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Strathbogie
Shire Council

Draft Governance Rules
May 2024



Strathbogie
SHIRE COUNCIL

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Governance Rules

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Authorisation

The Strathbogie Shire Council Governance Rules were adopted by Council on 16 April 2024.

The Common Seal of the).....Administrator

Strathbogie Shire Council

Was hereunto affixed).....Chief Executive Officer

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Table of Contents

| | |
|--|----|
| INTRODUCTORY | 5 |
| CHAPTER 1 - MEETINGS PROCEDURE..... | 8 |
| ELECTION OF MAYOR | 11 |
| MEETINGS | 13 |
| GOOD DECISION MAKING | 14 |
| NOTICES OF MEETINGS AND DELIVERY OF AGENDAS | 16 |
| QUORUMS..... | 18 |
| BUSINESS OF MEETINGS | 20 |
| COMMUNITY PARTICIPATION | 22 |
| REPORTS FROM COUNCILLORS | 26 |
| MOTIONS AND DEBATE..... | 27 |
| PROCEDURAL MOTIONS | 35 |
| RESCISSION MOTIONS | 36 |
| POINTS OF ORDER | 38 |
| CLOSURE OF MEETINGS | 40 |
| VOTING..... | 41 |
| MINUTES | 43 |
| BEHAVIOUR | 46 |
| ADDITIONAL DUTIES OF CHAIR | 47 |
| SUSPENSION OF STANDING ORDERS | 48 |
| MISCELLANEOUS | 49 |
| DELEGATED COMMITTEES | 50 |
| AUDIT AND RISK COMMITTEE..... | 51 |
| COMMUNITY ASSET COMMITTEES..... | 52 |
| CHAPTER 2 - DISCLOSURE OF CONFLICTS OF INTEREST | 53 |
| DISCLOSURES BY COUNCILLORS AND MEMBERS OF DELEGATED COMMITTEES | 54 |
| DISCLOSURES BY COUNCIL STAFF | 55 |
| CHAPTER 3 - MISCELLANEOUS | 57 |
| CHAPTER 4 - ELECTION PERIOD POLICY | 58 |
| Election Period Policy | 58 |
| PART 1 POLICY | 58 |
| 1. PURPOSE | 58 |
| 2. POLICY STATEMENT | 58 |
| 3. APPLICATION OF THIS POLICY..... | 59 |
| 4. ACCOUNTABILITY AND RESPONSIBILITIES | 59 |

OFFICIAL

5. DEFINITIONS59

6. DECISION MAKING.....61

12. RELATED POLICIES AND LEGISLATION67

13. POLICY REVIEW.....67

SCHEDULE 1 PROCEDURAL MOTIONS TABLE68

SCHEDULE 2 CONFLICT OF INTEREST DISCLOSURE73

OFFICIAL

INTRODUCTORY

1. NATURE OF RULES

1.1. 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

2.1. These Governance Rules commence on 16 April 2024

3. CONTENTS

3.1. 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

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

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| Act | means the <i>Local Government Act 2020</i> . |
| Chief Executive Officer (CEO) | includes an Acting Chief Executive Officer. |
| Code of Conduct | has the same meaning as defined by the Act. |
| Council | means Strathbogie Shire Council. |
| Election period | means the period that: <ul style="list-style-type: none">• starts at the time that nominations close on nomination day; and• ends at 6 p.m. on election as defined by the Act |
| Mayor | means the Mayor of Council. |

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5. CONTEXT

- 5.1. These Rules should be read in the context of and in conjunction with:
- 5.2. the overarching governance principles specified in section 9(2) of the Act; and
- 5.3. the following documents adopted or approved by Council:
 - 5.3.1. Councillor Code of Conduct
 - 5.3.2. Staff Code of Conduct
 - 5.3.3. Relevant Council Policies and CEO Directives; and
 - 5.3.4. Local Law No 1 Use of Common Seal 2020.

6. DECISION MAKING

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

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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

7.1. The purpose of this Chapter is to:

- 7.1.1. provide for the election of the Mayor and any Deputy Mayor;
- 7.1.2. provide for the appointment of any acting Mayor;
- 7.1.3. provide for the procedures governing the conduct of Council meetings;
- 7.1.4. provide for the procedures governing the conduct of Delegated Committees;
and
- 7.1.5. the form and availability of meeting records.

8. DEFINITIONS FOR THE MEETINGS PROCEDURES CHAPTER

8.1. In this Chapter:

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| Advisory Committee or Group | means a committee or group established by the Council, that provides advice to: <ul style="list-style-type: none">• Council; or• a member of Council staff who has been delegated a power, duty or function of 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 Chair of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the Act and includes an acting, temporary and substitute Chair. |
| Community Asset Committee | means a Community Asset Committee established under section 65 of the Act. |

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| 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 (whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance |
| 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 | <p>means any disorderly conduct of a member of the Gallery or a Councillor and includes:</p> <ul style="list-style-type: none"> • interjecting when another person is speaking, except, in the case of where a Councillor is raising a point of order; • making comments that are defamatory, malicious, abusive or offensive; • refusing to leave the meeting when requested, ordered or directed to do so by the Chair, in accordance with the Act and these Governance Rules; and • 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 Governance Rules 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 |

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| | 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 |
| 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. |
| Written | includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and writing has a corresponding meaning. |

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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 Part 2 of the Act. The holder of this significant office is the Chair, at Council meetings, is the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties.

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9. LENGTH OF TERM OF THE MAYOR

9.1. Prior to election of the Mayor, Council must determine by resolution whether the Term of Office for the election will be one or two years.

10. ELECTION OF THE MAYOR

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

11. METHOD OF VOTING

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

12. DETERMINING THE ELECTION OF THE MAYOR

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

12.2. Nominations for the office of Mayor do not require a seconder.

12.2.1 The Chief Executive Officer shall ask each nominee, other than when self-nominated, if they accept the nomination.

12.3. Once nominations for the office of Mayor have been received and accepted, the following provisions will govern the election of the Mayor:

- 12.3.1. if there is only one nomination, the candidate nominated must be declared to be duly elected
- 12.3.2. if there is more than one nomination the Councillors present at the meeting must vote for one of the candidates, in the order of which nominations are received.
- 12.3.3. in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected. For the purposes of this Rule, and in accordance with the Act, an absolute majority means greater than half of the total number of Councillors of the Council.
- 12.3.4. 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.
- 12.3.5. if one of the remaining candidates receives an absolute majority of the votes, they are duly elected but if none of the remaining candidates receives an

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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.

12.3.6. in the event of two or more candidates having an equality of votes and one of them having to be declared:

12.3.6.1. a defeated candidate; and

12.3.6.2. duly elected

12.3.6.3. the declaration will be determined by lot; and

12.3.6.4. if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:

12.3.6.4.1. each candidate will draw one lot;

12.3.6.4.2. 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

12.3.6.4.3. 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" 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.

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13. ELECTION OF DEPUTY MAYOR AND CHAIRS OF DELEGATED COMMITTEES

13.1. Any election for the office of Deputy Mayor or Chair of a Delegated Committee will be regulated by Rules 10 - 12 (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).

14. CEREMONIAL SPEECHES

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

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15. APPOINTMENT OF ACTING MAYOR

15.1. 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 appointed.

MEETINGS

16. INTRODUCTION

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

16.2. In accordance with 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. If both are absent, Council must elect one of the Councillors as Chair of the meeting.

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16.3. The way in which Council and Committee meetings are conducted makes a significant contribution to good governance. The Chair 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.

16.4. The Chair is an independent leader of meetings and generally does not participate in debate or move or second motions.

16.5. 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 Code of Conduct and transparency commitments of Council.

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

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

16.8. In circumstances where all Councillor positions are simultaneously vacant the state government will advise on a process for interim governance of the Strathbogie Shire.

OFFICIAL

GOOD DECISION MAKING

17. ROLE OF THE CHAIR AND MEMBERS

17.1. The Chair, Councillors and members of Delegated Committees will ensure good decision-making by endeavoring to ensure:

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- 17.1.1. decision making is transparent to members and observer;
- 17.1.2. meeting members have sufficient information to make good decisions;
- 17.1.3. every member is supported to contribute to decisions;
- 17.1.4. any person whose rights are affected has their interests considered;
- 17.1.5. debate and discussion are focused on the issues at hand;
- 17.1.6. meetings are conducted in an orderly manner; and
- 17.1.7. decisions are made on the merits of the matter.

18. ROLE OF CHIEF EXECUTIVE OFFICER

18.1. The Chief Executive Officer, or their delegate, may participate in the meeting to provide support to the Chair.

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18.2. The Chief Executive Officer should:

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

19. ROLE OF COUNCILLORS AND MEMBERS OF DELEGATED COMMITTEES

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

- 19.1.1. seeking views of community members and reading agenda prior to the meeting;
- 19.1.2. demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda;
- 19.1.3. attending meetings and participating in debate and discussion;
- 19.1.4. 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
- 19.1.5. being courteous and orderly, observing the Councillor Code of Conduct and

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Mutual Respect Charter.

