

# MINUTES

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## SPECIAL MEETING OF COUNCIL

TUESDAY, 21 JULY 2020

7.00PM

COUNCIL CONFERENCE AND RECEPTION CENTRE  
CITY HALL  
LITTLE MALOP STREET, GEELONG

**COUNCIL:**

Cr S Asher (Bellarine Ward)  
Mayor  
Cr K Grzybek (Windermere Ward)  
Deputy Mayor  
  
Cr J Mason (Bellarine Ward)  
Cr T Sullivan (Bellarine Ward)  
Cr E Kontelj (Brownbill Ward)  
Cr S Mansfield (Brownbill Ward)  
Cr P Murrily (Brownbill Ward)  
Cr B Harwood (Kardinia Ward)  
Cr P Murnane (Kardinia Ward)  
Cr R Nelson (Kardinia Ward)  
Cr A Aitken (Windermere Ward)

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**MINUTES OF THE SPECIAL MEETING  
OF THE GREATER GEELONG CITY COUNCIL  
HELD AT THE COUNCIL CONFERENCE AND RECEPTION CENTRE  
CITY HALL, LITTLE MALOP STREET, GEELONG  
TUESDAY, 21 JULY 2020  
COMMENCING AT 7.00 PM**

**PRESENT:** Cr S Asher (Mayor), Crs A Aitken, K Grzybek, B Harwood, E Kontelj,  
J Mason, P Murrhiy, P Murnane, R Nelson

**Also present:** M Cutter (Chief Executive Officer), R Leonard (Director Governance,  
Strategy and Performance)

**OPENING:** The Mayor declared the meeting open at 7.00pm

**ACKNOWLEDGEMENT:**

Council acknowledges Wadawurrung Traditional Owners of this land and pays its respects to all Elders past and present and to all Aboriginal and Torres Strait Islander People who are part of the Greater Geelong community today.

**REASON FOR HOLDING SPECIAL MEETING:**

The matter was urgent due to the allocation of sufficient time for public consultation prior to the adoption of both the Transparency Policy and the Governance Rules documents by 1 September 2020.

**APOLOGIES:** Crs Mansfield and Sullivan

**DECLARATIONS OF CONFLICTS OF INTEREST:** Nil

**STAFF ACKNOWLEDGMENT:**

The Mayor, on behalf of Councillors and staff of the City of Greater Geelong acknowledged the significant contribution made to the City by Brett Luxford, Director Economy, Investment and Attraction who is departing the City to take up a new role as Chief Executive Officer at Mitchell Shire Council.

## **1. DRAFT PUBLIC TRANSPARENCY POLICY**

**Source:** Governance, Strategy & Performance -  
**Director:** Rebecca Leonard  
**Portfolio:** Leadership and Governance

### **Purpose**

1. To seek Council endorsement to release the Draft Public Transparency Policy (**Attachment 2**) for community consultation for a period of three weeks.

### **Background**

2. The Local Government Act 2020 (LGA 2020) received Royal Assent on 24 March 2020 and will be proclaimed in three stages commencing on 6 April 2020.
3. Section 57 of the LGA 2020 requires Council to adopt a Public Transparency Policy by 1 September 2020.
4. A Public Transparency Policy must describe the ways in which Council information is to be made publicly available (section 57) and give effect to the public transparency principles prescribed in section 58 of the LGA 2020.

### **Key Matters**

5. Broadly, the draft Public Transparency Policy:
  - 5.1 Acknowledges the importance of transparency in local government;
  - 5.2 Incorporates the overarching principles of the LGA 2020 that “*the transparency of Council decisions, actions and information is to be ensured*” (section 9(2)(i)); and
  - 5.3 Outlines what information will be made publicly available by the City and how it will be made available and identifies information that will not be made publicly available.
6. Community feedback is sought in relation to the policy before it will be presented to Council for adoption at its meeting on 25 August 2020.

**Cr Mason moved, Cr Grzybek seconded -**

7. **That Council:**
  - 7.1 **Endorse the release of the draft Public Transparency Policy (Attachment 2) for community consultation for a period of three weeks; and**
  - 7.2 **Note that a report will be presented to Council in August 2020 to adopt the policy by 1 September 2020.**

**Carried.**

## **Attachment 1**

### ***Financial Implications***

1. There are no direct financial implications associated with the contents of this report.

### ***Community Engagement***

2. Community and stakeholder consultation on the draft Public Transparency Policy will be undertaken for a period of three weeks. Feedback will be considered and any supported changes will be made to the policy before the policy is presented to Council for adoption.

### ***Social Equity Considerations***

3. The draft Public Transparency Policy demonstrates how decisions made by City officers under delegation or authorisation of the Council under the LGA 2020 or any other legislation supports transparency, fairness and equity.
4. Access to information by all members of the community is important to ensure transparency, trust and integrity of decision making. The implementation of the policy will consider how the City is able to improve access to information in accordance with the policy.

### ***Policy/Legal/Statutory Implications***

5. The draft Public Transparency Policy has been developed in accordance with section 57 and section 58 the LGA 2020.
6. Council must adopt the Public Transparency Policy by 1 September 2020.

### ***Alignment to Council Plan***

7. This report aligns to Council Plan's strategic priority 'Organisational leadership, strategy and governance'.

### ***Conflict of Interest***

8. No Council officer had a direct or indirect interest in the contents of this report.

### ***Risk Assessment***

9. Provide access to information to the public about processes, decision and actions supports transparency in the operations of the City, and the decisions of the City and the Council. A failure to provide access to information could undermine community trust in decisions made by the City and by the Council.

### ***Environmental Implications***

10. There are no direct environmental implications associated with the contents of this report.

# PUBLIC TRANSPARENCY POLICY

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**VERSION: 1**

**Approval Date:** DD Month YYYY of official approval

**Approved by:** Council

**Review Date:** DD Month YYYY – generally 4 years from approval date unless shorter review period required

**Responsible Officer:** Director, Governance, Strategy and Performance

**Authorising Officer:** Director – Governance, Strategy and Performance

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# Introduction

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## PURPOSE

This policy outlines how the Council and the City will ensure that it meets its obligations under section 57 and section 58 of the Local Government Act 2020 (the Act).

## WHY IS TRANSPARENCY IMPORTANT?

Transparent decision making promotes a positive and productive relationship between the Council and the City and the community. It allows the community to have a greater sense of ownership and connection to decisions made by the Council and the City. More so than at any other level of government, local councils provide the opportunity for citizens to engage with decision making directly affecting them and their communities.

Transparent decision making in local government supports accountability, encourages high performance and also increases public confidence in councils and their processes and decisions. Individuals will not always agree with Council or City decisions, but transparency allows them to understand the reasoning in the decision-making process.

Openness, accountability, integrity and honesty are essential to build high levels of trust amongst our community and enables fully informed engagement in the democratic process. Without transparency, effective community engagement, planning, financial management and any number of other council responsibilities cannot be properly performed.

## PUBLIC TRANSPARENCY PRINCIPLES

One of the overarching principles of the Act is that “the transparency of Council decisions, actions and information is to be ensured” (section 9(2)(i)).

Section 58 of the Act states the public transparency principles that must be applied to all aspects of a council’s operations and decision making as follows:

- a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- b) Council information must be publicly available unless—
  - i. the information is confidential by virtue of this Act or any other Act; or
  - ii. public availability of the information would be contrary to the public interest;
- c) Council information must be understandable and accessible to members of the municipal community;
- d) public awareness of the availability of Council information must be facilitated.

## SCOPE

This policy applies to the Council and anyone carrying out delegated duties or functions of the Council including Councillors, City staff and members of Delegated Committees or Advisory Committees.

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# Definitions

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## **CITY**

The City of Greater Geelong organisation led by the CEO

## **COUNCIL**

The Greater Geelong City Council comprised of Councillors, and its Delegated Committees

## **DELEGATED COMMITTEE**

A delegated committee established under section 63 of the Act.

## **THE ACT**

Local Government Act (Vic) 2020

## **FOI ACT**

Freedom of Information Act (Vic) 1982

## HOW WILL COUNCIL AND CITY DECISION-MAKING PROCESS BE TRANSPARENT?

### Decisions of the Council

Decisions made by the Council must be:

- undertaken in accordance with the Act, any other relevant legislation and Council's Governance Rules;
- conducted in an open and transparent forum, unless otherwise provided in accordance with the provisions in the Act and Governance Rules;
- informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy; and
- made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, will be entitled to communicate their views and have their interests considered.

### Decision made under delegation

City officers making decisions under delegation or authorisation of the Council under the Act or any other legislation must have regard to the public transparency principles in the Act.

## WHAT INFORMATION WILL BE PUBLICLY AVAILABLE?

Under the Act (and, in some cases, the *Local Government Act 1989*), certain information must be made publicly available, namely:

- Register of Delegations made by Council;
- Council and Delegated Committees Meeting Minutes;
- Local Laws and any documents incorporated;
- Council Plan;
- Strategic Resource Plan;
- Budget;
- Annual Report;
- Councillor Code of Conduct;
- Procurement Policy;
- Register of interests;
- Reappointment of CEO without advertisement;
- Differential Rates; and
- Summary of Campaign Donation Returns.

The following information will also be made publicly available to ensure the community is informed and can benefit from access to information regarding Council's functions and operations:

- All adopted Council policies, plans and strategies;
- Governance Rules;
- Composition, Terms of Reference, Agendas and Minutes of Council Meetings, Committees and Groups;
- Code of Conduct for Council Staff;
- Register of Delegations made by the CEO;

- Register of Authorised Officers;
- Register of Interstate and Overseas Travel by Councillors and Staff;
- Register of Land Leases entered into by Council;
- Register of Donations and Grants made by Council;
- Register of Contracts Awarded by Council; and
- Details of any Council Land proposed for Sale or Exchange.

Under various other Acts administered by Council, the following information will be made publicly available:

- Register of Planning Permits;
- Register of Planning Applications on Advertising;
- Copy of Planning Permits and Endorsed Plans (by application, charges will apply);
- Register of Building Permits, Occupancy Permits and Temporary Approvals;
- Copies of Building Permits, plans and documentation (by application, charges will apply);
- Register of Animal Registrations;
- Register of Public Roads; and
- FOI Part II Statement.

## WHAT INFORMATION WILL NOT BE PUBLICLY AVAILABLE?

Some information may not be made publicly available. Information will not be publicly available if its release would be contrary to the public interest or not in compliance with the *Privacy and Data Protection Act 2014*.

“Confidential information,” as defined in section 3 of the *Local Government Act 2020* will also not be made publicly available. It includes the types of information listed in the following table.

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter
Information prescribed by the Regulations	Information prescribed by the regulations to be confidential information for the purposes of the Act
Confidential information under the <i>Local Government Act 1989</i>	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>

The Chief Executive Officer may decide, in the interests of transparency, to release information that is not publicly available under this policy. However, this will not happen if the release is contrary to law, in breach of contractual requirements or if releasing the information is likely to prejudice council, cause harm to any person, affect security of council property or is not in the public interest to do so.

Where information is not confidential, and not already available, the principles of a public interest test with consideration also of the resources required to respond to the request will be applied to determine whether information can be released.

The Chief Executive Officer may refuse to release information if it determines that the harm likely to be created by releasing the information will exceed the public benefit in being transparent. When considering possible harm from releasing information, the Chief Executive Officer will consider the potential harm to the community or members of the community. Potential harm to the City will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the City from performing its functions.

