



# Governance Rules

*A place for all*

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## Introduction

### Purpose of the Rules

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

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

The Governance *Rules* also include:

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

### Commencement and Revocation

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

These Governance Rules commence operation on 2 June 2021. Upon these Governance Rules coming into operation, the Governance Rules made on 1 September 2020 are revoked.

### Definitions

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



Words	Meaning
Absolute Majority	the number of: a) Administrators/Councillors which is greater than half the total number of the Panel of Administrators/Councillors; and b) members of a Delegated Committee which is greater than half the total number of members of the Delegated Committee.
Act	the <i>Local Government Act 2020</i> .
Additional Council Meeting	a meeting called in accordance with rule 6.
Administrator	a person appointed as an Administrator for City of Whittlesea under the <i>Local Government Act 2020</i> . An Administrator performs the role of a Councillor for the purposes of section 28 of the <i>Local Government Act 2020</i> . Reference to persons appointed as Administrators is a reference to persons elected as Councillors of Council, as the case may be.
Agenda	a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting.
Authorised Officer	an Officer who is authorised by the Chief Executive Officer or Council under section 224 of the <i>Local Government Act 1989</i> .
Chair of Administrators	the Administrator who has been appointed to that position by the Minister for Local Government, is the official spokesperson of Council and performs the role of a Mayor.
Chairperson	the: a) Chair of the Administrators/Mayor; b) person appointed as the Chairperson of a Delegated Committee; or c) person taking the chair at a Meeting in accordance with these Rules in the absence of the Chair of Administrators/Mayor or Chairperson of the Delegated Committee, as the case requires.
Chief Executive Officer	the person occupying the position of Chief Executive Officer of Council and includes a person acting that position.
Code of Conduct	the code of conduct developed and adopted by Council under section 139 of the <i>Local Government Act 2020</i> .
Committee Meeting	a meeting of a Delegated Committee or Community Asset Committee.
Community Asset Committee	a Community Asset Committee established under section 65 of the Act.
Confidential Information	has the same meaning as in section 3(1) of the Act.
Council	the Whittlesea City Council

Council Meeting	includes a Scheduled Council Meeting and an Additional Council Meeting.
Council Website	Council's website at <a href="http://www.whittlesea.vic.gov.au">www.whittlesea.vic.gov.au</a> .
Councillor	a person who holds the office of member of Council, see definition of Administrator.
Delegate	any Officer to whom powers, functions and duties have been delegated under the Act.
Delegated Committee	a delegated committee established under section 63 of the Act.
Delegated Committee Meeting	a meeting of a Delegated Committee.
Division	a formal count of those Administrators/Councillors or members of a Delegated Committee who voted for or against, or did not vote in respect of, a motion and the recording of that count and the way each Administrator/Councillor or member of the Delegated Committee voted in the Minutes of the Meeting.
In Writing or Written	includes communications Sent Electronically.
Joint Letter	correspondence In Writing addressed to the Council and: a) signed personally by not less than three persons of separate addresses, except that, in the case of illness or disability, it may be signed by a representative of a person; b) stating the address of each signatory; and c) setting forth a matter on which a remedy or relief is sought.
Mayor	the Chair of Administrators or the Councillor elected to be the Mayor under section 25 of the Act .
Meeting	a Scheduled Council Meeting, an Additional Council Meeting, a Delegated Committee Meeting and a Community Asset Committee Meeting, as the context requires.
Member	an Administrator/Councillor or member of a Delegated Committee.
Minutes	the record of proceedings of a Meeting.
Municipal District	the municipal district of Council.
Notice of Motion	a notice setting out the text of a motion, which an Administrator/Councillor proposes to move at a Council Meeting.
Officer	a member of Council staff
Officer Report	a report prepared by an Officer for consideration by Council
Online Petition	a petition which is signed online through a form on a website or a similar process.

Petition	a statement in writing addressed to the Council and: a) signed personally by not less than twelve persons of separate addresses, except that, in the case of illness or disability, it may be signed by a representative of a person; b) stating the address of each signatory; and c) setting forth the matter on which a remedy or relief is sought, but excludes an Online Petition.
Point of Order	a point of order raised in accordance with rule 21.
Procedural Motion	a motion contained in the Table at Appendix 1 to these Rules.
Quorum	at a Council Meeting or Delegated Committee Meeting means an Absolute Majority of Administrators/Councillors or members of the Delegated Committee, as the case requires.
Sent Electronically	transmitted by electronic means to or from an Administrator/Councillor or member of a Delegated Committee via an online portal or electronic mail address provided by the Council for the purpose.
these Rules	these Governance Rules
Urgent Business	a matter that has arisen since distribution of the Agenda for a Meeting and cannot safely or conveniently be deferred until the next Meeting.
Visitor	any person (other than an Administrator/Councillor or an Officer) present at a Meeting.
Written or In Writing	communications Sent Electronically.

## Governance Framework

### Context

Council's deliberations will be guided by the following overarching governance principles:

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;
- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- (d) the municipal community is to be engaged in strategic planning and strategic decision making;
- (e) innovation and continuous improvement is to be pursued;
- (f) collaboration with other Councils and Governments and statutory bodies is to be sought;



- (g) the ongoing financial viability of the Council is to be ensured;
- (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
- (i) the transparency of Council decisions, actions and information is to be ensured.

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

- i. Administrator/Councillor Code of Conduct
- ii. Public Transparency policy

## **Affected Persons Rights and Interests**

In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:

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

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

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

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

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

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

## Council Meeting Procedure

### 1. Purpose of Council meetings

Council holds Ordinary Meetings and, when required, Special Meetings to conduct the business of Council.

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

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

- a) the Meeting is to consider confidential information; or
- b) a Meeting is required to be closed for security reasons; or
- c) it is necessary to enable the Meeting to proceed in an orderly manner.

Where the meeting is closed to the public to consider confidential information and all public matters have been discussed, the meeting will not be reopened to the public.

### 2 Election of Mayor, Deputy Mayor and Acting Mayor\*

*\* As a Panel of Administrators is currently in place, the provisions of Part B relating to the appointment of a Mayor, Deputy Mayor and Acting Mayor will not be applicable until after the 2024 General Elections.*

#### 2.1 Nominations

*This section is not applicable whilst a Panel of Administrators is in place.*

#### 2.2 Agenda for the Meeting to elect the Mayor

*This section is not applicable whilst a Panel of Administrators is in place.*

#### 2.3 Election of the Mayor

*This section is not applicable whilst a Panel of Administrators is in place.*

#### 2.4 Procedure for election of the Deputy Mayor

*This section is not applicable whilst a Panel of Administrators is in place.*

#### 2.5 Appointment of Acting Mayor

*This section is not applicable whilst a Panel of Administrators is in place.*

### **3 Code of Conduct**

An Administrator/Councillors must comply with the Code of Conduct during any Meeting.

### **4 Date, time and place of Scheduled Council Meetings**

- 4.1 The date, time and place of Scheduled Council Meetings are to be determined by resolution of the Council.
- 4.2 The Council may by resolution alter the date, time and place of any Scheduled Council Meeting that has been fixed and must provide reasonable notice to the public.
- 4.3 Subject to rule 4.4, a Council Meeting must not continue beyond 10:30pm on any given day.
- 4.4 The Council may, by resolution, extend the duration of a Council Meeting beyond 10:30pm, but only for intervals of not more than 30 minutes at a time.
- 4.5 In the absence of an extension under rule 4.4 the Council Meeting must stand adjourned to a date, time and place announced by the Chairperson immediately prior to the Council Meeting standing adjourned and, in that event, rule 10.4 will apply.

### **5 Cancellation or postponement of Council Meetings**

- 5.1 The Chief Executive Officer may in the case of an emergency necessitating the cancellation or postponement of a Scheduled Council Meeting, cancel or postpone the Scheduled Council Meeting.
- 5.2 Where the Chief Executive Officer postpones or cancels a Scheduled Council Meeting, he or she must give such notice to the Administrators/Councillors and the public as is practicable.
- 5.3 The Chief Executive Officer must submit a Written report of the circumstances requiring the postponement or cancellation of a Scheduled Council Meeting under rule 5 to the next Scheduled Council Meeting.

### **6 Holding Additional Council Meetings**

An Additional Council Meeting will be held where:

- 6.1 notice In Writing of the Additional Council Meeting is provided to the Chief Executive Officer by the Chair of Administrators/Mayor or by two Administrators/Councillors; and

6.2 the notice specifies the:

- a) date, time and place for the Additional Council Meeting;
- b) business to be transacted at the Additional Council Meeting; and
- c) reason that the business to be transacted at the Additional Council Meeting cannot be left to be considered at the next Scheduled Council Meeting; or

6.3 the Chief Executive Officer or delegate of the Chief Executive Officer determines, in his or her absolute discretion, that an Additional Council Meeting is necessary or desirable.

