *Council* provided:

(c) the previous resolution has not been acted on; and

(d) a notice is delivered to the *Chief Executive Officer* or *Delegate* setting out:

(e) the relevant previous resolution to be rescinded or altered; and

(f) the *Meeting* and date when the relevant previous resolution was carried.

(4) A notice of rescission must be in writing, signed (including by electronic means) by a *Councillor* and be delivered to the *Chief Executive Officer* or a Delegate by 12 noon at least 10 business days prior to the next Ordinary *Meeting*.

(5) The *Chief Executive Officer*, or a member of *Council staff* with responsibility for the subject matter of a resolution, may implement a resolution of *Council* at any time after the close of the *Meeting* at which it was made. A resolution of *Council* will be deemed to have been acted on if:

(a) its contents or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the proposed *Minutes* of a *Council Meeting* on *Council*'s website; or

(b) a statutory process has been commenced so as to vest enforceable rights or obligations on *Council* or any other person.

(6) Notwithstanding *Sub-Rule* (4), the *Chief Executive Officer* or member of *Council staff* must defer implementing a resolution which:

(a) has not been acted on; and

(b) is the subject of a notice of rescission which has been delivered to the *Chief Executive Officer* in accordance with Sub-*Rule* (2), unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the *Council* at legal, financial or other risk.

(7) If a *Motion* for rescission is lost, a similar *Motion* may not be put before *Council* for at least one month from the date it was last lost, unless *Council* resolves that the notice of rescission be re-listed at a future *Meeting*.

(8) If a *Motion* for rescission is not moved at the *Meeting* for which it is listed, it lapses.

(9) A notice of rescission listed on an *Agenda* may be moved by any *Councillor* present but if not being moved by the *Councillor* who submitted it, must be moved in the form it was listed and must not be amended.

3.10.16 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) It is good practice for *Council* to review significant policies at least once in each *Council* term (every 4 years) and such reviews may lead to 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 comment sought, prior to the policy being changed.

3.10.17 *Foreshadowed Items*

(1) At the time designated in the Ordinary *Meeting Agenda*, a *Councillor* may foreshadow a *Notice of Motion* to be submitted for consideration at the next Ordinary *Meeting* by indicating, when called on to do so by the Chair, the subject matter of the foreshadowed *Notice of Motion*.

(2) The subject matter, as indicated by the *Councillor*, of a *Foreshadowed Item* will be recorded in the *Minutes*.

(3) No discussion or debate is allowed on a *Foreshadowed Item*.

(4) A *Foreshadowed Item* will have no further formal status at that *Council Meeting*.

(5) *Foreshadowed Items* are intended to be used to indicate to *Council* and the community matters of importance that will be raised at the next *Council Meeting*.

(6) If a *Councillor* does not submit a *Notice of Motion* in accordance with Clause 63 for the next Ordinary *Council Meeting*, no further action on a *Foreshadowed Item* will occur.

3.11 Points of Order

Overview Notes:

A Point of Order is taken when a Councillor draws the attention of the Chairperson to an alleged irregularity in the proceedings. Valid points of order, the process for raising and ruling on a Point of Order, and the procedure if there is dissent on the Chair's ruling are described in this section.

(1) A *Councillor* raising a *Point of Order* must state:

   (a) the *Point of Order*; and

   (b) any chapter, *Rule*, paragraph or provision relevant to the *Point of Order*.

(2) The *Chairperson* must decide all points of order by stating the provision, *Rule*, practice or precedent which he or she considers applicable to the *Point of Order* raised, without entering into any discussion or comment.

(3) The *Chairperson* may adjourn the *Meeting* to consider a *Point of Order*; otherwise he or she must *Rule* on it as soon as it is raised.

(4) All other matters before *Council* are suspended until the *Point of Order* is decided.

3.11.1 Dissent in *Chairperson*'s ruling

(1) A *Motion* of dissent in the *Chairperson*'s ruling must, if seconded, be given priority to all other items of business and a substitute *Chairperson* must be elected to preside while the *Motion* is being considered.

(2) The substitute *Chairperson* must put questions relative to the ruling to the *Chairperson* first, and then to the mover of the *Motion*.

(3) The substitute *Chairperson* must conduct a debate on the *Chairperson*'s ruling, and the matter must be decided by a majority vote.

(4) The *Chairperson* must then resume the Chair for the remainder of the *Meeting*.

3.11.2 Valid points of order

(1) A *Point of Order* may be raised in relation to:

(a) a *Motion* which under Clause 50 should not be accepted by the *Chairperson*;

(b) a question of procedure;

(c) a *Councillor* who is, or appears to be, out of order;

(d) debate that is irrelevant to the matter under consideration;

(e) a matter that is outside the powers of *Council*; or

(f) any act of *Disorder*.

3.11.3 Contradiction or opinion

(1) Rising to express a mere difference of opinion or to contradict a speaker is not a *Point of Order*.

3.11.4 *Disorder*ly Conduct

(1) The conduct of *Councillors* at *Council Meetings* is governed by the *Act*, these *Rules* and the *Councillor* Code of Conduct.

(2) Where a *Councillor* engages in improper or *Disorder*ly conduct, or acts in a way that otherwise disrupts the *Meeting*, and prevents the conduct of *Council* business:

(a) *Council* may, by resolution, suspend that *Councillor* from a portion of the *Meeting* or from the balance of the *Meeting* where the *Chairperson* has warned the *Councillor* to cease that behaviour; or

(b) The *Mayor*, 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 *Meeting*.

(3) Where *Council* suspends a *Councillor* under *Sub-Rule* (1)(a), or the *Mayor* directs a *Councillor* to leave the *Meeting* under *Sub-Rule* (1)(b) the *Councillor* will take no active part in the portion of the *Meeting* from which he or she has been suspended.

(4) If a *Councillor* has been suspended from a *Meeting* or directed to leave in accordance with *Sub-Rule* (3) the *Chairperson* may ask the *Chief Executive Officer*, an *Authorised Officer*or a member of Victoria Police to remove the *Councillor*.

