



Governance Rules 2020

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PART 1 – INTRODUCTION

1.1 Nature of Rules

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

1.2 Contents

These Governance Rules are divided into the following Parts:

Part	Name
Part 1	Introduction
Part 2	Meeting Procedure
Part 3	Notice of Meetings and Availability of Agenda
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1.3 Explanatory notes

Boxed notes and overviews within these rules are intended to be explanatory and included for guidance and do not form part of these Governance Rules. They may be updated to reflect changes to legislation or to assist interpretation and understanding.

1.4 Commencement and review

1.4.1 These Governance Rules come into operation upon Council's resolution to adopt.

1.4.2 These Governance Rules will be reviewed at least every 4 years.

1.5 Purpose

1.5.1 Giving effect to section 60 of the Local Government Act 2020 the purpose of these Governance Rules is to guide:

- (a) the conduct of Council meetings;
- (b) the conduct of meetings of delegated committees;
- (c) the form and availability of meeting records;
- (d) the election of the Mayor and the Deputy Mayor;
- (e) the appointment of an Acting Mayor;
- (f) an election period policy in accordance with section 69;
- (g) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
- (h) the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
- (i) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);
- (j) any other matters prescribed by the regulations.

1.5.2 These Governance Rules provide guidance for Council to:

- (a) make decisions on any matter being considered by the Council fairly and on the merits; and
- (b) institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

1.6 Definitions

In these Governance Rules the following words and phrases mean:

absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.

Act means the *Local Government Act 2020*.

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

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

that is not a *Delegated Committee*.

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

Authorised Officer has the same meaning as in the 1989 *Act* or any other Act.

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

Chamber means any room where the Council holds a Council Meeting.

Chief Executive Officer means the person appointed by a Council under section 44 to be its Chief Executive Officer or any person acting in that position.

Rule or Sub-rule means a rule or sub-rule included in these Governance Rules.

Committee Meeting means a meeting of a *Delegated Committee*.

Council means Murrindindi Shire Council.

Councillor means a Councillor of Murrindindi Shire Council.

Code of Conduct means the Councillor Code of Conduct developed by a Council under section 139 of the *Act*.

Community means municipal community as defined by the *Act* as including:

- (a) people who live in the municipal district of the Council; and
- (b) people and bodies who are ratepayers of the Council; and
- (c) traditional owners of land in the municipal district of the Council; and
- (d) people and bodies who conduct activities in the municipal district of the Council.

Council Meeting means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled *Meeting* and *Unscheduled Meeting*.

Delegate means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation.

Delegated Committee means—

- (a) a delegated committee established by a Council under section 63; or
- (b) a joint delegated committee established by 2 or more Councils under section 64; or
- (c) a committee, other than a Community Asset Committee, exercising any power of a Council under this Act or any other Act delegated to the committee under this Act or any other 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 as per Division 3 of the *Act*.

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

Disorder means any disorderly conduct of a community member, member of Council staff or a *Councillor* present and includes:

- (a) interjecting when another person is speaking, except, in the case of where a *Councillor* is raising a *Point of Order*

- (b) making comments that are defamatory, malicious, abusive or offensive
- (c) refusing to leave the *Meeting* when requested, ordered or directed to do so by the *Chairperson* in accordance with the *Act* and the Governance Rules
- (d) engaging in any other conduct which prevents the orderly conduct of the *Meeting*.

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

Mayor means the Mayor of *Council* and any person appointed by *Council* to be acting as Mayor as per Division 3 of the *Act*.

Meeting means a *Council Meeting* or a *Delegated Committee Meeting*.

Member means a member of any committee to which these governance rules apply.

Minister means the Minister for Local Government.

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

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

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

Notice of Rescission means a *Notice of Motion* to rescind a resolution made by *Council*.

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

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

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

Quorum means an absolute majority of *Councillors* .

Urgent Business means a matter that relates to or arises out of a matter which has arisen since distribution of the *agenda* and cannot safely or conveniently be deferred until the next *meeting*.

Unscheduled Meeting means a meeting of the *Council* convened for a particular purpose that cannot be effectively dealt with in the schedule of Ordinary *Council* meetings set by *Council*.

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

Audit and Risk Committee means the Audit and Risk Committee established by a *Council* under section 53.

PART 2 – MEETING PROCEDURE

Purpose of Council meetings

- 2.1 Council holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of Council.
- 2.2 Council is committed to transparency in decision making and, in accordance with the *Local Government Act 2020*, Council and Delegated Committee Meetings are open to the community to attend.
- 2.3 Meetings will only be closed to members of the public if:
 - 2.3.1 there are clear reasons for particular matters to remain confidential; or
 - 2.3.2 a meeting is required to be closed for security reasons; or
 - 2.3.3 it is necessary to enable the meeting to proceed in an ordinary manner.

If a meeting is closed to the public for the reasons outlined in sub-rule 2.3.2 or 2.3.3, 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's website.

Meeting Roles

Overview:

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

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

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

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

- 2.4 Chairperson and Members

- 2.4.1 The Chairperson, Councillors and members of Delegated Committees will ensure good council decision-making by endeavouring to ensure:
- (a) decision making is transparent to members and observers
 - (b) meeting members have sufficient information to make good decisions
 - (c) every member is supported to contribute to decisions
 - (d) any person whose rights are affected has their interests considered
 - (e) debate and discussion is focussed on the issues at hand
 - (f) meetings are conducted in an orderly manner
 - (g) decisions should be made on the merits of the matter.
- 2.5 Mayor to take the Chair
- 2.5.1 The Mayor must take the Chair at all Council Meetings at which the Mayor is present.
- 2.5.2 If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair.
- 2.5.3 If the Mayor and any Deputy Mayor are not in attendance at a Council Meeting, Council must appoint one of the Councillors as Chair of the meeting by resolution.
- 2.6 Delegated Committee Chairperson
- 2.6.1 At the Meeting at which Council establishes a delegated committee it must also appoint a Chairperson.
- 2.6.2 The Chair of a delegated committee must be a councillor.
- 2.6.3 For the avoidance of doubt, sub-rule (2.6.1) does not intend to limit the powers of the Mayor provided in the Act.
- 2.7 The Chairperson's Duties and Discretions
- In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:
- 2.7.1 must not accept any Motion, question or statement which is:
 - (a) vague or ambiguous
 - (b) defamatory, malicious, abusive or objectionable in language or substance, or
 - (c) outside the powers of Council
 - 2.7.2 must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting
 - 2.7.3 must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council
 - 2.7.4 may direct that a vote be recounted to be satisfied of the result, and
 - 2.7.5 must decide on all points of order.

2.8 Chief Executive Officer

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

2.8.2 The Chief Executive Officer should:

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

2.9 Councillors and members of Delegated Committees

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

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

2.10 Community

2.10.1 Council meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings.

2.10.2 community members may only participate in Council meetings in accordance with rules Part 8

2.10.3 community members are encouraged to participate in Council's engagement forums

2.10.4 community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

2.11 Apologies and absences

2.11.1 Councillors and members of Delegated Committees who are unable to attend a meeting may submit an apology:

- (a) in writing to the Chairperson, who will advise the meeting, or

- (b) by seeking another Councillor or member of the Delegated Committee to submit the apology at the meeting on their behalf.
- 2.11.2 An apology submitted to a meeting will be recorded in the minutes of the meeting.
- 2.11.3 A Councillor intending to take a leave of absence should submit it in writing to the Mayor.
- 2.11.4 The Mayor will seek to have any leave of absence request included in the agenda of the next Council meeting.
- 2.11.5 A leave of absence not included in a Council meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.
- 2.11.6 Council will not unreasonably withhold its approval of a leave of absence request.
- 2.11.7 A Councillor who has not submitted an apology or had a leave of absence approved and who is not in attendance at a Council or Delegated Committee meeting will be recorded as absent.

PART 3 – NOTICE OF MEETINGS & AVAILABILITY OF AGENDA

Overview:

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

It is important that the community is made aware of the times, dates and locations of Council and Delegated Committee meetings and the matters Council will consider. The timing of this notice should give the community adequate time to make arrangements to attend the meeting or view via the livestream.

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

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

3.1 Date, time and place of Council Meetings

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

3.1.2 Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Meeting which has been fixed and must provide notice of the change to the public.

3.2 Postponement

3.2.1 In the case of an emergency, the Chief Executive Officer or Delegate or, in the absence of both, a Senior Officer, may postpone a Council Meeting,

provided every reasonable attempt is made to notify every Councillor of the postponement.

3.2.2 The Chief Executive Officer, Delegate or Senior Officer must submit a full written report of the circumstances requiring his or her action in respect of the emergency postponement at the next Ordinary Meeting.

3.3 Unscheduled Meetings

3.3.1 Council may by resolution call an Unscheduled Meeting of the Council.

3.3.2 The Mayor, or a quorum of Councillors may by written notice call an unscheduled Meeting of the Council.

3.3.3 The CEO, following consultation with the Mayor, may call an unscheduled meeting of the Council.

3.3.4 A written notice to call an unscheduled Meeting must:

- (a) specify the business to be transacted
- (b) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given.

3.3.5 The Chief Executive Officer must determine the time and date for the meeting, giving consideration to:

- (a) the urgency of the business to be transacted
- (b) the availability of Councillors
- (c) a reasonable time and notice period for persons whose rights or interests may be impacted by the business to be transacted

3.3.6 The Chief Executive Officer must arrange for notice of the meeting on Council's website.

3.3.7 Any resolution of Council to call an unscheduled Meeting must specify the date and time of the unscheduled Meeting and the business to be transacted. The date and time of the unscheduled Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution was made.

3.3.8 The Chief Executive Officer must call an unscheduled Meeting to elect a Mayor following a Council election declaration, in accordance with the *Act*.

3.3.9 The unscheduled Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.

3.3.10 Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled Meeting, unless Council determine to admit another matter by unanimous resolution.

3.4 Notice of Meetings

3.4.1 Council Meetings

- (a) A notice of a Meeting, that is not an unscheduled Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be sent to every Councillor for all Council Meetings, at least 3 business days before the Meeting. A period of less than 3 business days may be justified if exceptional circumstances exist.
- (b) An *Agenda* for each *Council Meeting*, that is not an unscheduled Meeting, will be made available on *Council's* website no less than 48 hours before the *Council Meeting*.
- (c) A schedule of *Council Meetings* must be prepared and published that ensures it is available to a broad section of the community, including on *Council's* website at least once each year and with such greater frequency as the *Chief Executive Officer* determines. The schedule of Council meetings must also be available from Council's Customer Service Centres.

3.4.2 Unscheduled meetings

- (a) Notice of an Unscheduled Meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.
- (b) An Agenda for an Unscheduled Meeting must be made available electronically to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- (c) An Agenda for an Unscheduled Meeting will be made available on Council's website no less than 24 hours before the Meeting.