## **7 Notice of Council Meetings to Administrators/Councillors**

7.1 The Chief Executive Officer will cause a copy of the Agenda for any Council Meeting to be given to all Administrators/Councillors not less than 48 hours before commencement of the relevant Council Meeting.

7.2 A copy of the Agenda is duly given if, not less than 48 hours before the commencement of the Council Meeting, it is:

- a) handed to the Administrator/Councillor;
- b) delivered to the Administrator's/Councillor's postal or residential address; or
- c) Sent electronically to the Administrator/Councillor.

## **8 Notice of Council Meetings to the public**

8.1 Public notice of all Council Meetings will be provided by the Chief Executive Officer in accordance with this rule 8.

8.2 Public notice of Scheduled Council Meetings will be provided by:

- a) a schedule of all Scheduled Council Meetings, including the date, time and place for each Scheduled Council Meeting, as updated from time to time, being displayed on the Council Website;
- b) notice of the time, date and place for each Scheduled Council Meeting being published on the Council Website and noticeboard located at Council's Civic Centre:
  - i. as a single schedule once in each year; and/or
  - ii. no less than five days before each Scheduled Council Meeting;
- c) in any other form as determined by the Chief Executive Officer; and
- d) the Agenda for a Scheduled Council Meeting being displayed on the Council Website prior to the Scheduled Council Meeting.

- 8.3 Public notice of Additional Council Meetings will be provided by:
- a) notice of the date, time and place of the Additional Council Meeting being displayed on the Council Website as soon as practicable after the Additional Council Meeting is called under rule 6; and
  - b) the Agenda for the Additional Council Meeting being displayed on the Council Website as far in advance of the Additional Council Meeting as possible.
- 8.4 Despite the provisions of this rule 8, the Chief Executive Officer may determine to provide shorter public notice of a Council Meeting where he or she considers it necessary or desirable to do so, in his or her absolute discretion.

## **9 Quorum**

The Quorum for any Council Meeting is an Absolute Majority.

## **10 Adjournment of Council Meetings where Quorum not present**

- 10.1 If a quorum
- a) cannot be formed within 30 minutes after the time fixed in the Agenda for the commencement of a Council Meeting, or
  - b) cannot be maintained due to the absence of Administrators/Councillors,
- then the majority of Administrators/Councillors present or, if there are not any Administrators/Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, any other Officer present at the Council Meeting, may adjourn the Council Meeting to:
- a) another time (having regard to the requirements of rule 10.4); or
  - b) another date within seven days from the date of adjournment.
- 10.2 Where a quorum cannot be maintained as a result of a declaration of a conflict of interest by a majority of Administrators/Councillors at a Council Meeting, the Council will consider whether the decision can be made by dealing with the matter in an alternative manner, in accordance with section 67 of the Act.
- 10.3 Where the Chairperson is of the opinion that disorder in the Council Chamber or in the public gallery makes it desirable to adjourn a Council Meeting, the Chairperson may adjourn the Council Meeting in the same manner as prescribed in rule 5.1 (except that a reference to "Chief Executive Officer" shall be construed as a reference to the "Chairperson"). This power of the Chairperson is in addition to, and does not derogate



from, the power of the Council to close a Council Meeting to the public under s 66(2)(c) of the Act.

- 10.4 Where a Council Meeting is adjourned, the Chief Executive Officer or his or her Delegate, having regard to the circumstances of the adjournment, must make all reasonable efforts to give all Administrators/Councillors and the public notice of the adjourned Council Meeting in a form which, in the discretion of the Chief Executive Officer, is appropriate advising of the adjourned time or adjourned date and time.

## **11 Agenda and Minutes of Council Meetings**

- 11.1 Subject to rule 11.2, the Chief Executive Officer must determine the form of Minutes and Agendas for Council Meetings.

- 11.2 The Minutes must record:

- a) the prayer, good governance pledge or reconciliation statement read at the commencement of a meeting, if applicable;
- b) the date, time and place of the Council Meeting, the time it commenced and any times at which it was adjourned and resumed;
- c) the names of the Administrators/Councillors present and a record of their attendance relative to items considered during the entire Council Meeting;
- d) the names of Officers present and their titles;
- e) details of any action taken by any Administrator/Councillor in compliance with the conflict of interest provisions of these Rules;
- f) formal reports by Administrators/Councillors who have been appointed as a representative of the Council on another body;
- g) the names of Administrators/Councillors who move and second any motion or amendment;
- h) the text of any motion or amendment which is proposed, whether or not it is seconded;
- i) whether or not a motion or an amendment which has been proposed and seconded is carried or lost;
- j) a reference to any formal submission made verbally by a Visitor pursuant to a statutory right;
- k) a reference to any person given an opportunity to speak to a Petition or Joint Letter;
- l) details of any deputations made to the Council;
- m) details of failure to achieve a Quorum, and a time and reason for any adjournment;

- n) details of questions from Administrators/Councillors to Officers during hearing of “Questions to Officers”;
- o) details of questions from Visitors to Administrators/Councillors during hearing of “Public Question Time”; and
- p) any other matter, including Chief Executive Officer Notes, which the Chief Executive Officer thinks should be recorded to clarify the intention of the Council Meeting or assist in the reading of the Minutes.

## **12 Business of Scheduled Council Meetings**

- 12.1 Only the business contained in the Agenda for a Scheduled Council Meeting may be dealt with unless the Council Meeting resolves to deal with Urgent Business.
- 12.2 After the Agenda is published the Chief Executive Officer may, with the agreement of the Chairperson, withdraw a matter listed on the Agenda.
- 12.3 If a matter listed on the Agenda is withdrawn in accordance with rule 12.2, the Chief Executive Officer must:
  - a) tell Administrators/Councillors of its withdrawal and the reasons for it by notice Sent Electronically as soon as practicable after withdrawal; and
  - b) provide an explanation for its withdrawal to the Council Meeting for which the matter was listed.
- 12.4 Despite anything in this rule 12, the Chief Executive Officer may determine the:
  - a) business to be listed for consideration at any Council Meeting; and
  - b) order in which the business of a Council Meeting is to be listed in the Agenda.
- 12.5 Before an Officer Report being considered by the Council and any motion moved in relation to such Officer Report, the Officer presenting it may speak to it, provided that the Officer:
  - a) does not speak for more than 5 minutes, unless granted an extension by the Chairperson which must not exceed 2 minutes;
  - b) only makes comments that are relevant to the content of the Officer Report; and
  - c) does not enter into discussion or debate, unless responding to questions asked by Administrators/Councillors for the purposes of clarification.
- 12.6 Unless the Council resolves otherwise, an Officer need not read any Officer Report to the Council in full.

## **13 Business of Additional Council Meetings**

13.1 The business of an Additional Council Meeting must be limited to:

- a) attendance and apologies;
- b) where applicable, declarations of conflict of interest;
- c) the business to be transacted at the Additional Council Meeting as identified in any notice calling the Additional Council Meeting under rule 6; and
- d) any other matter that the Council by resolution, or the Chief Executive Officer in his or her discretion, determines.

## **14 Form of motions and amendments**

14.1 A motion or an amendment which is proposed by an Administrator/Councillors at a Council Meeting must:

- a) be expressed clearly and unambiguously;
- b) not be defamatory or objectionable in nature; and
- c) be relevant to an item on the Agenda, unless it is admitted as Urgent Business.

14.2 A motion or amendment:

- a) which differs in wording from a recommendation in an Officer Report or a Notice of Motion which is on the Agenda must be read aloud by the proposer; and
- b) may be Written out by the proposer and given to the Chairperson and, on the request of an Administrator/Councillor, must be written out by the Chief Executive Officer or his or her Delegate and made available to the Administrators/Councillors.

14.3 A copy of a motion or amendment which is Written out under this rule 14 may be given to all Administrators/Councillors present or otherwise displayed so that all Administrators/Councillors can read it before any further debate takes place or the vote on it is taken.

14.4 The Chairperson may adjourn the Council Meeting for the time required to write a motion or amendment in accordance with rule 14.2(b).