The *Act (section 19(1)(b) provides the power to the Mayor* to direct a *Councillor*, subject to any procedures or limitations specified in the Governance *Rules*, to leave a *Council Meeting* if the behaviour of the *Councillor* is preventing the *Council* from conducting its business.

3.12 *Minutes*

Overview Notes:

The *Minutes* of a *Meeting* must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and incorporate relevant reports or a summary of the relevant reports considered in the decision-making process. The *Minutes* of a *Council* or *Delegated Committee Meeting* must be submitted to the next appropriate *Council Meeting* or *Delegated Committee Meeting* (as the case may be) for confirmation.

3.12.1 Keeping of *Minutes*

(1) The *Chief Executive Officer* or *Delegate* is responsible for the keeping of *Minutes* on behalf of *Council*. Those *Minutes* must record:

(a) the date, place, time and nature of the *Council Meeting*;

(b) the names of *Councillors* and whether they are present, an apology, on leave of absence, etc.;

(c) the titles of the members of *Council staff* present who are not part of the gallery;

(d) the disclosure of a conflict of interest made by a *Councillor* in accordance with the *Act*;

(e) the arrivals and departures of *Councillors*, during the course of the *Meeting* (including any temporary departures or arrivals);

(f) every *Motion* and amendment moved (including *Procedural Motions*),

(g) the outcome of every *Motion* moved;

(h) where a division is called, the names of every *Councillor* and the way their vote was cast (and if they abstained);

(i) when requested by a *Councillor*, a record of their support of, opposition to, or abstention from voting on any *Motion*;

(j) for the purposes of *Sub-Rules* (h) and (i) an abstention will be recorded along with a note that the vote was counted against the question in accordance with section 61(5)(e) of the *Act*.

(k) details of any failure to achieve or maintain a quorum;

(l) a summary of any question asked and the response provided as part of public question time

(m) the items about which community statements have been made and the number of community statements;

(n) details of any petitions made to *Council*;

(o) the time and reason for any adjournment of the *Meeting* or suspension of standing orders;

(p) any other matter, which the *Chief Executive Officer* or *Delegate* thinks should be recorded to clarify the intention of the *Meeting* or assist in the reading of the *Minutes*; and

(q) the time the *Council Meeting* was opened and closed, including any part of the *Council Meeting* that was closed to members of the public.

3.12.2 Electronic *Minutes*

(1) Once confirmed, the *Minutes* may be stored electronically in perpetuity as the record of *Council* business.

3.12.3 Confirmation of *Minutes*

(1) The *Minutes* as recorded by the *Chief Executive Officer*, or *Delegate*, will be made available as the proposed *Minutes* soon as possible, but at a minimum to:

(a) *Councillors*, within 7 business days;

(b) members of the public, by publishing them on *Council*'s website, within 9 business days

(c) of the *Council Meeting* they relate to.

(2) At every Ordinary *Council Meeting* the *Minutes* of the preceding *Council Meeting*(s) must be dealt with as follows:

(a) a *Motion* will be 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-clause (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 *Chairperson* of the *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.

3.12.4 Webcasting and Recording of Proceedings

(1) The *Chief Executive Officer* (or his or her *Delegate*) may, for the purposes of minute taking, cause all or part of the proceedings of a *Meeting* to be recorded on suitable audio or video recording equipment.

(2) The *Chief Executive Officer* will cause a livestream of the proceedings of a *Meeting* to be conducted and the recording of that livestream to be made available to the public.

(3) A *Meeting* that has been closed to members of the public for consideration of confidential matters will not be livestreamed.

(4) A *Meeting* that has been closed to members of the public for security reasons or because it is necessary to do so to enable the *Meeting* to proceed in an orderly manner, must continue to be livestreamed.

(5) A *Meeting* that has been closed to members of the public for security reasons or because it is necessary to do so to enable the *Meeting* to proceed in an orderly manner must be adjourned if the livestream is not possible.

(6) A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any *Meeting* without first obtaining the consent of the *Chairperson*.

(7) The consent of the *Chairperson* given under sub-clause (3) may be revoked at any time during the course of a *Meeting* by the *Chairperson* stating that consent has been revoked and ordering that the recording cease, at which time the recording must cease.

3.13 Suspension of Standing Orders

Overview Notes:

Standing Orders are the *Rules* made to govern the procedure at *Council Meetings* and *Special Meetings* contained in this Local Law. 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* but should not be used purely to dispense with the processes and protocol of the government of *Council*.

3.13.1 Suspension of standing orders

(1) To temporarily remove the constraints of formal *Meeting* procedure and allow full discussion or clarification of an issue, *Council* may, by resolution, suspend standing orders in accordance with the *Procedural Motion* table at *Rule* 10.13.

(2) Suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*.

(3) No *Motion* can be accepted by the *Chairperson* 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 *Chairperson* during a second extension of time for a *Meeting*.

3.14 Circumstances in which *Council* will close a *Meeting* to members of the public

Overview Notes:

Council is committed to openness and transparency in its decision making and will only close a Meeting to members of the public when it is unavoidable. In circumstances a Meeting is closed the public to maintain order or safety and security, the Meeting will be livestreamed.

The Act provides the basis for matters to be considered as confidential. Council will only close a Meeting to the public for consideration of confidential matters in accordance with the Act and its Public Transparency Policy.

(1) The *Chief Executive Officer* may determine to advertise that a *Meeting* will be closed to members of the public if:

    (a) There is reason to believe the safety or security of *Councillors*, *Council staff* or members of the public will be at risk if the *Meeting* is open to the public; or

    (b) All matters to be considered at the *Meeting* are confidential in nature.

(2) *Council* may resolve to close a *Meeting* to members of the public if:

    (a) There is reason to believe the safety or security of *Councillors*, *Council staff* or members of the public is at risk; or

    (b) A *Meeting*, has become, or is at risk of becoming so *Disorderly* that the business of *Council* cannot be conducted; or

    (c) The matter to be considered relates to confidential matters.

(3) Having closed the *Meeting* in accordance with *Sub-Rule* (2), *Council* may resolve that it's decision or any report considered, or any part of its decision or any report considered, may be released to the public, to provide clarity that a *Councillor* or *Council staff* member who discusses those elements resolved to be released is not releasing confidential information.