PART 4 - QUORUM

Overview:

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.

- 4.1 A quorum is an absolute majority as defined in the Local Government Act s61(7)
- 4.2 Meetings must commence within 30 minutes of the scheduled starting time.
- 4.3 If, after 30 minutes from the scheduled starting time or during any Meeting or adjournment, a quorum cannot be obtained or maintained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Senior Officer, may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment.
- 4.4 The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Council Meeting.
- 4.5 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, Council will:
 - 4.5.1.1 Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
 - 4.5.1.2 Determine to make decisions on separate parts or the whole matter at a future Meeting where a quorum can be maintained.
- 4.6 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:
 - 4.6.1 by the Chief Executive Officer (with his or her agreement) or
 - 4.6.2 by a Delegated Committee, established for the purpose of determining the matter, comprising all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.
- 4.7 A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council Meeting.

- 4.8 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.
- 4.9 Where it is not practicable because time does not permit notice in accordance with sub-rule 4.9 to occur, then, provided every reasonable attempt is made to contact each Councillor either verbally, or by some other means, it will be sufficient.
- 4.10 Notice of an adjournment to another date or time must be published on Council's website as soon as practical.

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

Quorum Calculation

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

PART 5 – ELECTION OF THE MAYOR & DEPUTY MAYOR

Overview:

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

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

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

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

Section 25 - Election of Mayor

25 Election of Mayor

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

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

(3) The election of the Mayor must—

(a) be chaired by the Chief Executive Officer;

and

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

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

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

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

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

Section 26 – When is a Mayor to be elected

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

...

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

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

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

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

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

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

5.2 Role and Election of Deputy Mayor

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

5.2.2 If the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the Chair.

5.2.3 The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.

5.2.4 If the *Council* has not resolved to establish the position of *Deputy Mayor*, any provisions in this these Governance Rules relating to the *Deputy Mayor* have no effect.

5.3 Chief Executive Officer will preside during the election of the Mayor

5.3.1 The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee

5.3.2 Any nomination for the office of the Mayor must be seconded.

5.4 Method of Voting

5.4.1 The election of the Mayor must be carried out by a show of hands or an electronic method that enables those observing (in attendance and those watching a livestream broadcast) to view the votes of all Councillors at the time the vote is taken.

5.5 Determining the Election of Mayor / Deputy Mayor

5.5.1 Where in an election for the Mayor:

- (a) only one candidate has been nominated, that candidate must be declared elected
- (b) two candidates have been nominated, a vote must be taken and the candidate who receives an absolute majority of votes must be declared elected
- (c) two candidates have been nominated and no candidate receives an absolute majority of votes, a second vote will be conducted.
- (d) where, after a second vote, where two candidates have been nominated and no candidate receives the absolute majority of votes the Chief Executive Officer will seek the Council to resolve to conduct a new election at a later specified time and date
- (e) more than two candidates have been nominated and no candidate receives the absolute majority of votes :
 - I. the candidate with the fewest number of votes cast must be eliminated;
 - II. the names of the remaining candidates must be put to the vote again, and
 - III. the procedure in I and II above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in sub-clause (b) of this Clause.
 - IV. in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the Chief Executive Officer will conduct a vote for one candidate to be defeated.
- (f) If Council resolves to have the office of *Deputy Mayor*, the provisions of sub- rules 5.4.3 apply to the election of the *Deputy Mayor* with all necessary modifications and adaptations.

5.6 Statement by the Mayor and Deputy Mayor

- 5.6.1 Upon completion of the election process, the Chief Executive Officer shall invite the incoming Mayor and Deputy Mayor to address the Council and community.

PART 6 – CONFLICTS OF INTEREST

Overview:

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

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

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

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

6.1 Obligations with regard to conflict of interest:

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

- (a) avoid - all situations which may give rise to conflicts of interest
- (b) identify - any conflicts of interest, and
- (c) disclose – or declare all conflicts of interest.

6.2 Councillors and Members of Delegated Committees

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

6.2.2 When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.

6.2.3 All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.

6.2.4 Council will maintain a Conflict of Interest Register which will be made available on Council's website.

6.3 Procedure at a Council or Delegated Committee Meeting

6.3.1 At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- (a) the item for which they have a conflict of interest; and
- (b) whether their conflict of interest is general or material; and
- (c) the circumstances that give rise to the conflict of interest.

- 6.3.2 Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- 6.3.3 A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that is required for the declarations of conflicts of interest at sub-rule 6.3.1 immediately prior to consideration of the item in which he or she has a conflict of interest and leave the meeting as per sub-rule 6.3.2.
- 6.3.4 A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.
- 6.3.5 Immediately after the decision is made, the Councillor or Member of a Delegated Committee who discloses a conflict of interest will return to the meeting.
- 6.4 Procedure at other meetings organised, hosted or supported by Council
- 6.4.1 A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- 6.4.2 At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- 6.4.3 If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- 6.4.4 At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- 6.4.5 The existence of a conflict of interest will be recorded in the minutes of the meeting.
- 6.4.6 If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Governance team for recording in the register of Conflicts of Interest.
- 6.4.7 The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- 6.4.8 Where a conflict of interest is declared the meeting records and reports will be presented to Council for noting and inclusion on the public record.

6.5 Council staff

6.5.1 Must act in accordance with the Employee Code of Conduct.

6.5.2 Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.

6.5.3 May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 6.6 and the Employee Code of Conduct.

6.6 Procedure for disclosures of conflicts of interest by Council Staff

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

6.6.2 All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.

6.6.3 A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:

- (a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
- (b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
- (c) The staff member's Director determines that the conflict of interest has not influenced the advice provided; and
- (d) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

PART 7– BUSINESS OF MEETINGS

Overview:

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

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

7.1 Business at Meetings

- 7.1.1 The Chief Executive Officer may include any matter on the Agenda for a Council Meeting which he or she thinks should be considered at the Meeting to which the Agenda relates.
- 7.1.2 No business can be dealt with at a Meeting unless it is:
 - (a) Contained on the Agenda; or
 - (b) Admitted as Urgent Business in accordance with Clause 32.

7.2 Order of business for Council Meetings

- 7.2.1 The order of business could follow the example set out below:
 - (a) Pledge and Reconciliation Statement
 - (b) Apologies and Requests for Leave of Absence
 - (c) Disclosures of Conflicts of Interest
 - (d) Confirmation of Minutes
 - (e) Petitions
 - (f) Community Participation
 - (g) Council reports
 - (h) Notices of motion
 - (i) Matters Deferred from Previous Meeting
 - (j) Urgent business
 - (k) Councillor Reports
 - (l) Chief Executive Officer Report

- (m) Sealing Register
- (n) Confidential Business.

7.3 Change to order of business

7.3.1 Once an Agenda has been sent to Councillors, the order of business for that Meeting may only be altered by a resolution of Council.

7.4 Urgent Business

7.4.1 If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if:

- (a) it relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- (b) deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
- (c) the item involves a matter of urgency as determined by the Chief Executive Officer; and
- (d) it cannot be addressed through an operational service request process.
- (e) Provided the matter does not:
 - I. substantially affect the levels of Council service
 - II. commit Council to significant expenditure not included in the adopted budget
 - III. establish or amend Council Policy

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

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

7.5 Time Limits for Meetings

7.5.1 A Meeting must not continue after three hours from the time it commences unless a majority of Councillors/members present vote in favour of its extension in accordance with this Clause.

7.5.2 Extensions of a Meeting will be in block periods of 30 minutes.

7.5.3 After the initial 30-minute extension the Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.

7.5.4 A Meeting may only be continued for a maximum of two 30-minute extensions.

7.5.5 In the absence of such extensions as provided for in sub-rules 7.5.1 through 7.5.3 or in the event there is further business to be transacted at the

completion of two extensions, the Meeting must stand adjourned to within 24 hours of the Meeting's original commencement time.

- 7.5.6 Notwithstanding sub-rule 7.5.5 the Chairperson may seek the resolution of Council not to adjourn the Meeting to the following day, if the Chairperson reasonably believes the remaining business will take less than 10 minutes to transact.
- 7.6 Chairperson may temporarily adjourn a Meeting exceeding two hours
- 7.7 The Chairperson may adjourn a Meeting for a 10 minute break, at an appropriate point in proceedings after two hours has elapsed.
- 7.8 Notwithstanding sub-rule (1), the Chairperson may seek a resolution of Council not to adjourn the Meeting if the Chairperson reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

PART 8 – COMMUNITY PARTICIPATION

Overview:

As outlined in the purpose of these Governance Rules, Council Meetings are held for Council to make its decisions. In addition provisions are made for Council to respond to questions from the community and for submissions to made to Council.

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

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

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

There will be no discussion or debate with the attendees to Open Forum however Councillors may ask questions of clarification of the attendee

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

Community questions and submissions

- 8.1 The Council will hold Open Forum and Questions of Council Time for up to 30 minutes duration at the beginning of each Ordinary Meeting to allow public submissions and questions of Council. Extension of time may be granted by resolution of Council.
- 8.2 Open Forum is an opportunity for the general public to present to Council on a matter listed on the Agenda or any other matter.
- 8.3 Questions of Council are an opportunity for the general public to submit a question prior to the Ordinary Meeting and receive a response from Council in the Questions of Council time.
- 8.4 Council meetings are recorded and broadcasted to the public, this includes community questions and submissions.

Open forum and Questions of Council guidelines

- 8.5 Questions of Council time and Open Forum will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.
- 8.6 Submissions as part of Open Forum and Questions of Council may be on any matter except if it:
- 8.6.1 is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
 - 8.6.2 relates to confidential information as defined under the Act;
 - 8.6.3 relates to the personal hardship of any resident or ratepayer; or
 - 8.6.4 relates to any other matter which the Council considers would prejudice the Council or any person.
- 8.7 No more than two questions will be accepted from any person at any one meeting.
- 8.8 Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- 8.9 The Mayor reserves the right to cease a submission as part of Open Forum if he or she deems the submission inappropriate.
- 8.10 Copies of all questions allowed by the Chief Executive Officer will be provided in writing to all Councillors.
- 8.11 A submission or question submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer will be provided to any Councillor on request.

Open forum

- 8.12 Prior Notice Preferable
- 8.12.1 it is preferable for any member of the public who wishes to be heard at Open Forum to give prior notice:
- (a) in written form;
 - (b) contain the name, address and email or contact telephone number of the person to be heard;
 - (c) by online request (Council's website);
 - (d) in a letter to the Chief Executive Officer, PO Box 138, Alexandra, 3714;
or
 - (e) in an email governance@murrindindi.vic.gov.au or
 - (f) hand delivery to the Council's Office at Alexandra, Kinglake or Yea.