14.5 The Chairperson may reject a motion or amendment which does not conform to the requirements of this rule 14.

## 15 Procedure for moving motions or amendments

The procedure upon any motion or amendment is as follows:

- 15.1 the mover must state the motion or amendment;
  - 15.2 the Chairperson must call for a seconder, unless the motion is a call to enforce a Point of Order;
  - 15.3 if there is no seconder, the motion or amendment lapses;
  - 15.4 if a motion has been seconded:
    - a) the Chairperson must call for any questions regarding the matter to be asked through the Chairperson to the Chief Executive Officer;
    - b) any questions received from Administrators/Councillors will be referred by the Chairperson to the Chief Executive Officer;
    - c) the Chief Executive Officer will respond to any referred questions or determine which Officer should respond; and
    - d) the Chairperson must then ask the mover to speak to the motion or amendment;
  - 15.5 after the mover has spoken to the motion or amendment, the seconder may speak to the motion or amendment;
  - 15.6 after:
    - a) the seconder has spoken to the motion or amendment; or
    - b) the mover has spoken to the motion or amendment, if the seconder does not speak to the motion or amendment,
- the Chairperson must call upon any Administrator/Councillor who wishes to speak on the motion or amendment;
- 15.7 any Administrator/Councillor who wishes to speak on the motion or amendment will be invited by the Chairperson to do so;
  - 15.8 any Administrator/Councillor, except the mover or the seconder of the original motion, may move or second an amendment;
  - 15.9 in regard to a motion, an Administrator/Councillor may speak once except that, where there has been a speaker in opposition, the mover of the motion has a right of reply prior to the motion being put to a vote;
  - 15.10 in regard to an amendment, an Administrator/Councillor may speak once on the amendment and the mover of the amendment does not have a right of reply prior to the amendment being put to a vote;

- 15.11 an Administrator/Councillor may be permitted by the Chairperson to speak more than once to explain that the Administrator/Councillor has been misrepresented or misunderstood or to respond to a request for additional information;
- 15.12 before any motion or amendment is put to the vote, it may be withdrawn by the mover, unless the majority of Administrators/Councillors objects to the withdrawal, in which case it may not be withdrawn;
- 15.13 amendments must be dealt with one at a time; and
- 15.14 any subsequent amendment must not be dealt with until the preceding amendment is resolved.

## **16 Confirmation of Minutes**

- 16.1 The Chief Executive Officer must give a copy of the Minutes of each Council Meeting to all Administrators/Councillors not less than 48 hours before the commencement of the Council Meeting at which the Minutes are to be confirmed.
- 16.2 A copy of the Minutes is duly given if it is:
  - a) handed to the Administrator/Councillor;
  - b) delivered to the Administrator's/Councillor's postal or residential address; or
  - c) Sent Electronically to the Administrator/Councillor.
- 16.3 The Chairperson must not allow any discussion on the Minutes, except concerning their accuracy
- 16.4 If an Administrator/Councillor does not consider that the Minutes are accurate, the Administrator/Councillor must specify the particular item in the Minutes and, after asking any questions to clarify the matter, must move a motion to rectify any errors or inaccuracy in the Minutes.
- 16.5 Where a motion is moved under rule 16.4, it must be dealt with in accordance with rules 14 and 15.
- 16.6 Once confirmed, the Minutes of a Council Meeting must be:
  - a) signed by the Chairperson of the Council Meeting at which they are confirmed; and
  - b) entered in the Minute Book, and each item entered in the Minute Book must be entered consecutively.
- 16.7 The Council may defer confirmation of the Minutes until later in the Council Meeting or until the next Council Meeting if considered appropriate.

## **17 Public Question time**

- 17.1 The Council will hold a public question time for up to 30 minutes at each scheduled Council meeting to allow public submissions and questions of Council. Council may resolve to alter this time period at the discretion of the Chairperson.



- 17.2 There will be no public question time held during the local government election period in 2024.
- 17.3 Council must receive written questions in English prior to the Council meeting and must contain the name, address and telephone or email of the person submitting the question, as well as the name of any group or organisation they represent. Assistance will be available to any community member seeking or requiring support to write their question(s)
- 17.4 Priority will be given to questions that relate to matters listed in the Agenda (including speaking to a petition or joint letter) and to questions received up to 3 hours prior to the Council meeting via email ([info@whittlesea.vic.gov.au](mailto:info@whittlesea.vic.gov.au)), delivery to Council office Customer Service desk or via mail (Locked Bag 1, Bundoora MDC VIC 3083)
- 17.5 No person may submit more than two questions at any meeting.
- 17.6 Each person will be allocated up to 2 minutes in total (not per question) if they wish to address Council. A person who may need additional support in presenting to Council under this rule 17.6 and rule 17.10, for example, due to an impairment or disability, must be afforded reasonable accommodations to do so.
- 17.7 Questions submitted in advance of the meeting, where the person does not attend the meeting, will be either read out to the meeting by the Chief Executive Officer (or Delegate), or responded to in writing within 14 days, at the discretion of the Chief Executive Officer, but must be limited to be able to be read within the 2 minute time allocated.
- 17.8 A question may be disallowed by the Chairperson if the Chairperson determines that it:
- relates to a matter outside the duties, functions and powers of Council;
  - is malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - deals with a subject matter already answered;
  - is aimed at embarrassing an Administrator/Councillor or a member of Council staff;
  - may lead to a breach of Council's requirement to comply with its statutory obligations;
  - deals with a matter that should be or has been considered as a confidential matter;
- 17.9 All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.
- 17.10 When invited by the Chairperson, the person submitting the question must state their name, suburb and any organisation or group they represent, and ask their question as written without any preamble or background. All questions must be directed to the Chairperson.
- 17.11 The Chairperson may nominate an Administrator/Councillor or the Chief Executive Officer to respond to a question. Prior to responding the Chairperson may seek contextual information from the person submitting the question.
- 17.12 The Chairperson or Chief Executive Officer to whom the question has been directed may require a question to be put on notice. If a question is put on notice, the answer to it must be recorded in the minutes of Council. A written copy of the answer must be sent to

the person who asked the question within 14 days with copies to provided to all Administrators/Councillors.

- 17.13 An Administrator/Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Administrator/Councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given. The Chief Executive Officer may decline to provide a verbal answer if they determine that answering the question would risk breaching one of the criteria detailed at 17.8 above.

## **18 Petitions and Joint Letters**

- 18.1 All written and electronic correspondence, including a Petition or Joint Letter, which is addressed to an Administrator/Councillor personally and which requires a decision of, or a direction from, the Council must be referred to the Chief Executive Officer.
- 18.2 The Chief Executive Officer must determine whether any Petition or Joint Letter addressed to an Administrator/Councillor personally needs to be included on the Agenda.
- 18.3 The Chief Executive Officer may reject and decline to include on the Agenda any Petition or Joint Letter on the grounds that it:
- a) repeats a question which has been asked and answered in the preceding three months;
  - b) deals with a matter dealt with by the Council in the preceding three months;
  - c) is defamatory or malicious;
  - d) raises an issue of a confidential nature, or otherwise contains or refers to Confidential Information; or
  - e) is asked to embarrass an Administrator/Councillor or Officer.
- 18.4 Despite anything else in this rule 18:
- a) an Administrator/Councillor may submit a Petition or Joint Letter to a Council Meeting without notice;
  - b) a Petition or Joint Letter, if submitted when the Council Meeting moves to the consideration of Petitions and Joint Letters in the order of business, does not need to be admitted as Urgent Business; and
  - c) the Chairperson must allow an Administrator/Councillor submitting a Petition or Joint Letter without notice to read the contents of the Petition or Joint Letter and to inform the Council Meeting of the number of signatories to the Petition or Joint Letter.
- 18.5 An Administrator/Councillor should not submit, and the Chairperson may disallow, any Petition that:

- a) repeats a question which has been asked and answered in the preceding three months;
  - b) deals with a matter dealt with by the Council in the preceding three months;
  - c) is defamatory or malicious;
  - d) raises an issue of a confidential nature, or otherwise contains or refers to Confidential Information; or
  - e) is asked to embarrass an Administrator/Councillor or Officer.
- 18.6 Where a Petition or Joint Letter submitted by an Administrator/Councillor without notice under rule 18.4 relates to an item of business already on the Agenda for the Council Meeting, the Petition or Joint Letter is to be referred to that item and considered by the Council Meeting as part of its deliberation on that item.
- 18.7 Any Petition or Joint Letter received by any Administrator/Councillor or Officer must be submitted to the relevant Council Meeting for consideration in accordance with this rule 18.
- 18.8 The lead person, or one of the signatories, to a Petition or Joint Letter will be given an opportunity to speak to the Petition or Joint Letter at the Council Meeting at which it is tabled. This will occur at the Public Question time on the agenda. The person, in addressing the Council, must:
- a) confine their speech to the 2-minute allocation of time;
  - b) extend due courtesy and respect to Council and the processes under which it operates;
  - c) take direction from the Chairperson whenever called upon to do so;
  - d) not enter into discussion or debate, unless responding to questions asked by Administrators/Councillors for the purposes of clarification of the speaker's points (Standing Orders (as per Rule 38) do not need to be suspended to allow discussion for the purposes of clarification);
  - e) not make statements that may prejudice, insult or defame any individual; and
  - f) limit their presentation to the topic of the Petition or Joint Letter.
- 18.9 The Chairperson must cease a presentation given under rule 18.8 where, in their opinion, it:
- a) prejudices, insults or defames, or is intended to prejudice, insult or defame, an individual;
  - b) does not relate to the topic of the Petition or Joint Letter; or
  - c) raises an issue of a confidential nature, or otherwise contains or refers to Confidential Information.

- 18.10 A person who may need additional support in presenting to Council under rule 18.8, for example, due to an impairment or disability, must be afforded reasonable accommodations to do so.