3.14.2 Designated Confidential Information

(1) If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a *Meeting* is confidential information within the meaning of the *Act*, he or she may designate the information as confidential and advise *Councillors* and/or members of *Council staff* in writing accordingly.

(2) Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the Act, and in respect of which advice has been given to *Councillors* and/or members of *Council staff* in writing accordingly, will be presumed to be confidential information.

CHAPTER 4 *DELEGATED COMMITTEES*

Overview Notes:

Council may establish Delegated Committees as part of its governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Delegated Committees, their Meeting procedures need to be formal.

(1) If *Council* establishes a *Delegated Committee*, these *Rules* will apply to the *Delegated Committee Meetings* with any necessary modifications.

(2) For the purpose of *Sub-Rule* (1):

(a) a *Council Meeting* is to be 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 *Chairperson* of the *Delegated Committee*.

(3) If *Council* establishes a *Delegated Committee*, *Council* may resolve that a provision of this Local Law does not apply to that Committee.

CHAPTER 5 – CONFLICTS OF INTEREST

Overview Notes:

The *Act* defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.

The *Act* also provides *Council* must include in its Governance *Rules* procedures for disclosures of Conflicts of interest, including at *Meetings* conducted under the auspices of *Council* that are not *Council Meetings*. *Meetings* conducted under the auspices of *Council* include those *Meetings* arranged or hosted by *Council*.

These *Rules* provide the procedures for disclosures of conflicts of interest.

Further guidance is available from the Managing Conflicts of Interest guideline.

5.1 Obligations with regard to conflict of interest:

(1) *Councillors*, members of *Delegated Committees* and *Council staff* and contractors are required to:

(a) Avoid - all situations which may give rise to conflicts of interest;

(b) Identify - any conflicts of interest; and

(c) Disclose – or declare all conflicts of interest.

5.2 *Councillors* and Members of *Delegated Committee s*

(1) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.

(2) When disclosing a conflict of interest, *Councillors* must clearly state their connection to the matter.

(3) All disclosures of conflicts of interest will be recorded in the *Minutes* of a *Council* or *Delegated Committee Meeting*.

(4) *Council* will maintain a Conflict of Interest Register which will be made available on *Council*'s website.

5.3 Procedure at a *Council* or *Delegated Committee Meeting*

(1) At the time designated in the *Agenda*, a *Councillor* with a conflict of interest in an item on that *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) Whether their conflict of interest is general or material; 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 that required for the declarations 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.

5.4 Procedure at *Advisory Committee Meetings* and other *Meetings* organised, hosted or supported by Moreland

(1) A *Councillor* or member of an *Advisory Committee* 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* or member of an *Advisory Committee* with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.

(3) If there is no *Agenda*, a *Councillor* or member of an *Advisory Committee* with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.

(4) At the time for discussion of that item, the *Councillor* or member of an *Advisory Committee* 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 Governance team 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) *Meeting* records and reports will be presented to *Council* for noting and inclusion on the public record.

5.5 *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 where 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* 5.6 and the Employee Code of Conduct.

5.6 Procedure for disclosures of conflicts of interest by *Council staff*

(1) *Council staff* must disclose the existence of all conflicts of interest in writing and in the form determined by the *Chief Executive Officer*.

(2) All conflicts of interest disclosed by *Council staff* will be provided to the Governance team 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 staff member's *Director* determines that the 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, including any *Council* Report(s), and in the case of verbal advice, is documented by the decision maker.

5.7 Contractors and Consultants

(1) All Contractors and consultants engaged by *Council* to provide advice to the decision making process will be required to disclose conflicts of interest

(2) A Contractor or consultant who discloses a conflict of interest will not be engaged to provide advice on that matter unless;

(a) The conflict is so remote or insignificant it could not be considered to influence the advice being provided; or

(b) There are no other contractors or consultants reasonably available and qualified to provide the technical advice required; and

(c) The conflict of interest is documented, including any *Council* Report(s), in all advice provided by that contractor or consultant.

Section 127 of the Act - General conflict of interest

*(1) Subject to section 129, a relevant person has a **general conflict of interest** in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.*

(2) For the purposes of subsection (1)—

***private interests** means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;*

***public duty** means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.*

128 Material conflict of interest

(1) Subject to section 129, a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

(2) The benefit may arise or the loss incurred—

(a) directly or indirectly; or
(b) in a pecuniary or non-pecuniary form.

(3) For the purposes of this section, any of the following is an affected person—

(a) the relevant person;
(b) a family member of the relevant person;
(c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
(d) an employer of the relevant person, unless the employer is a public body;
(e) a business partner of the relevant person;
(f) a person for whom the relevant person is a consultant, contractor or agent;
(g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
(h) a person from whom the relevant person has received a disclosable gift.

CHAPTER 6 - DELEGATIONS

Overview Notes:

Council can make decisions (act) in two ways – by resolution at a Council Meeting or by delegation (others acting on its behalf). The 2020 provides for Council to delegate to the Chief Executive Officer.

Delegation of Council powers to the Chief Executive Officer and other members of Council staff is a long-established practice to enable day to day operational decisions to be made efficiently. Delegation of Council powers is primarily enabled and regulated by the Local Government Act 2020, however powers, duties and functions may be delegated from a range of Acts, Regulations and local laws.

Additionally, the Act and other legislation confers some powers duties and functions directly to the Chief Executive Officer. These may also be delegated by the Chief Executive Officer to various positions in the organisation's structure.

Delegations are to a position in the organisational structure rather than to a person.

(1) A *Delegate* must exercise the duties and perform the duties and functions set out in the Instrument of delegation and in accordance with any guidelines or policies of *Council*.

(2) A *Delegate* making a decision that will affect any person's rights, will identify whose rights may be affected and provide an opportunity for that person (or persons) to convey their views regarding the effect on their rights, and consider those views.

(3) *Delegates* must keep appropriate records of decisions and actions taken under delegation.