20. ROLE OF THE COMMUNITY

20.1. Council meetings are decision making forums and it is important that they are, to the maximum extent practicable, open to the community to attend and/or view proceedings.

20.2. Community members may only participate in Council meetings in accordance with these Rules.

20.3. Community members are encouraged to participate in Council's engagement forums.

20.4. Community members may seek to inform individual Councillors of their views by contacting them directly in advance of meetings.

20.5. Note that electronic recording devices may not be used by members of the community without prior written permission from the CEO, and that such permission will normally not be granted except for ceremonial purposes.

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NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

21. INTRODUCTORY

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

21.2. 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.strathbogie.vic.gov.au.

21.3. 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.

21.4. The agenda is to be made available to the public via Council's website www.strathbogie.vic.gov.au and at Customer Service Centres in Euroa and Nagambie.

22. DATES AND TIMES OF MEETINGS FIXED BY COUNCIL

22.1. 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 23 and fix additional meetings under Rule 24.

23. COUNCIL MAY ALTER MEETING DATES

23.1. 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.

24. MEETINGS NOT FIXED BY COUNCIL

24.1. The Mayor or at least three Councillors may by a written notice call a Council meeting. Such a meeting is commonly known as an Extraordinary Meeting of Council.

24.2. The written notice must specify the date and time of the Council meeting and the business to be conducted, which must consider:

- 24.2.1. the urgency of the business to be transacted; and
- 24.2.2. the availability of Councillors; and
- 24.2.3. a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.

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

24.4. 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.

24.5. The Chief Executive Officer must call an unscheduled meeting to elect a Mayor following a Council election declaration, which may also consider the role of Deputy Mayor and other matters as determined by the Chief Executive Officer. At this meeting the CEO may

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elect to not include public questions on the agenda.

25. NOTICE OF MEETING

25.1. 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 72 hours before the meeting.

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25.2. Notwithstanding sub-Rule 25.1, 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 their absence.

25.3. 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:

- 25.3.1. 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
- 25.3.2. prior to each additional Council meeting set under Rule 24
- 25.3.3. by giving notice on its website and via notices displayed in both the Euroa and Nagambie Customer Service Centres; and
- 25.3.4. whenever possible by publishing a notice in a newspaper generally circulating in the municipal district.

25.4. An agenda for each Council meeting will be made available on Council's website no less than 72 hours prior to the scheduled commencement of the meeting, unless in the case of an emergency as determined by the Chief Executive Officer.

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OFFICIAL

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. It should be noted that under section 61(6A) of the *Local Government Act 2020*, for the purposes of these meetings, a Councillor present by electronic means of communication is deemed present for the purposes of a quorum.

26. INABILITY TO OBTAIN A QUORUM

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

- 26.1.1. the meeting will be deemed to have lapsed; and
- 26.1.2. the Mayor must convene another Council meeting, the agenda for which will be identical to the agenda for the lapsed meeting; and
- 26.1.3. the Chief Executive Officer must give all Councillors written notice of the meeting convened by the Mayor.

27. INABILITY TO MAINTAIN A QUORUM

27.1. If a quorum cannot be maintained through the duration of any Council meeting then Rule 26 will apply.

27.2. Sub-Rule 27.1 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.

27.3. 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.

27.4. If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interests by the majority of Councillors, Council will determine:

- 27.4.1. the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
- 27.4.2. 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.

27.5. If a quorum cannot be achieved or maintained due to the 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:

- 27.5.1. the Chief Executive Officer; or
- 27.5.2. 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.

OFFICIAL

27.6. 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.

27.7. 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.

27.8. Where it is not practicable, because of time constraints, to give full notice of the continuation of the adjourned meeting every reasonable attempt must be made to contact each Councillor either verbally, or by some other means.

27.9. Notice of an adjournment to another date or time must be published on Council's website as soon as practicable and is sufficient if the normal notice cannot be given.

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28. ADJOURNED MEETINGS

28.1. 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.

28.2. 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.

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

29. TIME LIMITS FOR MEETINGS

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

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

29.3. 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 this rule apply to the re-convened meeting.

30. CANCELLATION OR POSTPONEMENT OF A MEETING

30.1. 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.

30.2. 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 this Rule.

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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 the 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.

31. AGENDA AND THE ORDER OF BUSINESS

31.1. The agenda for and the order of business 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.

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

- 31.2.1. Contained on the agenda; or
- 31.2.2. Is admitted as Urgent Business in accordance with Rule 33.

31.3. The order of business on the agenda will be as follows:

- 31.3.1. Welcome
- 31.3.2. Acknowledgement of Traditional Landowners
- 31.3.3. Apologies/Leaves of Absence
- 31.3.4. Disclosures of Conflicts of Interest
- 31.3.5. Confirmation of Minutes of Previous Meetings
- 31.3.6. Petitions
- 31.3.7. Reports from the Mayor and Councillors
- 31.3.8. Public Question Time
- 31.3.9. Officer Reports
- 31.3.10. Notices of Motion
- 31.3.11. Notices of Rescission
- 31.3.12. Urgent Business; and
- 31.3.13. Confidential Business.

31.4. Planning reports relating to statutory and strategic planning matters will be listed at the start of Officer Reports.

OFFICIAL

32. CHANGE TO ORDER OF BUSINESS

32.1. Once an agenda has been sent to Councillors, the order of business for that Council meeting may be altered with the consent of Council.

33. URGENT BUSINESS

33.1. 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:

33.1.1. relates to, or arises out of, a matter which has arisen since distribution of the agenda; and

33.1.2. cannot safely or conveniently be deferred until the next Council meeting.

33.2. If these requirements for urgent business to be considered cannot be met, the business must be held over until the next scheduled Council meeting.

OFFICIAL

COMMUNITY PARTICIPATION

34. PARTICIPATION

34.1. Council is committed to transparency in decision making and, in accordance with the Act, Council and Delegated Committee Meetings are open to the public and the municipal community are able to attend either physically or electronically.

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

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

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

34.5. 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.

34.6. 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.

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

34.8. Community members participating in Council meetings through any of these pathways are required to show their faces when presenting, whether participating in person or remotely. The Chair may waive this requirement. Community members wishing to present their questions remotely should contact Council at least 24 hours prior to the meeting to ensure their electronic link will work.

34.9. It will remain the responsibility of the person attending electronically to ensure that they have the required access and environment suitable for electronic communications

35. QUESTION TIME

35.1. There must be a public question time at every Council meeting, except a Meeting called to elect a Mayor following a Council election declaration, to enable members of the municipal community to submit questions to Council.

35.2. This Rule does not apply during any:

35.2.1. period when a meeting is closed to members of the public in accordance with section 66(2) of the Act; or

35.2.2. election period.

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

35.4. Questions submitted to Council must meet all of the following:

35.4.1. be in writing and state the name and address of the person submitting the question;

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- 35.4.2. be generally in a form approved or permitted by Council;
 - 35.4.3. be lodged either by delivery to Council's main office, or electronically at the prescribed email address 30 hours prior to the Council meeting; and
 - 35.4.4. be lodged by a Strathbogie Shire resident or ratepayer.
- 35.5. No person may submit more than two questions at anyone meeting.
- 35.6. If a person has submitted two questions to a meeting, the second question may:
- 35.6.1. at the discretion of the Chair, be deferred until all other persons who have asked a question to have had their questions asked and answered, or
 - 35.6.2. 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.
- 35.7. If the person who has submitted the question is not present at the meeting either in person or virtually, the question will not be read out. A response will be made directly to the person who submitted the question.
- 35.8. A question may be disallowed by the Chair if the Chair determines that it:
- 35.8.1. relates to a matter outside the duties, functions, and powers of Council;
 - 35.8.2. is defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
 - 35.8.3. deals with a subject matter already answered;
 - 35.8.4. is aimed at embarrassing a Councillor or a Council officer;
 - 35.8.5. relates to personnel matters;
 - 35.8.6. relates to the personal hardship of any resident or ratepayer;
 - 35.8.7. relates to industrial matters;
 - 35.8.8. relates to contractual matters;
 - 35.8.9. relates to proposed developments;
 - 35.8.10. relates to legal advice;
 - 35.8.11. relates to matters affecting the security of Council property; or
 - 35.8.12. relates to any other matter which Council considers would prejudice Council or any person.
- 35.9. Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.
- 35.10. 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.
- 35.11. Like questions may be grouped together and a single answer provided.

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35.12. The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.

35.13. 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.

35.14. A Councillor or the Chief Executive Officer may advise Council that it is their 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 briefly state 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.

36. PETITIONS AND JOINT LETTERS

36.1. A petition signed by less than ten people will be treated as a joint letter and forwarded directly to the Chief Executive Officer for consideration as an operational matter.