- 8.13 It is preferable for any group or association that wishes to be heard at Open Forum to nominate a spokesperson for an issue upon which the group or association may wish to be heard.

Open Forum Procedure

8.14 Public addressing the Meeting

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

8.15 The Chair will allocate a maximum of 5 minutes to each person who wishes to address Council.

8.16 The Chair or Chief Executive Officer will first invite any person who has given prior notice to present to Council.

8.17 The Chair or Chief Executive Officer will then invite members of the gallery who would like to present to Council.

8.18 The Chair or Chief Executive Officer have the discretion to alter the order of persons to be heard.

8.19 The person in addressing the Council:

- 8.19.1 must confine their address to the 5-minute allocation of time;
- 8.19.2 shall extend due courtesy and respect to the Council and the processes under which it operates; and
- 8.19.3 shall take direction from the Chair whenever called upon to do.
- 8.19.4 There will be no discussion or debate with the attendees to Open Forum however Councillors may ask questions of clarification of the attendee.
- 8.19.5 Standing Orders (as per part 13) do not need to be suspended to allow discussion for the purposes of clarification.

Questions of council

8.20 Council must receive prior notice of Questions to be heard as part of Questions of Council time.

8.21 Questions must be received exactly as intended to be read.

8.22 Questions submitted to the Council must be:

- 8.22.1 in written form
- 8.22.2 contain the name, address and email or contact telephone number of the person submitting the question
- 8.22.3 in a form approved or permitted by the Council (Template available on Council's website)

- 8.22.4 addressed to the Chief Executive Officer; and
- 8.22.5 submitted no later than 4:00pm on the day prior to the next Meeting by:
 - (a) by online request (Council's website)
 - (b) in a letter to the Chief Executive Officer, PO Box 138, Alexandra, 3714
or
 - (c) in an email governance@murrindindi.vic.gov.au or
 - (d) hand delivery to the Council's Office at Alexandra, Kinglake or Yea.

Response

- 8.23 Response to a submission or question raised during the submission in Open Forum may be provided immediately as part of the Open Forum time at the discretion of the Council.
- 8.24 The matter will be referred to the relevant Officer for investigation and response if required.
- 8.25 Council officers will respond acknowledging the question and providing procedural advice and/or the response within 10 working days of the Ordinary Meeting of Council.

Petitions and joint letters

- 8.26 Every petition submitted to Council must:
 - 8.26.1 be in legible and in permanent writing
 - 8.26.2 is clear and on each page the matter and action sought from council is stated
 - 8.26.3 not be derogatory, defamatory or objectionable in language or nature
 - 8.26.4 not relate to matters outside the powers of Council
 - 8.26.5 include the names, addresses and original signatures of at least 10 people.
- 8.27 Where a petition has been signed by less than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- 8.28 Any Councillor presenting a petition is responsible for ensuring that:
 - 8.28.1 he or she is familiar with the contents and purpose of the petition; and
 - 8.28.2 the petition is not derogatory, defamatory or objectionable in language or nature.
- 8.29 Unless sub-clauses 8.30 or 8.31 apply, the only Motions that may be considered by Council on any petition are:
 - 8.29.1 that the petition be received; and
 - 8.29.2 that the petition be referred to the Chief Executive Officer or relevant Director for consideration and response; or
 - 8.29.3 that the petition be referred to the Chief Executive Officer or relevant Director for a report to a future Council Meeting.

- 8.30 If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
- 8.31 If a petition relates to a 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the 'statutory matter'.
- 8.32 The Chief Executive Officer may determine that an electronic or online petition will be submitted to a Council Meeting.
- 8.33 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.
- 8.34 An online or electronic petition will not be presented to a Council meeting if it contains signatures that are false or misleading.

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

Display of placards and posters

- 8.35 Subject to sub-sections 8.36 and 8.37, a person can display any placards or posters in the Council Chamber or in any building where a *Meeting* is being, or is about to be, held, including outside the entrance to the building.
- 8.36 placard or poster must not:
- 8.36.1 display any offensive, indecent, insulting or objectionable item or words
 - 8.36.2 obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held
 - 8.36.3 obstruct the view or physically impede any person.
- 8.37 The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be objectionable, disrespectful or otherwise inappropriate.

Public Conduct

- 8.38 Members of the public present at a Council Meeting must not interject during the Council Meeting. They must preserve silence at all times unless invited by the Chairperson to address Council.
- 8.39 If a person, other than a Councillor, interjects or interrupts proceedings during the Council Meeting, the Mayor may direct:
- 8.39.1 the person to stop interjecting or interrupting proceedings; and
 - 8.39.2 if the person continues behaviour, the removal of the person.

- 8.40 The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.
- 8.41 In causing a person's removal under sub-clause 8.39.1, or the removal of an object or material under sub-rule 8.41, the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person, object or material.

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

PART 9 – CONDUCT

Overview:

This section outlines how the meeting is to be addressed by Councillors and members of Council Staff.

Members of the Community may only address a meeting in accordance with Part 8 of these rules.

9.1 Councillor allowed to speak uninterrupted

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

9.2 Addressing the Meeting

9.2.1 If the *Chairperson* so determines:

- (a) any person addressing the *Chairperson* must refer to the *Chairperson* as:
 - I. Mayor; or
 - II. *Chairperson*, as the case may be;
- (b) all *Councillors*, other than the Mayor, must be addressed as Cr.....(surname); and
- (c) all Council staff, must be addressed by their official title.

9.2.2 Except for the *Chairperson*, any person who addresses the Meeting must direct all remarks through the *Chairperson*.

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

9.3 Disorderly Conduct

9.3.1 The conduct of *Councillors* and Members at meetings is governed by the *Act*, these Rules and the *Councillor Code of Conduct*.

9.3.2 *Chairperson* may adjourn disorderly Meeting

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

- (a) the behaviour at the Council table or in the gallery is significantly disrupting the Meeting; or
- (b) when a Meeting has been in progress for longer than 2 hours.

- 9.3.4 The break referred to in sub-clause 11.9.1 is an adjournment.
- 9.4 Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
- 9.4.1 Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
- 9.4.2 The Mayor, under section 19 of the Act, at a Council meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the meeting for a period of time or the balance of the Meeting.
- 9.4.3 Where Council suspends a Councillor under sub- rule 11.3.1, or the Mayor directs a Councillor to leave the meeting under sub-rule 11.3.2 the Councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
- 9.4.4 If a Councillor has been suspended from a meeting or directed to leave in accordance with sub-rule 11.3.3 the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.

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

PART 10 - MOTIONS & DEBATE

Overview:

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

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

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

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

10.1 Moving a motion

10.1.1 The procedure for moving any *Motion* is:

- (a) the mover must outline the *Motion* without speaking in support of it
- (b) the *Motion* must be seconded by a Councillor other than the mover
- (c) if a *Motion* is not seconded, the *Motion* lapses for want of a seconder
- (d) if there is a seconder, then the Chairperson must call on the mover to speak to the *Motion*
- (e) after the mover has spoken to the *Motion*, the seconder may also speak to the *Motion*
- (f) after the seconder has spoken to the *Motion* (or after the mover has spoken to the *Motion* if the seconder does not speak to the *Motion*), the Chairperson must call on any Councillor who wishes to speak against the *Motion*, then on any Councillor who wishes to speak for the *Motion*,

after waiting until all Councillors wishing to speak to the Motion have spoken; and

- (g) if no Councillor wishes to speak against the Motion, then the Chairperson may put the Motion.

A resolution must be capable of standing alone, that is, a person reading the decision of Council in the minutes will be able to understand what Council is seeking to achieve without reference to other sources. This usually means it should include specifics about the action to be taken, the timing of the action to be taken, the details of any other organisation

10.2 Chairperson's duty

10.2.1 The *Chairperson* must not accept any *Motion* which:

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

10.3 Right of reply

10.3.1 The mover of a Motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during debate.

10.3.2 If no Councillor has spoken against a Motion, there will be no right of reply.

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

10.4 Moving an amendment

10.4.1 A Motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the Motion.

10.4.2 An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original Motion. If a Councillor proposes an amendment and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote.

10.4.3 If a Councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:

- (a) the amendment must be moved and seconded;

- (b) a Councillor may speak on any amendment once, whether or not he or she has spoken to the Motion, but debate must be confined to the terms of the amendment;
- (c) any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the Motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on;
- (d) if the amendment is carried, the Motion as amended then becomes the Motion before the Meeting (known as the ‘substantive Motion’); and
- (e) the mover of an amendment does not have right of reply.

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

10.5 Foreshadowing motions

- 10.5.1 At any time during debate a Councillor may foreshadow a Motion so as to inform Council of his or her intention to move a Motion at a later stage in the Meeting, but this does not extend any special right to the foreshadowed Motion.
- 10.5.2 A Motion foreshadowed may be prefaced with a statement that, in the event of a particular Motion before the Meeting being resolved in a certain way, a Councillor intends to move an alternative or additional Motion.
- 10.5.3 A Motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting.
- 10.5.4 The Minutes of the Meeting will not include foreshadowed Motions unless the foreshadowed Motion is subsequently formally moved as a Motion.

10.6 Withdrawal of motions

- 10.6.1 Before any *Motion* is put to the vote, it may be withdrawn.

10.7 Separation of motions

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

10.7.2 The Chairperson may decide to put any Motion to the vote in separate parts.

10.8 Motions moved in a block

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

10.9 Motions in writing

10.9.1 All Motions, except procedural Motions, must be submitted in writing.

10.9.2 The Chairperson may adjourn a Meeting for 15 minutes or less, while a Motion is being written or may request Council to defer the matter until the Motion has been written, allowing the Meeting to proceed uninterrupted.

10.10 Debate must be relevant to the motion

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

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

10.11 Speaking times

10.11.1 Unless a Motion for an extension of speaking time has been carried, the maximum speaking times are:

- (a) the mover of a Motion or amendment - three minutes
- (b) the mover of a Motion when exercising his or her right of reply - two minutes
- (c) any other speaker - three minutes.

10.11.2 A Motion for an extension of speaking time must be proposed before the initial speaking time, or immediately on completion of the speaking time for that speaker, expires.

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

10.11.4 Only one extension of speaking time is permitted for each speaker.

10.11.5 Any extension of speaking time must not be more than two minutes.

10.12 Procedural motions

- 10.12.1 Unless otherwise prohibited, and subject to sub- rule 10.12.2, a procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 10.12.2 Procedural Motions require a seconder.
- 10.12.3 The Chairperson may reject a procedural Motion if he or she believes the Motion on which it is proposed has not been adequately or sufficiently debated.
- 10.12.4 Regardless of any other provision in these Governance Rules, a procedural Motion must be dealt with in accordance with the table at sub-rule 10.12.8.
- 10.12.5 A Procedural Motion may not be moved or seconded by the Chairperson.
- 10.12.6 Unless otherwise provided, debate on a procedural Motion is not permitted and the mover does not have a right of reply.
- 10.12.7 Unless otherwise provided, a procedural Motion must not be amended.