## **19 Notices of Motion**

- 19.1 An Administrator/Councillor may submit to the Chief Executive Officer a Notice of Motion in writing where it is signed by the relevant Administrator/Councillor and has a named and signed seconder for consideration at a Council Meeting.
- 19.2 Subject to rule 19.5 a Notice of Motion, which is received In Writing by the Chief Executive Officer prior to 12 noon of the day that is not less than 14 days prior to the date of the Council Meeting for which it is intended, must be included on the Agenda for that Council Meeting, unless the Notice of Motion specifies a later Council Meeting for consideration of the Notice of Motion.
- 19.3 If a Notice of Motion is received after the time specified in rule 19.2 it must, unless it is withdrawn In Writing by the Administrator/Councillor beforehand, be included in the Agenda for the next available Council Meeting.
- 19.4 The Chief Executive Officer must reject a Notice of Motion which does not conform to the requirements of rule 14.1.
- 19.5 If the Chief Executive Officer rejects a motion under rule 19.4, he or she must:
- a) notify the Administrator/Councillor who lodged the Notice of Motion of the rejection and reasons for it; and
  - b) give the Administrator/Councillor who lodged the Notice of Motion a reasonable opportunity to amend it, where it is practicable to do so, so that it conforms to the requirements of rule 14.1.
- 19.6 Having regard to the requirements of rules 7 and 8, a Notice of Motion may only be withdrawn if:
- a) Written notice of the withdrawal is received by the Chief Executive Officer prior to the publication of the Agenda on which the Notice of Motion was to be included; or
  - b) a motion to withdraw the Notice of Motion is moved at the Council Meeting at which the Notice of Motion is to be considered, and Council resolves to withdraw it.
- 19.7 The Chief Executive Officer must arrange for every Notice of Motion received to be endorsed with the date and time of its receipt and for it to be kept or entered, in the order received, in a register.
- 19.8 The Chief Executive Officer may include on the Agenda for a Council Meeting any comments which provide information about the issues dealt with in a Notice of Motion, including in the form of an Officer Report.

- 19.9 Where an Administrator/Councillor who has submitted a Notice of Motion is present at the Council Meeting at which it is to be considered, the Administrator/Councillor must move the motion contained in the Notice of Motion.
- 19.10 Where an Administrator/Councillor who has submitted a Notice of Motion is not present at the Council Meeting at which it is to be considered, any other Administrator/Councillor may move the motion contained in the Notice of Motion.

## **20 Reports of Council representatives**

- 20.1 At a Scheduled Council Meeting, any Administrator/Councillor who has been appointed as a representative of the Council on another body may report to the Scheduled Council Meeting about an issue which is important to the Council, despite the report not being on the Agenda.
- 20.2 A report under rule 20.1 is to be provided verbally and may be accompanied by a Written report for inclusion in the Minutes of the Scheduled Council Meeting at which it was presented.
- 20.3 The Chairperson must only accept a motion to receive a report under rule 20.1 and must not accept any other motion arising from the report, unless the motion is admitted as Urgent Business.
- 20.4 The presentation of reports by an Administrator/Councillor under rule 20.1 must not exceed five minutes in total, unless the Chairperson allows an extension of time.

## **21 Points of Order**

- 21.1 A Point of Order is a question raised in a Council Meeting by an Administrator/Councillor as to whether the procedures set out under these Rules have been, or are being, breached.
- 21.2 An Administrator/Councillor may take a Point of Order at any time during the course of a Council Meeting by stating briefly the subject of the Point of Order and the provision, rule, practice or precedent which he or she considers applicable to the Point of Order raised.
- 21.3 An Administrator/Councillor calling the attention of the Chairperson to a Point of Order is not regarded as speaking to a motion or an amendment.
- 21.4 Where a Point of Order is taken, any Administrator/Councillor speaking at the time must stop until the Chairperson rules upon the Point of Order.
- 21.5 The Chairperson may adjourn the Council Meeting to consider a Point of Order, but must rule upon it as soon as possible and before the Council Meeting continues with ordinary business.
- 21.6 When ruling upon a Point of Order, the Chairperson must state the basis of and give reasons for the ruling.



## **22 Ruling on a Point of Order**

The ruling of the Chairperson on any procedural matter arising during a Council Meeting is final and binding.

## **23 Dissent from the Chairperson's ruling**

*This section is not applicable whilst a Panel of Administrators is in place.*

*When Councillors are appointed (post election 2024) the following clause will apply:*

- 23.1 A motion of dissent in the Chairperson's ruling must if seconded, be given priority to all other items of business and a substitute Chairperson must be elected to preside while the motion is being considered.*
- 23.2 The substitute Chairperson's ruling must put questions relative to the ruling to the Chairperson first and then to the mover of the Motion.*
- 23.3 The substitute Chairperson must conduct a debate on the Chairperson's ruling and the matter must be decided by a majority vote.*
- 23.4 The Chairperson must then resume the Chair for the remainder of the Meeting.*

## **24 Voting**

- 24.1 Voting shall be conducted in accordance with the Act.
- 24.2 Voting shall be by a show of hands unless otherwise provided by the Act.

## **25 Casting vote**

In the event of an equality of votes the Chairperson has a casting vote, unless otherwise provided by the Act.

## **26 Recording opposition to the motion**

At any Council Meeting an Administrator/Councillor may, immediately after a motion or amendment has been put to the vote and the Chairperson has declared the result of that vote, ask that their name be recorded in the Minutes as having voted against the motion or amendment.

## **27 Divisions**

- 27.1 The calling of a Division sets aside the result of the voting announced by the Chairperson and voting by Division determines whether the motion or amendment is carried or lost.
- 27.2 An Administrator/Councillor may call for a Division immediately after a motion (other than a Procedural Motion) or amendment has been put to the vote and the Chairperson has declared the result of that vote but before the Council Meeting has moved to consider the next item of business.
- 27.3 Where a Division is called for, the Chairperson must:
- a) first ask each Administrator/Councillor wishing to vote for the motion or amendment to raise a hand and, upon such request being made, each Administrator/Councillor so wishing must show a hand and the Chairperson must then state the names of those Administrators/Councillors so voting;
  - b) next ask each Administrator/Councillor wishing to vote against the motion or amendment to raise a hand and, upon such request being made, each Administrator/Councillor so wishing must show a hand and the Chairperson must then state the names of those Administrators/Councillors so voting; and
  - c) then record the names of those Administrators/Councillor:
    - (i) voting for the motion or amendment;
    - (ii) voting against the motion or amendment; and
    - (iii) who did not vote on the motion or amendment,
- in the Minutes of the Council Meeting.
- 27.4 The Chairperson must announce to the Council Meeting the result of the voting immediately after the Division has been taken.

## **28 Procedural Motions**

Unless otherwise provided in these Rules, Procedural Motions may be moved at any time and must be dealt with in accordance with the Table at Appendix 1 to these Rules.

## **29 Foreshadowed motions**

- 29.1 At any time during debate an Administrator/Councillor may foreshadow a motion so as to inform the Council Meeting of his or her intention to move a motion at a later stage but this does not extend any special right or standing to the foreshadowed motion.
- 29.2 A foreshadowed motion may be prefaced with a statement that, in the event of a particular motion being resolved in a certain way, the Administrator/Councillor intends to move an alternative or additional motion.

- 29.3 A motion foreshadowed has no procedural standing and is merely a means to assist in the flow of the Council Meeting.
- 29.4 The Chief Executive Officer is not required to record in the Minutes a foreshadowed motion, but may do so if he or she considers it appropriate.

## **30 Rescission or amendment of previous resolution**

- 30.1 Unless a resolution has already been acted upon, a motion to rescind or vary a previous resolution of the Council may be made by:
- a) Notice of Motion; or
  - b) a recommendation in an Officer Report which is on the Agenda for the Council Meeting.
- 30.2 The Chief Executive Officer must not accept a Notice of Motion to rescind or vary a previous resolution unless the Notice of Motion is received In Writing before 12 noon on the working day following the Council Meeting at which that previous resolution was made.
- 30.3 A motion to rescind or vary a previous resolution must be included on the Agenda for the Council Meeting at which it is to be considered and cannot be proposed as an item of Urgent Business.
- 30.4 Where a Notice of Motion to rescind or amend a previous resolution of the Council has been considered and lost, a further motion to rescind or amend that previous resolution will not be considered by the Council until a period of three months has elapsed since the Notice of Motion was lost.
- 30.5 A motion which, if passed, would have the effect of nullifying a previous resolution (without directly rescinding it) or would be in conflict with a previous resolution, must be treated as a motion to rescind or amend a previous resolution of the Council and will not be considered unless submitted in accordance with rule 30.1.
- 30.6 An Administrator/Councillor may withdraw a Notice of Motion to rescind or amend a previous resolution of the Council in accordance with rule 19.6.

## **31 Speaking times**

- 31.1 Unless the Council resolves to grant an extension of time under rule 32, the speaking times afforded to Administrators/Councillors at a Council Meeting must not exceed:
- a) for the mover of a motion or an amendment - five minutes;
  - b) for the mover of a motion exercising a right of reply - two minutes; and
  - c) for any other Administrator/Councillor on any other matter - three minutes.