36.2. Every petition signed by ten or more people submitted to Council must:

- 36.2.1. be legible and in writing;
- 36.2.2. be clear in what matter it relates to and identifies the action(s) being sought from Council;
- 36.2.3. not be derogatory, defamatory, or objectionable in language or nature;
- 36.2.4. not relate to matters outside the powers of Council;
- 36.2.5. if submitted in hard copy, include the names, addresses and original signatures of the petitioners; and
- 36.2.6. if submitted as an online or electronic petition must include, as a minimum, the names and addresses of the petitioners.
- 36.2.7. a petition must be received 30 hours prior to the Council meeting.

36.3. 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.

36.4. Any Councillor presenting a petition is responsible for ensuring that:

- 36.4.1. he or she is familiar with the contents and purpose of the petition; and
- 36.4.2. the petition is not derogatory, defamatory, or objectionable in language or nature.

36.5. Unless a petition relates to an item listed on the agenda for any meeting at which it is submitted, in which case the petition may be dealt with in conjunction with the item, the only motions that may be considered by Council on any petition are that the petition be:

- 36.5.1. received and noted;
- 36.5.2. referred to the Chief Executive Officer or relevant Director for consideration and response; or

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36.5.3. referred to the Chief Executive Officer or relevant Director for a report to a future Council Meeting.

36.6. 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.

37. REPRESENTATIONS AND DEPUTATIONS

37.1. 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.

37.2. 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.

37.3. 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.

37.4. 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.

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

37.6. The person in addressing the Council must:

37.6.1. confine their address to the five-minute allocation of time, unless extended by the Chair;

37.6.2. extend due courtesy and respect to the Council and the processes under which it operates; and

37.6.3. take direction from the Chair whenever called upon to do so.

37.7. There will be no discussion or debate with the person making the deputation aside from Councillors asking questions of clarification of the presenter.

37.8. Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.

37.9. 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.

37.10. Those wishing to make a deputation on an item on the agenda must record their intention to do so by informing the Chief Executive Officer 30 hours prior to the Council meeting by one of the following means:

37.10.1. Email to info@strathbogje.vic.gov.au

37.10.2. Telephone to 1800 065 933

37.10.3. Using our online form at www.strathbogje.vic.gov.au.

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37.11. 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.

REPORTS FROM COUNCILLORS

38. REPORTS

38.1. Provision shall be made on every Council meeting agenda for a Mayoral Report around activities undertaken in the previous month.

38.2. 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.

OFFICIAL

MOTIONS AND DEBATE

39. OUTLINE

39.1. This section describes the procedure for introducing a motion or amendment, the rules of debate, foreshadowing a motion or amendment and the duty of the Chair, 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).

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39.2. 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.

39.3. 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.

40. COUNCILLORS MAY PROPOSE NOTICES OF MOTION

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

41. NOTICE OF MOTION

41.1. A valid notice of motion must be:

- 41.1.1. in writing and seconded in writing; and
- 41.1.2. signed by the Councillor lodging the notice of motion; and
- 41.1.3. lodged with, or sent to, the Chief Executive Officer a minimum of five days (120 hours) before the meeting is scheduled to allow the Notice of Motion and any accompanying officer report to be distributed in the agenda papers to all Councillors with required notice under these rules

41.2. The Chief Executive Officer must, as soon as possible after receipt of a valid notice of motion, electronically circulate the notice of motion.

41.3. A notice of motion must call for a Council report if the notice of motion proposes any action that:

- 41.3.1. impacts the levels of Council service;
- 41.3.2. commits Council to expenditure greater than \$50,000 that is not included in the adopted Council Budget;
- 41.3.3. proposes to establish, amend, or extend Council policy;
- 41.3.4. proposes to impact the rights of any person who has not had the opportunity to contribute their views;
- 41.3.5. commits Council to any contractual arrangement; or
- 41.3.6. concerns any litigation in respect of which Council is a party.

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41.4. The Chief Executive Officer may reject any notice of motion which:

- 41.4.1. is too vague;
- 41.4.2. is defamatory;
- 41.4.3. may be prejudicial to any person or Council;
- 41.4.4. is objectionable in language or nature;
- 41.4.5. is outside the powers of Council;
- 41.4.6. is submitted during the election period, or
- 41.4.7. in any way contravenes or is counter to these Governance Rules or adopted policies of Council.

41.5. In exercising the power to reject a motion, the Chief Executive Officer must:

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

41.6. 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.

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

41.8. 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 an Officer report outlining the policy, financial and resourcing implications if the notice of motion is passed.

41.9. 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.

41.10. 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.

41.11. 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.

41.12. 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 co-signatory or any other Councillor may move the motion.

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

42. CHAIR'S DUTY

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

OFFICIAL

- 42.1.1. Defamatory;
- 42.1.2. objectionable in language or nature;
- 42.1.3. vague or unclear in intention;
- 42.1.4. outside the powers of Council;
- 42.1.5. irrelevant to the item of business on the agenda and has not been admitted as urgent; or
- 42.1.6. purports to be an amendment but is not.

43. OFFICERS MAY INTRODUCE A REPORT

43.1. 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:

- 43.1.1. its background; or
- 43.1.2. the reasons for any recommendation.

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

44. INTRODUCING A MOTION

44.1. The procedure for moving any motion is:

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| 44.1.1. the mover must state the motion without speaking to it | <i>(Chair): Is there a motion?</i> <i>Mover: I move that.....</i> |
| 44.1.2. the motion must be seconded by a Councillor other than the mover | <i>Secunder: I second the motion</i> |
| 44.1.3. if a motion is not seconded the motion lapses | |
| 44.1.4. if a motion, is moved and seconded the Chair must ask: | <i>Is the motion opposed or does any Councillor wish to speak to the motion?</i> |
| 44.1.5. if no Councillor indicates opposition or a desire to speak to it, the Chair may put the motion to the vote without discussion | <i>(No)</i> <i>Then I will put the motion to a vote. Those in favour? Those against? The motion is carried/lost</i> |
| 44.1.6. if a Councillor indicates opposition or a desire to speak to the motion, then the Chair must firstly call on the mover to address the meeting | <i>(Yes)</i> <i>Cr (Mover_Name), would you like to speak to the motion?</i> |
| 44.1.7. after the mover has addressed the meeting, the Chair must call on the seconder to address the meeting, although the seconder | <i>Cr (Secunder_Name), would you like to speak to the motion or reserve your right to speak until</i> |

OFFICIAL

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| 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 45, have been heard | <i>other Councillors have spoken?</i> |
| 44.1.8. 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 | <i>Would any other Councillors like to speak to the motion?</i> <i>Cr (Against_Name)?</i> <i>Cr (For_Name)?</i> |
| 44.1.9. 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. | <i>Cr (Mover_Name), would you like to exercise a right of reply?</i> <i>Then/Now I will put the motion to a vote. Those in favour? Those against? The motion is carried/lost</i> |

44.2 A Councillor who has the floor must not be interrupted unless called to order (a Point of Order is raised) 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.

45. RIGHT OF REPLY

- 45.1. The mover of a motion has a right of reply to matters raised during debate.
- 45.2. No new material may be raised by the mover during this right of reply.
- 45.3. After the right of reply has been taken, but subject to any Councillor exercising their 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.

46. MOVING AN AMENDMENT

- 46.1. Subject to sub-Rule 46.2 a motion which has been moved and seconded may be amended by leaving out, inserting, or adding words. Any added words must be relevant to the subject of the motion and framed to complement it.
- 46.2. A motion to confirm a previous resolution of Council cannot be amended.
- 46.3. The Chair must not allow an amendment which changes the substance of the motion.

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47. WHO MAY PROPOSE AN AMENDMENT

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

OFFICIAL

48. THE NUMBER OF AMENDMENTS THAT MAY BE PROPOSED

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

48.2. 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.

49. CONSIDERING AN AMENDMENT

49.1. 49.1 The procedure for moving any amendment is:

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| 49.1.1. | the mover must state the amendment without speaking to it | <i>Cr (Amendment Mover): I move that the motion be amended to...</i> |
| 49.1.2. | the amendment must be seconded by a Councillor other than the mover | <i>Cr (Amendment Seconder): I second the motion</i> |
| 49.1.3. | if an amendment is not seconded the amendment lapses | |
| 49.1.4. | if an amendment, is moved and seconded the Chair must ask: | <i>Chair: Is the amendment opposed or does any Councillor wish to speak to the amendment?</i> |
| 49.1.5. | if no Councillor indicates opposition or a desire to speak to it, the Chair may put the amendment to the vote without discussion | <i>No Then I will put the amended motion to a vote. Those in favour? Those against? The amended motion is carried/lost</i> |
| 49.1.6. | if a Councillor indicates opposition or a desire to speak to the amendment, then the Chair must firstly call on the amendment mover to address the meeting | <i>Yes Cr (Amendment Mover), would you like to speak to the motion?</i> |
| 49.1.7. | after the amendment mover has addressed the meeting, the Chair must call on the amendment seconder to address the meeting, although the amendment seconder may reserve the right to address the meeting until all other Councillors wishing to speak to the matter, have been heard | <i>Cr (Amendment Seconder), would you like to speak to the motion or reserve your right to speak until other Councillors have spoken?</i> |
| 49.1.8. | if the amendment seconder wishes to address the meeting immediately after the mover has spoken, once they have done so, the Chair must then invite debate by calling on any Councillor who wishes to speak to the amendment, providing an opportunity to alternate between those wishing to speak against the amendment and those wishing to speak for the | <i>Would any other Councillors like to speak to the motion? Cr (Against)? Cr (For)?</i> |

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| amendment; and | |
| 49.1.9. if, after the amendment mover has addressed the meeting, the Chair has invited debate and no other Councillor speaks to the motion, then the Chair must put the amendment to the vote. | <i>Then I will put the amended motion to a vote. Those in favour? Those against? The amended motion is carried and becomes the substantive motion before Council</i> <i>OR</i> <i>lost and we revert to the original motion.</i> |

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49.2. There is no right of reply for the proposer of an amendment.