10.12.8 Procedural Motions table:

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)' ...'	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a <i>Chairperson</i> ; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the motion now be put'	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a <i>Chairperson</i>	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the <i>Agenda</i>	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx <i>is confidential as it relates to [insert reason]</i>	Any Councillor	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

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Reopen the meeting	'That the meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The meeting remains closed to the public	No

10.13 Notices of Motion

- 10.13.1 A Councillor can submit to the Chief Executive Officer a Notice of Motion for inclusion in the Agenda for a Meeting.
- 10.13.2 A Notice of Motion must be in writing, signed by the Councillor (including by electronic means), and be lodged with the Chief Executive Officer no later than 12 noon 10 business days before the Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.
- 10.13.3 The Chief Executive Officer must inform Councillors about the legal and cost implications of any proposed Notice of Motion. The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under these Governance Rules.
- 10.13.4 A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- 10.13.5 A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
- (a) impacts the levels of Council service
 - (b) commits Council to expenditure greater than \$150,000 for goods and services and \$200,000 for works that is not included in the adopted Council Budget
 - (c) proposes to establish, amend or extend Council policy
 - (d) proposes to impact the rights of any person who has not had the opportunity to contribute their views
 - (e) commits Council to any contractual arrangement; or
 - (f) concerns any litigation in respect of which Council is a party.
- 10.13.6 The Chief Executive Officer must reject any Notice of Motion which:
- (a) is too vague
 - (b) is defamatory
 - (c) may be prejudicial to any person or Council
 - (d) is objectionable in language or nature
 - (e) is outside the powers of Council
 - (f) is submitted during Election Period.
- 10.13.7 The Chief Executive Officer may reject a proposed Notice of Motion that
- (a) relates to a matter that can be addressed through the operational service request process; or
 - (b) Relates to a matter that has been previously resolved by Council or is acted upon.

- 10.13.8 If rejecting a Notice of Motion, the Chief Executive Officer must inform the Councillor who lodged it of that rejection and the reasons for the rejection no later than nine business days before the Meeting at which it is intended to be considered. The Councillor may submit a revised Motion within 24 hours.
- 10.13.9 The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the *Act*, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
- 10.13.10 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda and outline the policy, financial and resourcing implications if the Notice of Motion is passed.
- 10.13.11 The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the Agenda for the relevant Council Meeting.
- 10.13.12 The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- 10.13.13 Unless Council resolves otherwise, each Notice of Motion must be considered in the order in which they were received.
- 10.13.14 The Motion moved must not be substantially different to the motion published in the Agenda, however, may be amended by resolution of the Council.
- 10.13.15 If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chairperson to do so, any other Councillor may move the Motion.
- 10.13.16 If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.
- 10.14 Notices of Rescission
- 10.14.1 A notice of rescission is a form of Notice of Motion. Accordingly, all provisions in these Governance Rules regulating Notices of Motion equally apply to notices of rescission.
- 10.14.2 Motions to rescind or alter a previous resolution of Council can be made by:
- (a) a notice of rescission delivered by a Councillor in accordance with 10.15.1; or
 - (b) a recommendation contained in an officer's report included in the Agenda.
- 10.14.3 A Councillor may propose a Motion to rescind or alter a previous resolution of Council provided:
- (a) the previous resolution has not been acted on; and

- (b) a notice is delivered to the Chief Executive Officer or Delegate setting out:
 - I. the relevant previous resolution to be rescinded or altered; and
 - II. the Meeting and date when the relevant previous resolution was carried.
- 10.14.4 A notice of rescission must be in writing, signed (including by electronic means) by a Councillor and be delivered to the Chief Executive Officer or a Delegate by 12 noon at least 10 business days prior to the next Ordinary Meeting.
- 10.14.5 The Chief Executive Officer, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the Meeting at which it was made. A resolution of Council will be deemed to have been acted on if:
 - (a) its contents or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the proposed Minutes of a Council Meeting on Council's website; or
 - (b) a statutory process has been commenced so as to vest enforceable rights or obligations on Council or any other person.
- 10.14.6 Notwithstanding sub- rule 10.15.4 the Chief Executive Officer or member of Council staff must defer implementing a resolution which:
 - (a) has not been acted on; and
 - (b) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-rule 10.15.2 unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the Council at legal, financial or other risk.
- 10.14.7 If a Motion for rescission is lost, a similar Motion may not be put before Council for at least one month from the date it was last lost, unless Council resolves that the notice of rescission be re-listed at a future Meeting.
- 10.14.8 If a Motion for rescission is not moved at the Meeting for which it is listed, it lapses.
- 10.14.9 A notice of rescission listed on an Agenda may be moved by any Councillor present but it must be moved in the form it was listed and must not be amended.

10.15 Change of Council Policy

- 10.15.1 Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held by a particular Council.
- 10.15.2 It is good practice for Council to review significant policies at least once in each Council term (every 4 years) and such reviews may lead to change in policy position.
- 10.15.3 Subject to sub- rule 10.16.4 if Council wishes to change a Council policy, a formal notice of rescission is not required.
- 10.15.4 If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comment sought, prior to the policy being changed.

10.16 Foreshadowed Items

- 10.16.1 At the time designated in the Meeting Agenda, a Councillor may foreshadow a Notice of Motion to be submitted for consideration at the next Meeting by indicating, when called on to do so by the Chair, the subject matter of the foreshadowed Notice of Motion.
- 10.16.2 The subject matter, as indicated by the Councillor, of a Foreshadowed Item will be recorded in the Minutes.
- 10.16.3 No discussion or debate is allowed on a Foreshadowed Item.
- 10.16.4 A Foreshadowed Item will have no further formal status at that Council Meeting.
- 10.16.5 Foreshadowed Items are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council Meeting.
- 10.16.6 If a Councillor does not submit a Notice of Motion for the next Council Meeting, no further action on a Foreshadowed Item will occur.

PART 11 - POINTS OF ORDER

Overview:

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

11.1 A Councillor raising a Point of Order must state:

11.1.1 the Point of Order; and

11.1.2 any section, Clause, paragraph or provision relevant to the Point of Order.

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

11.3 The Chairperson may adjourn the Meeting to consider a Point of Order; otherwise he or she must rule on it as soon as it is raised.

11.4 All other matters before Council are suspended until the Point of Order is decided.

11.5 Dissent in Chairperson's ruling

11.5.1 The ruling of the Chair upon any point of order is not open to any discussion and will be final and conclusive.

11.6 Valid points of order

11.6.1 A Point of Order may be raised in relation to:

- (a) a Motion which has not been accepted by the Chairperson
- (b) a question of procedure
- (c) a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
- (d) debate that is irrelevant to the matter under consideration;
- (e) a matter that is outside the powers of Council
- (f) any act of Disorder.

11.7 Disorderly Conduct

11.7.1 The conduct of Councillors and Members at meetings is governed by the *Act*, these Rules and the Councillor Code of Conduct.

PART 12 - VOTING

Overview:

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

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

Calling for a division allows Councillors to have how the Council voted recorded.

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

12.1 How a matter is determined

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

12.1.2 In the event of a tied vote, the Chairperson must, unless the Act provides otherwise, exercise the casting vote.

12.2 Voting must be seen

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

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

12.3 When a division is permitted

12.3.1 A division may be requested by any Councillor on any vote.

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

- 12.3.3 When a division is called for the Chairperson must:
- (a) first ask each Councillor wishing to vote in favour of the Motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
 - (b) then ask each Councillor wishing to vote against the Motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
 - (c) next, ask each Councillor abstaining from voting to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes; and
 - (d) finally, declare the result of the division.

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

12.4 No discussion once a vote has been declared

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

12.5.1 involves calling for a division in accordance with Rule 12.3

12.5.2 a Councillor foreshadows a rescission where a resolution has just been made

12.5.3 a Councillor foreshadows a positive Motion where a resolution has just been rescinded.

Section 59 of the Act provides:

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

- (a) each Councillor present at a Council meeting who is entitled to vote is entitled to one vote;
- (b) voting at a meeting must not be in secret, but if the meeting is closed to the public, a Councillor is not required to divulge their vote to the public;
- (c) the question is determined in the affirmative by a majority of the Councillors present at a meeting at the time the vote is taken voting in favour of the question;
- (d) subject to subsection (6), if the number of votes in favour of the question is half the number of Councillors present at the meeting at the time the vote is taken, the chairperson has a second vote;
- (e) for the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the question.

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

PART 13 - SUSPENSION OF STANDING ORDERS

Overview:

Standing Orders are the rules made to govern the procedure at Council Meetings contained in this 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.

13.1 Suspension of standing orders

- 13.1.1 To temporarily remove the constraints of formal meeting procedure and allow full discussion or clarification of an issue, Council may, by resolution, suspend standing orders in accordance with the procedural motion table
- 13.1.2 Suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council.
- 13.1.3 No Motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, except a Motion to resume standing orders.
- 13.1.4 No Motion to suspend standing orders can be accepted by the Chairperson during a second extension of time for a Meeting.
- 13.1.5 Any discussion that occurs once standing orders are suspended is not recorded in the minutes of the meeting, other than 13.1.3.

PART 14 - MINUTES

Overview:

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

14.1 Keeping of Minutes

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

- (a) the date, place, time and nature of the Council Meeting
- (b) the names of Councillors and whether they are present, an apology, on leave of absence, etc.
- (c) the titles of the members of Council staff who are present regarding Council business
- (d) the disclosure of a conflict of interest made by a Councillor in accordance with the Act
- (e) the arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals)
- (f) every Motion and amendment moved (including procedural Motions),
- (g) the outcome of every Motion moved
- (h) where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained) noting that under s61(5) that a Councillor present at the meeting who does not vote is taken to have voted against the question
- (i) details of any failure to achieve or maintain a quorum
- (j) a summary of any question asked and the response provided as part of public question time
- (k) a summary of a matter in which a person speaks as part of open forum and the agenda item it refers to (if relevant)
- (l) details of any petitions made to Council
- (m) the time and reason for any adjournment of the Meeting or suspension of standing orders
- (n) any other matter, which the Chief Executive Officer or Delegate thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes

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

14.2 Confirmation of Minutes

14.2.1 The Minutes as recorded by the Chief Executive Officer, or Delegate, will be made available as the proposed Minutes to:

- (a) Councillors, within 3 business days;
- (b) members of the public, by publishing them on Council's website, within 5 business days
- (c) of the Council Meeting they relate to.
- (d) no debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate
- (e) once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed.