## HOW CAN INFORMATION BE ACCESSED?

The FOI Act gives you the right to apply for access to documents held by the City. The City is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner. Read more at [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au).

A list of available information is provided in the Part II Statement (Statement) published on the City's website in accordance the Freedom of Information Act 1982. This Statement requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds.

## HOW WILL INFORMATION BE MADE PUBLICLY AVAILABLE?

- The City will make available information on its website or by inspection, where prescribed, and ensure all such information is regularly reviewed, updated, understandable and accessible.
- The City will use social media to publish or stream information, such as Council Meetings, and other online tools, such as Have Your Say, to encourage community engagement and consultation on project and community related matters.
- The City will ensure information as prescribed under Part II of the *Freedom of Information Act 1982* - Publication of Certain Documents and Information, is made available on its website.
- The City will endeavour where possible to provide the community with access to information free of charge, but may charge a fee for reasonable costs incurred in providing the documents or where a fee is prescribed by legislation for the provision of information.
- All information must be accessible in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

# Implementation of this Policy

## RESPONSIBILITIES

Party/parties	Roles and responsibilities
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making. Adopt the Public Transparency Policy and oversee its implementation.
Executive Leadership Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Implement and ensure compliance with this policy.
Senior Leadership Team	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.
Governance Unit	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.

## MONITORING AND REPORTING

The City commits to monitoring processes, information sharing and decision making to understand the overall level of success in the Policy's implementation.

## ADVICE AND ASSISTANCE

The Responsible Officer for this policy manages the provision of advice to the organisation regarding this policy.

## HUMAN RIGHTS CHARTER

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this Policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs.

## NON-COMPLIANCE WITH THIS POLICY

If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance.

Reviews of decisions about the release of information can be raised, in order of escalation, as follows:

- The City's FOI Officer at: [foi@geelongcity.vic.gov.au](mailto:foi@geelongcity.vic.gov.au)
- The Office of the Victorian Information Commissioner: <https://ovic.vic.gov.au/about-us/contact-us/>

If a member of the community is dissatisfied with how their request for information has been handled by the City, they may lodge a complaint, in order of escalation:

- To the City by seeking a complaint review, which may include a review by the City's Internal Ombudsman: <https://www.geelongaustralia.com.au/complaints/task/item/8d6099d9ed01bae.aspx>
- To the Victorian Ombudsman's office on (03) 9613 6222. or via the website – [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au).

## RECORDS

The City must retain records associated with this policy and its implementation for at least the period shown below.

<b>Record</b>	<b>Retention / Disposal Authority</b>	<b>Retention Period</b>	<b>Location</b>
This policy	Chief Executive Officer	Seven years	REX
Records of compliance incidents	Director Governance Strategy and Performance	Seven years	REX
Requests for information	All staff	Seven years	REX
Information published on the website	Manager Communications and Marketing	Three years	REX

## **REVIEW**

The Council should review and, if necessary, amend this policy within four years of the approval date. A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

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# References

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- Governance Rules
- Public Transparency Principles
- Governance Framework (Template available from LGV if required based on Geelong model)
- Community Engagement Policy
- Information Privacy Policy
- Health Records Policy
- Information Rights Policy
- Open Data Policy
- Charter of Human Rights and Responsibilities Act 2006
- Freedom of Information Act 1982
- Local Government Act 2020
- Local Government Act 1989
- Privacy and Data Protection Act 2014
- Equal Opportunity Act 2010.

## **2. DRAFT GOVERNANCE RULES**

**Source:** Governance, Strategy & Performance - Governance  
**Director:** Rebecca Leonard  
**Portfolio:** Leadership and Governance

### **Purpose**

1. To seek Council approval for the release of the draft Governance Rules, including the Election Period Policy (**Attachments 3 and 4**) for community consultation for a three week period.

### **Background**

2. A new *Local Government Act 2020 (Vic)*, (the Act), received Royal Assent on 24 March 2020 which provides a new landscape for the operation of local government.
3. The implementation of the provisions of the Act is staged, with a number of key policies due to be adopted by 1 September 2020, including the Governance Rules.
4. Section 60 of the Act requires Council to adopt and apply Governance Rules that describe the way they will conduct council meetings and make decisions by 1 September 2020.

### **Key Matters**

5. Broadly the Governance Rules are based on the Council's existing Meeting Procedures Local Law 2017 and describe processes such as:
  - 5.1 how Council will make decisions and conduct meetings (including Delegated Committee and Community Asset Committee meetings);
  - 5.2 how the Mayor and Deputy Mayor are to be elected; and
  - 5.3 how records of decision-making processes are kept and how the public can access these.
  - 5.4 the provision to hold joint council meetings.
6. In addition to the meeting procedures, the Governance Rules also incorporate the following provisions as required by section 60 of the Act:
  - 6.1 processes to hold joint council meetings, that is, between Councils;
  - 6.2 procedures for the disclosure of a conflict of interest by a councillor or a member of a delegated committee and how these records will be kept;
  - 6.3 a framework to consider and make decisions fairly and on the merits;
  - 6.4 decision making processes to ensure that any person whose rights are directly impacted by Council decisions is entitled to communicate their views and have their interests considered; and
  - 6.5 Council's Election Period Policy which describes the limitations to decision making that apply during an election period. The Election Period Policy is required to be adopted as part of the Governance Rules. This policy has been updated in accordance s 69 of the Act (**Attachment 4**).
7. Proposed key changes to the Governance Rules from the Meeting Procedure Local Law 2017 are outlined in **Attachment 2**.

**Cr Asher moved, Cr Grzybek seconded -**

**8. That Council:**

- 8.1 Endorse the release of the Draft Governance Rules including the Election Period Policy (Attachments 3 and 4) for community consultation for a period of three weeks; and**
- 8.2 Note that a report will be presented to Council in August 2020 to adopt the policy by 1 September 2020.**

**Carried.**

## **Attachment 1**

### ***Financial Implications***

1. There are no financial implications associated with the contents of this report.

### ***Community Engagement***

2. Community and stakeholder consultation on the draft Governance Rules will be undertaken prior to consideration of adoption by Council.
3. Section 60(4) of the Act also requires the Council to undertake a process of community engagement in developing these Rules.

### ***Social Equity Considerations***

4. The draft Governance Rules outline transparent processes for how council decisions are to be made which will support fairness and equity and public participation in decision making.
5. The draft Governance Rules have incorporated gender-neutral language to ensure that they provide for everyone in our diverse community.

### ***Policy/Legal/Statutory Implications***

6. The draft Governance Rules have been developed in accordance with and reflect the requirements of section 60 of the Act.

### ***Alignment to Council Plan***

7. This report aligns to Council Plan's strategic priority 'Organisational leadership, strategy and governance'.

### ***Conflict of Interest***

8. No Council officer had a direct or indirect interest in the contents of this report.

### ***Risk Assessment***

9. Council must adopt the Governance Rules by 1 September 2020 to ensure compliance with the Act.
10. The Governance Rules have been created with reference to guidance material provided by Local Government Victoria.

### ***Environmental Implications***

11. There are no direct environmental implications associated with the contents of this report.

**Attachment 2**

Meeting procedures changes:

Reference	Explanation
Chapter 1 Governance Framework	Articulates the obligations on those involved in decision-making, including members of Council staff acting under delegation in accordance with s 60(2) of the Act.
Chapter 2, Part 2 Election of the Mayor	<i>The City of Greater Geelong Act 1993</i> has been repealed, this section outlines the terms of the election of the Mayor.
Chapter 2, Part 2.3 Election of the Deputy Mayor	Establishes the term and process for the election of the Deputy Mayor.
Chapter 2, Part 2.6 Appointment of Acting Mayor	Allows for the appointment of an Acting Mayor in the event that Council has not established the off of Deputy Mayor.
Chapter 2, Part 3.3 to 3.5 Council meeting dates	Sets the process for fixing and altering Council meeting dates and establishes a rule for meetings not fixed by Council (previously referred to as Special Meetings).
Chapter 2, Part 3.6 Notice	Included a new provision for notice to the public for urgent meetings which replicate the provisions of the LGA 1989: "or such notice as is reasonably practicable in the circumstances"
Chapter 2, Part 3.9 Cancelling a meeting	Meetings may be cancelled by the CEO in the event of an emergency.
Chapter 2, Part 3.11 Chair may not accept certain motions	Outlines when the Chair can determine not to accept motions.
Chapter 2, Part 3.12 Order and content of business	Notes that the Chief Executive Officer will set Council Meeting Agendas after consulting with the Mayor.
Chapter 2, Part 3.14 Recording of Meetings	Includes a reference to no photography.
Chapter 2, Part 3.22 Joint letters	Joint letters to be dealt with in accordance with Petitions.
Chapter 2, Part 3.29 Priority of address and right to speak to motion	How to speak to a motion including clarification of a right to speak in reply to an amendment

Reference	Explanation
Chapter 2, Part 3.35 Addressing the Meeting	How to address members during a meeting.
Chapter 2, Part 3.37 Time limits of meeting	Can only continue the meeting once if previously voted on.
Chapter 2, Part 3.42 to 3.43 Point of Order	Clarification on points of order.
Chapter 2, Part 3.46 Notices of Motion	The new provisions reflect guidance from LGV and the requirements of the Victorian Ombudsman's <i>Investigation into the transparency of local government decision making, December 2016</i> .
Previous Part 3.45 General Business	Removal of General Business from the Governance Rules.
Previous Part 3.53 Discipline and suspensions	Removed references to offences.
Chapter 2, Part 3.56 to 3.57 Orderly meetings	Provision for adjourning meetings and removal from the Chamber.
Chapter 2, Part 3.58 Suspension of standing orders	New provision for suspension of standing orders.
Chapter 2, Part 3.59 Remote meetings	New provision for conducting meetings remotely.
Chapter 2, Part 3.60 Procedure if not covered by Governance Rules	New provision if the Governance Rules do not address a situation then the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament will apply.
Chapter 2, Part 3.61 Orderly meetings	CEO has the power to address criticism of a City Officer in meetings or criticism of himself or herself.
Chapter 3 Delegated Committees	New Chapter that applies to Delegated Committees as per s.60(1)(b) of the Act.
Chapter 4 Community Asset Committee	New Chapter that applies to Community Asset Committees established under s.65 of the Act.
Chapter 5 Joint Council Meetings	Allows for Joint Council meetings to consider decisions in partnership with participating Councils.

Reference	Explanation
Chapter 6 Disclosure of Conflicts of Interest	This Chapter outlines the process for Conflict of Interest disclosures. The prescribed content in the Local Government Act 1989 has largely been removed. This provision aligns closely with previously regulated declarations for conflict of interest. City staff must also follow these rules when exercising delegated authority or statutory functions.
Chapter 7 Miscellaneous - Confidential Information	Confidential Information. Details how to deal with confidential information while transitioning from provisions of the Local Government Act 1989 to the new Act. Confidential information is defined in s. 3 of the Act.
Chapter 8 Election Period Policy	As required by s 60 of the Act.

THE CITY OF  
GREATER GEELONG

# GOVERNANCE RULES

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## VERSION: 1

**Approval Date:** DD Month YYYY of official approval

**Approved by:** Approval authority – e.g CEO or Council

**Review Date:** DD Month YYYY – generally 4 years from approval date unless shorter review period required

**Responsible Officer:** Title – as assigned by Authorising Officer

**Authorising Officer:** Title – CEO or Director/ Exec Manager of subject area

## GOVERNANCE RULES

### Introduction

#### 1. Nature of Rules

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

#### 2. Date of Commencement

These Governance Rules commence on 1 September 2020.