50. AN AMENDMENT ONCE CARRIED

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

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

51. FORESHADOWING MOTIONS

51.1. A Councillor may foreshadow a motion, so as to inform Council of their 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.

51.2. 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.

51.3. 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.

51.4. The Chair is not obliged to accept foreshadowed motions.

52. WITHDRAWAL OF MOTIONS

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

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

53. SEPARATION OF MOTIONS

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

54. CHAIR MAY SEPARATE MOTIONS

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

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55. MOTIONS IN WRITING

- 55.1. The Chair may require that a complex or detailed motion be submitted in writing.
- 55.2. Council may resolve to:
 - 55.2.1. adjourn the meeting while the motion is being written; or
 - 55.2.2. defer the matter until the motion has been written thereby allowing the meeting to proceed uninterrupted.

56. REPEATING MOTION AND/OR AMENDMENT

- 56.1. 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.

57. PRIORITY OF ADDRESS

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

58. DEBATE MUST BE RELEVANT TO THE MOTION

- 58.1. 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.
- 58.2. 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.
- 58.3. A speaker to whom a direction has been given under sub-Rule 52.2 must comply with that direction.

59. SPEAKING TIMES

- 59.1. A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:
- 59.2. the mover of a motion or an amendment which has been opposed: five minutes
- 59.3. any other Councillor: five minutes
- 59.4. the mover of a motion exercising a right of reply: five minutes.

60. ADDRESSING THE MEETING

- 60.1. If the Chair so determines, any person addressing the Chair must refer to the Chair as:
 - 60.1.1. Mayor; or
 - 60.1.2. Mayor (Surname); or
 - 60.1.3. Chair; or
 - 60.1.4. Chair (Surname)

OFFICIAL

as the case may be.

60.2. all Councillors, other than the Mayor, must be addressed as Cr (Name)

60.3. all members of Council staff must be addressed as Position Title (Surname), as appropriate.

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61. RIGHT TO ASK QUESTIONS

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

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

OFFICIAL

PROCEDURAL MOTIONS

62. PROCEDURAL MOTIONS

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

62.2. Procedural motions require a seconder.

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

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RESCISSION MOTIONS

63. NOTICE OF RESCISSION

63.1. A Notice of Rescission is a form of Notice of Motion which can have the effect of ceasing implementation of a resolution of Council until the rescission motion can be considered. All provisions set out under the Rules applying to Notices of Motion apply equally to Notices of Rescission.

63.2. A Notice of Rescission is not a tool to frustrate legitimate decisions of Council. Its use is normally made where new information has become available after the meeting, or a genuine error or oversight has been made by Councillors or Officers.

63.3. A notice of rescission will be valid provided:

- 63.3.1. it has been signed and dated by at least two Councillors;
- 63.3.2. the resolution proposed to be rescinded has not been acted on; and
- 63.3.3. the notice of rescission is delivered to the Chief Executive Officer setting out:
 - 63.3.3.1. the resolution to be rescinded; and
 - 63.3.3.2. the meeting and date when the resolution was carried.

63.4. The earlier a Notice for Rescission is received by the CEO, the more likely it will not have been acted upon.

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63.5. A resolution will be deemed to have been acted on if:

- 63.5.1. its contents or substance has been communicated in writing to a person whose interests are materially affected by it; or
- 63.5.2. a statutory process has been commenced.

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so as to vest enforceable rights in our obligations on Council or any other person.

63.6. 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 is the subject of a valid notice of rescission.

64. IF LOST

64.1. 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.

65. IF NOT MOVED

65.1. A motion for rescission lapses if it is not moved at the meeting at which it is listed.

66. MAY BE MOVED BY ANY COUNCILLOR

66.1. A motion for rescission listed on an agenda may be moved by any Councillor present but may not be amended.

OFFICIAL

67. WHEN NOT REQUIRED

67.1. A motion for rescission is not required where Council wishes to change policy unless sub-Rule 76.2 applies.

67.2. The following standards apply if Council wishes to change policy:

- 67.2.1. 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
- 67.2.2. 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.

OFFICIAL

POINTS OF ORDER

68. OUTLINE

68.1. A point of order is taken when a Councillor draws the attention of the Chair 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.

69. CHAIR TO DECIDE

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

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70. CHAIR MAY ADJOURN TO CONSIDER

70.1. The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

70.2. All other questions before the meeting are suspended until the point of order is decided.

71. DISSENT FROM CHAIR'S RULING

71.1. 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".

71.2. 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 their place.

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

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

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

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

71.6. 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.

71.7. 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.

72. PROCEDURE FOR POINT OF ORDER

72.1. A Councillor raising a point of order must state:

72.1.1. the point of order; and

72.1.2. any section, rule, paragraph, or provision relevant to the point of order.

OFFICIAL

73. VALID POINTS OF ORDER

73.1. A point of order may be raised in relation to:

- 73.1.1. a motion, which, under Rule 42 should not be accepted by the Chair;
- 73.1.2. a question of procedure; or
- 73.1.3. any irregularity in the proceedings.

OFFICIAL

CLOSURE OF MEETINGS

74. CLOSURE

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

- 74.1.1. there are clear reasons for particular matters to remain confidential; or
- 74.1.2. a meeting is required to be closed for security reasons; or
- 74.1.3. it is necessary to enable the meeting to proceed in an orderly manner.

74.2. If a meeting is closed to the public for the reasons outlined in sub-Rule 74.1.2 or in 74.1.3, 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.

74.3. Under the circumstances described in 74.1.2 and 74.1.3 Council may also consider:

- 74.3.1. Conducting 'extraordinary' meetings to deal only with matters which may be targeted for disruptive behaviour by members of the public;
- 74.3.2. managing attendance at council meetings, including requiring attendees to register their attendance by providing their name and proof of identity;
- 74.3.3. managing attempts to bring in promotional or offensive material, for example placards, banners, posters, or other signage.

OFFICIAL

VOTING

75. VOTING

75.1. 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.

75.2. Sometimes a Councillor may want their vote recorded - this is provided for in this section, along with the procedure when a Councillor calls for a division on a vote which records in the minutes how each Councillor voted.

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HOW A MOTION IS DETERMINED

75.3. 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.

76. SILENCE

76.1. Voting must take place in silence.

77. RECOUNT

77.1. The Chair may direct that a vote be recounted to satisfy themselves of the result.

78. CASTING VOTE

78.1. In the event of a tied vote, the Chair must exercise a casting vote in accordance with the Chair's view of the best interests of the community.

79. BY SHOW OF HANDS

79.1. 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.

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

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80. PROCEDURE FOR A DIVISION

80.1. 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.

80.2. When a division is called for, the vote already taken must be treated as set aside and the division will decide the question, motion, or amendment.

80.3. When a division is called for, the Chair must:

- 80.3.1. 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 their hand;

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- 80.3.2. the Chair must then state, and the Chief Executive Officer or any member of staff nominated by the Chief Executive Officer must record, the names of those Councillors voting in the affirmative;
- 80.3.3. 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 their hands; and
- 80.3.4. the Chair must then state, and the Chief Executive Officer or any member of staff nominated by the Chief Executive Officer must record, the names of those Councillors voting in the negative.

81. NO DISCUSSION ONCE DECLARED

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

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

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MINUTES

82. MINUTES CONTENT

82.1. 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.

83. CONFIRMATION OF MINUTES

83.1. At every Council meeting the minutes of the preceding meeting(s) must be dealt with as follows:

- 83.1.1. a copy of the unconfirmed minutes must be delivered to each Councillor with the draft agenda and papers for the next meeting.
- 83.1.2. if no Councillor indicates opposition, the unconfirmed minutes must be declared to be confirmed.
- 83.1.3. if a Councillor indicates opposition to the minutes:
 - 83.1.3.1. the Councillor must specify the item(s) to which they object
 - 83.1.3.2. the objected item(s) must be considered separately and in the order in which they appear in the minutes
 - 83.1.3.3. the Councillor objecting must move accordingly without speaking to the motion
 - 83.1.3.4. the motion must be seconded
 - 83.1.3.5. the Chair must ask
"Is the motion opposed?"
 - 83.1.3.6. 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 83.1.9
 - 83.1.3.7. if a Councillor indicates opposition, then the Chair must call on the mover to address the meeting
 - 83.1.3.8. after the mover has addressed the meeting, the seconder may address the meeting
 - 83.1.3.9. 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
 - 83.1.3.10. 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

OFFICIAL

83.1.3.11. 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 the question must be put to the vote accordingly.

