



STRATHBOGRIE SHIRE COUNCIL

**MINUTES OF A SPECIAL MEETING OF THE STRATHBOGRIE SHIRE COUNCIL HELD
VIRTUALLY ON TUESDAY 25 AUGUST 2020, COMMENCING AT 5.03 P.M.**

Chair: Amanda McClaren (Mayor) (Lake Nagambie Ward)

Councillors: Robert Gardner (Lake Nagambie Ward)
Malcolm Little (Hughes Creek Ward)
(attended meeting at 5.10 p.m.)
John Mason (Seven Creeks Ward)
Chris Raeburn (Honeysuckle Creek Ward)
Alistair Thomson (Mount Wombat Ward)
Graeme Williams OAM (Seven Creeks Ward)

Officers: Julie Salomon Chief Executive Officer (CEO)
Phil Howard Director, Community and Planning (DCP)
David Roff Director, Corporate Operations (DCO)
Dawn Bray Executive Manager, Governance and
Customer Service (EMGCS)
Kristin Favalaro Executive Manager, Communications and
Engagement (EMCE)

Until further notice, all meetings conducted by Strathbogrie Shire Council will be virtually, and live streamed on our website at www.strathbogrie.vic.gov.au. This ensures we are meeting the Victorian Government's social distancing requirements to slow the spread of coronavirus (COVID-19) and help keep our communities safe

We encourage all community members to watch the meeting online, given we have had to close the public gallery until further notice following legal advice around how to comply with COVID-19 social distancing rules.

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BUSINESS

1. Welcome
2. Acknowledgement of Traditional Land Owners
'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present'
3. Apologies

Nil (Cr Little did not participate at the commencement of the meeting due to technical difficulties, however, did attend at 5.10 p.m.)
4. Disclosure of Interests

Nil.
5. Petitions

Nil.
6. Reports of Council Officers
 - 6.1 Climate Change
 - 6.2 Infrastructure
 - 6.3 Private Enterprise
 - 6.4 Public Institutions
 - 6.5 Housing and Recreation
 - 6.6 Tourism
 - 6.7 Organisation
7. Closure of Meeting to the Public
8. Confirmation of 'Closed Portion' Decision/s

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

Council does not generally permit individuals to make audio recordings of meetings. Individuals are required to make a written request addressed to the Council (Director, Corporate Operations) should they seek to obtain permission to do so.

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6.7 ORGANISATION

6.7.1 Adoption of Local Law No 1 – Use of the Common Seal 2020

Author: Executive Manager, Governance & Customer Service

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

A requirement of the newly introduced *Local Government Act 2020* (the Act) is the development of Governance Rules to replace Council's current Meetings Procedure Local Law No 1 of 2014. This current local law contains provisions around the use of Council's Common Seal.

A new local law must be made to ensure there is continuity in regulation around the Common Seal's use and, in accordance with legal advice, that we lawfully revoke the existing local law.

The provisions of the *Local Government Act 1989* (the 1989 Act) in relation to Council powers to make and revoke local laws are still in operation, even though we are currently transitioning in stages to the new *Local Government Act 2020* (the 2020 Act).

This means that a prescribed consultation process under section 223 of the 1989 Act had to be undertaken. This required a detailed formal notice to be placed in the Government Gazette on 23 July 2020 to commence a 28 day consultation period. Notices were also placed in locally circulating newspapers, on our website under 'Have Your Say' and on Council's social media platforms.

No submissions were received. As per the Council resolution of 21 July 2020, the Special Council meeting arranged for Friday 21 August 2020 to hear and consider submissions did not need to be held. Notices were placed on Council's website and social media pages to this effect the day after the consultation period closed.

This report seeks the adoption of the Local Law No 1 – Use of Common Seal 2020 along with authorisation to place a notice in the Government Gazette, locally circulating newspapers, website and social media platforms to notify the community about the adoption of the local law. A copy of the adopted local law must also be sent to the Minister for Local Government as required under sections 119(3) and (4) of the 1989 Act and made available on Council's website and in hard copy form under section 120 of the 1989 Act.

6.7.1 Adoption of Local Law No 1 – Use of the Common Seal 2020 (cont.)

***MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR MASON***

That Council:

- 1. Having received no submissions during the public consultation process undertaken under section 223 of the Local Government Act 1989, adopt Local Law No 1 – Use of Common Seal 2020, which is made under the powers vested in Council under section 111 of the Local Government Act 1989.***
- 2. Place a notice:***
 - in the Government Gazette***
 - in locally circulating newspapers***
 - on Council's website and social media pages******regarding the adoption of the local law in accordance with section 119(3) of the Local Government Act 1989.***
- 3. Send a copy of the adopted Local Law no 1 – Use of Common Seal 2020 to the Minister for Local Government in accordance with section 119(4) of the Local Government Act 1989.***
- 4. Make hard copies and electronic copies of the Local Law no 1 – Use of Common Seal 2020 available at the Shire's Customer Service Centres and on the Shire's website in accordance with section 120 of the Local Government Act 1989.***

18/20 CARRIED

PURPOSE AND BACKGROUND

The purpose of this report is to adopt the Local Law No 1 – Use of Common Seal 2020 following the completion of the prescribed section 223 public consultation process under the 1989 Act.

The Local Law ensures continuity in regulation around the use of the Common Seal once the new Governance Rules, required by the 2020 Act, come into play on 1 September.

The revocation of the existing Meetings Procedures Local Law No 1 of 2014 would mean that there would be no regulation around the use of the common seal without replacing it with this draft (and brief) new local law.

Further, the existing Meetings Procedures Local Law must be revoked by way of a local law in itself, so the draft Local Law that is the subject of this report aims to do both things.

6.7.1 Adoption of Local Law No 1 – Use of the Common Seal 2020 (cont.)

ISSUES, OPTIONS AND DISCUSSION

The Local Law was developed through consultation with a highly experienced local government lawyer and through review of other similar local laws currently being developed by Councils across the North East region of Victoria.

The Author has participated in several online forums and workshops in relation to the implications of the new requirement for Councils to develop Governance Rules and revoke existing meetings procedures local laws.

The Local Law is brief, as the use of the Common Seal is restricted to matters that have been subject to the resolution of Council (such as Section 173 Agreements created under the *Planning and Environment Act 1987* or instruments of delegation).

COMMUNITY ENGAGEMENT

There are supporting principles relating to community engagement and public transparency in the 2020 Act that promote community participation in Council decision making processes.

The 1989 Act requires the draft Local Law to be placed on public exhibition for a period of no less than 28 days.

Notices were placed in the Government Gazette, as well as locally circulating newspapers and local newsletters in townships across the Shire. Posts appeared on Council's website and social media pages during the consultation period.

The exhibition of the local law is was consistent with our Community Engagement Strategy.

A Community Impact Statement was also prepared to inform the community about the implications of the draft local law, and is a best practice requirement prescribed by the State Government when any council makes a new local law.

POLICY CONSIDERATIONS

Council Plans and Policies

The Local Law does not have any impacts on the Council Plan or existing policies, aside from the fact that it ensures continuity in provisions around the use of the Common Seal and ensures that the existing meetings procedures Local Law is repealed legally.

Regional, State and National Plans and Policies

The adoption of the Local Law is consistent with practices across the State and discussions have been had within the North/North East Region as to how to best deal with the repealing of meetings procedures local laws to ensure there is still regulation around the use of the Common Seal.

6.7.1 Adoption of Local Law No 1 – Use of the Common Seal 2020 (cont.)

LEGAL CONSIDERATIONS

The draft Local Law was prepared and exhibited in accordance with the power to make a local law under section 111 of the 1989 Act and the requirements of sections 119 and 223 of the same Act.

The draft Local Law is based on a template provided by governance lawyers.

The Local Law repeals the existing Meetings Procedures Local Law No 1 of 2014 as these are now to be replaced with Governance Rules, which are on public exhibition at the same time.

The inclusion of a penalty of misuse of the Common Seal, set at 20 penalty points, is a risk mitigation measure to deter the fraudulent use of the Common Seal. The current Local Law has identified a penalty of only 10 units, however after benchmarking against other Councils in North East Victoria, 20 penalty points is considered to be the norm and also reflects the severity of the infringement.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is to achieve transparency in Council decision making, actions and information.

Undertaking the exhibition of the draft Governance Rules and the draft Local Law was the most transparent way to explain what these documents mean and the way in which Council is complying with the 2020 Act's new requirements.

COLLABORATION

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Engagement was had with Local Government Victoria and the North East Governance Officer's Network to inform the preparation of the draft Local Law.

HUMAN RIGHTS CONSIDERATIONS

The Local Law has been reviewed against and complies with the rights and protections outlined by the *Charter of Human Rights and Responsibilities Act 2006* and has been found to have no impact on the Charter given the very limited and operational nature of the draft Local Law.

The infringement for misuse of the Common Seal is in accordance with the Infringements Act 2006 and is subject to the natural justice principles and processes of this Act.

6.7.1 Adoption of Local Law No 1 – Use of the Common Seal 2020 (cont.)

CONCLUSION

The Local Law complies with all aspects of the 1989 Act in relation to making a new local law and enables Council to comply with the requirements of the new 2020 Act.

A 28 day community consultation process was undertaken in accordance with section 223 of the 1989 Act and no submissions were received. There are several steps that need to be taken to ensure compliance with the 1989 Act once the Local Law has been adopted by Council.

ATTACHMENTS

Attachment 1: Local Law No 1 – Use of Common Seal 2020



ATTACHMENT 1:



**LOCAL LAW NO 1
USE OF THE COMMON SEAL 2020**

Adopted by Council 25 August 2020

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PART 1 – INTRODUCTION

1.1 Title

This Local Law will be known as the Strathbogie Shire Council, "Local Law No. 1 - Use of the Common Seal 2020".

1.2 Purpose

The purpose of this Local Law is to regulate the use and prohibit unauthorised use of Council's Common Seal.

1.3 Authorising Provision

This Local Law is made under sections 14(2)(c) of the *Local Government Act 2020* and section 111(1) of the *Local Government Act 1989*.

1.4 Operational Commencement

This Local Law:

- a. Comes into operation on 1 September 2020; and
- b. operates throughout the *municipal district* of Strathbogie Shire Council in accordance with section 121(1) of the *Local Government Act 1989*.

1.5 Revocation of Meeting Procedure Local Law

Council's Local Law No.1 Meeting Procedure 2014 adopted by Council on 3 December 2014 is revoked upon the commencement of this Local Law.

1.6 Sunset

This Local Law will cease to operate on the 1 September 2030, unless revoked sooner by Council resolution.



PART 2 – THE COMMON SEAL

2.1 Use of the Common Seal

The common seal of Council must be in the following form:

The Common Seal of the)Councillor
Shire of Strathbogie)Councillor
was hereunto affixed)Chief Executive Officer
on the (day) of (month) (year)

2.2 Signatures to Accompany the Common Seal

Every document to which the Common Seal is affixed must be signed by two (2) Councillors and the Chief Executive Officer.

2.3 Authority for Use of the Common Seal

The Common Seal must be affixed to a document only for the purpose of giving effect to a decision which has been:

- a) made by Council resolution;
- b) made by resolution of a Delegated Committee to which the power to use the Common Seal has been delegated; or
- c) made by the Chief Executive Officer or a senior officer to whom power to use the Common Seal has been delegated.

2.4 Who Keeps the Common Seal

For security purposes, the Chief Executive Officer or other member of Council staff to whom this duty has been delegated must keep the Common Seal in safe custody.

2.5 Unauthorised Use of the Common Seal

Any person who uses the Common Seal or any device resembling the Common Seal without authority is guilty of an offence.