#### 3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Rules Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Joint meetings of councils
Chapter 6	Disclosure of Conflicts of Interest
Chapter 7	Miscellaneous
Chapter 8	Election Period Policy

#### 4. Definitions

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

*Act* means the *Local Government Act 2020*.

*Chief Executive Officer* includes an Acting Chief Executive Officer.

*Community Asset Committee* means a Community Asset Committee established under section 65 of the Act.

*Council* means Greater Geelong City Council.

*Council meeting* has the same meaning as in the Act.

*Delegated Committee* means a Delegated Committee established under section 63 of the Act.

*Joint Council meeting* means a meeting in accordance with section 62 of the Act.

*Mayor* means the Mayor of Council.

*Rules* means these Governance Rules.

## **CHAPTER 1 – GOVERNANCE RULES FRAMEWORK**

### **1. Context**

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

- 1.1 the overarching governance principles specified in section 9(2) of the Act; and
- 1.2 the following documents approved by Council:
  - 1.2.1 Transparency Policy;
  - 1.2.2 Community Engagement Policy; and
  - 1.2.3 Public Question and Submission Time Policy.

### **2. Decision Making**

- 2.1 In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and make a decision:
  - 2.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - 2.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- 2.2 Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered).
- 2.3 Without limiting anything in paragraph 2.2:
  - 2.3.1 before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
  - 2.3.2 if a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
  - 2.3.3 if a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
  - 2.3.4 if a City officer proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the City officer must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

## CHAPTER 2 - MEETING PROCEDURES FOR COUNCIL MEETINGS

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## **PART 1 - PRELIMINARY**

### **1.1 Purpose of this Chapter**

The purpose of this Chapter is to:

- 1.1 provide for the election of the Mayor and any Deputy Mayor;
- 1.2 provide for the appointment of any Acting Mayor; and
- 1.3 provide for the procedures governing the conduct of Council meetings.

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## 1.2 DEFINITION OF THE WORDS USED IN THIS CHAPTER

<i>Absolute Majority</i>	means a number of votes greater than one-half of the total number of votes cast, and if necessary, includes the vote by a ballot.
<i>Amendment</i>	means a proposed alteration to improve the terms of a motion, without being contradictory.
<i>Chairperson</i>	means the chair of a meeting and includes acting, temporary, or substitute chairperson.
<i>City</i>	means the City of Greater Geelong.
<i>City officer</i>	has the same meaning given to that term in section 3 of the Act, namely: <ul style="list-style-type: none"><li>a. a natural person who is employed by the Chief Executive Officer (other than an independent Contractor under a contract of service or a volunteer) to enable:<ul style="list-style-type: none"><li>i. the functions of the Council under the Act or any other Act to be carried out;</li><li>ii. the Chief Executive Officer to carry out their functions;</li></ul></li><li>b. the Chief Executive Officer.</li></ul>
<i>Clause</i>	means a clause of these Rules.
<i>Councillor</i>	means a person elected to the office and is a member of Council.
<i>Deliver</i>	means to hand over or mail to a recipient and includes transmission by facsimile, electronic mail or publication on the Geelong Australia Website.
<i>Deputy Mayor</i>	means a Councillor elected to be the Deputy Mayor in accordance with the Division 3 of the Act.
<i>Geelong Australia Website</i>	means the Council website <a href="http://www.geelongaustralia.com.au">www.geelongaustralia.com.au</a> or such other website which replaces it.
<i>Joint letter</i>	means a letter which has been signed by at least ten people or executive/committee representatives from ten separate entities whose names and physical addresses also appear on the letter.
<i>Majority</i>	in relation to votes or Councillors means the number of votes or Councillors constituting more than half of the total number.
<i>Municipal District</i>	means the area from time to time comprising the municipal district of the City.

## **2. PART 2 - ELECTION OF MAYOR & DEPUTY MAYOR**

### **2.1 ELECTION OF THE MAYOR**

- 2.1.1 The Mayor will be elected for a term of 2 years.
- 2.1.2 The Mayor must be elected within 1 month of the date of the general election.
- 2.1.3 At the end of the Mayoral term, the Council must meet at a date as close as possible to the end of the Mayoral term to conduct the election of the next Mayor.
- 2.1.4 If the office of the Mayor becomes vacant:
  - 2.1.4.1 a new Mayor must be elected within one month after any vacancy in the office of the Mayor; and
  - 2.1.4.2 the Councillor elected to fill the vacancy serves the remaining period of the previous Mayor's term.

### **2.2 PROCEDURE FOR ELECTION OF THE MAYOR**

- 2.2.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected and preside until a Mayor is elected.
- 2.2.2 The Chief Executive Officer will be responsible for:
  - 2.2.2.1 the receipt of nominations for the election of Mayor; and
  - 2.2.2.2 the election of Mayor.
- 2.2.3 The election of the Mayor shall be by vote, unless there is only one Councillor nominated for Mayor.
- 2.2.4 The Councillor who receives the *absolute majority* of votes cast must be declared the elected Mayor.
- 2.2.5 The Chief Executive Officer shall be responsible for the counting of votes.
- 2.2.6 For the purpose of Clause 2.2.1, the following will apply:
  - 2.2.6.1 nominations for Mayor must be moved and seconded;
  - 2.2.6.2 a Councillor nominated for Mayor must be asked if they accept their nomination, noting that Councillor may decline their nomination as a mayoral candidate;
  - 2.2.6.3 where only one Councillor is nominated for Mayor, and that nomination is moved and seconded, that Councillor must be declared the Mayor;
  - 2.2.6.4 where two nominations are received, the Councillor with an absolute majority of votes cast must be declared the Mayor. Where there is an equal number of votes, the successful candidate shall be determined by ballot conducted by the Chief Executive Officer in the presence of the meeting. In drawing the ballot, the candidate whose name is first drawn must be declared the Mayor;
  - 2.2.6.5 where there are more than two nominations received, the Councillor who receives an Absolute Majority at the first round of votes cast must be declared elected as the Mayor. If no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a new vote must be taken for the remaining candidates. This procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared the Mayor. If the final two candidates receive an equal number of votes, the successful candidate shall be determined by ballot conducted by the Chief Executive Officer in the presence of the meeting.

In drawing the ballot, the candidate whose name is first drawn is deemed to be the Mayor;

- 2.2.6.6 if for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by ballot conducted by the Chief Executive Officer in the presence of the meeting. The candidate whose name is first drawn will be eliminated.

## **2.3 OFFICE OF THE DEPUTY MAYOR**

- 2.3.1 Immediately after the election of the Mayor following a general election, the Council must vote to establish the office of the Deputy Mayor for the Council's term.
- 2.3.2 The Deputy Mayor will be elected for a term of 2 years to coincide with the term of the Mayor.
- 2.3.3 At the end of the Deputy Mayor's term, at the same meeting conducted to elect the Mayor at the end of their term, the Council must conduct the election of the next Deputy Mayor.
- 2.3.4 If the office of the deputy Mayor becomes vacant:
  - 2.3.4.1 a new Deputy Mayor must be elected within one month after any vacancy in the office of the Deputy Mayor; and
  - 2.3.4.2 the Councillor elected to fill the vacancy of Deputy Mayor serves the remaining period of the previous Deputy Mayor's term.
- 2.3.5 The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if:
  - 2.3.5.1 The Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
  - 2.3.5.2 the Mayor is incapable of performing the duties of the office of Mayor for any reason including illness; or
  - 2.3.5.3 The office of the Mayor becomes vacant, until the next election of the Mayor.

## **2.4 PROCEDURE FOR ELECTION OF THE DEPUTY MAYOR**

For the purposes of the election of the Deputy Mayor, the provisions of clause 2.2 for the election of the Mayor will apply to the election of the Deputy Mayor, save for any reference to the Chief Executive Officer being substituted by a reference to the Mayor, and any reference to the Mayor shall become a reference to the Deputy Mayor.

## **2.5 ELIGIBILITY TO BE MAYOR OR DEPUTY MAYOR**

Any Councillor is eligible for election to the office of Mayor or Deputy Mayor, unless they are precluded from doing so under section 167 of the Act.

## **2.6 APPOINTMENT OF ACTING MAYOR**

If Council has not established an office of the Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- 2.6.1 resolving that a specified Councillor be so appointed; or
- 2.6.2 following the procedure set out in Rule 2.2 of this Chapter, at its discretion.

## **PART 3 - PROCEDURE AT MEETINGS**

### **3.1 PURPOSE**

To regulate the conduct of all Council meetings.

### **3.2 SCOPE**

Governance Rules apply to all Council meetings.

### **3.3 DATES AND TIMES OF MEETINGS FIXED BY COUNCIL**

Subject to Rule 3.4, Council must from time to time fix the date, time and place of all Council meetings.

### **3.4 COUNCIL MAY ALTER MEETING DATES**

Council may change the date, time and place of any Council meeting which has been fixed by it and must provide reasonable notice of the change to the public.

### **3.5 MEETINGS NOT FIXED BY COUNCIL**

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

3.5.2 The notice must specify the date and time of the Council meeting and the business to be transacted.

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

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

### **3.6 NOTICE**

3.6.1 Council must, at least 7 days before the holding of a Council meeting give public notice of the Council meeting, including the time, date and location of the meeting, or such notice as is reasonably practicable in the circumstances.

3.6.2 A notice of a fixed meeting, incorporating or accompanied by an agenda, must be delivered to every Councillor at least 72 hours before the meeting.

3.6.3 A notice of a meeting that is not fixed must be delivered to every Councillor at least 48 hours before the meeting. A period less than 48 hours may, however, be justified if exceptional circumstances exist.

### **3.7 QUORUM**

3.7.2 A Quorum is established when at least a majority of the Councillors are present at a Council meeting.

3.7.3 If after 30 minutes from the scheduled starting time of any meeting, or at any point in time during a meeting, a quorum cannot be obtained or maintained:

3.7.3.1 the meeting will be deemed to have lapsed;

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

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

### **3.8 ADJOURNED MEETINGS**

3.8.2 Council may, by resolution, adjourn any Council meeting to a later time on the same day, or for a period not exceeding seven (7) days.

3.8.3 The Chief Executive Officer, or an authorised City officer, must give notice to each Councillor of the date, time and place to which the Council meeting stands adjourned and of the business remaining to be considered.

### **3.9 CANCELLATION OR POSTPONEMENT OF A MEETING**

- 3.9.1 The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a Council meeting.
- 3.9.2 The Chief Executive Officer must present to the immediately following Council meeting a written report on any exercise of the power under this rule.

### **3.10 CHAIRPERSON**

- 3.10.1 The Mayor must preside at all meetings at which they are present, in the role of Chairperson.
- 3.10.2 In the absence of the Mayor, the Deputy Mayor must preside at any Council meeting at which they are present, in the role of Chairperson.
- 3.10.3 In the event that both the Mayor and Deputy Mayor are absent, Council must elect a Chairperson to preside at that meeting.

### **3.11 DUTIES AND RESPONSIBILITIES OF THE CHAIRPERSON**

The duties and responsibilities of the Chairperson are:

- 3.11.1 to formally declare a Council meeting open, after ascertaining that a quorum is present, and to welcome guest speakers and other visitors;
- 3.11.2 to preside over and control the meeting, and to conduct it impartially and according to the rules to ensure the smooth passage of business;
- 3.11.3 to sign minutes of meetings as correct when they have been confirmed;
- 3.11.4 to present any reports for which they are responsible;
- 3.11.5 to ensure that debates are conducted in the correct manner;
- 3.11.6 to declare the results of all votes;
- 3.11.7 to give rulings on points of order and other questions of procedure;
- 3.11.8 to preserve order; and
- 3.11.9 to adjourn (when so resolved) or formally declare the meeting closed when all business has been concluded.