## **32 Extension of speaking times**

- 32.1 Despite anything in rule 31, an extension of speaking times may be granted by resolution of the Council but only one extension for each speaker on each item before the Council Meeting is permitted.
- 32.2 Any extension of speaking time must not exceed two minutes.
- 32.3 A motion for an extension must not be accepted by the Chairperson if another speaker has commenced speaking.

## **33 Manner of address**

- 33.1 When addressing a Council Meeting a person must:
- a) do so through the Chairperson;
  - b) refer to the Chairperson as Madam Chairperson, Chairperson, Madam Chair or Chair in the first instance, they may then refer to the Chairperson as Administrator/Councillor [surname] in accordance with rule 33.3 as appropriate;
  - c) refer to an Administrator/Councillor as Administrator/Councillor [surname];
  - d) refer to an Officer by that Officer's position with the Council; and
  - e) refer to any other person in a courteous manner.

## **34 Additional rules of debate**

- 34.1 An Administrator/Councillor must not make any defamatory, indecent, abusive, offensive, or disorderly statement or comment.
- 34.2 The Chairperson may require an Administrator/Councillor to withdraw any such statement or comment and, if so required, an Administrator/Councillor must immediately and unreservedly do so.
- 34.3 The Chairperson must decide the order in which Administrators/Councillors may speak.
- 34.4 Where debate is adjourned by a resolution, the Administrator/Councillor moving the adjournment has the right to speak first when the debate is resumed.
- 34.5 An Administrator/Councillor must not be interrupted while speaking, except by the Chairperson or upon a Point of Order being taken.
- 34.6 The Chairperson may speak on any matter under discussion.
- 34.7 When exercising a right of reply, an Administrator/Councillor must not introduce new or additional matters.
- 34.8 There should be no further discussion on a resolution after it has been dealt with.

## **35 Recording Council Meetings**

- 35.1 The proceedings of Council Meetings will be live-streamed, and recordings of the proceedings will be retained and will be published on Council's website within 24 hours of

the end of the Council Meeting except where the Council Meeting is closed to the public in accordance with section 66(2) of the Act.

- 35.2 All speakers are required to use microphones where available.

## **36 Compliance with these Rules**

- 36.1 If during a Council Meeting the Chief Executive Officer or his or her delegate becomes aware of any non-compliance with these Rules or other applicable legislation, rule, custom or practice relating to the procedures to be observed at Council Meetings, the Chief Executive Officer or his or her delegate must immediately inform the Chairperson about those requirements.
- 36.2 The Chairperson must allow the Chief Executive Officer or his or her delegate to advise the Council Meeting of any requirements identified under rule 36.1 and the Council Meeting must take account of the advice given.

## **37 Behaviour at Council Meetings**

- 37.1 Silence must be observed by the gallery at all times during a Council Meeting.
- 37.2 If a Visitor is called to order by the Chairperson for any improper or disorderly conduct and does not comply with the direction, the Visitor may be ordered by the Chairperson to leave the Council Meeting.

## **38 Suspension of Standing Orders**

The Council may by resolution suspend for all or part of a Council Meeting the provisions under Rules 1-39, except to the extent that such suspension would be inconsistent with the Act.

## **39 Council Meetings conducted remotely**

If:

- 39.1 by law any meeting may be conducted electronically; and
- 39.2 the 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 these Rules to facilitate the more efficient and effective transaction of the business of the meeting.



## Appendix - Procedural Motions Table:

Procedural Motion	Form	Who can move or second	Is a seconder required?	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost
Adjournment of debate to later hour/date	That this matter be adjourned until _____	Any Administrator /Councillor	Yes	Any matter	When another Administrator/Councillor is speaking	Motion and amendments postponed to the stated time/date	Debate continues unaffected
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Administrator /Councillor	Yes	Any matter	When another Administrator/Councillor is speaking	Motion and amendments postponed but may be resumed: (a) At the same Council Meeting upon resolution to resume  (b) At any later Council Meeting if on the Agenda	Debate continues unaffected
Adjournment of Meeting to later hour/date	That the Meeting be adjourned until _____	Any Administrator /Councillor	Yes	Any Meeting	When another Administrator/Councillor is speaking	Council Meeting adjourns immediately until the stated time (or date)	Council Meeting continues unaffected
Adjournment of Meeting indefinitely	That this Meeting be adjourned until further notice	Any Administrator /Councillor	Yes	Any matter	When another Administrator/Councillor is speaking	Council Meeting adjourns until further notice	Council Meeting continues unaffected
The Closure	That the question be now put	An Administrator /Councillor who has not	No	Any matter	(NB A closure motion shall not	Motion or amendment in respect of which the	Debate continues unaffected

Procedural Motion	Form	Who can move or second	Is a seconder required?	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost
		moved, seconded or spoken to the motion or any amendment of it			be accepted by the Chairperson unless the Chairperson considers there has been sufficient debate for and against the original motion or amendment)	closure carried is put to the vote immediately	
Laying the question on the table	That the matter lie on the table	An Administrator /Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter		<p>Motion and amendments not further discussed or voted on until:</p> <p>(a) Council resolves to take the question from the table at the same Council Meeting</p> <p>(b) Matter is placed on an Agenda and the Council resolves to take the question from the table</p>	Debate continues unaffected
Proceeding to the Next Business	That the Meeting proceed to	An Administrator /Councillor who has not	Yes	Any matter		(a) If carried in respect of a motion, its effect is to	Debate resumed at point of interruption

Procedural Motion	Form	Who can move or second	Is a seconder required?	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost
	the next business	moved, seconded or spoken to the matter to which the motion relates				remove that motion from consideration  (b) If carried in respect of an amendment, its effect is to dispose of the amendment and debate resumes upon the substantive motion	

## Meeting Procedure for Delegated Committees

### 40 Meeting Procedure Generally

If the Council establishes a Delegated Committee:

- 40.1 all of the provisions of Rule 40 and 41 apply to meetings of the Delegated Committee; and
- 40.2 any reference in rules 1 to 39 to:
- a) a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
  - b) an Administrator/Councillor is to be read as a reference to a member of the Delegated Committee; and
  - c) the Chair of Administrators/Mayor is to be read as a reference to the Chairperson of the Delegated Committee.

### 41 Meeting Procedure Can Be Varied

Notwithstanding rule 40, if the Council establishes a Delegated Committee that is not composed solely of Administrators/Councillors:

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

resolve that any or all of the provisions of rules 1 to 39 are not to apply to a Delegated Committee Meeting, in which case the provision or those provisions will not apply until the Council resolves, or the Delegated Committee with the approval of the Council resolves, otherwise.

## Meeting Procedure for Community Asset Committees

### 42 Meeting Procedure

Unless anything in the Instrument of Delegation (made by the Chief Executive Officer under section 47(1)(b) of the Act ) provides otherwise, the conduct of a Community Asset Committee Meeting is at the discretion of the Community Asset Committee.

## Disclosure of Conflicts of Interest

### 43 Introduction

The following rules 43-50 apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.<sup>1</sup>

### 44 Definition

In rules 43-50:

- 44.1 “meeting conducted under the auspices of the Council” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in rule 51 (whether such a meeting is known as an ‘Administrator/Councillor Briefing’ or by some other name); and
- 44.2 a member of a Delegated Committee includes an Administrator/Councillor.

### 45 Disclosure of a Conflict of Interest at a Council Meeting

An Administrator/Councillor who has a conflict of interest in a matter being considered at a Council Meeting, Delegated Committee Meeting or Community Asset Committee Meeting at which he or she:

- 45.1 is present must 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; or
- 45.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Meeting commences a written notice:
  - a) advising of the conflict of interest;

<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.

- b) explaining the nature of the conflict of interest; and
- c) detailing, if the nature of the conflict of interest involves an Administrator's/Councillor's relationship with or a gift from another person, the:
  - i. name of the other person;
  - ii. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
  - iii. nature of that other person's interest in the matter,and then immediately before the matter is considered at the Meeting announcing to those present that he or she has a conflict of interest and that a Written notice has been given to the Chief Executive Officer under this rule.

The Administrator/Councillor must, in either event, leave the 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.

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

- 46.1 An Administrator/Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of the Council at which he or she is present must:
- a) 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;
  - b) absent himself or herself from any discussion of the matter; and
  - c) 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.

## **47 Disclosure by Officers Preparing Reports for Meetings**

- 47.1 An Officer who, in his or her capacity as an officer, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of an Officer Report for the consideration of a:
- a) Council Meeting;
  - b) Delegated Committee Meeting; or
  - c) 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.

- 47.2 The Chief Executive Officer must ensure that the Officer Report referred to in rule 47.1 records the fact that an Officer disclosed a conflict of interest in the subject-matter of the Officer Report.
- 47.3 If the Officer referred to in rule 47.1 is the Chief Executive Officer:
- a) the Written notice referred to in rule 47.1 must be given to the Mayor; and
  - b) the obligation imposed by rule 47.2 may be discharged by any other Officer responsible for the preparation of the Officer Report.