(4) The *Chief Executive Officer* may designate certain decisions made under delegation as matters to be reported to *Council*.

(5) *Council*'s public register of delegations will be available on its website and for inspection, on request, at *Council*'s offices.

CHAPTER 7 – COMMON SEAL

Overview Notes:

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

As many of the powers, duties and functions of a Council are delegated to the Chief Executive Officer and other members of Council staff, the Common Seal of Council is only used on legal documents such as local laws, contracts, agreements, transfers of land and other documents where required by legislation or where outside the Chief Executive Officer's delegation.

(1) A person must not use the *Common Seal* without authority from *Council* or the *Chief Executive Officer* exercising a relevant delegation.

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

(3) The affixing of the *Common Seal* to any document must be attested to by the signatures of both:

(a) a *Councillor*; and

(b) the *Chief Executive Officer*,

acting on behalf of *Council*.

CHAPTER 8 JOINT *COUNCIL MEETINGS*

Overview Notes:

Regional collaboration provides benefits to the Moreland community through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in the Act.

(1) Council may resolve to participate in a Joint Council Meeting.

(2) If Council has resolved to participate in a Joint Council Meeting, the Chief Executive Officer (or Delegate) will agree on governance Rules with the participating Councils.

(3) Where the participating Councils agree Moreland will chair a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting

Section of the Act - Joint meetings of Councils

(1) Two or more Councils may determine to hold a joint meeting.

(2) A joint meeting is a Council Meeting of each Council for the purposes of this Act and the provisions of this Act, except section 61(3), (4) and (5)(d), apply accordingly.

(3) A joint meeting is to be constituted by the Councillors of the Councils holding the joint meeting consisting of—

(a) the total number of Councillors determined by the Councils holding the joint meeting; and

(b) at least 3 Councillors from each of the Councils holding the joint meeting.

(4) A quorum at a joint meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the Councils holding the joint meeting.

CHAPTER 9 – WHAT INFORMS DECISION MAKING

Overview Notes:

Advisory Committees play a key role in connecting community views and experts with the decision-making processes of Council. These committees provide advice to Council and to Council officers exercising delegation to make decisions or implement policy.

These committees, usually comprised of community members and Councillors, and may sometimes include representatives of community organisations. These committees are essential forums to provide input to the development of Council policy and decision making in their areas of focus.

Reporting of these committees to Council is a transparency mechanism.

The appointment of Councillors to specific areas of responsibility also provides a framework for relationships between Councillors and the administration of Council to underpin informed decision making.

Council also has Councillor representatives on external committees and organisations to ensure Council's voice is heard in key priority areas. These committees and organisations also inform Council, via its representatives, in regard to sector and/or expert views.

This section also provides for the appointment of Councillors as members of committees established by the Council, and as Council representatives or delegates on external committees and organisations.

The Councillor Responsible For role is outlined in this section.

Council will seek the views of community members whose rights or obligations may be affected before making a decision. Community engagement on each issue will be undertaken in accordance with the Community Engagement principles of the Act and Council's Community Engagement Policy.

In certain circumstances Council will establish a formal opportunity for members of the community to address a committee established to hear from the community in regard to a specific issue.

Additionally, Council has an Confidential Information does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.

9.1 *Advisory Committees*

9.1.1 Role and Term of *Advisory Committees*

(1) In the first year of each *Council* term, *Council* will establish its *Advisory Committees* for the next four years.

(2) *Advisory Committees* established by *Council* will be consulted for input on related policy, strategy or major operational proposals.

(3) *Advisory Committees* established by *Council* will be chaired by a *Councillor* appointed in accordance with *Rule* 9.1.2,

(4) Each *Advisory Committee* will be established in accordance with a model terms of reference determined by the *Chief Executive Officer* that at a minimum will prescribe:

    (a) Membership terms that provide for renewal of membership and continuity of contribution, with provision for initial appointments to support rotation of memberships.

    (b) Inclusive and transparent recruitment processes for community member membership and participation.

    (c) Requirements for disclosures of conflicts of interest.

(d) A description of the roles of members including attendance and participation requirements, role of the committee, *Councillor* chair, reporting requirements, confidentiality

(5) Any person appointed to an *Advisory Committee* that nominates for election to *Council*, State Parliament or Federal Parliament must take leave of absence from their Committee position from the time of declaring they have nominated (or intend to nominate). Upon election, they will be deemed to have resigned from the Committee.

(6) In order to maintain transparency of *Advisory Committee* operations, the following information is to be published on *Council*'s website in respect of each *Advisory Committee*:

(a) The Terms of Reference

(b) The names of all members *

(c) Reports of Committee activities (in *Agenda/Minutes* of *Council Meetings*)

(7) All *Advisory Committees* established by *Council*, except the *Audit and Risk Committee*, will sunset on 30 June following each *Council* election, unless they have been re-established in the new *Council* term.

9.1.2 Appointment of *Councillor*s to Committees

(1) At the next Ordinary *Council Meeting* after the *Meeting* at which the *Mayor* is elected, or at a *Council Meeting* held as soon as practicable after that *Meeting*, *Council* must:

(a) appoint *Councillors* as members of, or representatives on, committees established by *Council*;

(b) appoint *Councillors* as delegates to external committees and organisations; and

(c) appoint *Councillors* Responsible For,

for the ensuing year.

9.1.3 The role of a '*Councillor* Responsible For'.

(1) The role of a *Councillor* Responsible For includes:

(a) Liaising with the members of the relevant *Advisory Committee* to ensure effective coordination of individual issues and projects;

(b) Facilitating good *Council/Councillor*/administration coordination and communication on key issues;

(c) Advising and reporting to colleagues on project issues and to facilitate briefings of *Councillors* where necessary, allowing for the testing of views on particular projects prior to more formal proposals being developed;

(d) Providing input from *Councillors* to the *Chief Executive Officer* on relevant projects; and

(e) With the consent of the *Mayor*, acting as a spokesperson, on behalf of *Council*, in respect of the project in question.