Penalty 20 penalty units

6.7.2 Adoption of Governance Rules

Author: Executive Manager, Governance & Customer Service

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

A requirement of the newly introduced *Local Government Act 2020* (the Act) is the development of Governance Rules to replace Council's current Meetings Procedure Local Law No 1 of 2014.

These Rules have to contain:

- processes for Councillors, committee members and staff to declare conflicts of interest
- Council's Election (Caretaker) Period Policy
- processes for the election of Mayor and (if required) Deputy Mayor and Chairs of Delegated Committees or Community Asset Committees
- procedures for Council meetings, including the Audit and Risk Committee, any Delegated Committees and Community Asset Committees.

The document is divided into four chapters; meetings procedure, declaration of conflicts of interest, miscellaneous (dealing with informal meetings of Council and the classification of information as confidential by the Chief Executive Officer) and the Election Period Policy.

Overall, the Governance Rules ensure Council, Council appointed committees and delegated Officers:

- consider and make decisions on any matter being considered by the Council fairly and on its merits; and
- abide by consistent and transparent 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.

The Governance Rules are based upon the template released by Local Government Victoria (LGV), a template prepared by Council's governance lawyers, Council's own existing local law and other best practice examples.

After discussions with Council during the drafting process, it was considered that the Planning Committee be disbanded and planning related items considered through the Council meeting agenda. The Governance Rules provide for this to occur and mention that planning items should be at the start of the agenda given that these items are often supported by submissions from members of the community. The incorporation of planning items into Council meetings provides for more efficient decision making, less confusion for the public and a reduced administrative burden on Council.

The Rules contain the Election Period Policy adopted by Council in March 2020, with minor amendments required to reflect the new provisions of the Act.

Overall, our Governance Rules ensure that Council is open and transparent in its decision making.



6.7.2 Adoption of Governance Rules (cont.)

Moreover, these Rules ensure our community and people with direct interests in matters before Council (or a committee or delegated officers) are able to have their views heard and considered prior to a decision being made.

The draft Governance Rules were placed on public exhibition for 28 days. Detailed notices were placed in the Government Gazette, locally circulating newspapers, Council's social media pages and website. Although not prescribed by the Act, effectively a section 223 style approach was taken to the public exhibition of the document.

No submissions were received. Accordingly, the scheduled Special Council meeting set for 21 August 2020 to hear and consider submissions was not held as per the Council resolution of 21 July 2020.

Minor amendments have been made to the exhibited document following feedback from Council's governance lawyers. The changes made are marked in Attachment 1.

This report seeks the adoption of the Governance Rules, the publication of notices informing the community of their adoption and the disbanding of the Planning Committee given that planning related items are to be considered by Council.

MOVED: COUNCILLOR MASON
SECONDED: COUNCILLOR WILLIAMS

That Council:

- 1. *After having drafted Governance Rules in accordance with section 60 of the Local Government Act 2020, having undertaken a 28 day public consultation process in accordance with section 60(4) of that Act, and receiving no submissions, adopt the Governance Rules.***
- 2. *Authorise the attachment of the Common Seal to the Governance Rules under the Meetings Procedures Local Law No 1 of 2014.***
- 3. *Disband the Planning Committee and revoke the delegation provided to the Committee dated 16 November 2004.***
- 4. *Place notices in:***
 - *in the Government Gazette***
 - *in locally circulating newspapers***
 - *on Council's website and social media pages******regarding the adoption of the Governance Rules.***
- 5. *Make hard copies and electronic copies of the Governance Rules available at the Shire's Customer Service Centres and on the Shire's website.***

19/20 **CARRIED**

6.7.2 Adoption of Governance Rules (cont.)

PURPOSE AND BACKGROUND

The purpose of this report is to adopt the Governance Rules following the completion of the consultation process.

The development of the Governance Rules is one of the key new requirements under the *Local Government Act 2020*. They must be adopted by Council before 1 September 2020.

ISSUES, OPTIONS AND DISCUSSION

The Governance Rules are based on a draft templates provided by the LGV and by Council's expert governance lawyer. The Author has participated in several online forums and workshops in relation to the development of the Governance Rules to ensure Strathbogie Shire is compliant with all aspect of the Act and adopts best practice.

Several other draft Governance Rules documents, and a review of local law provisions relating to community participation in Council meetings, have also been reviewed in the development of the Rules.

The Rules are divided into four chapters:

Chapter	Name
Chapter 1	Meetings Procedures
Chapter 2	Disclosure of Conflicts of Interest
Chapter 3	Miscellaneous
Chapter 4	Election Period Policy

Chapter 4 contains the Election Period Policy, which was reviewed and adopted by Council in March 2020. This policy has been amended to update references and definitions to comply with the requirements of the new 2020 Act but its provisions are fundamentally the same as the March 2020 document.

Overall, the draft Governance Rules underpin the fundamental decision making processes of Council and are a way in which the Overarching governance, and supporting, principles of the new Act are implemented on a day to day basis.

The Meetings Procedure Chapter outlines the role of Councillors, Officers and the community in the decision making process. It ensures that decision making is orderly, inclusive and managed in a way that ensures maximum community participation.

6.7.2 Adoption of Governance Rules (cont.)

Other key provisions of the Act including the disclosure of interests by:

- Councillors
- members of Council appointed Committees
- officers making delegated decisions on a daily basis
- officers performing a statutory role such as the Municipal Emergency Response Officer

are also addressed by outlining clear and consistent procedures and record keeping practices.

New legislation relating to conflicts of interest, and how they are defined, comes into play in October 2020, however the Rule cater for the declaration of interests under current law. Training has been provided to the Executive Leadership Team, Management Team and key staff engaged in procurement to bolster awareness and compliance with conflict of interest provisions.

The Miscellaneous chapter deals with more informal meetings of Councillors, which used to be called Assemblies of Council, and how records of those in attendance and a summary of the matters discussed at these meetings are to be made available to the public through the Council agenda and minutes.

This chapter also deals with the classification of information as confidential by the Chief Executive Officer to ensure there is continuity with the 1989 Act. The tests for identifying information as confidential are more rigorous under the new Act, however for many years the Chief Executive Officer has been able to make this classification and therefore this is not a new power or role.

COMMUNITY ENGAGEMENT

Relevant Overarching governance principles, as outlined in section 9 of the *Local Government Act 2020*, are:

- priority is to be given to achieving the best outcomes for the municipal community, including future generations
- the municipal community is to be engaged in strategic planning and decision making.
- the transparency of Council decisions, actions and information is to be ensured.

There are also supporting principles relating to community engagement and public transparency that further promote community participation in Council decision making processes and Council meetings.

To meet these new obligations there is a dedicated section of Chapter 1, Meetings Procedure, dedicated to Community Participation (Division 1.5). This includes Question Time, Petitions and Joint Letters, and Representations/Deputations to Council.

Public exhibition of the draft Governance Rules

Section 60(4) of the Act requires the draft Governance Rules to be subject to public consultation, however the form of consultation is not prescribed.

6.7.2 Adoption of Governance Rules (cont.)

Our Community Engagement Strategy, and the community engagement principles of the Act, state the draft policy needed to be exhibited for public review and comment.

Given the importance of the document, and its nature, a 28 day consultation period was undertaken, in parallel with the consultation process for the creation of the new Use of Common Seal Local Law No 1 of 2020.

Notices were placed in newspapers circulating in Euroa, Benalla and Shepparton as well as in local newsletters in townships across the Shire. Posts appeared on Council's website and social media pages throughout the consultation period.

No submissions were received and consequently the special Council meeting set for the hearing and consideration of submissions set for 4pm on 21 August 2020 was not held.

POLICY CONSIDERATIONS

Council Plans and Policies

The development of our Governance Rules is a day to day way of implementing the following Council Plan goal of:

To be a high performing Shire.

And the strategies to achieve this goal including:

To be equitable and fair in all decision making processes

To communicate and engage effectively with our community and key stakeholders

Promote open and transparent reporting of Council decision making including Know Your Council Data.

The Governance Rules also support the Councillor Code of Conduct and Staff Code of Conduct in relation to behaviour and declarations of conflict of interest.

Regional, State and National Plans and Policies

The adoption of Governance Rules and open, inclusive and transparent decision making processes is consistent with State legislation and directives.

In a broader sense, the Governance Rules ensure that the level of government closest to the community is open and accessible to its community and that it encourages meaningful participation in decision making processes.

LEGAL CONSIDERATIONS

The Governance Rules have been drafted and publicly exhibited in accordance with the requirements of section 60 the Act. The Rules were developed under the guidance of an experienced governance lawyer and the department of Local Government Victoria.

As previously mentioned, the Rules provide a comprehensive and consistent framework to ensure Council, its Committees and its Officers comply with the provisions of the *Local Government Act 2020* relating to decision making, consultation and conflicts of interest.

6.7.2 Adoption of Governance Rules (cont.)

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is to achieve transparency in Council decision making, actions and information.

The Governance Rules identify how the community is to be involved in Council decision making and ensures that access to Council meetings, including live streaming, is to be facilitated. Minimum standards for information to be provided in the minutes of meetings is also outlined in the document.

The Rules set out how Council and committee meetings will operate and the role of Councillors, Committee members, Officers and the community at these meetings.

INNOVATION AND CONTINUOUS IMPROVMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The Governance Rules include some important changes in the way our Council and committee meetings are conducted, such as allowing the submission of online/electronic petitions, increasing the time speakers have to put their views forward and ensuring that this Council adopts best practice in its achievement of good governance.

HUMAN RIGHTS CONSIDERATIONS

This policy has been reviewed against, and complies with, the rights and protections outlined by the *Charter of Human Rights and Responsibilities Act 2006* as it provides for the participation of our community in decisions that affect them and ensures that there is consistency and equity in the rights of our community to participate at meetings.

CONCLUSION

The Governance Rules comply with all aspects of the Act.

A 28 day community consultation process was undertaken and no submissions were received.

Minor amendments have been made to the exhibited Governance Rules following the receipt of advice from Council's governance lawyers.

ATTACHMENTS

Attachment 1: Governance Rules

ATTACHMENT 1:



**STRATHBOGIE SHIRE COUNCIL
GOVERNANCE RULES**

Adopted by Council 25 August 2020

A handwritten signature in black ink, located in the bottom right corner of the page.

Authorisation

The Strathbogie Shire Council Governance Rules were adopted by Council on 25 August 2020.

The Common Seal of the)
.....Councillor Mayor

Strathbogie Shire Council)Councillor

was hereunto affixed)Chief
Executive Officer EO

on the XX August 2020

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GOVERNANCE RULES

1. NATURE OF RULES

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

2. DATE OF COMMENCEMENT

These Governance Rules commence on 1 September 2020.

3. CONTENTS

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Meetings Procedure
Chapter 2	Disclosure of Conflicts of Interest
Chapter 3	Miscellaneous
Chapter 4	Election Period Policy

4. DEFINITIONS FOR GOVERNANCE RULES

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

Act means the *Local Government Act 2020*.

Authorised Officer (definition deleted)

Chief Executive Officer (CEO) includes an Acting Chief Executive Officer.

Code of Conduct has the same meaning as defined by the Act.

Council means ~~the~~ Strathbogie Shire Council.

Election period means the period that:



(a) starts at the time that nominations close on nomination day; and

(b) ends at 6 p.m. on election day

as defined by the Act.

Mayor means the Mayor of Council.

5. CONTEXT

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

- (a) the overarching governance principles specified in section 9(2) of the Act, and
- (b) the following documents adopted or approved by Council:

Councillor Code of Conduct;

Staff Code of Conduct;

Relevant Council Policies and CEO Directives; and

~~Draft Local Law No 1 Use of Common Seal~~ ~~Local Law No 1 of 2020.~~

6. DECISION MAKING

- (c) 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:

- (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and

- (ii) on its merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations

- (d) 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.