83.1.4. 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

83.1.5. the minutes must be:

83.1.5.1. entered in the minute book and each item in the minute book must be entered consecutively;

83.1.5.2. entered in the council Records Management System, and

83.1.5.3. made available on the Council website.

83.1.6. 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.

84. NO DEBATE ON CONFIRMATION OF MINUTES

84.1. 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.

85. DEFERRAL OF CONFIRMATION OF MINUTES

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

86. FORM AND AVAILABILITY OF MINUTES

86.1. 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:

86.1.1. the date, place, time, and nature of the meeting

86.1.2. the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance

86.1.3. the names of the members of Council staff present

86.1.4. any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 2 of these Rules, any third party or parties involved, and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest

86.1.5. arrivals and departures, including temporary departures, of Councillors during the course of the meeting

86.1.6. a summary of any questions submitted to Council during Question Time and

OFFICIAL

a summary of the Council response and/or action taken to those questions

86.1.7. a summary of the Officer Report

86.1.8. each motion and amendment moved, including motions and amendments that lapse for the want of a seconder

86.1.9. the vote cast by each Councillor upon a division

86.1.10. the vote cast by any Councillor who has requested that their vote be recorded in the minutes

86.1.11. questions upon notice

86.1.12. the failure of a quorum

86.1.13. any adjournment of the meeting and the reasons for that adjournment; and

86.1.14. the time at which standing orders were suspended and resumed.

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

86.2.1. published on Council's website; and

86.2.2. available for inspection at Council's Customer Service Centres at Euroa and Nagambie during normal business hours.

86.3. Nothing in sub-Rule 86.2 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.

OFFICIAL

BEHAVIOUR

87. PUBLIC ADDRESSING THE MEETING

87.1. Members of the public may only address the Council in accordance with (Community Participation) Rules 34-36 inclusive and with the consent of the Chair or by prior arrangement.

87.2. 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.

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

88. CHAIR MAY REMOVE

88.1. 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 Rule 87.

89. CHAIR MAY ADJOURN DISORDERLY MEETING

89.1. If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, the Chair may adjourn the meeting to a later time on the same day or to some later day as the Chair thinks proper. In that latter event, the new date must enable giving seven days' notice to the public of the time for the adjourned meeting and the provisions of Rule 29 regarding notice to Councillors, will also apply.

90. REMOVAL FROM CHAMBER

90.1. 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.

91. COUNCILLORS AND STAFF

91.1. In meetings Councillors must continue to observe the Standards of Conduct required under the Local Government (Governance and Integrity) Regulations 2020 and the Councillor Code of Conduct and officers must continue to observe the requirements of the Staff Code of Conduct CEO Directive. Both Councillors and staff must also continue to observe the Mutual Respect Charter.

OFFICIAL

ADDITIONAL DUTIES OF CHAIR

92. THE CHAIR'S DUTIES AND DISCRETIONS

- 92.1. In addition to the duties and discretions provided in this Chapter, the Chair must:
- 92.2. 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
- 92.3. call to order any person who is disruptive or unruly during any meeting.

OFFICIAL

SUSPENSION OF STANDING ORDERS

93. STANDING ORDERS

93.1. 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.

94. SUSPENSION OF STANDING ORDERS

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| 94.1. 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. | |
| 94.2. 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: | <i>That standing order be suspended to enable discussion on...</i> |
| 94.3. No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders. | |
| 94.4. 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: | <i>That standing orders be resumed</i> |

OFFICIAL

MISCELLANEOUS

95. MEETINGS CONDUCTED REMOTELY

95.1. The Chair may, with the consent of the meeting, modify the application of any of the Rules under the heading of MEETINGS PROCEDURE to facilitate the more efficient and effective transaction of the business of the meeting, if:

95.1.1. by law a meeting may be conducted electronically; and

95.1.2. Council decides that a meeting is to be conducted electronically.

96. PROCEDURE NOT PROVIDED IN THIS CHAPTER

96.1. 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).

97. CRITICISM OF MEMBERS OF COUNCIL STAFF

97.1. 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.

97.2. A statement under sub-Rule 97.1 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.

DELEGATED COMMITTEES

98. ESTABLISHMENT OF DELEGATED COMMITTEES

98.1. 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.

99. DELEGATED COMMITTEE MEETING PROCEDURE GENERALLY

99.1. If Council establishes a Delegated Committee:

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

99.1.2. any reference in this Chapter to:

99.1.2.1. a Council meeting is to be read as a reference to a Delegated Committee meeting

99.1.2.2. a Councillor is to be read as a reference to a member of the Delegated Committee; and

99.1.2.3. the Mayor is to be read as a reference to the Chair of the Delegated Committee.

100. DELEGATED COMMITTEE MEETING PROCEDURE CAN BE VARIED

100.1. Notwithstanding Rule 108, if Council establishes a Delegated Committee that is not composed solely of Councillors:

100.1.1. Council may; or

100.1.2. the Delegated Committee may, with the approval of Council

100.1.3. 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.

OFFICIAL

AUDIT AND RISK COMMITTEE

101. ESTABLISHMENT

101.1. 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.

101.2. Essentially, the Audit and Risk Committee is appointed to monitor Council's:

- 101.2.1. compliance with the Local Government Act and other legislation;
- 101.2.2. Financial management and performance reporting frameworks; and
- 101.2.3. Monitor and provide advice around risk mitigation and fraud control.
- 101.2.4. Importantly, this Committee has oversight of all internal and external audit functions.

102. AUDIT AND RISK COMMITTEE MEETING PROCEDURE GENERALLY

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

102.2. Council may, in establishing an Audit and Risk Committee, resolve that some or all of the provisions of the Meeting Procedure Chapter of these Governance Rules do not apply.

102.3. An Audit and Risk Committee must report the minutes of all Audit and Risk Committee meetings to the next practicable Council meeting.

102.4. An Audit and Risk Committee must act in accordance with the Charter adopted by Council.

OFFICIAL

COMMUNITY ASSET COMMITTEES

103. ESTABLISHMENT

103.1. The Act provides for Council to establish a Community Asset Committee for the management of community assets such as 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.

103.2. 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.

104. COMMUNITY ASSET COMMITTEE MEETING PROCEDURE

104.1. The Governance Rules set out in this Chapter may apply to any Community Asset Committee, as determined by Council.

104.2. Council may resolve, by establishing a Community Asset Committee, resolve which provisions of this Chapter apply but as a minimum must include the provisions relating to minutes.

104.3. A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.

104.4. 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

105. INTRODUCTION

105.1. 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.

105.2. The Act defines a relevant person having 'a **general conflict of interest** in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty' (with some exceptions).

105.3. The Act defines a relevant person having 'a **material conflict of interest** in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter'. It also defines what associations would make a person an affected person.

105.4. 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.

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

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

106. DEFINITION

106.1. In this Chapter:

106.1.1. "Meetings conducted under the auspices of council" means a meeting of the kind described in section 131(1) of the Act, and includes informal meetings of Council (whether such a meeting is known as a 'councillor briefing' or by some other name); and

106.1.2. a member of a Delegated Committee includes a Councillor.

107. OBLIGATIONS WITH REGARD TO CONFLICT OF INTEREST

107.1. Councillors, members of Delegated Committees and Council staff are required to:

107.1.1. Avoid – (where practicable) all situations which may give rise to conflicts of interest

107.1.2. Identify - any conflicts of interest; and

107.1.3. Disclose - or declare all conflicts of interest

107.1.4. If in a conflict of interest situation, do not seek to influence other Councillors around that conflict.

OFFICIAL

DISCLOSURES BY COUNCILLORS AND MEMBERS OF DELEGATED COMMITTEES

108. DISCLOSURE OF A CONFLICT OF INTEREST AT A MEETING

108.1. A Councillor or Member of a Delegated Committee who has a conflict of interest in a matter being considered at a meeting at which that person intends to be present must:

108.1.1. disclose that conflict of interest by providing a written notice to the Chief Executive Officer before the Council meeting commences:

108.1.1.1. advising of the conflict of interest

108.1.1.2. 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

108.1.1.3. detailing, if the nature of the conflict of interest involves a relationship with or a gift from another person, the:

108.1.1.3.1. name of the other person

108.1.1.3.2. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

108.1.1.3.3. nature of that other person's interest in the matter.