9.1.4 Reports by *Advisory Committees*

(1) A *Councillor* who is the *Chairperson* of an *Advisory Committee*, appointed by *Council* as a *Member* of an *Advisory Committee*, community consultative committee or reference committee, or to an external body may provide to the next practicable *Council Meeting* a written account of the most recent discussions of the committee or body.

(2) The written accounts must be submitted to the *Chief Executive Officer*, or *Delegate*, for inclusion in the *Agenda* of a *Council Meeting*.

(3) The *Chief Executive Officer*, or *Delegate*, will administer a procedure to ensure the written account will be included in the next practicable *Agenda*.

(4) Written reports of *Advisory Committees* must include any disclosures of conflicts of interest and record whether or not the person who disclosed a conflict of interest left the *Meeting* for the relevant discussion.

9.2 Hearing Committees

(1) *Council* will establish Hearing Committees to provide an opportunity to hear from community members in formal setting on key issues.

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

(3) Where issue is affects a large proportion of the Moreland community all *Councillors* will be appointed to the Hearing Committee.

(4) Priority will be given to addresses from those members of the community who have registered an interest in addressing a Hearing Committee.

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

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

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

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

9.3 *Council* Reports

(1) The *Chief Executive Officer* will determine the form of reports to *Council* prepared for inclusion in the *Agenda* for a *Council* or *Delegated Committee Meeting*.

(2) Reports presented to *Council* for consideration and decision will address where relevant:

(a) Alignment with the Community Vision, *Council* Plan, strategies and policies;

(b) Community impact;

(c) Climate emergency and environmental sustainability implications;

(d) Economic sustainability implications;

(e) Financial implications;

(f) Legal and risk considerations;

(g) Human Rights considerations;

(h) Community consultation and engagement;

(i) Conflicts of interest that have arisen in the preparation of the report.

9.4 Scheduling of *Meetings*

(1) In order to ensure *Council* can be transparent and fully and properly informed in its decision making, regard must be given to the scheduling of *Meetings* to avoid, where possible, conflicting with significant community or cultural commitments if they will impact on the ability of *Councillors* or community members to attend.

(2) *Meetings* subject to *Sub-Rule* (1) include, but are not limited to:

(a) *Council Meetings*;

(b) *Advisory Committee Meetings*, including Hearing Committees;

(c) *Meetings* held as part of an engagement process being conducted in accordance with the adopted Community Engagement Policy;

(d) *Councillor* briefings;

(e) Planning Information and Discussion *Meetings*.

CHAPTER 10 - *COUNCIL* RECORDS

10.1 Records of *Meetings* held under the auspices of *Council*

(1) A record of the matters discussed at *Meetings* organised or hosted by Moreland that involve *Councillors* and *Council staff* will be kept.

(2) Records kept in accordance with *Sub-Rule* one will include

  (a) The attendees at the *Meeting*, including organisations represented by external presenters;

  (b) The title of matters discussed

  (c) Any conflicts of interest disclosed and whether the person with the conflict of interest left the *Meeting*.

(3) Where *Minutes* are kept of a *Meeting* and made available to the community an additional record is not required to be kept.

> *Section 131 of the Act* provides that in respect of a conflict of interest in respect of a matter at a meeting conducted under the auspices of the Council that is not a meeting specified in section 130(1)(a), (b) or (c).
> (2) A Councillor who has a conflict of interest in respect of a matter must—
> (a) disclose the conflict of interest in the manner required by the Council's Governance Rules; and
> (b) comply with the procedures specified in the Council's Governance Rules for the purposes of this section.
> (3) If a Councillor fails to comply with subsection (2), an application may be made under section 154 to a Councillor Conduct Panel alleging serious misconduct.
>
> "Under the auspices of Council" is taken to mean in any way resourced by Council.

10.2 *Councillor* attendance records

(1) *Council* will maintain a register of *Councillor* attendance at *Council Meetings*, *Delegated Committee Meetings* and *Meetings* arranged to brief *Councillors*.

(2) The register of Attendance kept in accordance with *Sub-Rule* (1) will be published on *Council*'s website quarterly

CHAPTER 11 – COMMUNITY ASSET COMMITTEES

Overview Notes:

The Act provides for Council to establish a community asset committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee and delegate to it powers, duties or functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.

(1) The Governance Rules will apply to any Community Asset Committee established by Council.

(2) Council may resolve, in establishing a Community Asset Committee, that the Meeting procedure chapter of these Governance Rules does not apply.

(3) A Community Asset Committee must report the Minutes of all Committee Meetings to the next practicable Council Meeting.

(4) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

Section 65 of the Act provides: Community Asset Committee

(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).

(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.

Delegation of Powers, Duties or Functions to a Community Asset Committee is provided for in ***Section 47 of the Act provides:***

1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—

(a) a member of Council staff; or

(b) the members of a Community Asset Committee.

This means Council may not delegate directly to a Community Asset Committee.

CHAPTER 12 – ELECTION PERIODS

Overview Notes:

The Election Period Policy governs the conduct of Council, Councillors and members of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election.

The Election Period prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council does not print, publish or distribute any material that may influence the outcome of the election.

Additionally, the Election Period Policy addresses Councillors and staff standing as candidates in Council, State or Federal elections.

12.1 Election Periods Generally

(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, Civic events, and activities of *Advisory Committees* established by *Council*;

(d) Sets out the requirements for any *Council* publications during a local government election period – including the website, social media, newsletters and advertising – to ensure *Council* does not publish materials that relate to issues that are the subject of election campaigns;

(e) Defines roles and responsibilities in relation to who is the spokesperson for *Council* during an election period;

(f) Sets out the requirements for a *Councillor* or member of *Council staff* who is a candidate in an election including a Federal, State or *Council* election.

(2) At least once in each *Council* term and, not later than 12 months prior to the commencement of an election period, *Council* will review its election period policy.

(3) The Election Period Policy forms part of these Governance *Rules*.

(4) The operation of *Council Advisory Committees* shall be suspended upon the commencement of the election period ahead of a general *Council* election.

(5) Any outstanding Delegate's Reports my still be reported to an ordinary *Meeting* of *Council* during this period.