In addition, the Chairperson:

- 3.11.10 must not accept any motion which is determined by the Chairperson to be:
  - 3.11.10.1 defamatory;
  - 3.11.10.2 objectionable in language or nature;
  - 3.11.10.3 vague or unclear in intention;
  - 3.11.10.4 outside the powers of Council; or
  - 3.11.10.5 irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not;
- 3.11.11 must not accept any motion, question or statement that is derogatory of any Councillor, City officer, or member of the community; and
- 3.11.12 must call to order any person who is disruptive or unruly during any meeting.

### **3.12 ORDER AND CONTENT OF BUSINESS**

- 3.12.1 The order and content of business of any Council meeting will be determined by the Chief Executive Officer, after consulting with the Mayor, in order to facilitate and maintain open, efficient and effective processes of government.

- 3.12.2 Once an agenda has been sent to Councillors, the order of business for that meeting may be altered with the consent of a majority of the Councillors attending that meeting.

### **3.13 COUNCILLOR LEAVE OF ABSENCE AND ABSENCE FROM MEETING**

- 3.13.1 Any Councillor seeking leave of absence from Council duties must do so in writing addressed to the Chief Executive Officer. Applications for leave shall be listed for consideration at the next Council meeting and the Council must not unreasonably refuse to grant the request for leave of absence.
- 3.13.2 Where a leave of absence has been granted to a Councillor, the Chief Executive Officer must record the leave of absence in the minutes of the Council meeting held during the period of the leave of absence.
- 3.13.3 If Councillor intends to be absent from a meeting, the Councillor must give the Chairperson of that meeting notice of apology prior to the meeting.

### **3.14 NO PHOTOGRAPHY OR RECORDING OF MEETINGS**

With the exception of a City officer authorised by the Chief Executive Officer, no person is permitted to photograph or video or audio record any Council meetings without specific approval by resolution at the meeting.

### **3.15 RECORD OF PROCEEDINGS**

The Chief Executive Officer or a City officer authorised by the Chief Executive Officer shall record in the minutes of each meeting:

- 3.15.1 the place, date and time of each meeting;
- 3.15.2 the names of all Councillors present at the meeting;
- 3.15.3 the names of Council staff present;
- 3.15.4 the names of all Councillors for whom apologies were received, or for whom leave of absence was granted and will also record leave of absence in the meeting agenda;
- 3.15.5 arrivals and departures, including temporary departures, of Councillors during the course of the meeting;
- 3.15.6 all declarations of a conflict of interest by Councillors in agenda items, including an explanation given by the Councillors under Chapter 5 of these Rules;
- 3.15.7 questions from the public;
- 3.15.8 each motion and amendment moved, including motions and amendments withdrawn by consent of the Council, or which lapse for want of a seconder;
- 3.15.9 each motion put to the vote;
- 3.15.10 the vote cast by each Councillors on each division called;
- 3.15.11 the adjournment of the meeting and any reason for the adjournment;
- 3.15.12 the time at which standing orders were suspended and resumed; and
- 3.15.13 the failure to meet a quorum.

### **3.16 CONFIRMATION OF MINUTES**

At every Council meeting the minutes of the preceding meeting must be dealt with as follows:

- 3.16.1 a copy of the minutes must be delivered to each Councillor no later than 72 hours before the next meeting;
- 3.16.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
- 3.16.3 subject to clause 3.17, if a Councillor indicates opposition to the minutes:

- 3.16.3.1 they must specify the item(s) to which they object;
- 3.16.3.2 the objected item(s) must be considered separately and in the order in which they appear in the minutes;
- 3.16.3.3 the Councillor objecting must move accordingly without speaking to the motion;
- 3.16.3.4 the motion must be seconded;
- 3.16.3.5 the Chairperson must ask  

*"Is the motion opposed?"*
- 3.16.3.6 if no Councillor indicates opposition, the Chairperson must declare the motion carried without discussion and ask the second question described in Clause 3.16.3.10;
- 3.16.3.7 if a Councillor indicates opposition, the Chairperson must call on the mover to address the meeting;
- 3.16.3.8 after the mover has addressed the meeting, the seconder may address the meeting;
- 3.16.3.9 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not), the Chairperson must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- 3.16.3.10 if, after the mover has addressed the meeting, the Chairperson invites debate and no Councillor speaks to the motion, the Chairperson must put the motion and, after all objections have been dealt with, ultimately ask:  

*"That the Minutes be confirmed" or*  
*"That the Minutes, as amended, be confirmed",*  
and they must then put the question to the vote.
- 3.16.3.11 a resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chairperson of the meeting at which they have been confirmed.
- 3.16.3.12 the minutes must be entered in the minute book and each item in the minute book must be entered consecutively; and
- 3.16.3.13 unless otherwise resolved or required by law, minutes of a Delegated Committee requiring confirmation by Council must not be available to the public until confirmed by Council.

### **3.17 NO DEBATE ON CONFIRMATION OF MINUTES**

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

### **3.18 DEFERRAL OF CONFIRMATION OF MINUTES**

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

### **3.19 PUBLICATION OF MINUTES**

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

- 3.19.1.1 published on Council's website and will use reasonable endeavours to do so within 3 business days of a meeting; and

3.19.1.2 available for inspection at Council's office during normal business hours.

3.19.2 Nothing in these rules requires Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

### **3.20 DECLARATION OF DIRECT AND INDIRECT INTERESTS**

3.20.1 If a Councillor has a direct or indirect interest in relation to an agenda item, that interest must be declared at the time specified in the agenda. The Councillor must leave the room until the matter is concluded.

3.20.2 Nothing in this section takes away from a Councillor's duty under the Act to disclose the existence, nature and class of any conflict of interest that Councillor has in an item of business immediately before the consideration or discussion of that item of business.

### **3.21 PUBLIC QUESTION AND SUBMISSION TIME**

Questions and submissions may be submitted by the public at any Council meeting, and responded to or answered by Council, in accordance with Council's Public Question Time Policy.

### **3.22 PETITIONS AND JOINT LETTERS**

3.22.1 Petitions or joint letters to Council must be presented to Council by a Councillor.

3.22.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to Council.

3.22.3 Every Councillor presenting a petition or joint letter to Council must:

3.22.3.1 write or otherwise record their name at the beginning of the petition or joint letter; and

3.22.3.2 confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the request.

3.22.4 A petition or a joint letter:

3.22.4.1 must not be in pencil;

3.22.4.2 may be in any other legible and permanent written form including in an electronic form;

3.22.4.3 must not be defamatory, indecent, abusive or objectionable in language or substance;

3.22.4.4 must for the purpose of a response, contain the name and address of the person or organisation co-ordinating the petition or joint letter;

3.22.4.5 must contain the name and address of each petitioner or signatory;

3.22.4.6 must be signed by at least 12 people; and

3.22.4.7 shall not relate to a matter outside Council's powers and functions.

3.22.5 Every page of a petition or joint letter shall contain the whole of the petition or request.

3.22.6 Any signature appearing on a page which does not contain the whole of the petition or request shall not be considered by the Council.

3.22.7 Every page of a petition or joint letter shall be a single piece of paper and shall not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.

3.22.8 The purpose of any petition shall be recorded in the minutes and shall be the subject of a written response.

- 3.22.9 The Council may pass a resolution:
  - 3.22.9.1 that a written report be prepared on the contents of the petition or joint letter for presentation to a meeting; and
  - 3.22.9.2 that the petition be referred for consideration in conjunction with an item on the agenda.
- 3.22.10 If a petition or joint letter relates to an operational matter, that petition or joint letter must be referred to the Chief Executive Officer for action and response.

### **3.23 MOVING OF MOTIONS OR AMENDMENTS**

- 3.23.1 Motions and amendments must be:
  - 3.23.1.1 within the powers and functions of the Council;
  - 3.23.1.2 related to an item of business on the agenda or to be considered at the meeting; and
  - 3.23.1.3 clear, unambiguous and not defamatory or objectionable in content or nature.
- 3.23.2 The Chairperson must refuse to accept a motion or amendment which conflicts with this Rule 3.23.
- 3.23.3 Council must not consider similar agenda items *en bloc*. Each agenda item must be considered individually and must have a mover and a seconder.
- 3.23.4 A Councillor may move a recommendation in the same form as recommended by City officers or they may move an amended version of that motion in relation to the report being presented.

### **3.24 INTRODUCING A MOTION OR AMENDMENT**

- 3.24.1 The procedure for moving any motion or amendments to motions at a Council meeting is as follows:
  - 3.24.1.1 the mover must state the subject and nature of the motion or amendment and not speak to it;
  - 3.24.1.2 the motion or amendment must be seconded by a Councillor other than the mover. If there is no seconder for a motion or amendment, the Chairperson must declare the motion or amendment to have lapsed;
  - 3.24.1.3 an amendment may be moved or seconded by any Councillor except the mover or seconder of the original motion;
  - 3.24.1.4 if the motion or amendment is moved and seconded the Chairperson must ask whether the motion is opposed and/or whether any Councillor wishes to speak to the motion;
  - 3.24.1.5 if no Councillor indicates opposition or a desire to speak to the motion, the Chairperson must put the motion to the vote;
  - 3.24.1.6 if a Councillor indicates opposition or a desire to speak to the motion or amendment, then the Chairperson must call on the mover to address the meeting;
  - 3.24.1.7 the Chairperson must call upon the seconder of a motion to speak to the motion after the mover has spoken. The seconder of a motion may reserve their right to respond;
  - 3.24.1.8 the Chairperson must call upon any other Councillor who may wish to speak to the motion, after the mover and seconder of the motion have spoken to the motion;
  - 3.24.1.9 if, after the mover has addressed the meeting, the Chairperson has invited other Councillors to speak to the motion or amendment and no

Councillor speaks to the motion or amendment, the Chairperson must put the motion or amendment to the vote.

### **3.25 RIGHT OF REPLY AND DEBATE OF MOTION OR AMENDMENT**

- 3.25.1 If there has been any opposition to a motion, the mover of a motion has the right of reply to matters raised during the debate.
- 3.25.2 The mover of an amendment has no right to speak in reply.
- 3.25.3 Subject to any Councillor exercising their right to ask any question concerning or arising out of a motion, the Chairperson must put the motion to the vote immediately after the mover of the motion has spoken in reply.
- 3.25.4 Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.
- 3.25.5 Debate on an amendment must be confined to the terms of the amendment.

### **3.26 MOVING AN AMENDMENT**

- 3.26.1 Subject to this clause, a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 3.26.2 A motion to confirm a previous resolution of Council cannot be amended.
- 3.26.3 An amendment must not be the negative of, or substantially contrary to, the motion.

### **3.27 HOW MANY AMENDMENTS MAY BE PROPOSED**

- 3.27.1 Any number of amendments may be proposed to a motion but only one (1) amendment may be accepted by the Chairperson at any one (1) time.
- 3.27.2 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.
- 3.27.3 Any one Councillor cannot move more than one (1) amendment in succession.

### **3.28 AN AMENDMENT ONCE CARRIED**

- 3.28.1 If the amendment is carried, the amended motion then becomes the substantive motion before the meeting and can be further amended.
- 3.28.2 The mover of the original motion retains the right of reply to the substantive motion.