108.1.2. A disclosure form is attached at Schedule 3.

108.2. At the meeting, when called upon to declare any conflicts in the meeting the Councillor/Member must disclose the broad nature of the conflict, including whether it is a general or material conflict, and that written notice of the conflict has been provided to the CEO in accordance with the Governance Rules.

108.3. Immediately before the matter is considered at the meeting the Councillor/Member should confirm to those present that they have a conflict of interest for that item on the agenda, leave the meeting and not return to the meeting until after the consideration of the matter has been concluded.

108.4. Where a conflict of interest which was not foreseen by a Councillor or Member arises in a meeting the Councillor or Member must:

108.4.1. 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

108.4.2. absent themselves from any discussion of the matter; and

108.4.3. as soon as practicable after the meeting concludes provide the Chief Executive Officer a written notice recording that the disclosure was made and providing the detail required under Rule 108.1.1.

DISCLOSURES BY COUNCIL STAFF

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

109.1. A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:

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109.1.1. Council meeting;

109.1.2. Delegated Committee meeting; or

109.1.3. Community Asset Committee meeting.

109.2. must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer in accordance with Rule 108.1.1

109.3. The Chief Executive Officer must ensure that the Report referred to in sub-Rule 109.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

109.4. If the member of Council staff referred to in sub-Rule 109.1 is the Chief Executive Officer:

109.4.1. the written notice referred to in sub-Rule 108.1.1 must be given to the Mayor; and

109.4.2. the obligation imposed by sub-Rule 109.3 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

110.1. 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 in accordance with sub Rule 108.1.1.

110.2. If the member of Council staff referred to in sub-Rule 110.1 is the Chief Executive Officer the written notice must be given to the Mayor and recorded confidentially in the Council Electronic Document Records System.

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

111.1. 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 in accordance with sub Rule 108.1.1.

111.2. If the member of Council staff referred to in sub-Rule 111.1 is the Chief Executive Officer the written notice must be given to the Mayor and recorded confidentially in the Council Electronic Document Records System.

OFFICIAL

112. RETENTION OF WRITTEN NOTICES

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

CHAPTER 3 - MISCELLANEOUS

114. INFORMAL MEETINGS OF COUNCILLORS

114.1. If there is a meeting of Councillors that:

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

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

- 114.2.1. tabled at the next convenient Council meeting; and
- 114.2.2. recorded in the minutes of that Council meeting.

115. CONFIDENTIAL INFORMATION

115.1. If 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.

115.2. 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

Election Period Policy

| | |
|-----------------------------|-------------------------|
| Document ID: | 821690 |
| Effective Date: | [[insert date]] |
| Last Review: | [[insert date]] |
| Current Review: | [[insert date]] |
| Date Adopted by Council: | [[insert date]] |
| Next Scheduled Review Date: | [[insert date]] |
| Responsible Officer: | Chief Executive Officer |

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- Deleted: Director People and Governance

PART 1 POLICY

1. PURPOSE

The Local Government Act 2020 (the Act) requires the Council to include and adopt an Election Period Policy (Policy) in its Governance Rules.

The purpose of this Policy is to ensure transparency and accountability around the behaviour and actions of Councillors, Council staff, contractors, registered Council volunteers and candidates during the election period.

The 'election period' is the period that:

- a) starts at the time that nominations close on nomination day; and
- b) ends at 6pm on election day.

For the purposes of the 2024 general election this means that the election period starts at noon on 17 September 24 and ends at 6pm on 26 October 2024.

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2. POLICY STATEMENT

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:

- there is a level playing field for all candidates;
- Council information can be equally accessed by all candidates;
- Council resources are not used in any way to support a candidate;
- conflicts of interest are avoided;
- there is a distinct and clear separation of activities between an incumbent Councillor performing their role under the Act and that same person being a candidate or prospective candidate in a forthcoming election; and
- Council complies with its obligations under the Act.

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3. APPLICATION OF THIS POLICY

This Policy applies to all Councillors, Council staff, Council registered volunteers and contractors, and must be complied with when they are:

- involved in making decisions;
- about to publish material which has reference in it to a candidate (including incumbent Councillors), the election or an issue before the voters in connection with the election;
- involved in any public consultation process;
- involved in organizing a function or event;
- supplying administrative or resource support to Councillors;
- a Councillor requesting access to Council information; and
- a Councillor requesting media advice or assistance.

4. ACCOUNTABILITY AND RESPONSIBILITIES

| Role | Responsibilities |
|-------------------------------|---|
| Chief Executive Officer (CEO) | <p><u>During an election period, the CEO will, as far as practicable, plan for significant policy matters to be considered well in advance of the election period and ensure Council staff are aware of their obligations during an election period.</u></p> <p><u>The CEO will also actively monitor:</u></p> <ul style="list-style-type: none"> <u>decisions made by Council, Delegated Committees or staff members as delegates during the election period;</u> <u>Council's publications, promotions, media, consultations and events during the election period;</u> <u>the use of Council resources, including venues, during the election period; and</u> <u>access to Council information by Councillors and candidates during the election period.</u> <p><u>The CEO will keep a Request for Information Register.</u></p> |
| Councillors | <p><u>During the election period, a Councillor:</u></p> <ul style="list-style-type: none"> <u>will continue to perform their role as a Councillor (unless granted a leave of absence);</u> <u>may continue to engage and communicate with the community in performing their role as a Councillor;</u> <u>must comply with the Act and Councillor Code of Conduct; and</u> <u>must not misuse their position to direct or improperly influence Council staff, or access Council resources or information, in support of any election campaign or candidacy.</u> |

5. DEFINITIONS

| Term | Meaning |
|------|--|
| Act | <u>means the Local Government Act 2020</u> |

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| <u>Candidate</u> | <p>means a person who:</p> <ol style="list-style-type: none"> 1. <u>has nominated as a candidate for an election under section 256 of the Act; or</u> 2. <u>has:</u> <ul style="list-style-type: none"> • <u>publicly expressed an intention to be a candidate in the election; or</u> • <u>formally nominated as a candidate in the election with the Election Manager.</u> |
| <u>Chief Executive Officer (CEO)</u> | includes an Acting Chief Executive Officer. |
| <u>Council</u> | means Strathbogie Shire Council |
| <u>Council Branding</u> | <p>means branding and logos related to Council or the:</p> <ul style="list-style-type: none"> • <u>Euroa Community Cinema;</u> • <u>Euroa Visitor Information Centre (The Hub);</u> • <u>Nagambie Visitor Information Centre;</u> • <u>Evolve Youth Committee; or</u> • <u>Active Evolution youth activity.</u> |
| <u>Council Resources</u> | <p>means Council:</p> <ul style="list-style-type: none"> • <u>staff, contractors and registered Council volunteers;</u> • <u>owned property, or property managed or controlled by Council on behalf of a third party;</u> • <u>equipment;</u> • <u>stationery; or</u> • <u>finances.</u> |
| <u>Electioneering</u> | 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. |
| <u>Election Manager</u> | means the Victorian Electoral Commission or a person appointed in writing by the Victorian Electoral Commission. |
| <u>Electoral Material</u> | 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 Delegated Committee meeting. |
| <u>Electoral Matter</u> | <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 Election Manager for the purposes of conducting an election.</p> <p>Electoral matter is to be interpreted as being matter 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"> • <u>the election, or</u> • <u>a candidate in the election, or</u> |

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(a) The person appointed by a Council to be its Chief Executive Officer under section 44 of the Act or any person acting in that position; and/or ¶

(b) The Chief Executive Officer's delegate ¶

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| | <ul style="list-style-type: none"> an issue submitted to, or otherwise before, the voters in an election. <p>It includes content which:</p> <ul style="list-style-type: none"> publicises the strengths or weaknesses of a candidate; advocates the policies of the Council or of a candidate; responds to claims made by a candidate; or publicises the achievements of the elected Council. |
| <u>Publish</u> | means publish by any means, including by publication on the Internet |
| <u>Public Consultation</u> | means a process that involves an invitation(s) to individuals, groups, organisations or the community generally to comment on an issue, proposed action, or proposed policy but excludes any consultation required to be conducted by an Act or Regulation. |
| <u>Social Media and Websites</u> | <p>means any form of social media account (e.g. Facebook, X and Instagram) website, app or other publicly available digital platform where content is directly managed, owned or auspiced by Council, including but not limited to:</p> <ul style="list-style-type: none"> Council's Facebook, X and Instagram accounts; Euroa Community Cinema Facebook, X and Instagram accounts; Evolve Facebook account; What's on in Strathbogie Shire; and any other auspiced social media site managed by committees appointed by Council. |

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6. DECISION MAKING

The ordinary, day to day business of local government must continue throughout the election period. That business will be conducted by Council (and, in particular, its staff) in a responsible and transparent manner and in accordance with statutory requirements.

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6.1 Limitations

In accordance with section 69(2) of the Act, this Policy prohibits any of the following decisions being made by Council during the election period for a general election:

- (a) 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;
- (b) 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;
- (c) A decision that could reasonably be deferred until the next Council is in place; or
- (d) A decision the Council considers should not be made during an election period.