## **48 Disclosure of Conflict of Interest by Officers in the Exercise of Delegated Power**

- 48.1 An Officer who has a conflict of interest in a matter requiring a decision to be made by the 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.
- 48.2 If the Officer referred to in rule 48.1 is the Chief Executive Officer the Written notice must be given to the Chair of Administrators/Mayor.

## **49 Disclosure by an Officer in the Exercise of a Statutory Function**

- 49.1 An Officer who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the 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.
- 49.2 If the Officer referred to in rule 49.1 is the Chief Executive Officer the written notice must be given to the Mayor.

## **50 Retention of Written Notices**

The Chief Executive Officer must retain all Written notices received under Rules 45-49 for a period of three years.

## Records of Meetings and Confidentiality

### **51 Records of Meetings held under the auspices of Council**

- 51.1 A record of the matters discussed at Meetings organised or hosted by City of Whittlesea that involve at least one Administrator/Councillor and Council staff will be kept with the exception of:
- a) a regular routine one on one meeting with the Chief Executive Officer, Director or Executive Manager.
  - b) a meeting with the Executive Manager Governance when an Administrator/Councillor is discussing or seeking advice on any potential conflict of interest or personal interest.
- 51.2 Records kept in accordance with rule 51.1 will include
- a) The attendees at the Meeting, including organisations represented by external presenters;
  - b) The title of matters discussed
  - c) Any conflicts of interest disclosed and whether the person with the conflict of interest left the Meeting.
- 51.3 Where Minutes are kept of a Meeting and made available to the community an additional record is not required to be kept.

### **52 Administrator/Councillor attendance records**

- 52.1 Council will maintain a register of Administrator/Councillor attendance at Council Meetings, Delegated Committee Meetings and Meetings arranged to brief Administrators/Councillors.
- 52.2 The register of Attendance kept in accordance with rule 52.1 will be published on Council's website quarterly.

### **53 Confidential Information**

- 53.1 If after the repeal of section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer, or his or her delegate, is of the opinion that information relating to a Meeting, including a meeting of Administrators/Councillors under rule 51, is Confidential Information, he or she may designate the information as confidential and advise Administrators/Councillors and/or Officers In Writing accordingly.
- 53.2 Information which has been designated by the Chief Executive Officer, or his or her delegate, as Confidential Information, and in respect of which advice has been given to Administrators/Councillors and/or Officers in writing accordingly, will be presumed to be Confidential Information.

## Election Period Policy

### Policy statement

This Policy demonstrates Council's compliance with the election period provisions of the *Local Government Act 2020* (the Act). The Policy commits Council during the election period to avoid making significant new policies or decisions that could unreasonably bind a future Council.

The Policy also restricts the making of decisions that would affect voting in an election and ensures that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

This Policy will also facilitate the continuation of the ordinary business of Council through the election period in a responsible and transparent manner and in accordance with statutory requirements and established 'caretaker' conventions.

### Principles

The Election Period policy is informed by the following City of Whittlesea Community Building Principles:

#### *Community and civic participation*

We are committed to delivering accessible information, facilities, programs and services that encourage all people to build social connections and participate in community life. We work to ensure citizens are informed and consulted by governments about the decisions that affect their lives and can fully participate in decision making processes.

#### *Community leadership*

We recognise the importance of local identity, leadership, knowledge and community led initiatives. We actively build from the assets, strengths, skills and expertise within Council and in the local community and promote opportunities for people to grow and lead with knowledge, optimism and purpose. Councillors have a unique opportunity to combine representative roles with facilitating community conversations around priorities and aspirations, and encouraging participatory activity for better community outcomes.

### Objective

The objective of the Policy will be achieved by:

- establishing procedures intended to prevent Council from making inappropriate decisions or using resources inappropriately during the election period;
- establishing procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election;
- placing limits on public consultation and the scheduling of Council events; and

- increasing awareness of what can and cannot be done during the election period.

### **Definitions**

Where terms used in this Policy are defined in the *Local Government Act 2020* (Act), their use in this Policy is consistent with the definitions in the Act.

Relevant legislative provisions in the Act are included at Attachment 1.

<b><i>election period</i></b>	Has the same meaning as 'election period' in section 3(1) of the Act and means the period that starts on the last day on which nominations for that election can be received and ends at 6pm on election day.
<b><i>publish</i></b>	Means publish by any means, including by publication on the Internet.
<b><i>public consultation</i></b>	Means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.
<b><i>significant decision</i></b>	In the context of this policy, significant decisions include: <ul style="list-style-type: none"> <li>a) decisions that may irrevocably commit the incoming Council to substantial expenditure or to other significant actions; and</li> <li>b) decisions that may have an irrevocable and significant impact on the municipality or a significant section of the community.</li> </ul>
<b><i>inappropriate decisions</i></b>	Inappropriate decisions made by a Council during an election period includes any of the following: <ul style="list-style-type: none"> <li>a) decisions that would affect voting in an election; and</li> <li>b) decisions that could reasonably be made after the election.</li> </ul>

### **Context/Rationale**

The Policy prohibits any Council decision during the election period for a general election that—

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

The Policy also prohibits any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

The Policy addresses the legal requirements by providing guidance at an operational level to ensure compliance and builds on the minimum statutory standards to enhance the transparency and accountability of Council, Councillors and Council staff during the election period.

The 'election period' is defined by the Act as starting on the last day for nominations and ending at 6pm on the election day. The last day for nominations is the day that is 32 days before the election day. The election period for the 2024 general elections will commence **midnight on Tuesday 24 September 2024 and end 6pm on Saturday 26 October 2024.**

This policy replaces and overrides any previous policy or document that refers to the election period.

### **Scope**

This Policy facilitates the continuation of the ordinary business of Council through the election period in a responsible and transparent manner and in accordance with statutory requirements and established 'caretaker' conventions.

### **Key linkages**

All City of Whittlesea policies comply with the Victorian Charter of Human Rights and Responsibilities.

This policy has clear linkages to the following:

*Local Government Act 2020, section 69*

### **Procedural Guidelines**

#### **1. Application of Policy**

Council will function in accordance with this Policy during the election period commencing on **midnight on Tuesday 24 September 2024 and end 6pm on Saturday 26 October 2024.**

While nominations for the general election will close at noon on 24 September 2024, the definition of the term "election period" in the Act indicates that the "election period" commences at the beginning of that day – that is, immediately after midnight.

#### **1.1 Role of Chief Executive Officer**

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

- All Councillors and Officers are informed of the application of this policy 30 days prior to the commencement of the election period; and

- Matters of Council business requiring major policy decisions or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred, where appropriate, for determination by the incoming Council.

It is acknowledged that a significant decision, which is not a major policy decision for the purposes of the Act, may still be made by the Council at its discretion during the election period.

## **2. Decisions by Council**

### **2.1 Major Policy Decisions**

#### **2.1.1 Definition**

**Major Policy Decision** is defined by the Act to mean a decision:

- a) Relating to the employment or remuneration of a Chief Executive Officer (CEO), other than a decision to appoint an acting CEO;
- b) To terminate the appointment of a CEO;
- c) To enter into a contract the total value of which exceeds whichever is the greater of the threshold that requires a public tender process under section 186 of the Act (\$150,000 for contracts for the purchase of goods or services and \$200,000 for works) or 1% of Council's total revenue from rates and charges in the preceding financial year.

If Council determines to accept a tender prior to the election period, the contract documents can be executing during the election period (as long as the contract documents have not been substantively changed since the Council's decision to enter into the contract).

There are no legal restrictions on Council making town planning decisions under the *Planning and Environment Act 1987* during the election period. Therefore, town planning items should continue to be processed in accord with usual practices and statutory timelines. Town planning decisions will not be considered to be significant decisions for the purposes of this Policy but may be inappropriate decisions for the purposes of section 69(2) of the Act.

Decisions that have some element of Council exercising entrepreneurial powers or with any large risk exposure are more difficult to assess and these should be discussed with the relevant Director as early as possible.

#### **2.1.2 Prohibition on Council**

During the election period, the Act prohibits Council or a person acting under delegation from Council from making major policy decisions. Any major policy decision made during the election period is deemed to be invalid under the Act. Council may be liable to pay compensation to any person who suffers loss or damage as a result of acting in good faith on a major policy decision made in breach of the Act.

#### **2.1.3 Extraordinary Circumstances**



If Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, Council may, by resolution, request an exemption from the Minister for Local Government Act.

## **2.2 Inappropriate Decisions**

Section 69 of the Act requires Council's election period policy to include procedures to prevent Council making inappropriate decisions during the election period.

Inappropriate decisions made by a Council during an election period include any of the following:

- (a) decisions that would affect voting in an election; and
- (b) decisions that could reasonably be made after the election.