### **3.29 PRIORITY OF ADDRESS AND RIGHT TO SPEAK TO MOTION**

- 3.29.1 In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard.
- 3.29.2 A Councillor may speak once on a motion and once on an amendment, except for the mover of a motion who has the right to speak in reply to any opposition to the motion (but not a right to speak in reply to an amendment).

### **3.30 FORESHADOWING MOTIONS**

- 3.30.1 At any time during debate a Councillor may foreshadow a motion to inform the meeting of their intention to move a motion at a later stage in the meeting. This does not extend to any special right to the foreshadowed motion.
- 3.30.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chairperson being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 3.30.3 The Chief Executive Officer or a City officer authorised to take the meeting minutes is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

- 3.30.4 A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a meeting.

### **3.31 WITHDRAWAL OF MOTIONS**

- 3.31.1 Before any motion or amendment is put to the vote, it may be withdrawn by the mover and seconder with the leave of the Council.
- 3.31.2 Where the mover and seconder call for a motion or amendment to be withdrawn, the Chairperson will ask all Councillors if they agree to the withdrawal. If the majority of Councillors objects to the withdrawal of the motion or amendment, it may not be withdrawn and the Chairperson must proceed to put the motion or amendment to the vote.

### **3.32 MOTIONS OR AMENDMENTS IN WRITING**

- 3.32.1 The Chairperson may require that a complex or detailed motion or amendment be in writing.
- 3.32.2 The Chairperson may adjourn the meeting while the motion or amendment is being written or may defer the matter in the order of business, until the motion or amendment has been written.

### **3.33 REPEATING A MOTION**

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

### **3.34 DEBATE OF THE MOTION**

- 3.34.1 Debate must always be relevant to the motion or amendment before the meeting, and, if not, the Chairperson must request the speaker to confine the debate to the motion or amendment.
- 3.34.2 If the speaker continues to debate irrelevant matters after being requested to confine debate, the Chairperson may direct the speaker to be seated and not to speak further in respect of the motion or amendment before the Chairperson.
- 3.34.3 A speaker to whom a direction has been given under this clause must comply with that direction.
- 3.34.4 Councillors may remain seated to address the Chairperson, to move or second a motion or amendment, or to take part in a debate.
- 3.34.5 The Councillor acknowledged by the Chairperson is to speak and must not be interrupted unless:
- 3.34.5.1 they are called to order; or
  - 3.34.5.2 their speaking time has expired; or
  - 3.34.5.3 a point of order is raised.

### **3.35 ADDRESSING THE MEETING**

If the Chairperson so determines:

- 3.35.1 any person addressing the Chairperson must refer to the Chairperson as:
- 3.35.1.1 Mayor; or
  - 3.35.1.2 Madam Mayor; or
  - 3.35.1.3 Mr Mayor; or
  - 3.35.1.4 Chair; or
  - 3.35.1.5 Madam Chair; or
  - 3.35.1.6 Mr Chair

as the case may be;

- 3.35.2 all Councillors, other than the *Mayor*, must be addressed as Cr .....  
.....(Surname).
- 3.35.3 all members of Council staff must be addressed by their official title followed by their surname where appropriate.
- 3.35.4 Councillors must address each other by their official titles during debate and throughout a meeting.

### **3.36 LOST MOTIONS**

If a motion is lost without a subsequent motion then being carried it will not be automatically determined that the outcome is contrary to the lost motion. Councillors should instead move a motion detailing further requirements or actions after any motion which is lost.

### **3.37 TIME LIMITS**

- 3.37.1 A Council meeting must start within 30 minutes of the advertised start time.
- 3.37.2 A meeting may not continue after 10.00 pm unless a majority of Councillors present vote in favour of its continuance. In the absence of such continuance, a meeting must stand adjourned to a time, date and place announced by the Chairperson immediately before the standing meeting is adjourned.
- 3.37.3 A Councillor may speak for no longer than the time specified below, unless the Chairperson grants an extension:
  - 3.37.3.1 the mover of a motion 5 minutes
  - 3.37.3.2 any other speaker 3 minutes
  - 3.37.3.3 the mover of a motion exercising the right of reply 2 minutes

### **3.38 VOTING**

- 3.38.1 To determine a motion before a meeting, the Chairperson must first call for those in favour of the motion, then those opposed to the motion. The Chairperson must declare the result of the vote.
- 3.38.2 Councillor must vote by show of hands when the Chairperson puts a motion to the vote.
- 3.38.3 All Councillors present in the meeting room when a vote is taken must vote once only.
- 3.38.4 The Chairperson must use a casting/second vote if the number of votes in favour of a motion is half the number of Councillor present.
- 3.38.5 The Chairperson may direct that a vote be recounted to be satisfied of the result.
- 3.38.6 The Chief Executive Officer must direct that the minutes of the meeting record the name of any Councillor who requests that their vote be recorded against the motion or amendment.
- 3.38.7 Voting must take place in silence.

### **3.39 DIVISION**

- 3.39.1 Immediately after the vote on any motion at a meeting and before the next item of business has commenced, a Councillor may call for a division.
- 3.39.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.
- 3.39.3 The Chairperson must first call upon Councillors to vote in favour of the motion and then call upon Councillor to vote against the motion if a Councillor has requested a division.

- 3.39.4 Councillors must vote by show of hands and the Chairperson must declare the result of the division.
- 3.39.5 The Chief Executive Officer must direct that the minutes record the names of the Councillors who voted in favour of the motion, the names of the Councillors who voted against the motion, and the result of the division.

### **3.40 POINTS OF ORDER**

- 3.40.1 A point of order is taken when a Councillor officially draws the attention of the Chairperson to an alleged irregularity in the meeting proceedings or procedures.
- 3.40.2 A Councillor may make a point of order on the grounds that a matter is:
  - 3.40.2.1 contrary to these Rules;
  - 3.40.2.2 defamatory or derogatory of any Councillor, City officer, or member of the community;
  - 3.40.2.3 irrelevant;
  - 3.40.2.4 offensive;
  - 3.40.2.5 constitutes a tedious repetition of something already said;
  - 3.40.2.6 prejudicial to any other person or the Council;
  - 3.40.2.7 a matter that should be considered in a session of a meeting closed to the public, in accordance with the Act;
  - 3.40.2.8 outside the Council's functions or power; or
  - 3.40.2.9 improper,or on the grounds that a person in the chamber is being disruptive or unruly during any meeting.
- 3.40.3 The Chairperson must decide on all points of order.
- 3.40.4 The Chairperson may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 3.40.5 All other questions before the meeting are suspended until the point of order is decided.

### **3.41 DISAGREEMENT WITH CHAIRPERSON'S RULING**

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

*"That the Chairperson's ruling[stating that ruling or part of that ruling] be dissented from"*
- 3.41.2 When a motion in accordance with this Rule is moved and seconded, the Chairperson must leave the chair and the Deputy Mayor (or if there is no Deputy Mayor, a temporary Chairperson elected by the meeting) must take their place.
- 3.41.3 The Deputy Mayor or temporary Chairperson must invite the mover to state the reasons for their dissent and the Chairperson may then reply.
- 3.41.4 The Deputy Mayor or temporary Chairperson must put the motion in the following form:

*"That the Chairperson's ruling be dissented from"*
- 3.41.5 If the vote is in the negative, the Chairperson resumes the chair and the meeting proceeds.
- 3.41.6 If the vote is in the affirmative, the Chairperson must then resume the chair, reverse their previous ruling and proceed.

3.41.7 The defeat of the Chairperson's ruling is in no way a motion of censure or no-confidence and must not be so regarded by the meeting.

### **3.42 PROCEDURE FOR POINT OF ORDER**

A Councillor raising a point of order must:

3.42.1 State the point of order; and

3.42.2 State any section, Rule, paragraph or provision relevant to the point of order.

### **3.43 VALID POINTS OF ORDER**

A point of order may be raised in relation to:

3.43.1 a motion, which should not be accepted by the Chairperson under these Rules;

3.43.2 a question of procedure; or

3.43.3 any act of disorder.

### **3.44 PROCEDURAL MOTIONS**

3.44.1 Unless otherwise prohibited, a procedural motion may be moved at any time, and once seconded, must be dealt with immediately by the Chairperson.

3.44.2 A procedural motion requires a seconder.

3.44.3 Notwithstanding any other provision in these Rules, procedural motions must be dealt with in accordance with the following table:

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## PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover and seconder	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a Chairperson; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a Chairperson; (b) When another Councillor is speaking; (c)  When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and seconder</b>	<b>When Motion</b>	<b>Effect if carried</b>	<b>Effect if lost</b>	<b>Debate permitted on</b>
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the Substantive motion or otherwise to the substantive motion	During nominations for Chairperson	Motion or amendment in respect of which closure is carried is put to the vote immediately without debate subject to any Councillor exercising their right to ask any question or arising out of the motion	Debate continues unaffected	No

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<b>Procedural Motion Form</b>	<b>Mover &amp; seconder</b>	<b>When Motion</b>	<b>Effect if carried</b>	<b>Effect if lost</b>	<b>Debate permitted on</b>
<p>4. Proceeding to next business</p> <p>That the meeting proceed to the next business            Note: This motion:            (a) may not be amended;              (b) may not be debated; and            (c) must be put to the vote as soon as seconded</p>	<p>Any Councillor who has not moved or seconded the substantive motion or otherwise to the substantive motion</p>	<p>(a) During the election of a Chairperson;            (b) When another Councillor is speaking;              (c) When a motion would have the effect of causing Council to be in breach of a legislative requirement</p>	<p>If carried in respect of:            (a) An amendment, Council considers the motion without reference to the amendment;            (b) A motion - no vote or further discussion on the motion until it is placed on an agenda for a later Council meeting</p>	<p>Debate continues unaffected</p>	<p>No</p>

### **3.45 REPETITIOUS MOTIONS**

Once a meeting has rejected a motion, with or without amendment, similar motions to the same effect, even in a different form, are considered to be out of order at that meeting. A motion similar to an amendment to a motion already dealt with at a meeting is also not permissible. However, the matter can be legitimately raised again at a subsequent meeting in accordance with the provisions of these Rules.

### **3.46 NOTICES OF MOTION**

- 3.46.1 Councillors wanting to include a matter on the agenda may submit a Notice of Motion to the Chief Executive Officer.
- 3.46.2 A Notice of Motion must:
  - 3.46.2.1 be signed by the Councillor lodging the Notice of Motion;
  - 3.46.2.2 be lodged with the Chief Executive Officer not less than two working days before the agenda is due to be published to enable the Chief Executive Officer to give each other Councillor notice of such Notice of Motion; and
  - 3.46.2.3 relate to the objectives, role and functions of Council as outlined in the Act.
- 3.46.3 A Notice of Motion must call for an officer report if the Notice of Motion proposes any action that:
  - 3.46.3.1 impacts the levels of Council services;
  - 3.46.3.2 commits Council to expenditure greater than \$50,000 that is not included in the adopted budget;
  - 3.46.3.3 proposes to establish, extend or amend Council policy;
  - 3.46.3.4 proposes to impact the rights of any person who has not had the opportunity to contribute their views;
  - 3.46.3.5 commits Council to a contractual arrangement; and/or
  - 3.46.3.6 concerns any litigation in respect of which the City is a party, unless the matter to be considered by the Notice of Motion is urgent business in which Rule 3.46.11 applies.
- 3.46.4 The Chief Executive Officer must reject any Notice of Motion that:
  - 3.46.4.1 is vague;
  - 3.46.4.2 is identical or substantially similar to a Notice of Motion or other motion that has been considered by Council in the preceding six (6) months;
  - 3.46.4.3 is defamatory;
  - 3.46.4.4 may be prejudicial to any person or Council;
  - 3.46.4.5 is objectionable in language or nature;
  - 3.46.4.6 is outside the powers of Council; and/or
  - 3.46.4.7 does not meet the requirements of clause 3.46.4.
- 3.46.5 The Chief Executive Officer may reject a Notice of Motion if it:
  - 3.46.5.1 relates to a matter that can be addressed through the operational service request process; or
  - 3.46.5.2 relates to a matter that has previously been resolved by Council or is acted upon.