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Section 69(4) of the Act provides that a Council decision made in contravention of subsection (2) (a) or (b) of section 69 is invalid. Further, Council recognizes that any person who suffers any loss or damage because of acting in good faith on a Council decision that is invalid is entitled to compensation from Council for that loss or damage under section 69(5) of the Act.

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The following are decisions that Council considers should not be made during the election period for a general election:

- Allocation of community grants;
- Direct funding to community organisations;
- Major Planning Scheme Amendments;
- Significant planning applications; and
- Changes to strategic objectives and strategies in the Council Plan.

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6.2 Council and Delegated Committee Meetings

The only items of business to be considered at a Council or Delegated Committee meeting held during the election period for a general election will be those related to adopting the Annual Report (including financial statements for the Annual Report), procedural items to complete Council's term of office (such as noting records of Briefings of Council) and consideration of minor and non-contentious planning permit applications.

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Public Question Time will be suspended during the election period for a general election.

No Notices of Motion will be accepted by the Chief Executive Officer for a Council meeting held during the election period for a general election.

6.3 Election Period Statement

During the election period for a general election, 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."

The Election Period Statement must appear on every report submitted to a Council or Delegated Committee meeting.

7. ANNUAL REPORT

Section 98 of the Act requires Council to prepare an Annual Report and submit it to the Minister for Local Government by the end of September each year. Since the Annual Report will ordinarily be presented to a meeting of Council during the election period, the following apply to an Annual Report presented to a Council meeting in the year of a general election:

- The Annual Report must not include electoral matter, or publicise the attributes or achievements of individual Councillors.
- Information referring to specific Councillors in the Annual Report will be limited to names, titles, contact details and membership of Delegated Committees and other bodies to which they have been appointed by Council.
- A Mayor's message will be included in the Annual Report but restricted to general Council business and not specific achievements of elected representatives.
- The Chief Executive Officer will determine the final content of the Annual Report

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- Council will print and distribute the same number of copies of the Annual Report during an election period as for the preceding year./ The Annual Report is available on Council's website and display copies will be available at customer service centres.

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8. ACCESS TO INFORMATION

8.1 Requests for Access to Council Information

Given that Councillors continue to perform their roles during the election period, they will continue to receive all information necessary to fulfil their roles.

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Councillors may continue to access Council information and public documents during the election period but only as is necessary for them to perform their roles as Councillors.

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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.

Briefing papers in relation to the Annual Report and procedural matters to be decided at the Council or Delegated Committee meeting during the election period will also be provided to Councillors.

All requests from Councillors to Council staff for information about Council's existing projects, programs or services will be responded to in a 'business as usual' manner. This means that up to date responses will be provided about progress on Council projects or services to Councillors, as well as candidates more generally and members of the community.

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.

All election-related enquiries from candidates or prospective candidates (whether Councillors or not) must be directed to the Election Manager. Where the matter is outside the responsibilities of the Election Manager the matter will be referred to the Chief Executive Officer or their delegate.

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Applications for information under Freedom of Information legislation will be dealt with in the usual manner.

8.2 Keeping a Request for Information Register

A Request for Information Register will be maintained by the Chief Executive Officer and available for inspection by the public upon request.

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- 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 candidates and a summary of the responses provided.

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- Council staff are required to discuss requests for information by Councillors and candidates with their Manager to determine an appropriate response prior to providing or declining to provide the information.

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- Managers are responsible for ensuring all requests are logged onto the Register.

- Requests for information that require significant resources to be devoted to a response, or which might be perceived to support a candidate, will be referred to the Chief Executive

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Officer or their delegate.

- The Register will be published on Council's website for the duration of the election period, including a summary of responses and/or link to any requested public document.

9. COUNCIL MEDIA, SOCIAL MEDIA PLATFORMS AND PUBLICATIONS

9.1 Vetting of Publications by the Chief Executive Officer

Section 304(2) of the Act provides that:

A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Penalty: 60 penalty units.

The Chief Executive Officer or their delegate must vet all material:

9.1.1 made available during the election period irrespective of when it was printed, published or distributed before or after the start of the election period; and

9.1.2 to ensure that none of the material is in the nature of electoral material.

9.2 Council Spokesperson

The Chief Executive Officer, or their delegate, will be the primary spokesperson for Council during the election period for a general election.

Media and social media responses and statements will only be issued during an election period for a general election in the name of the Chief Executive Officer.

Council staff must not make any public statement that could be construed as influencing the election.

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

9.3 Council Websites and Social Media Sites

During the election period for a general election, 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 Council's website will also be reviewed by the Executive Manager, Communications, Engagement and Advocacy to ensure none of it is in the nature of electoral material.

The agenda and minutes for Council and Delegated Committee meetings will continue to be published on Council's website and meetings livestreamed for public viewing.

No new material will be published on Council's websites or social media sites during an election period if it is in the nature of electoral material.

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9.4 Internal Publications/Intranet

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

9.5 Councillor Issued Communications

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 their personal views, and not the views of Council itself.

Councillors are not permitted to comment in an official capacity or on behalf of Council about an issue raised by the media during the election period for a general election.

Should media outlets contact Councillors or candidates directly for comment about an issue during the election period for a general election, Councillors and candidates are able to comment, provided they make it known to the media outlets that the views expressed are personal views only, and not the views of Council.

Council staff must not provide media advice or assistance to Councillors during the election period for a general election.

10 PUBLIC CONSULTATION AND EVENTS

10.1 Public Meetings and Events

Councillors may continue to attend external community events during an election period for a general election but no formal role will be accepted, and no support will be provided by Council staff (for example, writing a speech).

Existing Council programs and services for the community will continue as business as usual but new promotional activity is not permitted during the election period if it involves the publication of electoral material.

10.2 Speeches for External Events

Council resources must not be used to prepare speeches, or support roles, for Councillors for community and external events during the election period for a general election.

10.3 Community Consultation

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

10.4 Council Facilities/Halls for Hire

Council facilities will be able to be hired by candidates (including Councillors) at the normal corporate hire rate determined for the facility in the lead up to an election, including during an election period.

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

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unforeseen interruption to Council services (e.g. pool closures); and¶
any prescribed information that the Returning Officer requires to be published to inform the community about the election process.¶
A statement will be published on all social media sites advising that Council is in the election 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 period, and direct people to contact customer service if they have any issues/requests.¶
The Executive Manager Communications and Engagement will ensure Council's social media sites are reviewed before the election period to identify and temporarily remove anything that might reasonably influence the election.¶

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

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 Community Local Law.

No other promotional material, including signage, posters, flyers or banners, for any candidacy is permitted on Council land or at its facilities at any time. The Strathbogie Planning Scheme sets out the requirements relating to signs on private land across the Shire.

11 USE OF COUNCIL RESOURCES

11.1 Candidacy

A Councillor must not use Council resources for candidacy purposes.

11.2 Elected Councillors Performing Their Role

Councillors will have access to the resources necessary to fulfil their elected roles in accordance with the Councillor Code of Conduct.

Council resources, including offices, vehicles, hospitality, equipment, email, mobile phones and stationery, will remain available for Councillors to perform their role during the election period.

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.

Council staff will not undertake any tasks connected directly or indirectly with a candidate's election campaign.

11.3 Use of the Title "Councillor"

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

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

11.4 Photographs and Images

Photographs and images paid for by Council or taken by Council staff must not be used in electoral material for any candidate. This includes images of Councillors, Council branded events and Council owned or maintained infrastructure.

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

11.5 Council Branding and Stationery

No Council branding, logo or letterhead can be used for, or linked in any way to, a candidate's election campaign.

Use of Council logos, branding, and stationery, whether in hardcopy or electronic form, is only permitted for Council related business.

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11.6 Councillor Expense Reimbursement

Reimbursement of the out-of-pocket expenses for Councillors during the election period will only apply to expenses that have been incurred in the performance of normal Council business, as set out in Council's Expenses Policy.

Expenses that the Chief Executive Officer identifies could reasonably be perceived as supporting or being connected with a candidate's election campaign will not be reimbursed.

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11.7 Councillor Correspondence

General correspondence addressed to Councillors will be answered in the usual manner.

Councillors will only sign such correspondence during the election period for a general election as is necessary. Correspondence relating to significant, sensitive or controversial matters will be referred to the Chief Executive Officer.

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11.8 Politicisation of Council

Councillors must not, in their capacity as a Councillor, censure Government or Ministers during the election period for a general election.

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12. RELATED POLICIES AND LEGISLATION

The following are relevant to this Policy:

- [Local Government Act 2020](#)
- [Electoral Act 2002](#)
- [Councillor Code of Conduct](#)
- [Staff Code of Conduct CEO Directive](#)
- [Councillor Expenses Policy](#)
- [CEO Employment and Remuneration Policy](#)
- [Community Engagement Policy](#)
- [Media Policy](#)
- [Social Media Policy](#)

13. POLICY REVIEW

Council will continue to maintain the Election Period Policy by reviewing and, if required, amending, it no later than 12 months before the commencement of each subsequent general election period.