14.2.2 A community member or any person in attendance must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.

14.2.2.1 The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

PART 15 - COMMITTEES

Delegated Committees

Overview:

Council may establish Delegated Committees and Advisory 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 Committees, their meeting procedures need to be formal.

15.1 If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications

15.1.1 For the purpose of sub- rule 15.1:

- (a) a Council meeting is to be read as a reference to a Delegated Committee Meeting;
- (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
- (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.

15.2 If Council establishes a Delegated Committee, Council may resolve that a provision of these governance rules do not apply to that Committee.

Community Asset Committees

Overview Notes:

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

15.3 The Governance Rules may apply to any Community Asset Committee established by Council.

15.4 The governance and meeting procedure requirements will be attached to the Instrument of Delegation for each established Community Asset Committee.

Audit and Risk Committee

Overview Notes:

The Act provides for Council to establish an Audit and Risk committee to provide oversight.

- 15.5 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.
- 15.6 Council may resolve, in establishing an Audit and Risk Committee that the meeting procedure chapter of these Governance Rules does not apply.
- 15.7 An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- 15.8 An Audit and Risk Committee must act in accordance with its adopted Charter adopted by Council.

PART 16 - JOINT COUNCIL MEETINGS

Overview:

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

- 16.1 Council may resolve to participate in a Joint Council meeting to consider:
 - 16.1.1 Collaborative projects
 - 16.1.2 Collaborative procurement
 - 16.1.3 Emergency Response
- 16.2 If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on governance rules with the participating Councils.
- 16.3 Where [your council] is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting
- 16.4 A minimum of three Councillors will be appointed to represent Council at a Joint Council meeting.
- 16.5 Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- 16.6 A joint briefing arranged in accordance with sub-rule (5) may be held electronically.

Section 62 of the Act provides:

- (1) Two or more Councils may determine to hold a joint meeting.
- (2) A joint meeting is a Council meeting of each Council for the purposes of this Act and the provisions of this Act, except section 61(3), (4) and (5)(d), apply accordingly
- (3) A joint meeting is to be constituted by the Councillors of the Councils holding the joint meeting consisting of— (a) the total number of Councillors determined by the Councils holding the joint meeting; and
(b) at least 3 Councillors from each of the Councils holding the joint meeting.
- (4) A quorum at a joint meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the Councils holding the joint meeting.
- (5) Subject to subsections (2) and (6), the procedures for conducting a joint meeting are to be determined by the Councils holding the joint meeting.
- (6) A joint meeting must comply with any requirements prescribed by the regulations

PART 17 - ELECTION PERIOD POLICY

- 17.1 Council will have in place an election period policy that:
- 17.1.1 governs decision making during a local government election period, including what may be considered at a Council meeting
 - 17.1.2 prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - 17.1.3 sets out the conditions for any community engagement prohibited during an election period, including consultations, Civic events, and activities of Advisory Committees established by Council
 - 17.1.4 sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns
 - 17.1.5 defines roles and responsibilities in relation to who is the spokesperson for Council during an election period
 - 17.1.6 sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- 17.2 At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- 17.3 The Election Period Policy forms part of these Governance Rules. (Appendix 1)
- 17.4 The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- 17.5 Any outstanding Delegate's Reports may still be reported to an ordinary meeting of Council during this period.
- 17.6 Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

Election Period Policy

Title:	Election Period Policy
Type:	Council
Adopted:	24 June 2020

1. Purpose

The *Local Government Act 2020* ('the Act') provides that during the 'election period' certain prohibitions apply to the general functions and powers of Council.

The 'election period' is defined by the Act as starting at the time that nominations close on nomination day and ending at 6pm on the election day. The last day for nominations is the day that is 32 days before the Election Day.

2. Rationale

The Election Period Policy ("the Policy") has been developed in order to ensure that the general elections for the Murrindindi Shire Council are conducted in a manner that is ethical, fair and equitable, and are publicly perceived as such. The Policy will also facilitate the continuation of the ordinary business of local government in the Murrindindi Shire throughout the election period in a responsible and transparent manner, in accordance with statutory requirements. . In accordance with section 69 of the Act, the following is prohibited during the election period:

- a) decisions regarding the appointment or remuneration of the Chief Executive Officer but not to the appointment of or remuneration of an Acting Chief Executive Officer
- b) decisions committing Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year
- c) decisions on items where Council considers could be reasonably deferred until the next Council is in place
- d) decisions the Council considers should not be made during an election period
- e) decisions that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

3. Scope

The Election Period Policy applies to any Councillor of the Murrindindi Shire Council, members of delegated committees of Council and all members of the Murrindindi Shire Council staff.

Specifically, this policy must be complied with during the election period if ANY of the following apply to you:

- You are involved in making a major policy decision;
- You are involved in making a significant decision that will bind the incoming Council;
- You are about to publish written material which has reference in it to a candidate (which includes sitting Councillors), or the election or an issue before the voters in connection with the election;
- You are involved in the creation of any Council publication;
- You are involved in any public consultation process;
- You are a Councillor who is planning to attend a function or event;
- You supply resource support to Councillors;
- You are a Councillor requesting access to Council information; or
- You are a Councillor requesting media advice or services.

Responsible Officer: Manager Governance & Risk
24 June 2020
TRIM Reference: 20/40551

Election Period Policy

4. Definitions

Reference Term	Definition
<i>Election period</i>	Has the same meaning as 'election period' in <i>section 3(1)</i> of the <i>Act</i> , and means the period that starts at the time that nominations close on nomination day and ends at 6pm on election day.
<i>Publication</i>	Includes any means of publication including letters and information on the Internet.
<i>Community Engagement</i>	Means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the community.
<i>Significant Decision</i>	Means an irrevocable decision that significantly affects the municipality.

5. Policy

5.1 Significant Decisions

During the election period, Council will avoid making decisions that significantly affect the municipality and unreasonably bind the incoming Council. This includes (but is not limited to):

- decisions regarding the CEO's employment or remuneration, other than a decision to appoint an Acting CEO
- financial decisions exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year
- adoption of any Council strategies or policies that would bind an incoming Council to the outcomes included.

5.2 Community Engagement

Council will avoid any community engagement or public consultation processes during the election period unless absolutely critical to facilitate the day to day business of Council. This will include the facilitation of any project reference groups or advisory committees during the election period. Any such engagement will avoid express or implicit links to the election.

The Chief Executive Officer reserves the right to postpone any matter if the issue is likely to affect voting. Council will not conduct public consultation on any contentious or politically sensitive matter after the commencement of the caretaker period.

These requirements do not apply to public consultation required under the *Planning and Environment Act 1987*, or matters subject to *Section 223* of the *Local Government Act 1989*.

5.3 Council Resources

Under section 304(1) of the *Act* it is an offence (60 Penalty Units) for a Councillor or a member of Council staff to use Council resources in a way that is intentionally or is likely to affect the result of an election.

Under section 304(2) of the *Act* it is an offence (60 penalty units) for a Councillor or member of Council staff to use Council resources to intentionally or recklessly print, publish or distribute any electoral material during the election period on behalf of Council or purporting to be Council.

Council resources, including offices, vehicles, staff, hospitality, services, property, equipment and stationery must be used exclusively for normal Council business during the election period and must not be used in connection with any election campaign or issue.

Sitting Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to adherence to the Councillor Code of Conduct.

Responsible Officer: Manager Governance & Risk

24 June 2020

TRIM Reference: 20/40551

Election Period Policy

Councillors standing for re-election must not use any Council equipment as a resource to assist with their election campaigns.

No Council logos, letterheads, contact details (mobile phone or email details), Councillor title or other corporate branding may be used for, or linked in any way to, a candidate's election campaign.

Reimbursements of Councillors' out-of-pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that support or are connected with a candidate's election campaign.

Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the Chief Executive Officer or his or her delegate for review.

No election material or active campaigning is to be conducted at a Council sponsored event.

No election material or active campaigning is to be displayed in any Council building.

Council will also ensure that other Murrindindi Shire Council resources are not used inappropriately in ways that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human and material resources, such as:

- a) Council staff will not undertake an activity that may affect voting in the election
- b) Council staff will not authorise, use or allocate a Council resource for any purpose that may influence voting in the election
- c) Council staff who feel they are being placed in a compromising situation by a request from a Councillor shall refer the Councillor to the Chief Executive Officer for clarification on their request.

5.4 Council Publications

Council will avoid producing any publications, advertisements or public notices unless crucial to the operations of Council or required for statutory compliance.

Publications to be printed, published or distributed during the election period must first be approved by the relevant Director or delegate.

Publications which require approval include:

- Brochures, pamphlets, handbills, flyers, magazines and books;
- Reports (other than agenda papers and minutes in discussed further below);
- Advertisements and notices, except newspaper notices of meetings;
- New website material;
- Social media publications (which includes Facebook posts);
- Emails with multiple addresses, used for broad communication with the community;
- Mass mail outs or identical letters sent to a large number of people by or on behalf of Council;
- Media releases;
- Material to publicise a function or event; and
- Any publication or distribution of Councillors' speeches.

In regard to Community participation at Council Meetings, items submitted for Public Participation Time will be reviewed to ensure that they comply with the principles of the *Act* and this policy, and may be amended accordingly before publication, or excluded from the agenda if necessary.

Material that was published on Council's website in advance of the election period is not subject to approval, however existing material that is prominently displayed will be reviewed and consideration

Responsible Officer: Manager Governance & Risk

24 June 2020

TRIM Reference: 20/40551

Election Period Policy

given to the removal of any such material that would be considered electoral matter, were it to be published during the election period. Councillor contact information will remain available on the website during the election period, but Councillors' profiles will be removed. Any material published on Council's website during the election period must be approved by the relevant Director or delegate.

Council is required by the *Local Government Act* to produce and put on public display a copy of its Annual Report. The Annual Report may be published during the election period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

5.5 Events & Media Services

Council's Communications unit must not be used in any way that might promote a Councillor as an election candidate. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to approval by the relevant Director or delegate.

Media releases will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate. Where it is necessary to identify a spokesperson, the Chief Executive Officer or his or her delegate will be referenced. Media releases will require to approval by the relevant Director or delegate.

During the election period no Council employee may make any public statement that relates to an election issue unless prior approval has been obtained by the Chief Executive Officer or his or her delegate.

5.6 Assistance to Candidates

All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Victorian Electoral Commission's Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or his or her delegate.

Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates. The types of assistance that are provided will be documented and communicated to all candidates in advance.

Candidates will also be informed of the requirements to complete and submit an 'Election Campaign Donation Return' in accordance with section 306 of the *Act* to the Chief Executive Officer within 40 days after the election day.

5.7 Governance

All election candidates have equal rights to information relevant to their election campaigns from the Council administration. While it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing elected roles, neither Councillors nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections. There will be complete transparency in the provision of all information and advice during the election period.