- 3.46.6 If rejecting a Notice of Motion, the Chief Executive Officer must:
  - 3.46.6.1 inform the Councillor who lodged it of that rejection and the reasons for the rejection within 24 hours of receiving the Notice of Motion;
  - 3.46.6.2 give the Councillor who lodged it an opportunity to amend it, which must be completed within 24 hours; and
  - 3.46.6.3 if the Notice of Motion cannot be amended to the satisfaction of the Chief Executive Officer, notify the Councillor who lodged it that it will be rejected and explain the reasons for the rejection.
- 3.46.7 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the agenda. The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion book in the order in which they were received.
- 3.38.1 Except by leave of Council, each Notice of Motion must be considered in the order in which they were received by the Chief Executive Officer.
- 3.46.8 If a Councillor who has given a Notice of Motion is absent from the meeting or fails to move the Motion when called upon by the Chairperson, any other Councillor may move the Motion.
- 3.46.9 If a Notice of Motion is not moved at the meeting at which it is listed, it lapses.
- 3.46.10 The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with the Act, in which case the Notice of Motion will be considered in a session of a meeting that is closed to members of the public.
- 3.46.11 If the matter to be considered by the Notice of Motion is urgent, then:
  - 3.46.11.1 the provisions in these Rules relating to urgent business apply; and
  - 3.46.11.2 to assist Councillors to make an informed decision regarding an urgent Notice of Motion, the Chief Executive Officer must provide a written report to Councillors regarding the implications of the matters to be considered in the proposed Notice of Motion and that report must be published online before the meeting where it is reasonably practicable to do so.

### **3.47 NOTICE OF RESCISSION**

- 3.47.1 A Notice of Rescission is a form of Notice of Motion and accordingly all provisions in these Rules regulating Notices of Motion equally apply to Notices of Rescission.
- 3.47.2 Motions to revoke, rescind or alter a previous resolution can be made:
  - 3.47.2.1 by a Notice of Rescission delivered to the Chief Executive Officer;
  - 3.47.2.2 by recommendation contained in a report by a City officer and included in the agenda, that a previous resolution be altered or revoked.
- 3.47.3 A Councillor may propose a Notice of Rescission provided that:
  - 3.47.3.1 the resolution proposed to be rescinded has not been acted on;
  - 3.47.3.2 the effect of rescinding the resolution will not place the Council at significant legal, financial or other risk, including non-compliance with statutory obligations; and
  - 3.47.3.3 the resolution proposed to be rescinded has not been acted upon; and
  - 3.47.3.4 the Notice of Rescission is delivered to the Chief Executive Officer and sets out:

- 3.47.3.4.1 the resolution to be rescinded; and
- 3.47.3.4.2 the meeting and date at which the resolution was made.

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

- 3.47.4.1 its contents have, or substance has, been formally communicated to a person whose interests are materially affected by it; or
  - 3.47.4.2 a statutory process has been commenced,
- so as to vest enforceable rights in or obligations on Council or any other person.

3.47.5 The Chief Executive Officer or an appropriate City officer must defer implementing a resolution that:

- 3.47.5.1 has not been acted on; and
  - 3.47.5.2 is the subject of a Notice of Rescission which has been Delivered to the Chief Executive Officer in accordance with this Rule,
- unless deferring implementation of the resolution would place the Council at significant legal, financial or other risk.

### **3.48 LOSS OF MOTION FOR RESCISSION**

If a Notice for Rescission is lost, a similar Notice may not be put before Council for at least two (2) months from the date it was last lost, unless Council resolves that the Notice of Rescission be re-listed at a future meeting.

### **3.49 NOTICE FOR RESCISSION NOT MOVED**

If a Notice for Rescission is not moved at the meeting at which it is listed, it lapses.

### **3.50 ANY COUNCILLOR TO MOVE NOTICE OF RESCISSION**

A Notice for Rescission listed on an agenda may be moved by any Councillor present but may not be amended.

### **3.51 NOTICE OF RESCISSION NOT REQUIRED**

A Notice of Rescission is not required when Council wishes to amend a policy.

### **3.52 URGENT BUSINESS**

3.52.1 Business can only be admitted as urgent business by resolution of the meeting, if the motion is carried by the required number of Councillors present as follows:

<b>Councillors present</b>	<b>Votes required to carry motion</b>
11	8
10	7
9	6
8	6
7	5
6	4

3.52.2 Even if the required Councillors carry the motion, it still will not be accepted as urgent business unless it:

- 3.52.2.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and

- 3.52.2.2 cannot be deferred until the next meeting without having a negative impact on the Council, the municipal district or the local community; and
- 3.52.2.3 cannot be addressed through the operational service request process.
- 3.52.3 A Councillor proposing that a matter be admitted as urgent business must lodge a request in writing with the Chief Executive Officer by 4.00 pm on the day of the meeting.
- 3.52.4 The Chief Executive Officer will advise the Chairperson of any matter that they determines to be appropriate for Council to consider admitting as urgent business.

### **3.53 DISCIPLINE AND SUSPENSIONS**

- 3.53.1 If any Councillor behaves offensively towards any other Councillor or City officer, the offending Councillor will be required by the Chairperson to withdraw the expression and make a satisfactory apology to the meeting.
- 3.53.2 A Councillor must not use defamatory, indecent, abusive or offensive words in reference to any other Councillor or City officer.
- 3.53.3 The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive or offensive in language or substance.
- 3.53.4 A Councillor who is required to withdraw a remark must do so immediately, without qualification or explanation.
- 3.53.5 A Councillor must not make any noise or disturbance while another Councillor or City officer is speaking. If they do so, the Chairperson must call upon the Councillor by name and the Councillor must immediately cease such disturbance.
- 3.53.6 The Chairperson may suspend from a meeting, for the balance of the meeting, any Councillor whose actions have disrupted the business of the Council and impeded its orderly conduct.

### **3.54 REMOVAL FROM THE MEETING ROOM**

- 3.54.1 The Chairperson, an authorised City officer, may have any person removed from the Meeting room for reasons of disorderly conduct or for failing to act in accordance with a direction from the Chairperson.
- 3.54.2 A person removed from a meeting must leave the room in which the meeting is being held where they can no longer disrupt the meeting.

### **3.55 PUBLIC ADDRESSING THE MEETING**

- 3.55.1 Members of the public do not have a right to address the Council and may only do so in accordance with these rules or with the consent of the Chairperson.
- 3.55.2 Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
- 3.55.3 Members of the public present at a meeting must not disrupt or interject during a meeting.

### **3.56 CHAIRPERSON MAY ADJOURN DISORDERLY MEETING**

If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, they may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions for adjournment of meetings in these Rules apply.

### **3.57 REMOVAL FROM CHAMBER**

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

### **3.58 SUSPENSION OF STANDING ORDERS**

3.58.1 To expedite the business of a meeting, Council may suspend standing orders.

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

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

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

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

*"That standing orders be resumed."*

### **3.59 MEETINGS CONDUCTED REMOTELY**

If:

3.59.1 by law a meeting may be conducted electronically; and

3.59.2 Council decides that a meeting is to be conducted electronically,

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

### **3.60 PROCEDURE NOT PROVIDED IN THIS CHAPTER**

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

### **3.61 CRITICISM OF CITY OFFICERS**

3.61.1 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising them or any City officer.

3.61.2 A statement under this Rule must be made by the Chief Executive Officer, through the Chairperson, as soon as it practicable after the Councillor who made the statement finished addressing Council.

## **CHAPTER 3 – DELEGATED COMMITTEES**

### **1. Election Chairs of Delegated Committees**

Any election for the Chair of a Delegated Committee will be regulated by Chapter 2 of these Rules as if the reference to the:

- 1.1 Chief Executive Officer is a reference to the Mayor; and
- 1.2 Mayor is a reference to the Chair of the Delegated Committee (as the case may be).

### **2. Meeting Procedure Generally**

If Council establishes a Delegated Committee:

- 2.1 all of the provisions of Chapter 2 apply to meetings of the Delegated Committee; and
- 2.2 any reference in Chapter 2 to:
  - 2.2.1 a Council meeting is to be read as a reference to a Delegated Committee meeting;
  - 2.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and
  - 2.2.3 the Mayor is to be read as a reference to the Chair of the Delegated Committee.

### **3. Meeting Procedure Can Be Varied**

Notwithstanding Rule 1 of this Chapter, if Council establishes a Delegated Committee that is not composed solely of Councillors:

- 3.1 Council may; or
- 3.2 the Delegated Committee may, with the approval of Council resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the Delegated Committee, in which case the provision or those provisions will not apply until Council resolves, or the Delegated Committee with the approval of Council resolves, otherwise.

## **CHAPTER 4 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES**

### **1. Introduction**

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

### **2. Meeting Procedure**

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a Community Asset Committee is in the discretion of the Community Asset Committee.

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## CHAPTER 5 – JOINT MEETINGS OF COUCNILS

*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.*

1. Council may resolve to participate in a Joint Council meeting to consider:
  - 1.1 Collaborative projects;
  - 1.2 Collaborative procurement; and/or
  - 1.3 Emergency Response.
2. If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer will agree on the applicable governance rules for the meeting with the participating Councils, before the meeting starts.
3. Where the Greater Geelong City Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting
4. At a majority of Councillors will be appointed to represent Council at a Joint Council meeting 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.
5. A joint briefing arranged in accordance with this Rule may be held electronically.

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## **CHAPTER 6 - DISCLOSURE OF CONFLICTS OF INTEREST**

### **1. Introduction**

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

### **2. Definition**

In this Chapter:

- 2.1 “meeting conducted under the auspices of Council” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 2.2 a member of a Delegated Committee includes a Councillor.

### **3. Disclosure of a Conflict of Interest at a Council Meeting**

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

- 3.1 are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or
- 3.2 intend to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:
  - 3.2.1 advising of the conflict of interest;
  - 3.2.2 explaining the nature of the conflict of interest; and
  - 3.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
    - 3.2.3.1 name of the other person;
    - 3.2.3.2 nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - 3.2.3.3 nature of that other person’s interest in the matter,and then immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

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

### **4. Disclosure of Conflict of Interest at a Delegated Committee Meeting**

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

- 4.1 are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Delegated Committee meeting immediately before the matter is considered; or

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

- 4.2 intend to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee meeting commences a written notice:
  - 4.2.1 advising of the conflict of interest;
  - 4.2.2 explaining the nature of the conflict of interest; and
  - 4.2.3 detailing, if the nature of the conflict of interest involves a member of a Delegated Committee's relationship with or a gift from another person the:
    - 4.2.3.1 name of the other person;
    - 4.2.3.2 nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
  - 4.2.4 nature of that other person's interest in the matter,
 

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

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

## **5. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting**

A Councillor who has a conflict of interest in a matter being considered at a Community Asset Committee meeting at which they:

- 5.1 are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee meeting immediately before the matter is considered; or
- 5.2 intend to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:
  - 5.2.1 advising of the conflict of interest;
  - 5.2.2 explaining the nature of the conflict of interest; and
  - 5.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
    - 5.2.3.1 name of the other person;
    - 5.2.3.2 nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
  - 5.2.4 nature of that other person's interest in the matter,
 

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

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

## **6. Disclosure at a Meeting Conducted Under the Auspices of Council**

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of Council at which they are present must:

- 6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- 6.2 absent themselves from any discussion of the matter; and
- 6.3 as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

**7. Disclosure by Members of Council Staff Preparing Reports for Meetings**

- 7.1 A City officer who, in their capacity as a City officer, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:
  - 7.1.1 Council meeting;
  - 7.1.2 Delegated Committee meeting;
  - 7.1.3 Community Asset Committee meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining the nature of the conflict of interest.