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SCHEDULE 1 PROCEDURAL MOTIONS TABLE

| Procedural Motion | Form | Mover and Seconder | When Motion Prohibited | Effect if Carried | Effect if Lost | Debate Permitted |
|--|---|---|---|---|-----------------------------|-------------------------|
| 1. Adjournment of debate to later hour and/or date | <i>"That this matter be adjourned to *am/pm and/or *date"</i> | Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion | (a) During the election of a <i>Chair</i> (b) When another Councillor is speaking | Motion and amendment are postponed to the stated time and/or date | Debate continues unaffected | Yes |
| 2. Adjournment of debate indefinitely | <i>"That this matter be adjourned until further notice."</i> | 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 |

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| Procedural Motion | Form | Mover and Seconder | When Motion Prohibited | Effect if Carried | Effect if Lost | Debate Permitted |
|---|---|---|---|--|-----------------------------------|------------------|
| 3. The closure of a debate | <i>"That the motion be now put"</i> | 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 <u>their</u> 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) | <i>"That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)..."</i> | 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 Chair (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) | <i>"That the motion be laid on the table"</i> | 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 |
| 6. Take a motion from the table (resume debate on a matter) | <i>"That the motion in relation to xx be taken from the table"</i> | Any Councillor | When no motion is on the table | Debate of the item resumes | Debate of the item remains paused | No |

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| Procedural Motion | Form | Mover and Seconder | When Motion Prohibited | Effect if Carried | Effect if Lost | Debate Permitted |
|----------------------------------|--|--------------------|--|--|--|------------------|
| 7. Alter the order of business | <i>"That the item listed at xx on the agenda be considered before/after the item listed as xy"</i> | 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 <i>Agenda</i> | No |
| 8. Suspension of Standing Orders | <i>"That Standing Orders be suspended to ..."</i> (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 | <i>"That Standing Orders be resumed"</i> | 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 |

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| Procedural Motion | Form | Mover and 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) | <i>"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]"</i> | 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 | <i>"That the meeting be reopened to members of the public"</i> | Any Councillor | | The Meeting is reopened to the public | The meeting remains closed to the public | No |

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Deleted: SCHEDULE 2 ELECTION PERIOD
CERTIFICATION MEMORANDUM¶

¶
MEMORANDUM¶

¶
To: Director People and Governance¶

CC: Chief Executive Officer¶

From: [INSERT NAME], [INSERT TITLE]¶

¶
Subject: CERTIFICATION OF PUBLICATION
DURING ELECTION PERIOD¶

¶
Date: ¶

<object>¶

¶
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 Period Policy 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.¶

<object>¶

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.¶

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SCHEDULE 2 CONFLICT OF INTEREST DISCLOSURE

**CONFLICT OF INTEREST DISCLOSURE FORM
For Councillors and Delegated Committee Members**

The *Local Government Act 2020* and the Strathbogie Shire Council Governance Rules require all decision makers, whether a member of Council, a delegated committee, or a delegated officer, to consider whether they have a general or material conflict of interest in a matter.

1. Your details

Name:

Ward:

2. Type of meeting, delegated decision, or decision-making process

Item raised at Council Briefing

Please provide details of the meeting:

Council Agenda report

Report item/name:

Other, including auspiced meeting (any meeting that is organised, sponsored, or otherwise facilitated by Council including consultations and site visits).
(Please provide details below):

3. Awareness of Potential Interest/s

Please outline when you became aware of the potential conflict of interest:

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4. Does an exemption under the *Local Government Act 2020* apply?

- NO (please move onto question 5)
- YES – please identify from the list below

- Remoteness** (the conflict of interest is so remote or insignificant it could not be reasonably regarded as capable of influencing your actions or decisions in relation to the matter)
- Interest in common** (the interest is held by a substantial proportion of the residents, ratepayers or electors of the municipal district and doesn't exceed the interest held by those persons)
- No knowledge** (you could not be reasonably expected to know of the conflict)
- Council representative** (you are a Council representative on a not-for-profit organisation, and you receive no personal advantage from the organisation)
- Community advocacy organisations** (you are a member of a not-for-profit organisation that has advocated for or expressed an opinion on a matter – excluding funding applications).

5. FOR COUNCILLORS ONLY

Is it an exempt decision under the *Local Government (Governance and Integrity) Regulations 2020*? (Please refer to Attachment 1).

- Yes (If so, which exemption applies?) _____
- No

6. Nature of the Interest

GENERAL CONFLICT OF INTEREST - SECTION 127

Definitions: *General conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty*

Private interests mean any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.

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

Please provide details of your general conflict of interest, including the names of any other parties involved, the nature of your relationship with them and the nature of that party's interest in the matter:

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MATERIAL CONFLICT OF INTEREST - SECTION 128

Definitions: *A relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.*

The benefit may arise or the loss incurred—

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

Any of the following is an affected person—

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

Please provide a summary as to how the material conflict of interest has arisen, , including the names of any other parties involved, the nature of your relationship with them and the nature of that party's interest in the matter :

7. Details of independent advice sought:

Advice sought from: _____

Recommended action/feedback: _____

Related correspondence reference number(s) or attach to this document:

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8. Action you have taken to avoid participating in the delegated decision, preparation of the report or any other process

Please outline the action you have taken to ensure you are not involved in any way in the decision-making process or the provision of advice to a meeting:

Documentary evidence of this can be found here (Infowise reference):

9. Declaration

Name _____

Signed _____

Date _____

Please submit this completed form to the Chief Executive Officer as soon as possible for review, noting in minutes and entry into the conflict of interest register.

ATTACHMENT 1 – EXEMPTED DECISIONS / CIRCUMSTANCES

Local Government (Governance and Integrity) Regulations 2020

In addition to the general exemptions for conflicts of interest under the Act some Council decisions are exempted from conflict of interest. These are mostly decisions with limited scope for pursuing personal interests, where participation by all Councillors is important or where Councillors necessarily have a personal interest.

Exempted decisions and circumstances include:

- Nominating or appointing a Councillor by Council to a position for which the Councillor will not be remunerated
- Nominating or appointing a Councillor by Council to a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of councils
- Making a submission to an electoral structure review
- Nominating and electing a mayor or deputy mayor
- Appointing an acting mayor
- A decision in relation to the payment of mayoral and councillor allowances under section 39(6) of the Act, including a decision in relation to the payment of allowances to the Mayor or Councillors under section 74 or 74C(2) of the *Local Government Act 1989*
- Adopting a Councillor expenses policy
- A decision to deal with a matter in an alternative manner or to appoint a delegated committee under section 67 of the Act in order to manage a loss of quorum
- Establishing a delegated committee and appointing a Councillor as a member or chair,
- Adopting, reviewing, or amending the Councillor Code of Conduct
- Making an application for an internal arbitration process
- Making an application for a councillor conduct panel or a VCAT review of a panel decision
- Declaring rates and charges under section 158(1) of the Act
- Dealing with Councillors eligibility for the superannuation guarantee
- Dealing with a matter related to preparing or adopting a budget or a revised budget if the budget or revised budget includes funding for that matter, it was previously approved by Council and a Councillor who had a conflict of interest in respect of that matter disclosed the conflict when Council previously considered and made the decision in respect of that matter and the proposed funding
- Dealing with a matter related to preparing or adopting a Community Vision, Council Plan, Financial Plan, Asset Plan or Revenue and Rating Plan if the relevant document includes that matter, it was previously approved by Council and a Councillor who had a conflict of interest in respect of that matter disclosed the conflict when Council previously determined the matter
- Dealing with a matter determined in an alternative manner by Council under section 67 of the Act if any component part of the matter in which a Councillor had a conflict of interest has been resolved and the Councillor disclosed the conflict of interest when Council previously considered that component part
- The Councillor is a representative of Council to a Local Government Waste Forum established under the *Environment Protection Act 1970*
- The Councillor is a director of a Waste and Resource Recovery Group established under the *Environment Protection Act 1970*
- The Councillor is a member of the Country Fire Authority appointed under section 7 of the *Country Fire Authority Act 1958*

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- The Councillor is a member of the governing body of a referral authority considering an application under section 56 of the *Planning and Environment Act 1987*
- The Councillor is a representative of Council, or councils, to the Municipal Association of Victoria or in another body that has a purpose of representing the interests of Council or councils
- The Councillor is an employee of the Crown or of a body established by or under any Act for a public purpose, if the Councillor has no current or expected future responsibilities as that employee that relate to a matter
- The Councillor is a representative of Council (with Council's approval) to an organisation, if the Councillor receives no remuneration as that representative
- The Councillor is a member of a Planning Application Committee established under the *Planning and Environment Act 1987* or as a member or co-opted member of a subcommittee of that Committee.