- (e) Without limiting anything in paragraph (b) of this sub-Rule:

- (i) before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;

- (ii) if a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person(s) has been provided with an opportunity to communicate their views and have their interests considered;
- (iii) if a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person(s) has been provided with an opportunity to communicate their views and have their interests considered;
and
- (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and have their interests considered.



CHAPTER 1 MEETINGS PROCEDURE

This Chapter will be known as the "Meeting Procedure Chapter".

7. PURPOSE OF THIS CHAPTER

The purpose of this Chapter is to:

- a) provide for the election of the Mayor and any Deputy Mayor;
- b) provide for the appointment of any acting Mayor;
- c) provide for the procedures governing the conduct of Council meetings;
- d) provide for the procedures governing the conduct of Delegated Committees; and
- e) the form and availability of meeting records.

8. DEFINITIONS FOR THE MEETINGS PROCEDURES CHAPTER

In this Chapter:

Advisory Committee or Group	means a committee or group established by the Council, that provides advice to: <ol style="list-style-type: none">(a) the Council; or(b) 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 Council meeting and a list of business to be transacted at the meeting.
Audit and Risk Committee	means the Audit and Risk Committee established by a Council under section 53 of the Act.
Chair	means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the Act as well as and includes an acting, temporary and substitute Chairperson.
Community Asset Committee	means a Community Asset Committee established under section 65 of the Act.
Councillor	means a Councillor of Strathbogie Shire Council.
Council meeting	means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting.

delegate	means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation.
Delegated Committee	means a Delegated Committee established under section 63 of the Act.
Delegated Committee meeting	means a meeting of a Delegated Committee.
Deputy Mayor	means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.
disorder	means any disorderly conduct of a member of the Gallery or a Councillor and includes: <ul style="list-style-type: none">(a) interjecting when another person is speaking, except, in the case of where a Councillor is raising a point of order(b) making comments that are defamatory, malicious, abusive or offensive(c) refusing to leave the meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and <u>these Governance Rules</u> and(d) engaging in any other conduct which prevents the orderly conduct of the meeting.
majority of the votes	means a majority of Councillors present at the time of a vote voting in favour of a matter.
meeting	means a Council meeting or a Delegated Committee meeting.
member	means a member of any committee to which these <u>Governance Rules</u> apply.
minutes	means the collective record of proceedings of Council.
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.
municipal district	means the municipal district of Council.
notice of motion	means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting.
notice of rescission	means a notice of motion to rescind a resolution made by Council.
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
urgent business	means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next meeting.
unscheduled meeting	means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council meetings set annually by Council.
written	includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and writing has a corresponding meaning.

PART A – ELECTION OF MAYOR

This Part is concerned with the election of the Mayor and describes how the Mayor is to be elected.

The role and functions of the Mayor are provided in the Act. The holder of this significant office is the Chairperson at Council meetings, is the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties.

9. ELECTION OF THE MAYOR

The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

10. METHOD OF VOTING

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

11. DETERMINING THE ELECTION OF THE MAYOR

The Chief Executive Officer must open the meeting at which the Mayor is to be elected and invite nominations for the office of Mayor.

11.1 Any nominations for the office of Mayor must be:

11.1.1 in writing and in a form prescribed by the Chief Executive Officer, and

11.1.2 seconded by another Councillor.

11.2 Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor.

- 11.2.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;
- 11.2.2 if there is more than one nomination the Councillors present at the meeting must vote for one of the candidates;
- 11.2.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
- 11.2.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate and the Councillors present at the meeting must then vote for one of the remaining candidates;
- 11.2.5 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected but if none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes and that candidate must then be declared to have been duly elected;
- 11.2.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:
- (a) a defeated candidate; ~~and~~
 - (b) duly elected
- the declaration will be determined by lot; ~~and~~
- 11.2.7 if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
- (a) each candidate will draw one lot;
 - (b) 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 such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" ~~shall~~ will 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 unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

12. ELECTION OF DEPUTY MAYOR AND CHAIRS OF DELEGATED COMMITTEES

Any election for the office of Deputy Mayor or Chair of a Delegated Committee will be regulated by Rules 9 - 11 (inclusive) of this Chapter, as if the reference to the Chief Executive Officer is a reference to the Mayor; and Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).

13. CEREMONIAL SPEECHES

Upon being elected a Mayor, Deputy Mayor or Chair of a Delegated Committee may make a ceremonial speech lasting no more than 3 minutes.

14. APPOINTMENT OF ACTING MAYOR

If Council has not established an office of Deputy Mayor and an Acting Mayor needs to be appointed, it can do so by resolving that a specified Councillor be so appointed.

PART B – MEETINGS PROCEDURE

Introduction

This Part is divided into Divisions and each deals with a specific aspect of holding a Council meeting. The purpose of this ~~section-Part~~ is to describe how and when a meeting is held, along with when and how business may be conducted at a meeting.

In accordance with ~~s~~Sections 61 and 63 of 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 Chairperson of the meeting.

The way in which Council and 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 and advisory 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 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.

Additionally, each member of the meeting has an obligation to participate in good decision-making.

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

DIVISION 1.1 – GOOD DECISION MAKING

15. ROLE OF THE CHAIRPERSON AND MEMBERS

15.1 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; and
- (g) decisions are made on the merits of the matter.

16. ROLE OF CHIEF EXECUTIVE OFFICER

16.1 The Chief Executive Officer, or his or her delegate, may participate in the meeting to provide support to the Chairperson.

16.2 The Chief Executive Officer should:

- (a) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
- (b) advise if there are operational, financial or risk implications arising from a proposed resolution;
- (c) help clarify the intent of any unclear resolution to facilitate implementation; and
- (d) on request, assist with procedural issues that may arise.

17. ROLE OF COUNCILLORS AND MEMBERS OF DELEGATED COMMITTEES

17.1 Councillors and members of Delegated Committees contribute to good governance and decision making by:

- (a) seeking views of community members and reading agenda prior to the meeting;
- (b) demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda;
- (c) attending meetings and participating in debate and discussion;
- (d) demonstrating respect for the role of the Chair and the rights of other Councillors or members of Delegated Committees to contribute to the decision-making; and
- (e) being courteous and orderly.

18. ROLE OF THE COMMUNITY

- 18.1 Council meetings are decision making forums and it is important that they are to the maximum extent practical open to the community to attend and/or view proceedings.
- 18.2 Community members may only participate in Council meetings in accordance with these Rules.
- 18.3 Community members are encouraged to participate in Council's engagement forums.
- 18.4 Community members may seek to inform individual Councillors of their views by contacting them directly in advance of meetings.

DIVISION 1.2 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

Council meetings are held regularly to conduct the ongoing business of the Council and unscheduled meetings may be held from time to time.

It is important that the community is 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 on our website www.strathboogie.vic.gov.au .

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 www.strathboogie.vic.gov.au and at Customer Service Centres in Euroa and Nagambie.

19. DATES AND TIMES OF MEETINGS FIXED BY COUNCIL

Council must annually fix the date, time and place of all Council meetings for the next 12 months but may also alter meeting dates as per Rule 20 and fix additional meetings under Rule 21.

20. COUNCIL MAY ALTER MEETING DATES

Council may change the date, time and place of any Council meeting which has been fixed by it by providing seven (7) calendar days' written notice of the change to the public through Council's website and social media pages.

21. MEETINGS NOT FIXED BY COUNCIL

21.1 The Mayor or at least 3 Councillors may by a written notice call a Council meeting.

21.2 The written notice must specify the date and time of the Council meeting and the business to be conducted, which must give consideration to:

21.2.1 the urgency of the business to be transacted; and

21.2.2 the availability of Councillors; and

21.2.3 a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.

21.3 The Chief Executive Officer must convene the Council meeting as specified in the written notice.

21.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council meeting.

21.5 The Chief Executive Officer must call an unscheduled meeting to elect a Mayor following a Council election declaration ~~in accordance with the Act~~, which may also consider the role of Deputy Mayor and other matters as determined by the Chief Executive Officer.

22. NOTICE OF MEETING

22.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered or sent electronically to every Councillor for all Council meetings at least 76 hours before the meeting.

22.2 Notwithstanding sub-Rule 22.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting during the period of his or her absence.

22.3 Unless in the case of an emergency at least seven (7) calendar days' notice of each Council meeting must be provided to the public and Council may do this:

22.3.1 for meetings which it has fixed by preparing a schedule of meetings annually and arranging the publication of this schedule on Council's website and in a



newspaper generally circulating in the municipal district at various times throughout the year; and

22.3.2 prior to each additional Council meeting set under Rule 20;

(a) by giving notice on its website and via notices displayed in both the Euroa and Nagambie Customer Service Centres; and

(b) whenever possible by publishing a notice in a newspaper generally circulating in the municipal district.

22.4 An agenda for each Council meeting will be made available on Council's website no less than 48 hours prior to the scheduled commencement of the meeting, unless in the case of an emergency as determined by the Chief Executive Officer.

DIVISION 1.3 – QUORUMS

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. A quorum is an absolute majority as per section 61(7) of the Act.

23. INABILITY TO OBTAIN A QUORUM

If after 30 minutes from the scheduled starting time of any meeting, a quorum cannot be obtained:

23.1.1 the meeting will be deemed to have lapsed; and

23.1.2 the Mayor must convene another Council meeting, the agenda for which will be identical to the agenda for the lapsed meeting; and

23.1.3 the Chief Executive Officer must give all Councillors written notice of the meeting convened by the Mayor.

24. INABILITY TO MAINTAIN A QUORUM

24.1 If a quorum cannot be maintained through the duration of any Council meeting then Rule 23 will apply.

24.2 Sub-Rule 23.1.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

24.3 The Chair 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.

- 24.4 If a quorum cannot be achieved or maintained due to the ~~declaration-disclosure~~ of conflicts of interests by the majority of Councillors, Council will determine:
- 24.4.1 ~~Determine~~ the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
- 24.4.2 ~~Determine~~ to make decisions on separate parts of the matter at a meeting where a quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained.
- 24.5 If a quorum cannot be achieved or maintained due to the ~~declaration-disclosure~~ 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 by:
- 24.5.1 ~~By~~ the Chief Executive Officer, or
- 24.5.2 ~~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.
- 24.6 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.
- 24.7 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 due to an inability to achieve or maintain a quorum.
- 24.8 Where it is not practicable, ~~because of time constraints, time does not permit to give~~ notice in accordance with Rule 22 to occur, ~~then, provided~~ every reasonable attempt is must be made to contact each Councillor either verbally, or by some other means, ~~it will be sufficient~~.
- 24.9 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 practicable and is sufficient if the notice in accordance with Rule 22 cannot ~~secure~~ be given.
25. **ADJOURNED MEETINGS**
- 25.1 Council may adjourn any meeting to another date or time but cannot adjourn a meeting that is in progress to another place, except in circumstances where there is disorder or a threat to the safety of any Councillor or member of Council staff is being experienced.
- 25.2 The Chief Executive Officer must give written notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

25.3 If it is impracticable for the notice given under sub-Rule 25.2 to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.

26. TIME LIMITS FOR MEETINGS

26.1 A Council meeting must not continue after 10:00pm unless a majority of Councillors present vote in favour of it being extended.

26.2 A meeting cannot be extended for more than 30 minutes.

26.3 In the absence of an extension being passed by resolution, the meeting must be adjourned to a time, date and place announced by the Chair immediately prior to the meeting being adjourned. In that event, the provisions of sub-Rules 25.2 and 25.3 apply.

27. CANCELLATION OR POSTPONEMENT OF A MEETING

27.1 The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a Council meeting.

27.2 The Chief Executive Officer must present a written report at the next Council meeting outlining the details of why the meeting had to be cancelled or whenever exercising the power conferred by sub-Rule 27.1.