Council's Governance unit will maintain an Information Request Register during the election period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

Election Period Policy

6. Related Policies, Strategies and Legislation

Governance Rules 2020
Councillor Code of Conduct
Employee Code of Conduct
Local Government Act 2020
VEC Candidates Handbook

7. Council Plan

This Policy is consistent with the Council Plan 2017-2021 Our Promise strategic objective to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

8. Management and Review

In addition to the Chief Executive Officer's (CEO) statutory responsibilities, the CEO or his or her delegate will ensure as far as possible, that:

- All Councillors and Officers are informed of the application of this policy upon adoption and again 30 days prior to the commencement of the election period;
- Matters of Council business requiring major policy or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council; and
- Appropriate guidelines and instructions are provided to Council staff on their roles and responsibilities with relation to the implementation of this policy.

9. Consultation

The community is encouraged to provide feedback regarding this policy as part of the Governance Rules adoption and review process.

10. Human Rights Charter

This policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.



Governance Local Law 2, 2020

Use of the Council Seal and Conduct

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Part 1 - INTRODUCTION

1.1 Title

This Local Law will be known as The Governance Local Law 2, 2020.

1.2 Objectives of this Local Law

The objectives of this Local Law are to:

- 2.2. regulate the use of the *Common Seal*;
- 2.3. prohibit unauthorised use of the *Common Seal* or any device resembling the
Common Seal; and
- 2.4. provide for the penalties in relation to the conduct of *Council Meetings* and *Delegated Committees*.

1.3 Authorising provision

This Local Law is made under sections 5, 91 and 111 of the *Local Government Act 1989 (now Local Government Act 2020)*.

1.4 Commencement and end dates

This Local Law:

- 1.4.1. commences on the day which the common seal is affixed and operates throughout the *Municipal District*; and
- 1.4.2. ends on the 10th anniversary of the day on which it commenced operation, unless revoked sooner.

1.5 Revocation of Local Law No. 18 (as amended)

On the commencement of this Local Law, *Council's Governance Local Law 2, 2014* is revoked.

1.6 Definitions and notes

1.6.1. In this Local Law:

Act means the Local Government Act 1989 (now Local Government Act 2020)

Authorised Officer means a person appointed as an Authorised Officer under s224 of the Act

Chamber means any room where Council holds a Council Meeting

Chairperson means the Chairperson of a Council Meeting and includes an acting, a

temporary and a substitute Chairperson

Chief Executive Officer means the Chief Executive Officer of Council or the person acting in or performing the position of Chief Executive Officer

Common Seal means the Common Seal of Council

Council means Murrindindi Shire Council

Council Meeting includes an Ordinary Meeting, a Unscheduled Meeting or meeting of a Delegated Committee.

Councillor means a person who holds office as a member of the Council as defined under the Act

Mayor means the Mayor of Council

Offence means an act or default in breach of this Local Law

Officer means an employed member of Council staff;

Penalty Units means penalty units as prescribed by the *Sentencing Act 1992*

Part 2 - COMMON SEAL

2.1 Council's Common Seal

- 2.1.1 The common seal is the corporate signature of Council, and exists in the form of a stamp.
- 2.1.2 It evidences Council's corporate will, and authenticates decisions taken and acts performed by Council.
- 2.1.3 The Chief Executive Officer must ensure the security of the Council's common seal at all times.

2.2 Use of the Common seal

- 2.2.1 The common seal must be affixed to a document only for the purpose of giving effect to a decision which has been:
 - 2.2.1.1 Made by Council resolution;
 - 2.2.1.2 Made by resolution of a Delegated Committee to which power to use the common seal has been delegated; or
 - 2.2.1.3 Made by the Chief Executive Officer or a Director under delegation.
- 2.2.2 The common seal must have in it the words "Murrindindi Shire Council".
- 2.2.3 Every document to which the common seal is affixed must be signed by the Chief Executive Officer and a Councillor.
- 2.2.4 Where Council authorises the Common Seal to be affixed to any document, the Chief Executive Officer must ensure that a Common Seal register is maintained which records each time the Common Seal is affixed to a document and:
 - 2.2.4.1 A description of the document to which the seal was affixed;
 - 2.2.4.2 The date on which the Common Seal was affixed; and
 - 2.2.4.3 The date of the authorising Council resolution or "Sealed under Delegation".
- 2.2.5 Any person who uses the common seal or any device resembling the common seal other than in accordance Part 19 is guilty of an offence.

Part 3 - PENALTIES

3.1 Offences under this Local Law and Council's Governance Rules 2020

3.1.1 It is an offence:

Offence	Penalty	Infringement
Failing to comply with the Chairpersons direction.	20 penalty units	2 penalty units
Failing to leave meeting after being directed to do so by Chairperson.	20 penalty units	2 penalty units
Fraudulently sign a petition.	10 penalty units	2 penalty units
Use a recording device during any Council Meeting.	10 penalty units	2 penalty units
Use or cause the use of the common seal without proper authority.	20 penalty units	2 penalty units
Use or cause the use of a replica common seal.	20 penalty units	2 penalty units

3.2 Infringement Notice

- 3.2.1 As an alternative to prosecution, an Authorised Officer may, in accordance with section 117 of the Act and the provisions of the Infringements Act 2006, issue an infringement notice or Official Warning on a person who in the opinion of the Authorised Officer has contravened this Local Law.
- 3.2.2 Where an authorised officer is not present at the commitment of any offence under this Local Law, the Chief Executive Officer may direct the issuance of an infringement notice for that offence.

3.3 Payment of Penalty

- 3.3.1 A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Murrindindi Shire Council, Perkins Street, Alexandra 3714.
- 3.3.2 To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- 3.3.3 A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

Title:	Privacy Policy
Type:	Council
Adopted:	26 August 2020 (TBC)
TRIM Reference:	20/53794
Attachments:	Not applicable

1. Purpose

The purpose of the Privacy Policy is to ensure compliance with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* in relation to the management and handling of personal and health information within the public sector.

2. Rationale

The Murrindindi Shire Council believes that the responsible handling of personal information is essential to good governance and is strongly committed to protecting an individual's right to privacy.

3. Scope

This Policy applies to all Murrindindi Shire Council Councillors, officers, volunteers and contractors.

This Policy covers all personal information, confidential information, health information and sensitive information collected and / or held by Council about an individual.

4. Definitions

Reference Term	Definition
Confidential Information	<p>'Confidential information' is not used for the same purposes as personal or health information. Confidential information is any data, documents, photos, drawings or other information marked as <i>confidential</i> in accordance with section 3(1) (a) to (l) of the <i>Local Government Act 2020</i> ('LGA').</p> <p>It is possible that the different types of information may become intermingled in the course of Council business, which would mean the same piece of data or information may be fully or partially protected by both privacy legislation and the LGA.</p>
Health Information	<p>'Health information' is defined in the <i>Health Records Act 2001</i> (HRA) as:</p> <ul style="list-style-type: none"> a) Information or an opinion about— <ul style="list-style-type: none"> i. the physical, mental or psychological health (at any time) of an individual; or ii. a disability (at any time) of an individual; or iii. an individual's expressed wishes about the future provision of health services to him or her; or iv. a health service provided, or to be provided, to an individual—that is also personal information; or b) other personal information collected to provide, or in providing, a health service; or c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or d) other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants.

Responsible Officer: Manager Governance & Risk (Privacy Officer)

Date of approval: 26 August 2020 (TBC)

TRIM Reference: 20/53794

<p>Personal Information</p>	<p>‘Personal information’ is defined in the <i>Privacy and Data Protection Act 2014 (PDPA)</i> as:</p> <ul style="list-style-type: none">• Information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the <i>Health Records Act 2001</i> applies. <p>Council holds personal information about individuals in order to carry out its functions and provide community services. In some instances, personal information may be contained on public registers and statutory records (for example, building permits, planning permits, food premises, animal registration and the municipality’s voters’ roll).</p> <p>Although information pertaining to an individual’s health is considered to be that individual’s personal information, health information is expressly excluded from PDPA.</p>
<p>Sensitive Information</p>	<p>‘Sensitive information’ means information or an opinion about an individual’s: racial or ethnic origin, political opinions, membership of a political association; membership of a professional association or trade association, membership of a trade union, philosophical or religious beliefs and associations, sexual preferences and practices, or criminal record. This is also considered personal information and protected under the same Victorian Privacy Legislation.</p> <p>Council will not collect sensitive information unless an individual has consented or collection is required or permitted by law, or when necessary for research or statistical purposes as permitted under the PDPA.</p> <p>Sensitive information will be treated with the utmost security and confidentiality and only used for the purpose for which it was collected. Council must ensure that any sensitive information collected is stored confidentially and securely in accordance with Information Privacy Principle 4 — Data Security and Retention (see the Information Privacy Principles section of this Policy and the associated guideline).</p>

5. Policy

This Policy outlines Council's responsibilities when collecting, handling and disclosing an individual's personal and health information. Council will adhere at all times with the requirements under the Information Privacy Principles and with the requirements of this Policy.

In an effort to balance an individual's right to privacy with the public interest of ensuring the free flow of information, it is also the policy of Council to provide access to information where legislation permits and where the circumstances are appropriate to do so. Access will be provided except in circumstances outlined in Privacy Legislation, or where the *Freedom of Information Act 1982* ('FOI Act') applies. Access to personal information via the FOI Act should only be in applicable circumstances.

5.1 Roles and Responsibilities

The Chief Executive Officer is responsible for delegating the management of responsibilities under the respective Acts to Council Officers, including Council's Privacy Officer (Manager Governance & Risk).

The role of the Privacy Officer is to assist Council and its Officers with adhering to obligations under the *Privacy and Data Protection Act 2014* and *Health Records Act 2001*. The Privacy Officer is responsible for providing assistance to members of the community in relation to privacy enquiries, complaints or adjustments concerning their own personal or health information and ensuring that all required processes are followed and documented appropriately.

The Privacy Officer is required to maintain all documentation relating to the management and implementation of the *Privacy and Data Protection Act 2014* for Council.

5.2 Information Privacy Principles

It is the policy of the Murrindindi Shire Council that personal information is managed in accordance with the 10 Information Privacy Principles (the Principles).

Principle 1: Collection of Personal Information

Council will only collect personal information that is necessary for carrying out its functions or activities, and where reasonable and practicable, the collection will be from the individual directly.

When collecting information, Council will take reasonable steps to advise the information being sought, the purposes for which the information is being collected, whether any law requires the collection, the consequences, if any for not providing the information and any third parties to whom the information is usually disclosed.