- 7.2 The Chief Executive Officer must ensure that the Report referred to in sub-Rule 7.1 records the fact that a City officer disclosed a conflict of interest in the subject-matter of the Report.
- 7.3 If the City officer referred to in sub-Rule 7.1 is the Chief Executive Officer:
  - 7.3.1 the written notice referred to in sub-Rule 7.1 must be given to the Mayor; and
  - 7.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other City officer responsible for the preparation of the Report.

**8. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power**

- 8.1 A City officer who has a conflict of interest in a matter requiring a decision to be made by the City officer as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest.
- 8.2 If the City officer referred to in sub-Rule 8.1 is the Chief Executive Officer the written notice must be given to the Mayor.

**9. Disclosure by a City officer in the Exercise of a Statutory Function**

- 9.1 A City officer who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the City officer must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest.
- 9.2 If the City officer referred to in sub-Rule 9.1 is the Chief Executive Officer the written notice must be given to the Mayor.

**10. Retention of Written Notices**

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

## **CHAPTER 7 – MISCELLANEOUS**

### **11. Informal meetings of Councillors**

If there is a meeting of Councillors that:

- 11.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- 11.2 is attended by at least one City officer; and
- 11.3 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

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

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

### **12. Confidential Information**

- 12.1 If, after the repeal of section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 12.2 Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

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THE CITY OF  
GREATER GEELONG

# ELECTION PERIOD POLICY

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**VERSION: 6**

Approval Date:

Approved by: Council

Review Date:

Responsible Officer: Director Governance, Strategy  
& Performance

Authorising Officer: Chief Executive Officer

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# Introduction

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## PURPOSE

The purpose of the policy is to provide the community with an understanding of the procedures that will apply during the election period to ensure the fairness of the election, appropriate use of City resources and to prevent inappropriate decision-making. It includes:

- Procedures intended to ensure that Council, a special Committee or a person acting under a delegation given by the Council from making Major Policy Decisions during the election period for a general election
- Procedures intended to prevent the Council and the City from making inappropriate decisions or using resources inappropriately during the election period before a general election;
- Limits on public consultation and the scheduling of Council events;
- Procedures to ensure that City documents published during the Election period do not contain electoral matter;
- Procedures to ensure that access to information held by the City is made equally available and accessible to candidates during the election.

## SCOPE

This policy applies to Councillors, candidates, members of Delegated Committees, Community Asset Committees or Advisory Committees and City staff.

The provisions in this policy apply throughout the Election Period unless otherwise stated.

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# Definitions

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This section defines the key terms used in this policy.

## **ACT**

The *Local Government (Vic) 2020*.

## **ADVISORY COMMITTEE**

Means an advisory committee established by the Council that is not a Delegated Committee or a Community Asset Committee.

## **CEO**

The Chief Executive Officer of the City.

## **CERTIFY**

Certify means the CEO attesting in writing, during the Election Period, that no electoral matter is contained in City material for publication and thereby signifying approval of that material for publication.

## **CITY**

The City of Greater Geelong organisation, led by the CEO.

## **COMMUNITY ASSET COMMITTEE**

A Community Asset Committee is a committee established under section 65 of the Act.

## **COUNCIL**

The City of Greater Geelong Council comprised of elected councillors and led by the Mayor.

## **COUNCIL EVENTS**

Gatherings of internal and external stakeholders organised and run by the City to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue, which is of relevance to the Council and its community including those which may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners, receptions and balls.

## **COUNCIL LAND**

Council Land means any land vested in, or under the control or management of the Council excluding a Road, but including a Municipal Reserve or other reservation, watercourse, foreshore reserve, jetty, pontoon or boat ramp, and includes any structures, artworks, public decorations or other public displays erected upon or situated at these places including any waterway.

## **COUNCILLOR DUTIES**

Councillor Duties include a councillor attending:

- a. Council Meetings or Committees of Council;
- b. Formal briefing sessions and planning forums;
- c. Civic or ceremonial functions convened by the Council or presided over by the Mayor;

- d. Meetings scheduled by the Council or Mayor;
- e. A meeting, function or other official role as a representative of the Council or Mayor;
- f. Attendance at site inspections in relation to a Council approval process or Council project;
- g. Meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed Council delegate / representative; and
- h. Conferences, study tours, official visits (domestic and overseas), seminars and training sessions as a councillor where attendance has been approved by Council or in accordance with the Councillors' Expenses and Facilities Policy.

## **DELEGATED COMMITTEE**

A Delegated Committee is a committee of Council established under section 63 of the Act.

## **DOCUMENT**

As defined in section 38 of the *Interpretation of Legislation Act 1984*, document includes, in addition to a document in writing:

- a. any book, map, plan, graph or drawing;
- b. any photograph;
- c. any label, marking or other writing which identifies or describes anything of which it forms part, or to which it is attached by any means whatsoever;
- d. any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
- e. any film (including microfilm), negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- f. anything whatsoever on which is marked any words, figures, letters or symbols which are capable of carrying a definite meaning to persons conversant with them.

## **ELECTIONEERING**

Any action, statement and or publication that contains material directly related to, or likely to influence, a Councillor's re-election or a candidate's election.

## **ELECTION DAY**

Section 257(1) states that a general election must be held on the the fourth Saturday in October 2020 and thereafter on the forth Saturday in October in the fourth year after the last general election of Councillors for all Councils.

## **ELECTORAL MATTER**

A matter which is intended or likely to affect voting in an election and includes matter that contains an express or implied reference to, or comment on the election, a candidate in the election or an issues submitted to, or otherwise before, the voters in connection with the election. It does not include electoral material published bb election manager for purposes of conducting the election.

## **ELECTION PERIOD**

The period that:

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

For the 2020 Election nominations close 12 noon on 22<sup>nd</sup> September.

## **ELECTORAL SIGN**

A device advertising a political candidate or candidates, or a purported political candidate or candidates, a registered political party, or a campaign for a Commonwealth, State or Local Government election.

## **EXTRAORDINARY CIRCUMSTANCES**

Where a decision:

- a. is urgent;
- b. cannot reasonably be deferred without major consequence to the City of Greater Geelong; and/or
- c. relates to the completion of projects or initiatives that have already been endorsed by the Council, including but not limited to projects or initiatives made pursuant to the Budget, City Plan or Business Plan.

## **MEETING**

Meeting means a meeting of Council or a Delegated Committee.

## **MUNICIPAL BUILDING**

Municipal Building means any building and its grounds that is owned, occupied, controlled or managed by the Council, which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access, including a recreation centre.

## **MUNICIPAL RESERVE**

Municipal Reserve means any land, water, waterway or water course either owned or vested in, or under the control and management of the Council, and used or set aside as a reserve, whether for outdoor cultural, environmental, recreational or other purposes, including any artworks, public decorations, other public displays and any structures other than a building, erected upon or situated at these places including any waterway, but excludes a Road.

## **PROHIBITED DECISIONS**

Section 69(2) of the Act prohibits any Council decision during the election period that:

- a. relates to the appointment or remuneration of a Chief Executive Officer (CEO) but not to the appointment or remuneration of an Acting CEO;
- b. commits the Council to expenditure exceeding 1% of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- c. the Council considers could be reasonably deferred until the next council is in place; or
- d. the council considers should not be made during an election period.

This includes any decision that enables the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at an election (s 69(3)).

## **PUBLIC CONSULTATION**

Means any process conducted by Council or by the City seeking submissions on matters, including issues, proposed actions or proposed policies, from the public, including from individuals, groups, organisations or the community in general.

## **PUBLIC QUESTION AND SUBMISSION TIME**

The period of time allowed for in a Council meeting that is open to the public during which Council takes questions and information submitted by the public relevant to Council actions and decisions.

## **PUBLISH**

Publish means publishing by any means, whether in hard copy or electronically, including publication on the internet.

## **ROAD**

Road has the meaning ascribed to it by section 3 of the Act, as amended from time to time and includes a public highway. Road includes:

- a. a street; and
- b. a right of way; and
- c. any land reserved or proclaimed as a street or road under the *Crown Land (Reserves) Act 1978* or the *Land Act 1958*; and
- d. a public road under the *Road Management Act 2004*; and
- e. a passage; and
- f. a cul de sac; and
- g. a by-pass; and
- h. a bridge or ford; and
- i. a footpath, bicycle path or nature strip; and
- j. any culvert or kerbing or other land; and
- k. works forming part of the Road.

## **VEC**

VEC means the Victorian Electoral Commission.

# Policy

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## **ELECTION PERIOD**

The Election Period commences on Tuesday 22 September 2020 and concludes at 6pm on Saturday 24 October 2020.

## **COUNCILLOR TO FULFIL DUTIES DURING ELECTION PERIOD**

Councillors:

- a. will continue to fulfil their Councillor Duties (unless they are granted leave of absence);
- b. will continue to engage, and communicate with, the community in their Councillor role;
- c. must comply with the Act and the Councillor Code of Conduct; and
- d. must not use their position to influence City officers, or access City resources or information, in support of any election campaign or candidacy.

## **COUNCIL DECISIONS AND MEETINGS DURING THE ELECTION PERIOD**

Council will not consider or make any Prohibited Decisions during the Election Period.

### **Invalid decisions and liability**

Any decision of Council is invalid if it is made during the Election Period that:

- a. relates to the appointment or remuneration of the CEO, but not to the appointment or remuneration of an Acting CEO; and/or
- b. commits the council to expenditure exceeding 1% of council's income,

If a person suffering loss or damage as a result of acting in good faith on one of these decisions, that person is entitled to compensation for the loss or damage suffered.

### **Business at Council Meetings during the Election Period**

Council meeting papers will be reviewed by the City to ensure that no agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage Councillor candidates to use the item as part of their Electioneering.

Matters which may be considered at Council meetings include:

- a. Annual Report; and
- b. Procedural items to complete the Council's term of office, such as Planning Delegations or approvals required for compliance purposes.

Councillors are prohibited from moving motions or raising matters at a Council meeting that could affect voting in the election, or could unfairly commit the incoming council to a major course of action or could have reasonably been made after the election, including notices of motion, urgent items, petitions, rescission motions, reports by councillor delegates and advisory committee reports.

The types of decisions that will not be considered include, but not limited to:

- a. allocating community grants;
- b. allocating direct funding to community organisations;

- c. major planning scheme amendments; and
- d. changes to strategic objectives and strategies in the council plan.

### **Public question time**

There will be no Public Question and Submission Time during the Election Period.