DIVISION 1.4 – BUSINESS OF MEETINGS

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 at www.strathbogie.vic.gov.au.

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.

28. AGENDA AND THE ORDER OF BUSINESS

28.1 The agenda for and the order of business ~~for~~of a Council meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.

28.2 No business can be dealt with at a meeting unless it is:

28.2.1 Contained on the agenda; or

28.2.2 Is admitted as Urgent Business in accordance with Rule 30.

- 28.3 The order of business on the agenda ~~shall~~will be as follows:
- 28.3.1 Welcome;
 - 28.3.2 Acknowledgement of Traditional Land Owners;
 - 28.3.3 Apologies / Leaves of Absence;
 - 28.3.4 Disclosures of Conflicts of Interest;
 - 28.3.5 Confirmation of Minutes of Previous Meetings;
 - 28.3.6 Petitions;
 - 28.3.7 Reports from the Mayor and Councillors;
 - 28.3.8 Public Question Time;
 - 28.3.9 ~~Reports from Officer~~ Reports;
 - 28.3.10 Notices of Motion;
 - 28.3.11 Notices of Rescission;
 - 28.3.12 Urgent Business; and
 - 28.3.13 Confidential Business.
- 28.4 Planning reports relating to statutory and strategic planning matters ~~shall~~will be listed at the start of Officer Reports.
29. **CHANGE TO ORDER OF BUSINESS**
- Once an agenda has been sent to Councillors, the order of business for that Council meeting may be altered ~~with~~ the consent of Council.
30. **URGENT BUSINESS**
- 30.1 The agenda ~~will~~ make provision for the consideration of urgent business, however such business ~~must only~~ be admitted by way of a resolution of Council and only then if it:
- (a) relates to, or arises out of, a matter which has arisen since distribution of the agenda; and
 - (b) cannot safely or conveniently be deferred until the next Council meeting.
- 30.2 If the requirements of sub-Rule 30.1 cannot be met, the business must be held over until the next ~~scheduled~~ Council meeting.



DIVISION 1.5 – COMMUNITY PARTICIPATION

Council is committed to transparency in decision making and, in accordance with the [Act/Local Government Act 2020](#), Council and Delegated Committee Meetings are open to the public and the community are able to attend.

Meetings will be streamed live through Council's website at www.strathbogie.vic.gov.au and continue to be made available to the public after the meeting is closed through its social media pages.

As outlined in the purpose of these Governance Rules, Council meetings are held for Council to make its decisions

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

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.

The rights of persons that may be affected by Council's decisions will be given the opportunity to make a verbal submission to an item listed on the agenda.

Council meetings are recorded and broadcasted to the public, ~~this including~~ community questions and submissions.

31. QUESTION TIME

31.1 There must be a public question time at every Council meeting fixed under Rule 19 to enable members of the public to submit questions to Council.

31.2 Sub-Rule 31.1 does not apply during any:

31.2.1 ~~during any~~ period when a meeting is closed to members of the public in accordance with section 66(2) of the Act, or

31.2.2 ~~during any~~ election period.

31.3 Public question time will not exceed 30 minutes in duration.

31.4 Questions submitted to Council must meet all of the following:

- (a) be in writing and state the name and address of the person submitting the question;
- (b) be generally be in a form approved or permitted by Council; and
- (c) be lodged either by delivery to Council's main office, or electronically at the prescribed email address prior to 12 noon on the day of the Council meeting.

- 31.5 No person may submit more than two questions at any one meeting.
- 31.6 If a person has submitted two questions to a meeting, the second question may:
- 31.6.1 May, at the discretion of the Chair, be deferred until all other persons who have asked a question have had their questions asked and answered; or
- 31.6.2 May not be asked if the time allotted for public question time has expired and Council has not resolved to extend the time allocated for public questions.
- 31.7 If the person who has submitted the question is not present at the meeting the Chair, or a member of Council staff nominated by the Chair, will read out the question on the person's behalf if the person has elected not to participate in the meeting either by way of the live streaming software or by teleconference.
- 31.8 A question may be disallowed by the Chair if the Chair determines that it
- (a) relates to a matter outside the duties, functions and powers of Council;
 - (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (c) deals with a subject matter already answered;
 - (d) is aimed at embarrassing a Councillor or a member of Council staff;
 - (e) relates to personnel matters;
 - (f) relates to the personal hardship of any resident or ratepayer;
 - (g) relates to industrial matters;
 - (h) relates to contractual matters;
 - (i) relates to proposed developments;
 - (j) relates to legal advice;
 - (k) relates to matters affecting the security of Council property; or
 - (l) relates to any other matter which Council considers would prejudice Council or any person.
- 31.9 Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.
- 31.10 All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.



- 31.11 Like questions may be grouped together and a single answer provided.
- 31.12 The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.
- 31.13 A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question within five (5) working days and the answer included in the following Council meeting's agenda.
- 31.14 A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.
32. PETITIONS AND JOINT LETTERS
- 32.1 A petition signed by less than 10 people will be treated as a joint letter and forwarded directly to the Chief Executive Officer for action as an operational matter.
- 32.2 Every petition signed by 10 or more people submitted to Council must:
- (a) be legible and in writing;
 - (b) be clear in what matter it relates to and identifies the action(s) being sought from Council;
 - (c) not be derogatory, defamatory or objectionable in language or nature;
 - (d) not relate to matters outside the powers of Council;
 - (e) if submitted in hard copy, include the names, addresses and original signatures of the petitioners; and
 - (f) if submitted as an online or electronic petition must include, as a minimum, the names of the petitioners.
- 32.3 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.
- 32.4 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.

32.5 Unless sub-Rules 32.7 or 32.8 apply, the only motions that may be considered by Council on any petition are that the petition be:

- (a) ~~that the petition be~~ received and noted;
- (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.

32.6 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.

32.7 If a petition relates to a planning or statutory matter which is the subject of a public submissions process under legislation, the petition will be treated as a joint submission in relation to the planning matter or the statutory matter (as the case may be).

33. REPRESENTATIONS AND DEPUTATIONS

33.1 Council may develop guidelines relating to public addresses to Council to assist with the promotion of public involvement in Council meetings and the orderly operation of Council meetings.

33.2 Council may receive presentations from organisations thanking Council for its assistance. Similarly, Council may make a presentation to community members or groups as a sign of appreciation for their assistance, or to offer congratulations.

33.3 Deputations from members of the community relating to an item on the agenda will be heard prior to the call for a motion on that item.

33.4 The Chair has the discretion to determine the order of persons to be heard, however for planning permit or planning scheme amendment related Items submitters or objectors will be heard first and then the applicant.

33.5 The person making the deputation will be requested to come forward, state their name and make a brief verbal presentation on the Item.

33.6 The person in addressing the Council must:

- (a) must confine their address to the 5 minute allocation of time, unless extended by the Chair;
- (b) ~~shall~~ extend due courtesy and respect to the Council and the processes under which it operates; and
- (c) take direction from the Chair whenever called upon to do so.



- 33.7 There will be no discussion or debate with the person making the deputation aside from Councillors asking questions of clarification of the presenter.
- 33.8 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.
- 33.9 A group of people wanting to raise similar issues on a particular matter are encouraged to appoint a spokesperson to put forward a collective position regarding the agenda item on their behalf.
- 33.10 Those wishing to make a deputation on an item must record their intention to do so by informing the Chief Executive Officer by 12 noon on the day of the Council meeting by one of the following means:
- (a) Email to info@strathbogrie.vic.gov.au
 - (b) Telephone to 1800 065 933
 - (c) Using our online form at www.strathbogrie.vic.gov.au .
- 33.11 Representations will not occur for any Item where Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.

DIVISION 1.6 – REPORTS FROM COUNCILLORS

- 33.12 Provision shall be made on every Council meeting agenda for a Mayoral Report around activities undertaken in the previous month.
- 33.13 Provision shall be made on every Council meeting agenda for Councillors to raise activities or events of note that may be of interest to the Council and community.

DIVISION 1.7 – MOTIONS AND DEBATE

This ~~Section~~ Division 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 (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.

34. COUNCILLORS MAY PROPOSE NOTICES OF MOTION

Councillors may ensure that an issue is listed on an agenda by lodging a notice of motion.

35. NOTICE OF MOTION

35.1 A notice of motion must be:

- (a) in writing; and
- (b) signed by the Councillor lodging the notice of motion; and
- (c) lodged with, or sent to, the Chief Executive Officer to allow sufficient time for the notice of motion to be included in the agenda papers and no later than 48 hours before the meeting is scheduled.

35.2 The Chief Executive Officer must, as soon as possible after receipt of a notice of motion, electronically circulate the notice of motion if the requirements of sub-Rule 35.1 have been met.

35.3 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 \$50,000 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.

35.4 The Chief Executive Officer may 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;
- (e) is outside the powers of Council; or
- (f) is submitted during the election period.

35.5 In exercising the power under sub-Rule 35.4, the Chief Executive Officer must:

- (a) give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
- (b) notify in writing the Councillor who lodged it of the reasons for the rejection.

35.6 The Chief Executive Officer must inform Councillors about the legal and cost implications of any proposed notice of motion, which may be given to Councillors prior to the notice of motion being placed on the next Council agenda.

35.7 The Chief Executive Officer may suggest revised wording to the draft notice of motion to facilitate compliance with the requirements for notices of motion.

35.8 The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda. The notice of motion must be accompanied by a report outlining the policy, financial and resourcing implications if the notice of motion is passed.

35.9 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.

35.10 The Chief Executive Officer must ensure all notices of motion to be numbered, dated and entered in the Notice of Motion Register in the order in which they were received.

35.11 Except by leave of Council, each notice of motion presented to any meeting must be considered in the order in which they were entered in the Notice of Motion Register.

35.12 If a Councillor who has given a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.

35.13 If a notice of motion is not moved at the Council meeting at which it is listed, it lapses.

36. CHAIR'S DUTY

Any motion which is determined by the Chair to be any of the following must not be accepted by the Chair:

- (a) Defamatory;
- (b) objectionable in language or nature;
- (c) vague or unclear in intention;
- (d) outside the powers of Council;
- (e) irrelevant to the item of business on the agenda and has not been admitted as urgent or
- (f) purports to be an amendment but is not.

37. OFFICERS MAY INTRODUCE A REPORT

37.1 Before a written report is considered by Council and any motion moved in relation to such report, a member of Council staff may introduce the report by briefly indicating:

- (a) its background; or
- (b) the reasons for any recommendation.

37.2 Unless Council resolves otherwise, a member of Council staff need not read any written report to Council in full.

38. INTRODUCING A MOTION OR AN AMENDMENT

38.1 The procedure for moving any motion or amendment is:

- 38.1.1 the mover must state the motion without speaking to it;
- 38.1.2 the motion must be seconded by a Councillor other than the mover;
- 38.1.3 if a motion is not seconded the motion lapses;
- 38.1.4 if a motion, or an amendment, is moved and seconded the Chair must ask:
"Is the motion or amendment opposed?"
Does any Councillor wish to speak to the motion or amendment?";
- 38.1.5 if no Councillor indicates opposition or a desire to speak to it, the Chair may put the motion or amendment to the vote without discussion;
- 38.1.6 if a Councillor indicates opposition or a desire to speak to the motion or amendment, then the Chair must firstly call on the mover to address the meeting;



- 38.1.7 after the mover has addressed the meeting, the Chair must call on the seconder to address the meeting, although the seconder may reserve the right to address the meeting until all other Councillors wishing to speak to the matter, other than the mover's right of reply under Rule 39, have been heard;
- 38.1.8 if the seconder wishes to address the meeting immediately after the mover has spoken, once he or she has done so, the Chair must then invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion and
- 38.1.9 if, after the mover has addressed the meeting, the Chair has invited debate and no other Councillor speaks to the motion, then the Chair must put the motion to the vote.
- 38.2 A Councillor who has the floor must not be interrupted unless called to order, or given notice by the Chair their speaking time has elapsed or is about to elapse, in which case he or she must remain silent until the Councillor raising the Point of Order has been heard and the Point of Order dealt with.
- 39. RIGHT OF REPLY**
- 39.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- 39.2 No new material may be raised by the mover during this right of reply.
- 39.3 After the right of reply has been taken, but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the Chair must immediately put the motion to the vote without any further discussion or debate.
- 40. MOVING AN AMENDMENT**
- 40.1 Subject to sub-Rule 40.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 40.2 A motion to confirm a previous resolution of Council cannot be amended.
- 40.3 An amendment must not be directly opposite to the motion.
- 41. WHO MAY PROPOSE AN AMENDMENT**
- 41.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 41.2 Any one Councillor cannot move more than two amendments in succession.
- 42. THE NUMBER OF AMENDMENTS THAT MAY BE PROPOSED**

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

42.2 No second or subsequent amendment, whether to the motion or an amendment to it, may be taken into consideration until the previous amendment has been dealt with.