(6) *Council* Committees shall resume *Meeting* following the election and the appointment by the incoming *Council* of *Councillors* to each committee.

Section 69 of the Act provides:

(1) A Council must include an election period policy in its Governance Rules.

(2) An election period policy must prohibit any Council decision during the election period for a general election that—

(a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or

(b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or

(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.

(3) An election period policy must prohibit 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.

12.2 Election Period Policy

12.2.1 Introduction

The *Act* requires *Council* to include an Election Period Policy (Policy) in its Governance *Rules*.

12.2.2 Context

Under Section 69 of the *Act*, an election period policy must prohibit any *Council* decision during the election period for a general election that:

(a) relates to the appointment or remuneration of the *Chief Executive Officer* but not to the appointment or remuneration of an Acting *Chief Executive Officer*; or

(b) commits the *Council* to expenditure exceeding one per cent of the *Council*'s income from general rates, municipal charges and service rates and charges in the preceding financial year; or

(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.

An Election Period Policy must also prohibit any *Council* decision during the election period for a general election or by-election that would enable the use of *Council* resources in a way that is intended to influence, or is likely to influence voting at the election.

Section 123 of the *Act* (Misuse of Position) prescribes serious penalties for any *Councillor* who inappropriately makes use of their position or information obtained in their role, to gain an advantage, or disadvantage another.

12.2.3 Monitoring, Evaluation and Review

The requirements of this policy will be monitored throughout each election period to ensure compliance.

12.2.4 Associated documents

Local Government Act 2020

Councillor Code of Conduct

Environmental Protection Act 1970 (EPA Act)

Approval Memo – Appendix 1

12.2.5 Policy Objectives

To support and ensure the conduct of good governance for *Council* and the organisation during election periods through the transparency and accountability of *Councillors*, *Council* officers, and candidates during an election period.

The policy complies with the *Act*, which requires *Councils* to have an election period policy that sets out requirements relating to conduct, decision making, transparency and equity, and use of *Council* resources during an election period.

12.2.6 Policy Details

(1) Election Period

During the 'Election Period' for a Municipal General Election the *Council* will be deemed to be in 'Caretaker Mode'. The election 'caretaker' period extends for 32 days - from the time nominations close on *Nomination Day*, until 6pm on election day.

During an election period, *Councillors*:

- Will continue to fulfil their duties (unless they are granted a leave of absence);
- Will continue to engage, and communicate with, the community in their *Councillor* role;
- Must comply with the Act and *Councillor* Code of Conduct, and
- Must not use their position to influence *Council* officers, or access *Council* resources or information, in support of any election campaign or candidacy.

Section 69 of the *Act* prohibits any *Council* decision during the election period for a general election that:

- Relates to the appointment or remuneration of the *Chief Executive Officer*, but not to the appointment or remuneration of an acting *Chief Executive Officer*;
- Commits the *Council* to expenditure exceeding 1% of the *Council*'s income from general rates, municipal charges and service 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.

If the *Council* considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the *Council* not making a particular decision, the *Chief Executive Officer* may make an application to the *Minister* for a compliance exemption in accordance with section 177 of the *Act*.

During an election period, it shall be the ultimate responsibility of the *Chief Executive Officer*, having consulted with the *Mayor*, to determine if a matter is to be presented to *Council* for decision.

(2) Guidance on Decisions

Council will avoid making decisions that would affect voting at an election or decisions that may unreasonably bind an incoming *Council* and could be deferred until after the election.

Examples of inappropriate decisions include:

- Allocating community grants or other direct funding to community organisations;
- Major planning scheme amendments;
- Changes to strategic objectives and strategies identified in the *Council* Plan;
- Adopting policy;
- Setting advocacy positions.

The only items to be considered at an Ordinary *Council* or Special Committee *Meeting* held during the election period, will be the Annual Report, and administrative items to complete the *Council*'s term of office, for example, routine governance items (including records of *Meeting* held under the auspices of *Council* reporting). Public Question Time and Community Statements will be suspended during the election period.

At a *Council Meeting* designated to consider Planning and Related Matters, only permit applications that may otherwise be subject of an application to VCAT on the grounds *Council* has failed to determine within the prescribed time will be considered.

(3) Officers with Delegated Authority

During the election period, *Council* officers must defer making a decision under a delegation from *Council* or sub-delegation from the *Chief Executive Officer*, that could be reasonably deferred until the next *Council* is in place.

(4) Caretaker Statement

During the election period, the *Chief Executive Officer* will ensure that a Caretaker Statement is included in every report submitted to the *Council* or to a special committee of *Council* for a decision.

The Caretaker Statement will specify one or more of the following:

- The recommended decision is not, a decision prohibited by the *Act* and is a decision that falls within the guidance of the Election Period Policy.
- The recommended decision is outside the guidance of the Election Period Policy, but the following negative consequences of a failure to make a decision on this matter outweigh the consequences of binding an incoming *Council*. [*Insert description of negative consequences of failure to make decision*].
- The recommended decision is a decision prohibited in the Act during an election period, but compliance exemption was sought from the *Minister* in accordance with section 177 of the *Act* and was granted by on [insert date].

During the election period, the *Council* will not make a decision on any matter or report that does not include one of these Caretaker Statements.

Councillors will refrain from moving *Motions* or raising matters at a *Meeting* that could potentially influence voting at the election.

There will be no Notices of *Motion* accepted during the Caretaker Period.

(5) *Council* resources must not be used

Council resources must not be used in any way that supports an election campaign or in a way that is intended or likely to influence voting in the election.

(6) Candidacy

A *Councillor* must not use *Council* resources for candidacy, or any purpose that may be perceived as being used for candidacy (individual or political party). This applies to a *Councillor* standing in local, state, or federal government elections, and for any other elected positions, for example, positions on boards. Such use would constitute misuse of position by the *Councillor*.

(a) State and Federal Government Elections

Councillors will ensure there is a demonstrable distinction between their obligations to *Council* and their personal interests as a candidate, or member of a political party, in an election period prior to a state or federal election. In accordance with the *Councillor* code of conduct, a *Councillor* who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as a candidate in a state or federal election, is a 'Prospective Candidate' and will provide written advice to the *Chief Executive Officer*, as soon as practicable, who will then advise all *Councillors*.