Council acknowledges that it may not be reasonable to leave a decision to be made after the election if:

- a) the failure to make the particular decision would have a negative impact on Council, the municipality or the local community; and
- b) the disadvantages of not making the decision exceed the benefits of deferring the decision until after the election.

## **3. Public Consultation and Council Events**

### **3.1 Public Consultation**

Council's election period policy must include limits on public consultation and the scheduling of Council events.

Some public consultation activities may be necessary during the election period to comply with Council's legal obligations (such as public consultations required by legislation). Where it is within Council's control to do so, Council will seek to avoid actions which will result in the necessity of conducting public consultation processes during the election period.

Any public consultations will avoid express or implicit links to the election.

### **3.2 Council Events**

The election period policy must include limits on the scheduling of Council events.

Council will, wherever possible, ensure that any Council events are scheduled to occur outside the election period. Where a Council event must be held during the election period, any involvement of Councillors in the Council event shall be kept to the minimum practicable level.

## **4. Council Publications**

### **4.1 Prohibition on Publishing Material during the Election Period**

Section 287 of the Act prohibits Council from printing, publishing or distributing any advertisement, handbill, pamphlet or notice during the election period unless it has been certified, in writing, by the Chief Executive Officer.

The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice unless it only contains information about the election process.

The Chief Executive Officer cannot delegate the power to certify under section 287 of the Act.

A Councillor or a member of Council staff must not intentionally or recklessly print, publish or distribute, or cause, permit or authorise to be printed, published or distributed, an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer.

#### **4.2 Certification of Publications**

Publications to be printed, published or distributed during the election period must first be certified by the Chief Executive Officer.

The certification by the Chief Executive Officer will be in writing on or affixed to a copy of the publication and be in the following form:

*'Certified by the Chief Executive Officer in accordance with Section 287 of the Local Government Act 2020.*

Copies of all certified documents will be retained on Council records.

Publications which require certification include:

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

All printing and publishing will be coordinated through the Marketing and Communications Department. Attachment 2 contains guidelines to printing and publishing material during the election period.

#### **4.3 Prohibited Material**

The term “electoral matter” is defined in the *Act* to mean matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.

‘Electoral matter’ for the purposes of the *Act* is taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

- the election;
- a candidate in the election; or
- an issue submitted to, or otherwise before, the voters in connection with the election.

It is therefore likely that “electoral matter” will include material which (among other things):

- publicises the strengths or weaknesses of a candidate;
- advocates the policies of the Council or of a candidate;
- responds to claims made by a candidate; or
- publicises the achievements of the elected Council or particular Councillors.

#### **4.4 Council Publications Including Councillor Information**

Council publications printed, published or distributed during the election period will not include any reference to individual Councillors, unless Council is legally obliged to include any such reference.

#### **4.5 Website**

Material published on Council's website in advance of the election period is not subject to certification. However, it is possible that the continued presence of material on Council's website could be interpreted as meaning that the material is published on an ongoing basis, rather than at the date on which the material is first posted on the website. The Chief Executive Officer will review the content of the website prior to the election period and remove any material that the Chief Executive Officer considers likely to be electoral matter. The Chief Executive Officer will certify all relevant material that is to remain on the website.

Councillor contact information will remain available on the website during the election period, but Councillors' profiles will be removed.

Any new material published on Council's website during the election period must be certified by the Chief Executive Officer.

#### **4.6 Annual Report**

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

The Annual Report does not require certification by the Chief Executive Officer; however, any publication of an extract or summary of the Annual Report will require certification.

#### **4.7 Council and Committee Agendas and Minutes**

Agenda papers and minutes of Council and Committee meetings do not require certification by the Chief Executive Officer unless they are printed or published for a wider distribution than normal.

#### **4.8 Social Media**

Any publication on social media sites including Facebook, Twitter, blogs and wiki pages during the election period must be certified by the Chief Executive Officer.

Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted.

### **5. Council Resources**

#### **5.1 Application of Resources**

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

Any misuse of his or her position by a Councillor to gain or attempt to gain, directly or indirectly, an advantage for themselves or any other person or to cause or attempt to cause detriment to Council or another person may breach section 76D of the Act. Circumstances involving the misuse of a position include using public funds or resources in a manner that is improper or unauthorised.

#### **5.2 Role of Executive Assistant to Mayor**

The Executive Assistant to the Mayor or any other staff member will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

#### **5.3 Use of Council Equipment by Councillors**

Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to existing protocols and terms of use. Councillors standing for re-election must not use Council equipment such as printers and mobile phones as a resource to assist with election campaigns.

#### **5.4 Councillors' Entitlement to Reimbursement**

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

#### **5.5 Council Branding**

Council logos, letterheads, or other corporate branding or intellectual property must not be used for, or linked in any way to, a candidate's election campaign.

#### **5.6 Cessation of Ward Specific Publications**

Ward-specific publications or Councillor profiles and articles in Local Scoop will not be published by Council during the election period.

### **5.7 Officers' Discretion**

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

## **6. Media Services**

### **6.1 Restriction on Services**

Council's Advocacy, Communications and Customer Service Department undertakes the promotion of Council activities and initiatives.

During the election period, the Department's services must not be used in any way that might promote a Councillor as an election candidate.

Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and is subject to approval and certification by the Chief Executive Officer.

### **6.2 Media Releases/Spokespersons**

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

Media releases will require certification by the Chief Executive Officer.

### **6.3 Councillors**

Councillors will not use their position as elected representatives or their access to Council officers and other Council resources to gain media attention in support of an election campaign.

### **6.4 Council Employees**

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

## **7. Assistance to Candidates**

### **7.1 Role of Returning Officer**

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

### **7.2 Candidate Information**

Council will provide candidates with a Councillor Candidate Information Kit to assist them in running and nominating for Council.

Candidates will be informed of their obligation to complete a Nomination Form, which will be available from the Returning Officer, accompanied by the prescribed nomination fee.

Candidates will also be informed of the requirements to complete and submit an Election Campaign Donation Return in the prescribed form within 40 days after the election day. The return must contain details of any campaign donation or gift valued at more than the gift disclosure threshold (currently \$500) which was received between the date 30 days after the previous election and the date 30 days after the current election.

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**ATTACHMENT 1****1.1 Relevant sections from the *Local Government Act 2020*****Section 287 Prohibition on Council**

- (1) A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.
- (1A) For the purposes of subsection (1), the publication of a document of a kind specified in that subsection does not include –
  - (a) publication of any document published before the commencement of the election period; and
  - (b) publication of any document required to be published in accordance with or under any Act or regulation.
- (2) The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.

Penalty: 60 penalty units.

- (3) Despite section 98(2), the Chief Executive Officer must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff.
- (4) A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer under this section.

Penalty: 60 penalty units.

**Definitions – section 3(1) of the Local Government Act**

***election period***, in relation to an election, means the period that-

- (a) starts on the last day on which nominations for that election can be received; and
- (b) ends at 6 p.m. on election day;

***electoral advertisement, handbill, pamphlet or notice*** means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting;

***publish*** means publish by any means including by publication on the Internet;

- (1A) In this Act, **electoral matter** means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.
- (1B) Without limiting the generality of the definition of **electoral matter**, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on—
- (a) the election; or
  - (b) a candidate in the election; or
  - (c) an issue submitted to, or otherwise before, the voters in connection with the election.

### **Primary principle of Councillor conduct**

It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must -

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person.

### **Councillor conduct principles**

In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must—

- (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- (b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;
- (d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in him or her as an elected representative;
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

### **Councillor Code of Conduct**

- (1) A Council must review the Councillor Code of Conduct within the period of 12 months after a general election.
- (2) A Councillor Code of Conduct—
  - (a) must include the Councillor conduct principles;
  - (b) may set out processes for the purpose of resolving an internal dispute between Councillors;
  - (d) must include provisions in respect of any matter prescribed for the purpose of this section;
  - (e) may include any other matters relating to the conduct of Councillors which the Council considers appropriate.
- (3) A Councillor Code of Conduct must not be inconsistent with any Act or regulation.
- (4) A Councillor Code of Conduct is inoperative to the extent that it is inconsistent with any Act or regulation.
- (5) A copy of the current Councillor Code of Conduct must be—
  - (a) given to each Councillor;
  - (b) available for inspection by the public at the Council office and any district offices.

### **Misuse of position**

- (1) A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position—
  - (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
  - (b) to cause, or attempt to cause, detriment to the Council or another person.

Penalty: 600 penalty units or imprisonment for 5 years or both.

- (2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include
  - (a) making improper use of information acquired as a result of the position he or she held or holds; or
  - (b) disclosing information that is confidential information within the meaning of section 77(2); or
  - (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or

- (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
  - (e) using public funds or resources in a manner that is improper or unauthorised; or
  - (f) failing to disclose a conflict of interest as required under this Division.
- (3) This section—
- (a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of special committees; and
  - (b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.