43. AN AMENDMENT ONCE CARRIED

43.1 If the amendment is carried the motion, as amended, then becomes the motion before the meeting.

43.2 The mover of the original motion retains the right of reply to the amended motion.

44. FORESHADOWING MOTIONS

44.1 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 or at a future Council meeting, at any time during debate but this does not extend any special right to the foreshadowed motion.

44.2 A foreshadowed motion may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

44.3 The Chief Executive Officer, or person taking the minutes of the meeting, is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

44.4 The Chair is not obliged to accept foreshadowed motions.

45. WITHDRAWAL OF MOTIONS

45.1 Before any motion is put to the vote it may be withdrawn by the mover and seconder with the leave of Council.

45.2 A motion may not be withdrawn if the majority of Councillors object to its withdrawal.

46. SEPARATION OF MOTIONS

Where a motion contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate parts.

47. CHAIR MAY SEPARATE MOTIONS

The Chair may decide to put any motion to the vote in several parts.

48. MOTIONS MOVED IN A BLOCK

The Chair may allow like motions to be moved, or request Councillors to move like items, in a block (en bloc), only if the motions are to note actions already taken and will not commit Council to further action, spending or changes to policy.

49. MOTIONS IN WRITING

49.1 The Chair may require that a complex or detailed motion be submitted in writing.

49.2 Council may resolve to:

49.2.1 adjourn the meeting while the motion is being written; or

49.2.2 defer the matter until the motion has been written thereby allowing the meeting to proceed uninterrupted.

50. REPEATING MOTION AND/OR AMENDMENT

The Chair may request the person taking the minutes of the Council meeting to read the motion or amendment to the meeting before the vote is taken.

51. PRIORITY OF ADDRESS

In the case of competition for the right of speak, the Chair must decide the order in which the Councillors concerned will be heard.

52. DEBATE MUST BE RELEVANT TO THE MOTION

52.1 Debate must always be relevant to the motion before the Chair, and if not, the Chair must request the speaker to confine debate to the motion.

52.2 If, after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to not speak further in respect of that motion.

52.3 A speaker to whom a direction has been given under sub-Rule 52.2 must comply with that direction.

53. SPEAKING TIMES

53.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:

53.1.1 the mover of a motion or an amendment which has been opposed: 5 minutes

53.1.2 any other Councillor: 5 minutes

53.1.3 the mover of a motion exercising a right of reply: 5 minutes.

54. ADDRESSING THE MEETING

If the Chair so determines:

54.1.1 any person addressing the Chair must refer to the Chair as:

- (a) Madam Mayor; or
- (b) Mr Mayor; or
- (c) Madam Chair; or
- (d) Mr Chair

as the case may be

54.1.2 all Councillors, other than the Mayor, must be addressed as Cr (name)

54.1.3 all members of Council staff, must be addressed as Mr or Ms (name), as appropriate, or by their official title.

55. RIGHT TO ASK QUESTIONS

55.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.

55.2 The Chair has the right to limit questions and direct that debate be commenced or resumed.

DIVISION 1.8 – PROCEDURAL MOTIONS

56. PROCEDURAL MOTIONS

56.1 Unless otherwise prohibited a procedural motion may be moved at any time and must be dealt with immediately by the Chair.

56.2 Procedural motions require a seconder.

56.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the Table in Schedule 1 ~~attached~~ to these Governance Rules.

DIVISION 1.9 – RESCISSION MOTIONS

57. NOTICE OF RESCISSION

57.1 A Councillor may propose a notice of rescission provided:

57.1.1 it has been signed and dated by at least three Councillors;

- 57.1.2 the resolution proposed to be rescinded has not been acted on as outlined under sub-Rule 57.3, and
- 57.1.3 the notice of rescission is delivered to the Chief Executive Officer setting out:
- (a) the resolution to be rescinded; and
 - (b) the meeting and date when the resolution was carried.
- 57.2 A notice of rescission is a form of notice of motion and so all provisions set out under ~~Governance~~ Rule 35 apply equally to notices of rescission.
- 57.3 A resolution will be deemed to have been acted on if:
- 57.3.1 its contents have, or substance has, been communicated in writing to a person whose interests are materially affected by it; or
 - 57.3.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on Council or any other person.
- 57.4 Should the resolution not have been acted upon, the Chief Executive Officer, or an appropriate member of Council staff, must immediately take action to defer implementing a resolution which:
- 57.4.1 has not been acted on; and
 - 57.4.2 is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule 57.1.3
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.
58. **IF LOST**
- If a motion for rescission is lost, a similar motion may not be put before Council for at least three months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.
59. **IF NOT MOVED**
- A motion for rescission lapses if it is not moved at the meeting at which it is listed.
60. **MAY BE MOVED BY ANY COUNCILLOR**
- A motion for rescission listed on an agenda may be moved by any Councillor present but may not be amended.
61. **WHEN NOT REQUIRED**

- 61.1 A motion for rescission is not required where Council wishes to change policy unless sub-Rule 61.2 applies.
- 61.2 The following standards apply if Council wishes to change policy:
- 61.2.1 if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to Council; and
- 61.2.2 any intention to change a Council policy which may result in a significant impact on any person must be communicated in writing to those affected and may include undertaking a broader public consultation process.

DIVISION 1.10 – POINTS OF ORDER

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.

62. CHAIR TO DECIDE

The Chair must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

63. CHAIR MAY ADJOURN TO CONSIDER

- 63.1 The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 63.2 All other questions before the meeting are suspended until the point of order is decided.

64. DISSENT FROM CHAIR'S RULING

- 64.1 A Councillor may move that the meeting disagree with the Chair's ruling on a point of order, by moving:

"That the Chair's ruling relating to [define that ruling or part of that ruling] be dissented from".

- 64.2 When a motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, temporary Chair elected by the meeting) must take his or her place.



64.3 The Deputy Mayor or temporary Chair must invite the mover to state the reasons for his or her dissent and the Chair may then reply.

64.4 The Deputy Mayor or temporary Chair must put the motion in the following form:

"That the Chair's ruling be dissented from."

64.5 If the vote is in the negative the Chair resumes the chair and the meeting proceeds.

64.6 If the vote is in the affirmative the Chair must then resume the chair, reverse or vary (as the case may be) their previous ruling and proceed with the meeting.

64.7 The defeat of the Chair's ruling is in no way a motion of censure or lack of confidence in the chair and must not be regarded as such by the meeting.

65. PROCEDURE FOR POINT OF ORDER

A Councillor raising a point of order must state:

- (a) ~~state~~ the point of order, and
- (b) ~~state~~ any section, Rule, paragraph or provision relevant to the point of order.

66. VALID POINTS OF ORDER

A point of order may be raised in relation to:

- (a) a motion, which, under Rule 35 should not be accepted by the Chair;
- (b) a question of procedure; or
- (c) any act of disorder.

DIVISION 1.11 – CLOSURE OF MEETINGS

66.2 Meetings will only be closed to members of the public if:

66.2.1 there are clear reasons for particular matters to remain confidential; or

66.2.2 a meeting is required to be closed for security reasons; or

66.2.3 it is necessary to enable the meeting to proceed in an orderly manner.

66.3 If a meeting is closed to the public for the reasons outlined in sub-Rule 66.2.2 or 66.2.3, the meeting will continue to be livestreamed. In the event a livestream is not available the meeting may be adjourned, or a recording of the proceedings may be available on Council website.

DIVISION 1.12 – VOTING

At the conclusion of debate on a matter before the meeting, the Chair 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 Chair has a casting vote.

Sometimes a Councillor may want his or her vote is recorded – this is provided for in this [section](#) [Division](#), along with the procedure when a Councillor calls for a division on a vote which records in the minutes how each Councillor voted.

67. HOW MOTION DETERMINED

To determine a motion before a meeting, the Chair must first call for those in favour of the motion and then those opposed to the motion and must then declare the result to the meeting.

68. SILENCE

Voting must take place in silence.

69. RECOUNT

The Chair may direct that a vote be recounted to satisfy himself or herself of the result.

70. CASTING VOTE

In the event of a tied vote, the Chair must exercise a casting vote.

71. BY SHOW OF HANDS

71.1 If a meeting is open to members of the public or is being livestreamed, voting on any matter 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.

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

72. PROCEDURE FOR A DIVISION

72.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

- 72.2 When a division is called for, the vote already taken must be treated as set aside and the division ~~shall~~ will decide the question, motion or amendment.
- 72.3 When a division is called for, the Chair must:
- 72.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hand;
- 72.3.2 the Chair must then state, and the Chief Executive Officer or any ~~authorised member of staff~~ officer nominated by the Chief Executive Officer must record, the names of those Councillors voting in the affirmative; ~~and~~
- 72.3.3 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands; and
- 72.3.4 the Chair must then state, and the Chief Executive Officer or any ~~authorised member of staff~~ officer nominated by the Chief Executive Officer must record, the names of those Councillors voting in the negative.

73. NO DISCUSSION ONCE DECLARED

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- (a) a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- (b) foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

DIVISION 1.13 – MINUTES

The minutes of a meeting must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and incorporate a summary of the relevant reports considered in the decision-making process. The minutes of a Council meeting must be submitted to the next appropriate Council meeting for confirmation.

74. CONFIRMATION OF MINUTES

- 74.1 At every Council meeting the minutes of the preceding meeting(s) must be dealt with as follows:
- 74.1.1 a copy of the unconfirmed minutes must be delivered to each Councillor no later than 48 hours before the next meeting;

74.1.2 if no Councillor indicates opposition, the unconfirmed minutes must be declared to be confirmed;

74.1.3 if a Councillor indicates opposition to the minutes:

- (a) he or she must specify the item(s) to which he or she objects;
- (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
- (c) the Councillor objecting must move accordingly without speaking to the motion;
- (d) the motion must be seconded;
- (e) the Chair must ask;

"Is the motion opposed?"

- (f) if no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 74.1.3(k);
- (g) if a Councillor indicates opposition, then the Chair must call on the mover to address the meeting;
- (h) after the mover has addressed the meeting, the seconder may address the meeting;
- (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- (j) if, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion and
- (k) the Chair must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

"The question is that the minutes, as amended, be confirmed",

and question must be put to the vote accordingly.

- 74.1.4 a resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed and if not practicable within seven (7) calendar days of the resolution;
- 74.1.5 the minutes must be entered in the minute book and each item in the minute book must be entered consecutively; and
- 74.1.6 unless otherwise resolved or required by law, minutes of a Delegated Committee meeting requiring confirmation by Council must not be available to the public until confirmed by Council.