Councillors will not use *Council* resources or participate in electioneering at *Council* events, *Meetings* or functions, in support of any candidate in a state or federal election.

Where clauses of this policy apply to a *Councillor* or candidate, it is intended that they be applied in the case of a state, federal or *Council* election.

(7) *Council* Publications

(a) *Electoral Matter*

Council will not print, publish or distribute (or cause to be printed, published or distributed) any *Electoral Material* (anything containing *Electoral Matter*) during an election period.

The following definitions from the Act are noted:

Section 3(1) '**publish**' means publish by any means including by publication on the Internet;

Section 3(4) '***Electoral Matter***' means matter, which is intended or likely to affect voting in an election but does not include any *Electoral Material* produced by or on behalf of the Returning Officer for the purposes of conducting an election.

Section 3(5) without limiting the generality of the definition of '*Electoral Matter*', matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on -

(a) the election; or

(b) a candidate in the election, or

(c) an issue submitted to, or otherwise before, the voters in connection with the election.

Council will not issue, publish or distribute any publication during an election period, other than media and social media responses/statements on a service or issue, or those that are required under an Act or regulation, or the Annual Report media release.

'Publications' include hard copy and electronic advertisements, promotional media releases, fliers, posters, newsletters/updates, booklets, surveys, invitations and group mailouts/emails.

Any publications to be issued during the election period are to be forwarded to the relevant *Director* for approval, and then sent to the Governance unit for vetting for *Electoral Matter*. Once vetted, the publication will then be submitted to the *Chief Executive Officer* for approval. **Appendix 1** contains the approval memorandum required for a publication during the election period.

Council publications available in *Council* facilities will be reviewed before the election period to identify and temporarily remove anything that might reasonably influence the election.

The *Chief Executive Officer*, or *Delegate*, will be the primary spokesperson for *Council* communications during an election period.

Media and social media responses and statements will only be issued during an election period in the name of the *Chief Executive Officer*. These will be subject to approval by the *Chief Executive Officer*.

Council officers will not make any public statement that could be construed as influencing the election.

(b) Annual Report

It is a requirement of the *Act* that *Council*'s Annual Report is presented by the *Mayor* at an open *Meeting* of *Council* held, in the year of a general election, on a day not later than the day before election day. Every endeavour will be made for the report to be prepared and presented prior to the commencement of the election period.

(8) *Council* Resources

The *Council* will also ensure other *Council* resources are not used inappropriately in ways that may influence voting in an election. This includes financial, human and material resources. Any staff member who considers that a particular use of *Council* resources may influence voting in the election must advise their *Director* or the *Chief Executive Officer* and obtain approval before authorising, using or allocating the resource.

In applying these principles, the *Council* understands that the following will be the normal practice during the election period:

i. *Council* resources, including offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal *Council* business during the Caretaker Period, and will not be used for the personal advantage of any *Councillor* or candidate in connection with any election. This does not apply to the provision of space for the Returning Officer.

ii. No new publications or pamphlets, including Inside Moreland will be published by *Council* during the election period.

iii. Speeches for *Councillors* will only be prepared by *Council staff* in relation to events that are part of the normal services or operations of the *Council*, for example for a Citizenship Ceremony, and such speeches will not be circulated or available for publication.

iv. No *Council* logos, letterheads, business cards, photos or other Moreland City *Council* branding will be used for, or linked in any way, to a candidate's election campaign.

v. It is recommended that *Council staff* who are either following *Councillors*/candidates Facebook pages or who are 'friends' with them unfriend and/or unfollow the *Councillor*/candidate during this period.

vi. There will be no ward or *Councillor Meetings* held.

vii. The Executive Assistant to the *Mayor* and *Councillors* or any other *Council staff* member will not be asked to undertake any tasks connected directly or indirectly with electioneering.

viii. Reimbursements 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 that could be perceived as supporting or being connected with a candidate's election campaign.

ix. Where *Councillors* have *Council* funded equipment, including laptops, tablets, printers and mobile phones, these are not to be used for election purposes or in a manner that could be perceived as supporting or being connected with a candidate's election campaign.

(a) *Council* Facilities and *Meeting* Rooms

Council Facilities/Halls for Hire *Council* facilities will be able to be hired by Federal and State political members and officers, and local candidates (including *Councillors*) at the normal corporate hire rate determined for the facility, in the lead up to an election, but not during an election period for any local state or federal election.

To avoid a perception that *Council* facilities are being used to promote any candidacy, no promotional material related to the event/hired use, apart from directional signage, is able to be displayed in the common public areas of the facility being hired. This will be advised at time of booking.

Candidates wishing to conduct electioneering activities in public space, for example, a stall at a shopping strip or park, must act in accordance with *Council*'s local laws and procedures. No other promotional material, including signage, posters, flyers or banners, for any political candidacy is permitted on *Council* land or in its facilities at any time.

It is an offense under *Council*'s local laws to display this material on *Council* land, and penalties apply.

(b) Use of the Title '*Councillor*'

Councillors may use the title *Councillor* in their election material, as they continue to hold office during the caretaker period.

While a *Councillor* can refer to themselves as *Councillor* in all communication issued by the *Councillor* (verbal or written), it must be made clear that it is the communication of a candidate and not a position of *Council*.

(c) Photographs and Images

Photographs and images paid for by *Council* or taken by *Council* officers are not to be used in *Electoral Material* for any candidate. This includes images of *Councillors*, *Council* events, and *Council* owned or maintained infrastructure.

Photographs taken by *Councillors*, their family or friends, or professional photos they have directly commissioned and paid for, may be used in *Electoral Material*.