Information will be collected in a variety of ways, including but not limited to:

- During conversations with the individual and / or their representatives.
- Through interaction with Council's website, social networking sites or any electronic correspondence with Council.
- Through enquiries, feedback, surveys, application forms, facility hire agreement or Council permits.
- Through employment applications.
- Through submissions under section 223 of the *Local Government Act 1989* to Council, public participation in line with the Governance Rules 2020, petitions submitted to Council and any other submissions to Council deemed to be publicly available information.

Council will only obtain personal information from a third party where it is authorised to do so.

Responsible Officer: Manager Governance & Risk (Privacy Officer)

Date of approval: 26 August 2020 (TBC)

TRIM Reference: 20/53794



The personal information that will be collected by Council includes but is not limited to:

- Names
- Addresses
- Contacts – including phone and email
- Date of birth
- Vehicle registration

Council may use the information provided to it for the following purposes:

- To contact residents and ratepayers in relation to Council activities and functions, including but not limited to rates, permit applications or care services
- To facilitate the collection of Council fees and charges
- To enable Council to undertake its law enforcement functions
- To contact individuals who provide feedback, customer requests or respond to surveys as part of Council's commitment to customer service
- To provide opportunities for involvement in Council initiatives and programs where relevant.
- To communicate where requested, such as where an individual has opted to join a mailing list or SMS notification service
- To aid community safety, such as to provide emergency information.

Health Information

Health information differs slightly from personal information in that Council will only collect information that is necessary for specific and legitimate functions of Council, and following the additional collection requirements of the Health Privacy Principles. Health information will only be collected directly from the individual or someone authorised to disclose the information.

Principle 2: Disclosure of Personal Information

Council will take all necessary measures to prevent unauthorised access to, or disclosure of, all personal information collected.

Council may disclose personal information in the following situations:

- For a related purpose that the individual would reasonably expect.
- Where Council has the permission of the individual to do so.
- To contractors engaged by Council to undertake services for, or on Council's behalf. Personal information provided to these contractors will be limited to only what is required for the service to be provided. Council mandates that all contractors comply with privacy legislation. Where the information is health related it will only be provided in accordance with the *Health Records Act 2011*.
- Council also discloses personal information to other agencies in the course of an investigation and defense of legal claims against Council. This includes Council's solicitors, consultants and investigators.
- Council may also use personal information contained in complaints made to Council as part of any prosecution undertaken as part its law enforcement functions. If an individual has opted to register a complaint with Council, Council may be obliged under legislation to investigate such complaint, and if necessary, may initiate legal proceedings as a result of its investigation to prosecute possible offenders.
- To debt collection agencies, government agencies, law enforcement agencies or any other external party where authorised or legally compelled to do so.
- Where Council believes that the disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health, safety or welfare or a serious threat to public health, safety or welfare.

Responsible Officer: Manager Governance & Risk (Privacy Officer)

Date of approval: 26 August 2020 (TBC)

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- Where Council is compelled to do so by law – for example if requested to do so in Court or by subpoena.

Sensitive or health information will only be disclosed for a directly related purpose which the individual would expect.

Public Submissions, Public Participation and Registers

Personal information provided by the community as part of a public submission to a Council or committee meeting under the *Local Government Act 2020* or Council's Governance Rules may be included with the published agenda papers and minutes of the meeting. The published agenda papers and minutes are displayed online and available in hardcopy format for an indefinite period. This may also include petitions that are submitted to Council.

Personal information may also be contained in Council's Public Registers. Under the *Local Government Act 2020*, any person is entitled to inspect Council's Public Registers, or make a copy of them, upon payment of the relevant fee.

Principle 3: Data Quality

Council will take reasonable steps to ensure that all personal information collected, used or disclosed is accurate, complete and up to date, bearing in mind its purpose, functions and activities.

Principle 4: Data Security

Council will take all reasonable measures to ensure that information is stored safely and securely. This will ensure that information held by Council is protected from misuse, loss, unauthorised access, modification or disclosure. This applies regardless of the format in which the information is held.

Any personal information provided to Council which is no longer necessary for Council's purposes will be disposed of in accordance with the document disposal requirements of the *Public Records Act 1973* and the General Retention and Disposal Authority for Records of Common Administrative Functions Version 2009.

Security is implemented via access rights to Council's corporate information system, based on levels of hierarchical authority within Council, or for some department specific requirements. Paper records must be stored in secure areas that comply with the Public Records Office Standard PROS 19/06.

Council will monitor and implement reasonable and appropriate technical advances and management processes, to provide an up to date ongoing safeguard for personal information.

Principle 5: Openness

This Privacy Policy and various website privacy statements detail Council's management of personal information and will be made available on Council's website and hard copies provided upon request.

Principle 6: Access and Correction of Personal Information

Individuals have a right to request access to any personal or health information held about them, and may request any incorrect information be corrected. Requests for access generally are handled under the *Freedom of Information Act 1982* as a Freedom of Information request.

However some requests may be processed outside of the *Freedom of Information Act*. Individuals should contact Council to discuss.

Responsible Officer: Manager Governance & Risk (Privacy Officer)
Date of approval: 26 August 2020 (TBC)
TRIM Reference: 20/53794

Where an individual requests Council to correct their personal information, Council will undertake to correct that information as a priority.

Council may decide not to allow access to personal information in accordance with the legislated exemptions. If an access or correction request is denied, reasons will be provided.

Principle 7: Unique Identifiers

A unique identifier is a number or code that is assigned to someone's record to assist with identification (similar to a driver's license number). Council will only assign identifiers to records if it is necessary to enable Council to carry out a function efficiently or where required by law.

Principle 8: Anonymity

Council will, where it is lawful and practicable, give individuals the option of not identifying themselves when entering into transactions with Council.

Council will ensure that individuals are aware of all, if any, limitations to services if the information required is not provided. Anonymity may limit Council's ability to process a complaint or other matter, Council reserves the right to take no action on any matter if an individual chooses not to supply relevant personal information so that Council can perform its functions.

Principle 9: Trans-border Data Flows

Council will only transfer personal or health information outside of Victoria in accordance with the provisions outlined in the *Privacy and Data Protection Act 2014* and *Health Records Act 2001*, or where the individual has consented.

Principle 10: Sensitive Information (Information Privacy Principle 10)

Council will not collect sensitive information about individuals except in circumstances prescribed in the *Privacy and Data Protection Act 2014* (Vic) or in circumstances where the information is both directly pertinent and necessary to one of its functions.

Sensitive information (as defined in this Policy) will be treated with the upmost security and confidentiality and only used for the purpose for which it was collected.

5.3 Complaints or enquiries concerning Information Privacy

All complaints regarding a breach of Council's privacy obligations are taken seriously and will be managed appropriately. When a complaint is received by Council it will be allocated to Council's Privacy Officer for recording and initiating investigation. The appropriate Manager, Director or the Chief Executive Officer will oversee the investigation, including seeking statements from any Council Officers involved.

A complaint is required to follow these requirements:

- A complaint should be made in writing (contact details available on Council's Website)
- The complaint must include contact details and a copy of a suitable form of identification may be required
- The complaint must include a brief description of the incident, or alleged breach, including any dates, what form it was in etc.
- The complainant must be the person who is directly involved or by a person who has authorisation in writing from the person directly involved, a parent or legal guardian can represent their child if they are under the age of 18 years
- A complainant may withdraw their complaint at any time, in writing.

These will be acknowledged as soon as possible, within ten business days and will be resolved as soon as practicable.

Responsible Officer: Manager Governance & Risk (Privacy Officer)

Date of approval: 26 August 2020 (TBC)

TRIM Reference: 20/53794



5.4 Public Registers

The following public registers are among those currently maintained by Murrindindi Shire Council which may include personal information.

- Details of current allowances fixed for Councillors under section 39 of the *Local Government Act 2020*.
- Details of senior officers' total salary packages for the current financial year and the previous year including the gross salary, the amount of the Council or employer contribution to superannuation, the value of any motor vehicle provided by the Council and the total value of any other benefits and allowances provided by the Council.
- Names of sitting Councillors and Council Officers who were required to submit a return of interest during the financial year and the dates the returns were submitted.
- Submissions received from the public in accordance with s223 of the *Local Government Act 1989* during the previous 12 months.
- The certified voters' roll for a Council election - for the period beginning on the certification date and ending 30 days after election day.
- Copies of campaign donation returns lodged by candidates in the last council elections.
- Details of overseas or interstate travel (with the exception of interstate travel by land for less than 3 days) undertaken in an official capacity by Councillors or any member of Council staff in the previous 12 months, including the names of the Councillors or members of Council staff and the date, destination, purpose and total cost of the overseas or interstate travel.
- A register of registered dogs and cats (including ownership details) in the municipality must be maintained by Council in accordance to Section 18 of the *Domestic Animals Act 1994*.
- A register of delegations kept under sections 11(8) and 47(7) of the *Local Government Act 2020*
- A document containing details of all leases involving land which were entered into by the Council as lessor, including the lessee and the terms and the value of the lease.
- A register of authorised officers appointed under the *Local Government Act 1989*.
- A register of Gifts, Benefits and Hospitality received by Councillors and Council Staff in accordance to sections 49(b) and 138(2)(a) of the *Local Government Act 2020*.
- Council's Planning and Building Departments keep the following registers:
 - A register of building permits kept pursuant to s31 of the *Building Act 1993*.
 - A register of occupancy permits and temporary approvals received by Council kept pursuant to s74 of the *Building Act 1993*.
 - A register of emergency orders, building notices and binding orders given to Council under part 8 of the *Building Act 1993*, as required under s126 of the *Building Act 1993*.
 - A register of all applications for planning permits and all decisions and determinations relating to permits.

6. Related Policies, Strategies and Legislation

Legislation

- *Crimes Amendment (Document Destruction) Act 2006*
- *Electronic Transactions Act 2000*
- *Evidence Act 2008*
- *Evidence (Document Availability) Act 2006*
- *Freedom of Information Act 1982*
- *Health Records Act 2001*
- *Privacy and Data Protection Act 2014*
- *Local Government Act 2020*
- *Public Records Act 1973*

Responsible Officer: Manager Governance & Risk (Privacy Officer)

Date of approval: 26 August 2020 (TBC)

TRIM Reference: 20/53794



Policies

- CCTV (TBC)
- Communication (20/37341)
- Councillor Code of Conduct (16/74120)
- Customer Service (18/57089)
- Customer Feedback and Complaints (19/59530)
- Employee Code of Conduct (16/24435)
- Fraud and Corruption Control (19/65485)
- Murrindindi Shire Council Governance Rules (TBC)
- Public Interest Disclosures (19/80421)
- Public Transparency (20/36276)
- Recruitment, Screening and Induction (20/37476)
- Related Party Disclosure (18/62039)

7. Council Plan

Adoption of this Policy supports the strategy in the Our Promise Strategic Objective of the Council Plan 2017-2021 to represent and advocate for our community in a transparent and equitable way.