75. NO DEBATE ON CONFIRMATION OF MINUTES

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

76. DEFERRAL OF CONFIRMATION OF MINUTES

Council may defer the confirmation of minutes until later in the Council meeting or until the next meeting if considered appropriate.

77. FORM AND AVAILABILITY OF MINUTES

The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council meeting, and those minutes must record:

- (a) the date, place, time and nature of the meeting;
- (b) the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
- (c) the names of the members of Council staff present;
- (d) any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 2 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;
- (e) arrivals and departures, including temporary departures, of Councillors during the course of the meeting;
- (f) a summary of any questions submitted to Council during Question Time and a summary of the Council response and/or action taken to those questions;
- (g) a summary of the Officer Report;

- (h) each motion and amendment moved, including motions and amendments that lapse for the want of a seconder;
- (i) the vote cast by each Councillor upon a division;
- (j) the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
- (k) questions upon notice;
- (l) the failure of a quorum;
- (m) any adjournment of the meeting and the reasons for that adjournment; and
- (n) the time at which standing orders were suspended and resumed.

77.2 The Chief Executive Officer must ensure that the minutes of any Council meeting are:

- (a) published on Council's website; and
- (b) available for inspection at Council's Customer Service Centres at Euroa and Nagambie during normal business hours.

77.3 Nothing in sub-Rule 77.2 requires Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

DIVISION 1.14 – BEHAVIOUR

78. PUBLIC ADDRESSING THE MEETING

78.1 Members of the public may only address the Council in accordance with Rules 31-33 inclusive and with the consent of the Chair or by prior arrangement.

78.2 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 Chair whenever called on to do so.

78.3 A member of the public present at a Council meeting must not disrupt the meeting.

79. CHAIR MAY REMOVE

The Chair may order and cause the removal of any person from the gallery, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 78.2.

80. CHAIR MAY ADJOURN DISORDERLY MEETING



If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of sub-Rules 25.2 and 21 apply.

81. REMOVAL FROM CHAMBER

The Chair, or Council in the case of a suspension, may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the Chair has ordered to be removed from the gallery under Rule 79.

DIVISION 1.15 – ADDITIONAL DUTIES OF CHAIR

82. THE CHAIR'S DUTIES AND DISCRETIONS

In addition to the duties and discretions provided in this Chapter, the Chair must:

- (a) ~~must~~ not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- (b) ~~must~~ call to order any person who is disruptive or unruly during any meeting.

DIVISION 1.16 – SUSPENSION OF STANDING ORDERS

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

83. SUSPENSION OF STANDING ORDERS

83.1 Council may suspend standing orders to expedite the business of a meeting, and to enable a full discussion of any issue without the constraints of a formal meeting procedure.

83.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

83.3 No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders.

- 83.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

DIVISION 1.17 – MISCELLANEOUS

84. MEETINGS CONDUCTED REMOTELY

if:

- (a) by law a meeting may be conducted electronically; and
- (b) Council decides that a meeting is to be conducted electronically,

the Chair may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

85. PROCEDURE NOT PROVIDED IN THIS CHAPTER

In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to Council proceedings).

86. CRITICISM OF MEMBERS OF COUNCIL STAFF

- 86.1 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising them or any member of Council staff.

- 86.2 A statement under sub-Rule 86.1 must be made by the Chief Executive Officer, through the Chair, as soon as it practicable after the Councillor who made the statement has finished speaking.

DIVISION 1.18 – DELEGATED COMMITTEES

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 members of Committees, their meeting procedures need to be formal and follow those of Council unless otherwise determined by the Council.

87. DELEGATED COMMITTEE MEETING PROCEDURE GENERALLY

If Council establishes a Delegated Committee:



87.1 all of the provisions of this Chapter apply to meetings of the Delegated Committee; and

87.2 any reference in this Chapter to:

- (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) the Mayor is to be read as a reference to the Chair of the Delegated Committee.

88. DELEGATED COMMITTEE MEETING PROCEDURE CAN BE VARIED

Notwithstanding Rule 87, if Council establishes a Delegated Committee that is not composed solely of Councillors:

- (a) Council may, or
- (b) the Delegated Committee may, with the approval of Council

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

DIVISION 1.19 – AUDIT AND RISK COMMITTEE

The Act requires Council to establish an Audit and Risk committee which is comprised of a majority of independent community representatives and Councillors. This Committee is not a delegated committee as defined by the Act. Its Chair must be an independent member, not a Councillor and a Charter must be established by Council outlining the Committee's roles and responsibilities.

Essentially, the Audit and Risk Committee is the corporate watchdog appointed to monitor Council's:

- compliance with the Local Government Act and other legislation;
- Financial management and performance reporting frameworks; and
- Monitor and provide advice around risk mitigation and fraud control.

Importantly, this Committee has oversight of all internal and external audit functions.

89. AUDIT AND RISK COMMITTEE MEETING PROCEDURE GENERALLY

89.1 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.

- 89.2 Council may ~~resolve~~, in establishing an Audit and Risk Committee, resolve that some or all of the provisions of the Meeting Procedure Chapter of these Governance Rules does not apply.
- 89.3 An Audit and Risk Committee must report the minutes of all Audit and Risk Committee meetings to the next practicable Council meeting.
- 89.4 An Audit and Risk Committee must act in accordance with ~~the adopted~~ Charter adopted by Council.

DIVISION 1.20 - COMMUNITY ASSET COMMITTEES

The Act provides for Council to establish a Community Asset Committee for the management of a community assets such as ~~a~~ halls. Council may appoint members of the community to the committee and the Chief Executive Officer may delegate to it powers, duties or functions to its members. The powers delegated to a community asset committee must be limited and specify the amount and purpose of any financial delegation.

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

90. COMMUNITY ASSET COMMITTEE MEETING PROCEDURE

- 90.1 The Governance Rules set out in this Chapter may apply to any Community Asset Committee, as determined by Council.
- 90.2 Council may resolve, in establishing a Community Asset Committee, resolve which provisions of this Chapter~~chapters of the Governance Rules~~ apply but as a minimum must include the rule provisions relating to minutes.
- 90.3 A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- 90.4 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.



CHAPTER 2 – DISCLOSURE OF CONFLICTS OF INTEREST

91. INTRODUCTION

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 states that Council must include procedures for disclosures of conflicts of interest in its Governance Rules, 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.

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

92. DEFINITION

In this Chapter:

92.1 "Meetings conducted under the auspices of council" means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rules 88 – 90 inclusive 1 of Chapter 1 (whether such a meeting is known as a 'councillor briefing' or by some other name); and

92.2 a member of a Delegated Committee includes a Councillor.

93. OBLIGATIONS WITH REGARD TO CONFLICT OF INTEREST:

93.1 Councillors, members of Delegated Committees and Council staff 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.

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

DIVISION 2.1 – DISCLOSURES BY COUNCILLORS

94. DISCLOSURE OF A CONFLICT OF INTEREST AT A MEETING

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which he or she:

94.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered, and indicating whether it is a general conflict of interest or a material conflict of interest; or

94.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:

94.2.1 advising of the conflict of interest;

94.2.2 explaining the nature of the conflict of interest, and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest; and

94.2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the consideration of the matter has been concluded.

DIVISION 2.2 – DISCLOSURES AT DELEGATED COMMITTEES

95. DISCLOSURE OF CONFLICT OF INTEREST AT A DELEGATED COMMITTEE MEETING

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

- 95.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Delegated Committee meeting immediately before the matter is considered, and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 95.2 intends to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee meeting commences a written notice:
- 95.2.1 advising of the conflict of interest;
- 95.2.2 explaining the nature of the conflict of interest, and indicating whether it is a general conflict of interest or a material conflict of interest; and
- 95.2.3 detailing, if the nature of the conflict of interest involves a member of a Delegated Committee's relationship with or a gift from another person the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 95.2.4 nature of that other person's interest in the matter.

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

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

DIVISION 2.3 – DISCLOSURES AT COMMUNITY ASSET COMMITTEES

96. DISCLOSURE OF A CONFLICT OF INTEREST AT A COMMUNITY ASSET COMMITTEE MEETING

- 96.1 A Councillor who has a conflict of interest in a matter being considered at a Community Asset Committee meeting at which he or she:
- 96.1.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee meeting immediately before the matter is considered, and indicating whether it is a general conflict of interest or a material conflict of interest; or

- 96.1.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:
- (a) advising of the conflict of interest;
 - (b) explaining the nature of the conflict of interest, and indicating whether it is a general conflict of interest or a material conflict of interest; and
- 96.1.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
- (a) name of the other person; and
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 96.1.4 nature of that other person's interest in the matter,
- and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

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

DIVISION 2.4 – DISCLOSURES UNDER OTHER MEETINGS

97. DISCLOSURE AT A MEETING CONDUCTED UNDER THE AUSPICES OF COUNCIL

- 97.1 A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of Council at which he or she is present must:
- 97.1.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered, and indicating whether it is a general conflict of interest or a material conflict of interest;
 - 97.1.2 absent himself or herself from any discussion of the matter; and
 - 97.1.3 as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.



DIVISION 2.5 – DISCLOSURES BY COUNCIL STAFF

98. DISCLOSURE BY MEMBERS OF COUNCIL STAFF PREPARING REPORTS FOR MEETINGS

98.1 A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:

98.1.1 Council meeting;

98.1.2 Delegated Committee meeting; or

98.1.3 Community Asset Committee meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining the nature of the conflict of interest, and indicating whether it is a general conflict of interest or a material conflict of interest.

98.2 The Chief Executive Officer must ensure that the Report referred to in sub-Rule 98.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

98.3 If the member of Council staff referred to in sub-Rule 98.1 is the Chief Executive Officer:

98.3.1 the written notice referred to in sub-Rule 98.1 must be given to the Mayor, and

98.3.2 the obligation imposed by sub-Rule 98.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

99. DISCLOSURE OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL STAFF IN THE EXERCISE OF DELEGATED POWER

99.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest, and indicating whether it is a general conflict of interest or a material conflict of interest.

99.2 If the member of Council staff referred to in sub-Rule 99.1 is the Chief Executive Officer the written notice must be given to the Mayor.

100. DISCLOSURE BY A MEMBER OF COUNCIL STAFF IN THE EXERCISE OF A STATUTORY FUNCTION

- 100.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.
- 100.2 If the member of Council staff referred to in sub-Rule 100.1 is the Chief Executive Officer the written notice must be given to the Mayor.

101. RETENTION OF WRITTEN NOTICES

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



CHAPTER 3 – MISCELLANEOUS

102. INFORMAL MEETINGS OF COUNCILLORS

If there is a meeting of Councillors that:

- 102.1.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- 102.1.2 is attended by at least one member of Council staff; and
- 102.1.3 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting

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

- (a) tabled at the next convenient Council meeting; and
- (b) recorded in the minutes of that Council meeting.

103. CONFIDENTIAL INFORMATION

- 103.1 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 classify the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 103.2 Information which has been classified 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 – ELECTION PERIOD POLICY

104. INTRODUCTION

There is what is known as an 'election period' (often referred to as a 'caretaker period') that comes into force prior to each municipal election, which extends for the 32 days after candidate nominations close until 6 pm on election day.

During this time, Council must avoid making decisions or acting in a way that could be seen to be influencing voters, or which will have a significant impact on an incoming Council. There are also restrictions on Council publishing or distributing electoral matter or making major decisions during the election (caretaker) period.

The purpose of this policy is to ensure the transparency and accountability around the behaviour and actions of Councillors, Council officers, contractors, registered Council volunteers and candidates during an election (caretaker) period.

Legislation requires all councils to prepare and adopt an election period policy, to be incorporated into its Governance Rules, that manages Councillor conduct, decision making, transparency and equity, and use of Council resources during an election (caretaker) period.