(9) Election Signage on *Council* Land

In order to ensure *Council* resources including buildings and land will not be used to support any electioneering activity, *Council* prohibits any type of candidate election signage being erected or displayed on *Council* land, including:

- *Council* owned/managed parks, reserves, buildings (exteriors) and nature strips

- Road dividing strips (median strips, traffic islands, roundabouts)
- Trees, shrubs or plants
- Street signs, traffic control signs, parking signs

If election signage is displayed on *Council* Land:

- *Council* may request the immediate removal of the signage by the owner or candidate or may remove the signage without notification to the owner or candidate.
- An infringement notice and fine may be issued to the candidate, in accordance with the General Local Law.
- Any costs incurred by *Council* to remove signage, and/or any costs caused by the signage, for example, damage to trees, may be charged to the candidate.

- If election signage is displayed on Crown, Federal or State land in the City of Moreland, *Council* contact the relevant land manager to request the sign be removed.
- Victoria Police will be contacted in the event of any one attempting to obstruct *Council* officers removing signage.
- *Council* will report all instances of the display on *Council* land of candidate election signage for a local government election, to the Victorian Electoral Commission.

In accordance with the *EPA Act*, advertising material/documents may not be affixed to any fixed structure for example, light poles, traffic lights etc without the consent of the owner, occupier or manager of the structure

(10) Community Engagement and *Council* Events

Community engagement is an integral part of *Council*'s policy development process and operations, however, there are concerns that consultation undertaken close to a general election may become an issue in itself and influence voting.

Council events in the lead up to an election can also raise concerns over the potential use of sitting *Councillors* using them for electioneering purposes.

If consultation must be undertaken or an event held during this time, the *Council* must explain to the community the special circumstances making it necessary and how the risks influencing the election will be mitigated or prevented.

Therefore, during an election period:

- No public consultation under section 223 of the *Local Government Act 1989* will be conducted during this period.
  - i. Only consultation for the purpose of planning permit applications and operational issues such as canvassing residents' views on small-scale traffic treatments, installation of single trees and the like will be allowed as they are operational in nature and are unlikely to impact the conduct of the election.
  - ii. Civic Events will cease during this time.
  - iii. No election material or active campaigning is to be conducted at *Council* sponsored festivals.

(11) Equitable Access to *Council* Information

The *Council* recognises that all election candidates have a right to information from the *Council* administration. However, sitting *Councillors* will 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 the offices of the responsible *Council Director* who will maintain a register of requests made and advice provided. 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.

A copy of the document/advice will then be passed to the Manager Corporate Governance as issued during the Election Period. The document/advice will be emailed or provided in a hardcopy format to all sitting *Councillors* and candidates to access. Candidates will be advised of this process in writing.

An Information Request Register will be maintained by the Corporate Governance Branch during the Election Period. This Register will be a public document that records all requests for information by *Councillors* and candidates, and the responses given to those requests. Only information that can be reasonably accessed will be released.

All requests for information are to be directed to the Manager Corporate Governance.

(12) Publicity

It is recognised that *Council* publicity is intended to promote normal services or operations of the *Council*. *Council* publicity will not be used in any way that might be construed as intended to influence the outcome of the *Council* election.

i. During the Election Period, no *Council* employee may make any public statement that could be construed as influencing the election. This does not include statements of clarification that are approved by the *Chief Executive Officer*.

ii. During the Election Period, publicity campaigns, other than for the purpose of conducting the election, will be avoided. Where a publicity campaign is deemed necessary for a *Council* service or operation, it must be approved by the *Chief Executive Officer*. In any event, *Council* publicity during the Election Period will be restricted to promoting the normal services or operations of the *Council*.

iii. Any requests for media advice or assistance from *Councillors* during the Election Period will be channelled through the *Chief Executive Officer* or the Manager Community Engagement. In any event, no media advice and/or assistance or media releases will be provided in relation to election campaign matters, or in regard to publicity that involves specific *Councillors*.

iv. *Councillors* will not use their position as an elected representative or their access to *Council staff* and other *Council* resources to gain media attention in support of matters that could be construed as relating to an election campaign.

Information published on *Council*'s website with regard to sitting *Councillors* will be limited to statements of facts about their roles and responsibilities as a *Councillor*. For example, contact details, roles and responsibilities as assigned by *Council* resolution.

(a) *Council* Websites and Social Media

The only new material published on *Council*'s websites or social medial sites during an election period will be:

- The *Agenda* and *Minutes* for any *Council* or *Delegated Committee Meetings*;
- The Annual Report
- Key service disruption information

Service information already published on the website will be reviewed to ensure it does not include anything that might be seen as likely to influence the election.

(13) Assistance to Candidates

A copy of this Policy must be given to each *Councillor* as soon as practicable after it is adopted, be available for inspection, on request, by the public at the *Council* office and be published on *Council*'s website. The *Chief Executive Officer* will ensure that all *Councillors*, Managers and staff are informed of the requirements of this policy.

The *Council* affirms that all candidates for the *Council* election will be treated equally.

Any assistance and advice to be provided to Candidates as part of the conduct of the *Council* Election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to all candidates in advance.

All election related enquiries from candidates, whether sitting *Councillors* or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the *Chief Executive Officer* or the *Director* Business Transformation.

APPENDIX 1

Approval Memorandum

To: Manager Corporate Governance

From: [insert name and title]

Subject: CERTIFICATION OF PUBLICATION DURING ELECTION PERIOD

Date:

Council will not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill pamphlet or notice (including group emails) during the election period unless the advertisement, handbill, pamphlet or notice has been approved, in writing, by the *Chief Executive Officer*.

In accordance with the Election Period Policy, *Council* further commits that where a publication is deemed necessary for a *Council* service or function, it will be approved by the *Chief Executive Officer*

Insert details of publication here including:

Information on who is intended to receive it and why it needs to be issued during the election period:

Council Officer name and signature: _____ Date:_____

Director Use only:

The attached material has been reviewed and, to the best of my knowledge, does not contain any electoral related matter. Please authorise this material to be printed, published or distributed.

Director name and signature:_____Date:_____

Governance review:

The attached material has been reviewed and, to the best of my knowledge, does not contain any electoral related matter.

*Governance name and signature:*_____ *Date*_____

Certification by *Chief Executive Officer*

I approve the attached material for printing, publishing or distributing on behalf of Moreland City *Council*.

Name and Signature:_____ Date:_____