### **Election period statement in Council reports**

Reports submitted to Council or to a Delegated Committee will contain an “Election Period Statement” at the start of the report in the form as follows:

- “The recommended decision is not a Prohibited Decision.

### **Implementing decisions**

Decisions made prior to the Election Period by Council or by a committee or an officer under delegation can be implemented during the Election Period provided that those decisions do not involve Public Consultation or a Council Event that is likely to run into, or occur during, the Election Period.

### **Delegated committees**

Council has the following five Delegated Committees that operate with delegated powers:

- Central Geelong Marketing Committee;
- Geelong Major Events Committee;
- Planning Committee;
- and
- CEO Employment Matters Committee.

Delegated Committees, other than the CEO Employment Matters Committee, will not meet during the Election Period.

The CEO Employment Matters Committee is only permitted to meet to deal with the appointment of an Acting CEO.

### **Community Asset Committees and Advisory Committees**

Community Asset Committees and Advisory Committees will not meet during the Election Period.

## **USE OF CITY RESOURCES**

City resources must not be used for Electioneering, other than City facilities that are normally available for hire by the public.

### **Using City facilities**

City facilities that are normally available for public hire will be able to be hired by candidates (including councillor candidates) at the normal hire rate, terms and conditions of hire set for the facility.

No promotional material related to an election event, apart from simple directional signage, is able to be displayed in the common public areas of a City facility being hired.

### **Electoral signs on Council land and property**

The following provisions that govern the placement of Electoral Signs apply equally to all candidates and their associated election campaigns at all times, including during the Election Period. They are consistent with Council's Neighbourhood Amenity Local Law 2014 (clauses 46, 70 and 92), the *Environment Protection Act 1970* (Litter Section), the Greater Geelong Planning Scheme and the General Signage (including Electoral Advertising) On Council Road Reserves and Land Policy.

Electoral Signs are not permitted on Roads, Municipal Buildings, Municipal Reserves or Council Land, including any structures such as bus shelters or light poles within road reserves. In general terms, this means that no Electoral Signs are permitted on roads, parkland or Council property.

The following conditions apply to the placing of Electoral Signs.

- a. No Electoral Signs can be placed or erected on any council Road or Municipal Reserve (including parks) this also includes any VicRoads, roads or reserves;
- b. Mobile billboards, (trailer types and signs that are placed in or on a vehicle) are not to be left standing or stationary as in paragraph (a) above. This type of signage has to be mobile at all times;
- c. Vehicles, other than trailers, that are permanently sign-written may display an Electoral Sign, provided that they meet parking legislation requirements including time limits etc.;
- d. The *Environment Protection Act 1970* (Litter section) prohibits the placing of any form of advertising on the windscreens of vehicles anywhere (public or private land); and
- e. Banners and flags are also prohibited as in paragraph (a) above and are not to be attached to any fixtures located on any of the roads or reserves as in paragraph (a).

### **Councillor resources & expenses**

Councillors will continue to have access to the resources necessary to fulfil their Councillor Duties, in accordance with existing Council policy and the Councillor Code of Conduct.

Reimbursement claims for expenses that support or that could be perceived as supporting, or being connected with, a Councillor's election campaign will not be processed by the City.

Councillors may continue to use their councillor title.

### **City resources**

City resources, including offices, administrative staff, meeting facilities not normally available for public hire, hospitality, electronic equipment, vehicles, email addresses and social media handles, databases, mailing lists, photocopying and stationery will be used exclusively for normal City operational business during the Election Period and are not to be utilised for or connected to any election activities.

City logos, letterheads, photographs and images or associated City insignias and designs are not to be used, or linked in any way to a candidate's election campaign.

### **City staff**

It is critical that the City maintains the confidence of the Council, councillors and the wider community at all times. This requirement is even more important in the period leading up to an election.

For the vast majority of City employees, work will continue as normal during the Election Period. However, some may find themselves in situations where the Election Period could have a bearing on their actions.

It is important for City employees who are engaged in political activities related to the election, to avoid any actual, potential or perceived conflict of interest with their City employment. How they do this will depend on the nature of their employment and the nature of their political activities or associations.

City staff must:

- a. Not use their City role and position to influence the outcome of the election;
- b. Not engage in Electioneering during work time;
- c. Not use City resources for Electioneering;
- d. Not use any official information obtained through their City employment for Electioneering;
- e. Not make any public statement on Council or City activity that they are involved in or connected with as a City employee;
- f. Make it clear when making comments related to the election that they are expressing their own views and not making an official comment;
- g. Take leave from their City employment if nominating as a candidate for the election in order to be able to qualify as a candidate for that election; and

- h. If they are a candidate in the general Council election, resign from City employment immediately upon being declared elected in the general Council election in order to become or continue to be a Councillor of the Council.

## **PUBLIC CONSULTATION**

### **Conducting public consultation**

The City will not commence or continue Public Consultation except where there is a legal obligation to do so or the CEO determines that Extraordinary Circumstances exist which warrant the Public Consultation continuing. If this is the case, the Council must, by resolution, justify to the community the Extraordinary Circumstances making it necessary and how the risks of influencing the election will be mitigated or prevented.

Public Consultation will not be commissioned or approved if such consultation is likely to run into the Election Period.

### **Consultative mechanisms**

Forums, other community reference group meetings or similar consultative processes are not permitted.

## **EVENTS**

### **Conducting or promoting events**

The City will not conduct or promote Council Events except where there is a legal obligation to do so

Ordinary Council meetings and Council Events may be held if they are part of delivering normal services or operational activities of Council and the City e.g. scheduled ordinary council meetings and citizenship ceremonies.

Community Focus Council meetings are suspended. These meetings occur at venues throughout the municipality, in each ward in turn. At these meetings, Council is required to allow and encourage the community to attend, submit information and ask questions on issues that arise at those meetings or raise general issues or questions.

Consequently, there is a significant risk that matters could be raised at the meetings that could influence the election or amount to Electioneering.

### **Councillor attendance**

Councillors may attend events as required by their Councillor Duties, but are not permitted to use these appearances for Electioneering.

Councillors must not speak as an official Council spokesperson at events they attend in relation to their Councillor Duties unless authorised to do so by the CEO.

Speeches prepared for councillors attending events related to their Councillor Duties must be written by City staff and approved by the CEO.

City resources will not be used to prepare speeches, or provide support, for councillors in respect of their attendance at an event that is not required by their Councillor Duties.

## **PUBLISHED INFORMATION DURING THE ELECTION PERIOD**

### **Publications**

The City must not print, Publish or distribute or cause, permit or authorise to be printed, Published or distributed, any advertisement, handbill, pamphlet or notice unless the advertisement, handbill, pamphlet or notice has been authorised by the CEO.

### **Media releases, statements & publicity**

The CEO will be the primary spokesperson for the Council.

City media releases and statements will be authorised and issued in the name of the CEO.

No City-issued media releases will quote or feature Councillors.

Councillors in respect of their Councillor Duties must not make or Publish any public statement that could be interpreted as influencing the election.

City staff must not make or Publish any public statement that could be interpreted as influencing the election.

City communication and marketing activities, other than for the sole purpose of conducting the election process, will be prevented wherever possible.

Delivery of existing City services will continue on a business-as-usual basis, however, there is a prohibition on implementing and promoting new City services.

Where a City communications and marketing activity is considered essential for a City service or function, it must be authorised by the CEO before publication.

Where a City communications or marketing activity is authorised that activity must be limited to promoting existing City services.

No communications or media advice or assistance will be provided by the City in relation to Electioneering or election campaign matters.

### **Publishing Councillor information**

Councillor information published in documents and on websites will be restricted to:

- a. names;
- b. photographs;
- c. contact details;
- d. titles; and
- e. membership of special committees and other bodies to which they have been appointed by the Council.

### **Councillor correspondence**

Councillor correspondence regarding election matters will not receive responses until after the end of the election period. If a Councillor is not re-elected, then correspondence received for that Councillor during the Election Period will be responded to after the Election Period by the CEO.

Councillor correspondence relating to significant, sensitive or controversial matters will be referred to the CEO for action.

### **City Website and Social Media**

At the start of the Election Period a message will be posted on the City's social media channels and website stating that these channels will have no new content added until after the Election Period unless it relates to existing City services.

No electoral material may be placed on the City's website or social media during the Election Period.

Council meeting agendas and minutes will continue to be published on Council's website.

Comments on the City's social media may be removed at the sole discretion of the CEO during the Election Period if those comments may influence the Election.

## **INFORMATION ACCESS**

### **Information access**

Councillors will continue to have access to the information resources necessary to fulfil their Councillor Duties, in accordance with existing Council policy and the Councillor Code of Conduct.

The City will aim to ensure that all candidates have equal access to council information.

### **Candidate information requests**

Candidates must provide requests for council information to the CEO in writing.

Responses to candidate information requests must be authorised by a director or the CEO.

Council information supplied in response to candidate requests will only consist of publically available and factual information about current City services.

Council information supplied in response to candidate requests will not relate to policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected to a candidate's election campaign.

Candidate requests for council information that require significant City resources to be devoted to a response may be refused at the sole discretion of the CEO.

The CEO will maintain an Information Request Register, which will:

- List all candidate requests for information received by the City;
- Summarise the information provided by the City to the candidates in response to requests, including links to requested public documents;
- Record reasons for refusal of candidate council information requests; and
- Be published on the City's website

All enquiries from candidates about the election process are to be made directly to the VEC Election Manager or, where the matter is outside their responsibilities, to the CEO.

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# Implementation of this Policy

## MONITORING AND REPORTING

The City must have adequate processes in place to monitor this policy and associated procedures to ensure they are accurate, consistent and operating as intended.

## ADVICE AND ASSISTANCE

The Responsible Officer for this policy manages the provision of advice to the organisation regarding this policy.

A person who is uncertain how to comply with this policy should seek advice from this person or delegate.

The City will ensure that all councillors, candidates and staff involved in applying this policy receive training and support in the operation of this policy. This will include:

- publishing the policy on the Geelong Australia website
- distributing the policy to councillors
- including the policy in candidate information packs
- information about the purpose and requirements of this policy;
- practical guidance on how to comply with this policy, such as procedures that set out the process to be followed;
- provision of tools and templates to be used.

## RECORDS

The City must retain records associated with this policy and its implementation for at least the period shown below.

Record	Retention / Disposal Authority	Retention Period	Location
Information request responses	Retention and Disposal Authority for Records of Common Administrative Functions PROS 07/01 VAR 4	Temporary Destroy 2 years after action completed.	Document Management System

## REVIEW

Prior to the next general election will be held on 26 October 2024 or as required.

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# References

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*Environment Protection Act 1970*

*Interpretation of Legislation Act 1984*

*Local Government Act 2020*

Greater Geelong City Council 2014 Neighbourhood Amenity Local Law 2014

Greater Geelong City Council 2016 General Signage (including Electoral Advertising) On Council Road Reserves and Land Policy

Greater Geelong City Council Councillors' Expenses and Facilities Policy

Greater Geelong Planning Scheme

Local Government Inspectorate 2016 Election Period Policy Review

Public Records Office Victoria 2015 Retention and Disposal Authority for Records of Local Government Functions

Public Records Office Victoria 2017 Retention and Disposal Authority for Records of Common Administrative Functions

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**CLOSE OF MEETING**

As there was no further business the meeting closed at 7.14pm on Tuesday, 21 July 2020.

**Signed:** \_\_\_\_\_

**Cr Stephanie Asher (Mayor)**

**Date:** \_\_\_\_\_