105. POLICY POSITION

105.1 During an election (caretaker) period, Councillors:

105.1.1 will continue to fulfil their duties (unless they are granted a leave of absence);

105.1.2 will continue to engage and communicate with the community in undertaking their role as the local Councillor representative;

105.1.3 must comply with the Act and Councillor Code of Conduct; and

105.1.4 must not use their position to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy.

105.2 The Chief Executive Officer will, as far as practicable, plan for significant policy matters to be considered well in advance of the election (caretaker) period and ensure Council officers are aware of their obligations during an election (caretaker) period.

105.3 This Council policy exceeds minimum legislative requirements as it restricts the use of Council resources and decision making for any form of council election (for example a by election) by actively managing:

105.3.1 decisions made by Council, Advisory Committees or a staff member acting under delegation during an election (caretaker) period;

105.3.2 Council's publications, promotion, media, consultations and events during an election (caretaker) period;

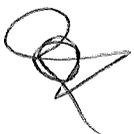
105.3.3 the use of Council resources, including venues, during an election (caretaker) period and

105.3.4 access to Council information by Councillors and candidates during an election (caretaker) period.

106. DEFINITIONS

Certification	means the Chief Executive Officer's statement in writing that no electoral matter is contained within any publication produced by Council during the election (caretaker) period.
Council branding	means branding and logos related to the: <ul style="list-style-type: none">• Euroa Community Cinema• Euroa Visitor Information Centre (The Hub)• Nagambie Visitor Information Centre• Evolve Youth committee• Active Evolution youth activity• Access and Disability Advisory Committee• Audit Committee• Love Strathbogie.
Council resources	means Council: <ul style="list-style-type: none">• Staff, contractors and registered Council volunteers• owned property or property managed by Council on behalf of a third party• equipment• stationery• finances.
Electioneering	means any action, statement and/or publication that contains material directly related to, or likely to influence, a Councillor's re-election or a candidate's election.
Election (Caretaker) Period	means the period that starts on the last day on which nominations for the election can be received and ends at 6pm on the election day. For the purpose of the 2020 municipal election, the election (caretaker) period commences on 22 September 2020 and closes at 6pm on 24 October 2020.
Electoral advertisement, handbill, pamphlet or notice	means an advertisement, handbill, pamphlet or notice that contains electoral matter but does not include an advertisement in a newspaper announcing the holding of a Council or Committee meeting or a notice relating to a prescribed statutory consultation process which must be undertaken

Electoral matter	<p>under legislation and cannot be delayed until after the election (eg notice of a planning permit application or the publication of the Annual Report).</p> <p>means any 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.</p> <p>Electoral matter is to be interpreted as being intended or likely to affect voting in an election if it contains an express or implicit reference to or comment on:</p> <ul style="list-style-type: none">• the election, or• a candidate in the election, or• an issue submitted to, or otherwise before, the voters in an election.
Inappropriate decision	<p>means any decision that:</p> <ul style="list-style-type: none">• could affect voting in an election• could reasonably be made after the election.
Major decision	<p>means any decision that</p> <ul style="list-style-type: none">• 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• 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 one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year
Municipal election	<p>means any general election or by-election.</p>
Prospective candidate	<p>means any person who publicly expresses an intention to run as a candidate for a municipal election.</p>
Public consultation	<p>means a process that involves an invitation(s) to individuals, groups, organisations or the community in general, to comment on an issue, proposed action, or proposed Council policy that is not statutory consultation prescribed by an Act or Regulation.</p>
Publication	<p>means a document distributed by any means, whether in hard copy or electronically, including publication on the internet (a website or any form of social media), advertisements, promotional media releases, posters, newsletters/updates, booklets, surveys, invitations and group mailouts/emails.</p>



	It excludes letters to individuals or groups of people required under other legislation (for example notices to abutting owners for a planning permit application).
Returning Officer	means the person appointed in writing by the Victorian Electoral Commission to conduct the election.
Significant decision	means an irrevocable decision that significantly affects the municipality, the organisation and/or its community.
Social media and websites	means any form of social media account (eg Facebook, Twitter, Instagram) or website owned or auspiced by Council, including but not limited to: <ul style="list-style-type: none">• Council's Facebook, Twitter and Instagram account• Euroa Community Cinema Facebook, Instagram and Twitter account• Evolve Facebook account• What's on in Strathbogie Shire• any auspiced social media site run and managed by committees appointed by Council under section 86 of the Act.
The Act	means the <i>Local Government Act 2020</i>

107. EXTERNAL REFERENCES

Local Government Act 2020

Victorian Electoral Act 2002

108. RELATED COUNCIL DOCUMENTS

Staff Code of Conduct April 2019

Council Expenses Policy 2020

Councillor Code of Conduct 2017

Governance and Protocols Guide 2013

Media Policy and Protocols 2013

109. POLICY OBJECTIVES

109.1 Council and Councillor activities will be actively managed and monitored in the lead up to any election, whether it be a by-election or general election to ensure:

109.1.1 there is a level playing field for all election candidates;

109.1.2 Council information can be equally accessed by all candidates;

109.1.3 Council resources are not used in any way to support an election campaign;

- 109.1.4 conflicts of interest are avoided;
 - 109.1.5 there is a distinct and clear separation of activities between an incumbent councillor undertaking their duties under the Act and that same person being a candidate or prospective candidate in a forthcoming election;
 - 109.1.6 Council complies with all aspects of the Act in relation to activities and decision making in the election (caretaker) period;
 - 109.1.7 to implement the overarching governance principles and supporting principles of the Act, and
 - 109.1.8 decisions that can be reasonably deferred until the next Council is in place are held over until after the election.
- 109.2 This policy applies to all Councillors, Council staff, Council registered volunteers and contractors and must be complied with if you are:
- 109.2.1 involved in making decisions;
 - 109.2.2 involved in making a significant decision that will bind the incoming Council;
 - 109.2.3 about to publish written material which has reference in it to a candidate (which includes sitting Councillors), or the election or an issue before the voters in connection with the election;
 - 109.2.4 involved in the creation of any Council publication;
 - 109.2.5 involved in any public consultation process;
 - 109.2.6 a Councillor who is planning to attend a function or event;
 - 109.2.7 supplying administrative or resource support to Councillors;
 - 109.2.8 a Councillor requesting access to Council information; and
 - 109.2.9 a Councillor requesting media advice.

110. REVIEW OF THIS POLICY

This policy will be reviewed and adopted twelve months prior to the next municipal election.

DIVISION 4.1 – DECISION MAKING

111. LIMITATIONS

- 111.1 Section 69(2) of the Act requires this policy to prohibit any of the following decisions being made by Council during the election period for a general election:

- 111.1.1 A decision that relates to the appointment or remuneration of the Chief Executive Officer but not the appointment or remuneration of an Acting Chief Executive Officer, or
 - 111.1.2 A decision that commits the Council to expenditure exceeding one percent of the Council's income from general rates, municipal charges and service rates and charges for the preceding financial year, or
 - 111.1.3 A decision that could reasonably be deferred until the next Council is in place; or
 - 111.1.4 A decision the Council considers should not be made during an election period.
- 111.2 It is noted that a Council decision made in contravention of dot points (a) and (b) are invalid under section 69(4) of the Act. Further, we recognise that any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid is entitled to compensation from the Council for that loss or damage.
- 111.3 Council must not consider issues, nor make any decisions, during an election (caretaker) period that would enable, or could be perceived to enable, the use of Council resources in a way that intended to influence voting in an election.

112. COUNCIL AND DELEGATED COMMITTEE MEETINGS

- 112.1 The only items to be considered at a Council or Delegated Committee Meeting held during the election (caretaker) period will be those required for the Annual Report, including financial statements for the Annual Report, procedural items to complete the Council's term of office, for example, assemblies of Council, consideration of minor and non-contentious planning permit applications.
- 112.2 Public Question Time will be suspended during the election (caretaker) period.
- 112.3 No Notices of Motion will be accepted by the Chief Executive Officer for a Council meeting held during the election (caretaker) period.

113. ELECTION PERIOD STATEMENT

- 113.1 During the election (caretaker) period, the Chief Executive Officer will ensure an election period statement is included in any report submitted to a Council or a Delegated Committee Meeting for consideration stating that:

"The recommended decision is not a prohibited decision as defined under section 69(2) of the Local Government Act 2020."

- 113.2 The election (caretaker) period statement must appear on every report submitted to Council, a Delegated Committee or a decision made under delegation to Officers during the election (caretaker) period.



DIVISION 4.2 – ACCESS TO INFORMATION

114. REQUESTS FOR ACCESS TO COUNCIL INFORMATION

- 114.1 Given that Councillors continue to perform their elected role during the election (caretaker) period, they will continue to receive all necessary information to fulfil their role under the Act.
- 114.2 Councillors who are candidates in the election will be treated the same as other candidates in relation to access to Council information. Councillors may continue to access Council information and public documents during the election (caretaker) period, but only as it is necessary for them to perform their current role and functions.
- 114.3 Information to be provided to Councillors will include information that is publicly and freely available such as Council Plans, Annual Reports, strategies, policies and the like.
- 114.4 Briefing papers in relation to the Annual Report and procedural matters to be decided at the Council Meeting or Special Committee Meeting during the election (caretaker) period will also be provided to Councillors.
- 114.5 All requests received by Council officers for information about Council's existing projects, programs or services will be responded to in a 'business as usual' manner. This means up to date responses will be provided about progress on Council projects or services to Councillors, candidates and members of the community.
- 114.6 A 'business as usual' approach does not include Council staff undertaking extensive research or analysis involving significant Council resources, or providing a level of information which would not normally be available.
- 114.7 All election-related enquiries from candidates, or prospective candidates (whether Councillors or not), must be directed to the Returning Officer. Where the matter is outside the responsibilities of the Returning Officer the matter will be referred to the Chief Executive Officer or delegate.
- 114.8 Applications for information under Freedom of Information legislation will be dealt with in the usual manner.

115. KEEPING OF A REQUEST FOR INFORMATION REGISTER

- 115.1 A Request for Information register will be maintained by the Chief Executive Officer and available for inspection by the public upon request.
- 115.2 The Register will be a public document that records all requests relating to electoral matters, routine and non-routine requests for information by Councillors and election candidates and a summary of the response provided.



- 115.3 Council officers are required to discuss requests for information by Councillors and candidates with their Manager to determine an appropriate response prior to providing the information (or declining to provide the information).
- 115.4 Managers are responsible for ensuring all requests are logged on the Register.
- 115.5 Requests for information that require significant resources to be devoted to a response, or which might be perceived to support an election campaign, will be referred to the Chief Executive Officer or delegate.
- 115.6 The Register will be published on Council's website for the duration of the election (caretaker) period, including a summary of response and/or link to any requested public document.

DIVISION 4.3 - COUNCIL MEDIA, SOCIAL MEDIA PAGES AND PUBLICATIONS

116. CERTIFICATION OF PUBLICATIONS BY THE CHIEF EXECUTIVE OFFICER

- 116.1 Section 304 of the Act prohibits a Councillor or member of Council staff from using Council resources in a way that is intended to or likely to affect the result of an election (this offence attracts a fine of 60 penalty units). This relates to the use of resources to intentionally or recklessly publish, print or distribute any electoral material unless the information relates to the electoral process or is otherwise required to be published in accordance with the Act or regulation.
- 116.2 The Chief Executive Officer, or the appointed Acting Chief Executive Officer, must certify that a Council publication does not include electoral matter before it can be issued.
- 116.3 The Chief Executive Officer may authorise an officer(s) to vet material prior to certification (that is, this function may not be delegated).
- 116.4 Council will not issue, publish or distribute any publication during an election (caretaker) period, other than:
 - 116.4.1 media and social media responses/statements on an emergency or urgent service-related issue (such as a pool closure);
 - 116.4.2 those that are required under an Act or regulation, and
 - 116.4.3 the Annual Report as required by the Act.
- 116.5 Any publications to be issued during the election (caretaker) period must be forwarded to the relevant Manager for approval and then sent to the Executive Manager Governance & Customer Service for vetting for electoral matter. Once vetted, the Group Manager will submit the publication to the Chief Executive Officer for certification.