8. Management and Review

This Policy will be reviewed by Council's Privacy Officer every four years. The reviewed Policy will be proposed to Council for adoption. The next review will be undertaken in August 2024.

9. Consultation

No public consultation was required in the writing or reviewing of this Policy.

10. Human Rights Charter

This Policy has been developed with consideration of the requirements under the [Charter of Human Rights and Responsibilities](#).



*S11A Instrument of Appointment and Authorisation (Planning and
Environment Act 1987)*

Murrindindi Shire Council

Instrument of Appointment and Authorisation
(Planning and Environment Act 1987 only)



Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "officer" means -

"ARB" means Arborist – Peter Armistead

"CCS" means Coordinator Community Safety – Casey Southurst

"CCM" means Complex Case Manager – Karen Girvan

"CSO" means Community Safety Officer – Josephine Noble, Nick Strongman, Ian Collier

"CP" means Coordinator Planning – Matthew Schreuder

"DA&D" means Director Assets & Development – Vito Albicini

"EO" means Environment Officer – Sue McNair, Amanda Priest, Zoe Blakeney

"MDS" means Manager Development Services – Natalie Stewart

"SP" means Senior Planner – Clara Gartland

"PO" means Planning Officer – Nicole Grey and Nicole Maguire

By this instrument of appointment and authorisation Murrindindi Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and

[DA&D, MDS, ARB, CCM, CCS, CP, CSO, EO, PO, SP]

2. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

[DA&D, MDS, CCM, CP, SP]



It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Murrindindi Shire Council
on

DATED this day of 2020

THE COMMON SEAL OF THE MURRINDINDI)
SHIRE COUNCIL was hereunto affixed in the)
presence of:)

Chief Executive Officer

Councillor

Date:

Murrindindi Shire Council Audit and Risk Advisory Committee Annual Report, 2019-2020

The membership of the Committee underwent changes as per the Special Meeting of Council (30 October) that resolved to appoint Cr Leigh Dunscombe (Mayor, in place of Cr Sandice McAulay), Cr Margaret Rae and Cr Charlotte Bisset as members of the Audit and Risk Advisory Committee. As a result of the scheduled review of members Craig Nisbet has been a member of the Committee since March 2020 (replacing Michele Sheward). All members of the Committee attended all meetings for which they were members (albeit with the last few meetings in a virtual format).

As a result of a Council initiative, an observer has started attending meetings thus creating an opportunity for a young professional to expand their understanding and experience in the Local Government through observing Committee meetings.

The Committee has followed its duties and responsibilities under the Charter and has met all requirements including a review of the Charter (September) and establishment of its annual plan (also September). The activities of the Committee are largely scheduled across its four regular meetings with some matters considered at each meeting and others on an annual basis. Accordingly, the following can be confirmed:

- Council's quarterly financial reports have presented no issues of concern, neither in content nor accounting treatment.
- Local Government Performance Report, 2018-19 included two positive and one negative exceptions with the Committee satisfied with the intelligent explanations of the variances.
- Regular review of previous audit actions shows continuing improvement.
- A review of insurance and workplace injury claims has revealed no areas of significant concern.
- Both the 2020/21 Draft Annual Budget 20-21 (including Covid19 measures) and a review of the Strategic Resource Plan for 20-21 were reviewed and considered appropriate to Council's risk objectives.
- The Committee considered the implications of the legislative changes to Audit and Risk Committees and contributed to Council's review of the Committee's role and function.
- The Committee noted the Rate Debtor Management Report.
- The Financial Statements 2018/19 and Performance Statement 2018/19 were reviewed and recommended for adoption by Council.
- The report of excessive leave (greater than six weeks) and long service leave balances continue to be monitored.
- The CEO's Credit Card has had very few transactions, with none of concern to the Committee and all appropriately approved.
- The CEO's regular report has been thorough, informative and insightful. It has assisted the Committee in exercising foresight.

A review of periodic reports from the Victorian Auditor-General's Office (VAGO) has ensured a continuing awareness of what VAGO sees as priorities and has afforded a steady review of changes to the Local Government Act. VAGO is working on an audit on Reducing Bushfire Risk; this involves Murrindindi Shire Council and other emergency agencies in the region but the report is yet to be released. As a result of the VAGO audit of Fraud and Corruption Controls in Local Government, the Minister for Local Government requested all councils report on progress in meeting the audit's recommendations (reported at this meeting). The Committee was satisfied that the Executive did not find any serious gaps in fraud and corruption controls but that several areas could be tightened to ensure full compliance with the audit recommendations. Much of this work was already underway.

The Committee works with the Executive and the internal auditors (HLB Mann Judd) to develop and implement a schedule of internal audits aimed at reviewing areas of risk or potential improvement. The currently active scopes and reports include a Review of HR and Workforce Planning, a Review of Landfill and Waste Management, a review of Infrastructure Operations (which has been deferred due to two severe storm events) and a review of Family Day Care (FDC) services. Slightly outside this frame was a review of the MAV WorkCare Sisap Audit Report. In each area of review, the Committee is satisfied with current progress against audit findings and recommendations. In particular, there are no specific issues the Committee believes need to be alerted to Council.

In addition to regular items, VAGO input and the internal audit schedule, the Committee takes care to ensure Council policies satisfy its requirements in terms of ensuring good governance and minimising risk. Specifically, the Committee has this year reviewed the policies on Corporate Credit Cards, Fraud & Corruption (in light of an internal audit), Public Interest Disclosure Policy (previously Protected Disclosure Policy) and the development of a formalised Fuel Card Policy (in addition to the existing controls).

Over the past year, the Committee was particularly pleased with the continued sophistication in the Executive's management of risk. Risk management generally is one of the Committee's core interests. The Committee has observed and noted how the organisation has developed comprehensive, integrated and timely strategies and processes for anticipating and managing risk. The Committee considered the Draft Enterprise Risk Management Policy at draft stage and has noted progress in the implementation of the Risk Management Policy and Framework through the Risk Management Implementation Plan.

The Strategic Risk Register was revised in early 2020 to include 'COVID-19 Pandemic impacting Council's Business Continuity for unknown duration' with Council's Business Continuity and Pandemic Plans being enacted just prior to the State of Emergency being declared in Victoria. This very real and ongoing emergency resulted in an initial risk assessment on the potential impacts to critical services/functions of Council by applying the hierarchy of critical services in the Business Continuity Plan. A Critical Incident Team was established consisting of the Leadership Team and officers with emergency and pandemic related responsibilities to implement control measures to reduce the immediate risk of virus spread (within the organisation and community) and to maintain Council's business continuity and critical service provision.

The highest strategic risks continue to be a potential failure to adequately protect the health and safety of employees, contractors, volunteers or members of the public in the delivery of Council services and adverse impacts of climate change on Council's assets and service delivery. The Committee is encouraged by Executive's response to these significant risks and its ability to maintain focus on a series of operational risks. The situation has proven to be an excellent proving ground for the Business Continuity Plan. Areas of continuing Council risk focus are:

- the risk of injury to members of the public and/or property damage associated with falling trees or tree limbs on Council land,
- failure to identify and manage risks in delivering services and meeting corporate objectives,
- a lack of compliant archival storage facility/arrangements (OHS Risks, accessibility), and
- a failure to comply sufficiently with environmental legislation associated with the delivery of capital works.

Business Continuity Planning (BCP) has been a significant interest of the Committee for some years through the periodic review of progress against the recommendations of an internal audit report. Under leadership and guidance from the Executive, the organisation has made good progress with the development of specific subplans and a desktop test exercise in December. The Executive subsequently updated the BCP to reflect the new structure and changes in best practice.

The Committee was able to note that all BCP sub-plans were updated and presented to unit coordinators and managers by the end of November. This gave managers and coordinators time prior to the desktop exercise conducted in December to review them. The process included a review and re-prioritisation of the Business Impact Analysis (or Critical Impact Analysis) of Council business. The priority of keeping the BCP current to reduce Council's risk exposure led the Executive to redeploy Council's Emergency Management Coordinator (experienced in BCP practices) to a dedicated temporary BCP project management role to assist the Executive and management team to review, update and test the BCP.

The Executive's priority in addressing risk management and BCP was prescient. Steps taken by Council in the draft budget and initial reports of continuing organisational adjustments indicate the thoroughness of the preparatory work. The Council is relatively well-placed to address the challenges presented by Covid19.

Policies are a mechanism whereby an organisation pursues consistent and effective performance. Murrindindi Shire Council has around 70 Council and Organisational policies in place. Many were overdue for review. The CEO has made a commitment to Council that all overdue policies will be reviewed and up to date by the end of June 2020. The Committee is satisfied the work in this area is an example of the thoroughness of the current organisational leadership.

In the course of its work, the Committee is assisted by, or even relies upon, the external auditors (appointed by the Auditor General), internal auditors (appointed by Council) and the Executive.

The Committee met with the AG-appointed External Auditors (Kathie Teasdale and Paul Harrison of RSD Audit) in September – both with and without Council officers present – and considered both the Audit Strategy Memorandum for the financial year ending 30 June 2020 and the Interim Management Letter. The Committee has no concerns arising from these deliberations and discussions.

The Committee relies heavily on the work of Council's Internal Auditors, planning the audit schedule, considering audit scopes, receiving reports, discussing audit findings (both with and without Council officers present) and exchanging views. The Committee was most appreciative of the approach and vigour afforded by HLB Mann Judd, led by Mark Holloway. Their 'Recent Reports and Publications' update helps keep the Committee informed of governance across Australia at all levels of government and in all states.

The CEO and Executive has been consistently open in its discussions with the Committee. Their interest in helping to reveal exactly how the organisation is performing reflects their collective commitment to addressing weakness and constantly improving. The internal audit of FDC provides an illustration of this positive approach. Between HLB Mann Judd delivering their report and the Committee receiving it, not only had the FDC managers responded to the recommendations but they had also implemented a number. This forthright behaviour is extraordinary. The Committee takes this as a sign that the leadership of the Council is in good hands.

Individual members of the Committee, both Councillors and Independents, have shown extraordinary diligence, not just in attending all meetings, but in participating actively and with open minds. Their commitment in helping Murrindindi Shire Council perform at its best has been remarkable.

Name	No. of Meetings Eligible	No. of Meetings Attended
Claude Baxter	4	4
Ian McKaskill	4	4
Michele Sheward	2	2
Craig Nisbett	2	2
Cr Leigh Dunscombe	4	4
Cr Margaret Rae	4	4
Cr Sandice McAulay*	3	3
Cr Charlie Bisset	1	0

*replaced as Mayor by Cr Dunscombe in October 2019 and then later appointed as Councillor Representative on Committee from February 2020 meeting to replace Cr Bisset who had other competing commitments.

Claude Baxter
Audit and Risk Advisory Committee Chair

(September 2019 to June 2020)