#### **Improper direction and improper influence**

- (1) A Councillor must not improperly direct or improperly influence, or seek to improperly direct or improperly influence, a member of Council staff in the exercise of any power or in the performance of any duty or function by the member.
- (2) A Councillor must not direct, or seek to direct, a member of Council staff—
- (a) in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
  - (b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
  - (c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or
  - (d) in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.
- (3) This section does not apply to a decision of the Council or a special committee that is made within the powers, duties or functions conferred under this or any other Act.

#### **Conduct of Council during election period**

- (1) Subject to this section, a Council, a special Committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election.
- (2) If a Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to

the Minister for an exemption from the application of this section to the major policy decision specified in the application.

- (3) If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption from the application of this section to the major policy decision specified in the application subject to any conditions or limitations that the Minister considers appropriate.
- (4) A major policy decision made in contravention of this section is invalid.
- (5) Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.
- (6) In this section, a major policy decision means any decision—
  - (a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
  - (b) to terminate the appointment of a Chief Executive Officer under section 94;
  - (c) to enter into a contract the total value of which exceeds whichever is the greater of—
    - (i) \$100 000 or such higher amount as may be fixed by Order in Council under section 186(1); or
    - (ii) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year;
  - (d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.

#### **Section 69 Council to adopt an election period policy**

- (1) A Council must develop, adopt and keep in force Governance Rules for or with respect to the following—
  - (a) the conduct of Council meetings;
  - (b) the conduct of meetings of delegated committees;
  - (c) the form and availability of meeting records;
  - (d) the election of the Mayor and the Deputy Mayor;
  - (e) an Election Period Policy in accordance with section 69;
  - (f) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
  - (g) the procedure for the disclosure of a conflict of interest by a Councillor under section 131;

(h) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1).

(2) The Governance Rules must provide for a Council to—

(a) consider and make decisions on any matter being considered by the Council fairly and on the merits; and

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

(3) A Council may amend its Governance Rules.

(4) Subject to subsection (5), a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules.

(5) Subsection (4) does not apply if the Council is developing and adopting or amending a Governance Rule that only adopts a good practice guideline issued by the Minister under section 87.

(6) A Council must comply with its Governance Rules.

(7) A Council must adopt the first Governance Rules under this section on or before 1 September 2020.

### **Conduct principles**

(1) Council staff must in the course of their employment—

(a) act impartially;

(b) act with integrity including avoiding conflicts of interest;

(c) accept accountability for results;

(d) provide responsive service.

(2) Nothing in subsection (1)(c) affects the granting of an indemnity to a member of Council staff in respect of any liability or limits the effect of—

(a) any such indemnity, whether granted before or after the commencement of section 67 of the Local Government (Democratic Reform) Act 2003; or

(b) any immunity conferred on a member of Council staff by or under any Act, whether before or after that commencement.



## ATTACHMENT 2

### GUIDE TO PRINTING AND PUBLISHING MATERIAL DURING THE ELECTION PERIOD

<b><i>Spokesperson for the Council</i></b>	
Approved by:	CEO but may be delegated to Directors
Yes	The role of spokesperson for the Council in media statements during the election period will be the CEO, though this may be delegated to Directors.

<b><i>Media releases, Media Services and Media enquiries</i></b>	
Approved by:	Media releases – No change to existing approval process (except for CEO certification). Media enquiries – Enquiries will be directed to Marketing & Communications. Media Services – shall not be provided to individual Councillors for the purpose of electioneering. Media releases to be issued by the CEO.
Yes	Promotion of Council services or policies as per Council's media policy.
No	No quoting or promoting Councillors or candidates. No "Mayor's Message" or equivalent to be prepared during the Election Period. No preparation or assistance provided to Councillors for releases that contain electoral matter.

<b><i>Bulk mail outs – Hard copy and via email</i></b>	
Approved by:	CEO
Yes	Promotion of Council services or policies as per normal course of business.
No	No quoting or promoting Councillors or candidates.

<b><i>Preparing text on behalf of/for the Mayor prior to the election period where the text may be published during the election period – specifically referring to instances where community organisations, schools etc ask for text from the Mayor on behalf of the City for publication in their regular newsletters. Text must not include electoral material under the Local Government Act 1989.</i></b>	
Approved by:	No change to existing approval process.

<b>Existing Brochures</b>	
Approved by:	No change to existing process (except for CEO certification)
Yes	Promotion of Council services or policies as per normal course of business. Previously published items still in use will be reviewed to ensure consistency with these guidelines and their continued availability during the election period subject to this Policy.
No	No quoting or promoting Councillors or candidates.

<b>New Brochures</b>	
Approved by:	No change to existing process (except for CEO certification)
Yes	Promotion of Council services or policies as per normal course of business.
No	No quoting or promoting Councillors or candidates.

<b>New or modified Whittlesea internet (not intranet) and Social Media</b>	
Approved by:	No change to existing process
Yes	<p>Promotion of Council services or policies as per normal course of business.</p> <p>Councillor photographs and official contact details remain.</p> <p>Any new material published that may be considered an advertisement, handbill, pamphlet or notice must be approved by the CEO.</p>
No	No quoting or promoting Councillors or candidates.

<b>Previously published material on the City of Whittlesea website, Social Media, on displays at the reception desk and other Council facilities</b>	
Approved by:	No change to existing process (except for CEO certification)
Yes	<p>All material that may constitute electoral material to be removed for the duration of the election period.</p> <p>Most content stays the same. CEO to certify any relevant material.</p> <p>Promotion of Council services or policies as per normal course of business.</p> <p>Councillor photographs and official contact details remain.</p>
No	Material relating to the election or candidates, except Council or VEC produced election material relating solely to the electoral process.

<b><i>New material to be published on the City of Whittlesea website, Social Media, on displays at the customer service desk and other Council facilities</i></b>	
Approved by:	No change to existing process
Yes	<p>Promotion of Council services or policies as per normal course of business.</p> <p>Councillor photographs and official contact details remain.</p> <p>Homepage content reviewed for consistency to Guidelines, other content remains.</p> <p>Any new material published that may be considered an advertisement, handbill, pamphlet or notices must be approved by the CEO.</p>
No	Material relating to the election or candidates except Council or VEC produced election material relating to the electoral process.
<b><i>New or modified non-City of Whittlesea internet (not intranet) and social media</i></b>	
Approved by:	<p>Any new material published that may be considered an advertisement, handbill, pamphlet or notices must be approved by the CEO:</p> <p><b>Growling Frog Golf Course</b> – Director Community Services</p> <p><b>Plenty Ranges Arts and Convention Centre</b> – Director Community Services</p> <p><b>Whittlesea Business</b> – Director Planning, Partnerships and Engagement</p> <p><b>Whittlesea Building</b> – Director Planning, Partnerships and Engagement</p> <p><b>Whittlesea Tourism</b> – Director Planning, Partnerships and Engagement</p>
Yes	Promotion of Council services or policies as per normal course of business.
No	No quoting or promoting Councillors or candidates.
<b><i>Weekly newspaper column</i></b>	
Approved by:	No change to existing process (except for CEO certification)
Yes	Promotion of Council services or policies as per normal course of business.
No	No quoting or promoting Councillors or candidates.
<b><i>Newspaper advertisements</i></b>	
Approved by:	No change to existing process (except for CEO certification)

Yes	Promotion of Council services or policies as per normal course of business. All advertisements, including HR, Procurement, Public Notices must be certified and approved by the CEO.
No	No quoting or promoting Councillors or candidates.

<b><i>Council run public events (including corporate, civic functions and Citizenship Ceremonies)</i></b>	
Approved by:	Public events will only be organised and run by the Council administration if they are part of the normal services or operation of the Council. The decision on whether an event is to be conducted will be made by the CEO.
Yes	If the event goes ahead then: Invitations will be issued by City of Whittlesea – that is, not by the Mayor. Invitations to attend the activity will be issued to the Mayor and Councillors, as usual Material printed or disseminated to publicise the event must be certified and approved by the CEO. Events will be MC'd by the CEO or delegate. The Mayor will be invited to open/launch the event as per usual; if they decline, the CEO or delegate will do it. Citizenship Ceremonies (if scheduled) will proceed as usual. Speeches for Councillors will be prepared and approved by the CEO.
No	The annual Mayoral Community Thank You Event will be held before the commencement of the election period. The invitation for the Mayoral Community Thank You Event will be issued under the name of the Mayor.

<b><i>Public (non-Council conducted) events</i></b>	
Approved by:	Invitations for the Mayor and/or Councillors to participate in non-Council events conducted or co-ordinated by external organisations or groups – it is the responsibility of the Mayor and/or Councillor individually to determine whether or not they will attend.
Yes	If the Mayor is attending such an event on behalf of the City, a speech will be prepared. If a Councillor is attending the event on behalf of the Mayor (and on behalf of the City), a speech will be prepared. Councillors to attend event as representatives of the City. Speeches will be approved by the CEO.

No	If a Councillor is attending an event in their own right (whether or not the Mayor attends) no speech will be prepared. Council resources or publicity assistance provided for functions or events with the purpose of electioneering.
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