116.6 Schedule 2 contains the certification memorandum that must be issued by the Chief Executive Officer for any publication issued during the election (caretaker) period.

116.7 The Executive Manager Governance & Customer Service will ensure Council publications available at Council facilities are inspected before the election (caretaker) period to identify and temporarily remove anything that might reasonably influence the election.

117. COUNCIL SPOKESPERSON

117.1 The Chief Executive Officer, or delegate, will be the primary spokesperson for Council communications during an election (caretaker) period.

117.2 Media and social media responses and statements will only be issued during an election (caretaker) period in the name of the Chief Executive Officer and will be subject to certification by the Chief Executive Officer.

117.3 Council officers must not make any public statement that could be construed as influencing the election. This will be considered as an offence under the Employee Code of Conduct.

117.4 Councillors must not use their position as an elected representative, nor their access to Council officers and other Council resources, to gain media attention in support of an election campaign.

118. ANNUAL REPORT

118.1 The Act requires Council's Annual Report to be prepared and submitted to the Minister for Local Government by the end of September each year, which has been extended to 30 November 2020 for the current election period.

118.2 The Annual Report will not include material that is considered electioneering or electoral matter, or that publicises the attributes or achievements of individual Councillors.

118.3 Information referring to specific Councillors will be limited to names, titles, contact details, membership of special committees and other bodies to which they have been appointed by Council.

118.4 A Mayor's Message will be included but will be restricted to general Council business and not specific achievements of elected representatives.

118.5 The Chief Executive Officer will determine the appropriate content for an Annual Report produced in an election (caretaker) period.

118.6 Council will print and distribute the same number of copies during an election (caretaker) period as for the preceding year.

119. COUNCIL WEBSITES AND SOCIAL MEDIA SITES



- 119.1 During the election (caretaker) period, information about Councillors published on Council websites will only include names, contact details and titles and any information contained in the Annual Report. The content of the Shire's website will also be reviewed by the Executive Manager, Communications and Engagement to ensure it does not contain electoral matter.
- 119.2 The Agenda and Minutes for Council and Special Committee Meetings will continue to be published on Council's website and meetings live streamed for public viewing.
- 119.3 No new material will be published on Council's websites or social media sites during an election (caretaker) period unless it relates to:
- 119.3.1 emergency information (eg bushfires, heatwaves, blackouts, food recalls or floods);
 - 119.3.2 unforeseen interruption to Council services (eg pool closures); and
 - 119.3.3 any prescribed information that the Returning Officer requires to be published to inform the community about the election process.
- 119.4 A statement will be published on all social media sites advising that Council is in the election (caretaker) period and no new information, other than that outlined above, will be published until after the election. It will also state that any information on the site was published before the election (caretaker) period, and direct people to contact customer service if they have any issues/requests.
- 119.5 The Executive Manager, Communications and Engagement will ensure Council's social media sites are reviewed before the election (caretaker) period to identify and temporarily remove anything that might reasonably influence the election.
- 120. INTERNAL PUBLICATIONS/INTRANET**
- 120.1 The publication of internal newsletters and intranet information including instruction for the election (caretaker) period, policy and protocols, is permitted and will continue as normal during an election (caretaker) period. The promotion of Councillors, candidates, or political parties in internal publications is not permitted.
- 121. COUNCILLOR-ISSUED COMMUNICATIONS**
- 121.1 Councillors, like other candidates, are permitted to issue their own media releases, provided they do not use Council resources, including email, fax, logo or any branding, letterhead or any Council owned device. Councillors and candidates must make it clear that the views expressed are personal views only, and not the views of the Council.
- 121.2 Councillors are not permitted to comment in an official capacity on behalf of Council about an issue raised by the media during the election (caretaker) period.

- 121.3 Should media outlets contact Councillors, or candidates, directly for comment about an issue during the election period, Councillors and candidates are able to comment, provided they make it known to media outlets that the views expressed are personal views only, and not the views of Council.
- 121.4 Council officers cannot provide media advice or assistance to Councillors during an election (caretaker) period.

DIVISION 4.4 – PUBLIC CONSULTATION AND EVENTS

122. PUBLIC MEETINGS AND EVENTS

- 122.1 Council will not undertake any community consultations or events during the election (caretaker) period.
- 122.2 Clause 122.2 includes promotion of upcoming consultations or events held after the election (caretaker) period but excludes prescribed statutory consultation processes under legislation such as the *Planning and Environment Act 1987*.
- 122.3 Councillors may continue to attend other external community events, but no formal role will be accepted, or support provided by Council officers (for example, writing a speech).
- 122.4 Existing Council programs and services for the community will continue as business as usual, but new promotional activity is not permitted during an election (caretaker) period.

123. SPEECHES FOR EXTERNAL EVENTS

- 123.1 Council resources must not be used to prepare speeches, or support roles, for Councillors for community and external events during the election (caretaker) period.

124. COMMUNITY CONSULTATION

- 124.1 Public consultation and engagement exercises must be avoided during the election (caretaker) period, except for statutory consultations required under the *Planning and Environment Act 1987* or other legislation where the matter cannot possibly be delayed until after the election (caretaker) period closes.

125. COUNCIL FACILITIES/HALLS FOR HIRE

- 125.1 Council facilities will be able to be hired by 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 (caretaker) period.
- 125.2 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,



can be displayed in the common public areas of the facility being hired. This will be advised at time of booking.

- 125.3 Candidates wishing to conduct electioneering activities in a public space for example, a stall at a shopping strip or park, must apply for a permit in accordance with Council's local law.
- 125.4 No other promotional material, including signage, posters, flyers or banners, for any election candidacy is permitted on Council land or at its facilities at any time. The Strathbogie Planning Scheme sets out the requirements relating to display of candidacy information on private land across the shire.

DIVISION 4.5 - USE OF COUNCIL RESOURCES

126. CANDIDACY

- 126.1 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 a local election and for any other elected positions, for example, positions on boards given such use would constitute misuse of position by the Councillor.

127. ELECTED COUNCILLORS PERFORMING THEIR ROLES

- 127.1 Councillors will have access to the resources necessary to fulfil their elected roles in accordance with the Councillor Code of Conduct.
- 127.2 Council resources including offices, vehicles, hospitality, equipment, email, mobile phones and stationery will remain available for Councillors to fulfil their elected role during an election (caretaker) period.
- 127.3 Council resources must not be used for election related purposes or used in a manner that could be perceived as supporting or being connected with a candidate's election campaign.
- 127.4 Council officers will not undertake any tasks connected directly or indirectly with a candidate's election campaign.

128. USE OF THE TITLE 'COUNCILLOR'

- 128.1 Councillors may use the title 'Councillor' in their election material as they continue to hold office during the election (caretaker) period.
- 128.2 While a Councillor may 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 on behalf of Council.

129. PHOTOGRAPHS AND IMAGES

- 129.1 Photographs and images paid for by Council or taken by Council officers must not to be used in electoral material for any candidate. This includes images of Councillors, Council branded events, and Council owned or maintained infrastructure.
- 129.2 Photographs taken by Councillors, their family or friends, or professional photos they have directly commissioned and paid for, may be used in electoral material.
- 130. COUNCIL BRANDING AND STATIONERY**
- 130.1 No Council branding, logo or letterhead can be used for, or linked in any way to, a candidate's election campaign.
- 130.2 Use of Council logos, branding and stationery whether in hardcopy or electronic is only permitted for Council related business.
- 131. COUNCILLOR EXPENSE REIMBURSEMENT**
- 131.1 Reimbursement of the out-of-pocket expenses for Councillors during the election (caretaker) period will only apply to costs that have been incurred in the performance of normal Council duties as per the Council Expenses Policy 2020.
- 131.2 Expenses that the Chief Executive Officer identifies that could be perceived as supporting or being connected with a candidate's election campaign will not be reimbursed.
- 132. COUNCILLOR CORRESPONDENCE**
- 132.1 General correspondence addressed to Councillors will be answered in a usual manner.
- 132.2 Councillors will only sign the necessary minimum correspondence during the election (caretaker) period. Correspondence relating to significant, sensitive or controversial matters will be referred to the Chief Executive Officer.
- 133. POLITICISATION OF COUNCIL**
- 133.1 Councillors are not able to censure government departments or Ministers during the election period, nor can they use Notices of Motion to make political statements of further their candidacy in their election.

DIVISION 4.6 – CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITIES ACT 2010

Council acknowledges the legal responsibility to comply with the Charter of *Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.



SCHEDULE 1 PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Second	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted
1. Adjournment of debate to later hour and/or date	"That this matter be adjourned to *am/pm and/or *date"	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a Chair; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	"That this matter be adjourned until further notice."	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a Chair (b) When another Councillor is speaking (c) When the matter is one where a call of the Council has been made for that meeting in accordance with section 85 of the Act (d) When the motion would have the effect of causing Council to be in breach of a legislative requirement.	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

Procedural Motion	Form	Mover & Secondor	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted
3. The closure of a debate	"That the motion be now put"	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for Chair	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
4. 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 (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
5. 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

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted
6. 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
7. 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
8. 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
9. 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



Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted
10. 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 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
11. 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

SCHEDULE 2 ELECTION PERIOD CERTIFICATION MEMORANDUM

MEMORANDUM

To: Executive Manager, Governance & Customer Service

CC: Chief Executive Officer

From: [INSERT NAME], [INSERT TITLE]

Subject: CERTIFICATION OF PUBLICATION DURING ELECTION PERIOD

Date:

Section 304 of the Local Government Act 2020 specifies a Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any electoral material during the election period unless it contains information about the electoral process or is otherwise required in accordance with, or under, any Act or regulation.

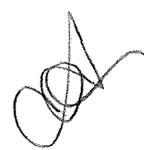
In accordance with the Election (Caretaker) Period Policy 2020 Council further commits that where a publication is deemed necessary for a Council service or function, it will be certified by the Chief Executive Officer.

Please insert details of the publication here, such as the intended audience, reasons that it must be issued during the election period and any legislation that requires this publication to be issued during the election period.

Council Officer

Signature

Date



Executive Manager Governance & Customer Service Use Only

The attached material has been reviewed and does not contain any electoral related matter to the best of my knowledge. In accordance with the requirements of 304 of the Local Government Act 2020, please certify that you, as Strathbogie Shire Council's Chief Executive Officer, authorises this material to be printed, published or distributed.

Name	Signature	Date
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Certification by Chief Executive Officer

I, Julie Salomon, Chief Executive Officer, certify the attached material is suitable for printing, publishing or distributing on behalf of the Strathbogie Shire Council and does not contain electoral material as defined by the *Local Government Act 2020*.



COUNCILLOR LITTLE WAS THANKED FOR HIS ROLE AS CHAIR OF THE PLANNING COMMITTEE, WHICH WILL NOW BE DISBANDED, FOLLOWING THE ADOPTION OF THE GOVERNANCE RULES

7. CLOSURE OF MEETING TO THE PUBLIC

Nil.

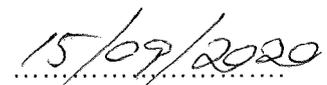
8. CONFIRMATION OF 'CLOSED PORTION' DECISION/S

Nil.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.18 P.M.

Confirmed as being a true and accurate record of the Meeting


.....
Chair


.....
Date

Q