



Governance Rules

July 2022

Contents

[1.Purpose of Council Meetings 3](#_Toc2034669525)

[2.Scope 3](#_Toc784275267)

[3.Commencement & Amendment 3](#_Toc742071382)

[4.Council Decision Making 4](#_Toc211001655)

[Decisions Reserved Exclusively for Council Consideration 4](#_Toc1057057841)

[Annual Schedule of Council Meetings – date, time, location and form 4](#_Toc550937558)

[Councillor attendance in person or virtual by approval 6](#_Toc475512960)

[Agenda preparation and publishing 6](#_Toc1742575904)

[The Chairperson will chair the Council Meeting 8](#_Toc1012118511)

[Nominations and election of Mayor and Deputy Mayor (if any) 8](#_Toc1241208059)

[Addressing the Chairperson and referencing titles 9](#_Toc1699706998)

[Opening the Council Meeting 10](#_Toc953687273)

[Meeting debate and discussion 11](#_Toc1930622684)

[Respectful debate and discussions 13](#_Toc1032360574)

[Quorum 13](#_Toc845067647)

[Decisions and voting 14](#_Toc264898708)

[Rescission of previous resolution 15](#_Toc1943427489)

[Councillor/CEO Reports 15](#_Toc2076818750)

[Questions or discussions on the interpretation of the Governance Rules 15](#_Toc1653587852)

[Closing the meeting 16](#_Toc136035061)

[5.Community Participation 16](#_Toc2072346076)

[Public Question Time 16](#_Toc55246580)

[Hearing of Public Submissions 17](#_Toc2004910759)

[6.Reasonable adjustments 17](#_Toc803567097)

[7.Recording of Council Decisions 18](#_Toc313406919)

[Minutes, footage and record keeping 18](#_Toc1065945247)

[8.Council decisions during Election Period 19](#_Toc2038296373)

[9.Compliance with the Governance Rules 19](#_Toc1836892603)

[10.Delegated Committee Meetings 19](#_Toc14473782)

[11.Decisions made by the CEO and Council Officers 20](#_Toc1462642936)

[12.Definitions 20](#_Toc88615586)

[Appendix 1 – Strategic Planning Formula 25](#_Toc1011346028)

[Appendix 2 – Election Period Policy 25](#_Toc539067060)

[Appendix 3 – Procedural Motions 34](#_Toc1632801273)

[Appendix 4 – Notice of Motion Form 36](#_Toc522878424)

[Appendix 5 – Public Questions Form 37](#_Toc1543221232)

**1.** **Purpose of Council Meetings**

**R100** The City of Whittlesea’s Governance Rules (**Governance Rules**) provide a decision-making framework to achieve best community outcomes. The Governance Rules are based on the overarching governance principles (**Governance Principles**) of the *Local Government Act 2020* (Vic) (**Act**) that guide Council decisions so that they are lawful, sustainable, strategic, innovative, are considerate of regional, state and federal government plans, financially viable, and transparent.

**2.** **Scope**

**R200** The Governance Rules will be applied to the decision-making processes of:

1. Council, at a Council Meeting
2. A Delegated Committee, at a committee meeting
3. The Chief Executive Officer (**CEO**) under delegation
4. A Council Officer with sub-delegation.

**R201** The decision-making process must demonstrate the application of the Strategic Planning Formula (Appendix 1) including the:

1. Overarching Governance Principles & Supporting Principles
2. Community Engagement Principles guided by the Community Engagement Policy
3. Strategic Planning Principles guided by the Community/Council Plan and Community Vision
4. Financial Management Principles guided by the Financial Policies
5. Service Performance Principles guided by the Complaints Policy
6. Public Transparency Principles guided by the Public Transparency Policy
7. Election Period Principles guided by the Election Period Policy (Appendix 3).

**3.** **Commencement & Amendment**

**R300** The Governance Rules commence on [insert date] and all others are revoked.

**R301** Governance Rules R440 to R448 relating to the nomination and election of Mayor and Deputy Mayor and R504 relating to Motion of Dissent are not applicable until after the 2024 General Election.

**R302** The Governance Rules may be amended by the CEO to reflect legislative or operational changes, as required, and will be notified to Council, Delegated Committees and Council Officers exercising a power or function under delegation; and if so, no community consultation will be required.

**4.** **Council Decision Making**

### Decisions Reserved Exclusively for Council Consideration

**R400** The council cannot delegate approval of the following:

* Election of Mayor or Deputy Mayor
* The CEO’s appointment and employment
* Governance Rules
* Delegated Committees
* Council Vision
* Council Plan (Community Plan)
* Local Laws
* Community Engagement Policy
* Public Transparency Policy
* Procurement Policy
* Asset Plan
* Financial Plan
* Revenue & Rating Plan
* Financial Policies that give effect to the Act’s financial principles
* Complaints Policy
* Annual Report
* Annual Budget
* Borrowing money

### Annual Schedule of Council Meetings – date, time, location and form

**R401** The CEO will consult with Council in November annually to plan the Annual Schedule of Council Meetings for the next calendar year. The Annual Schedule of Council Meetings will include the planned date, time, location and form of each Scheduled Council Meeting, which can be:

1. Physical:

a. At the Council Chambers in the Civic Centre, or

b. At another Council community venue within the Municipality (at least twice a year); or

2. Remote, using a web-based meeting application, or

3. Hybrid by holding the Council Meeting at the Civic Centre or another venue within the municipality, and enabling remote access to Councillors, the CEO, Council Officers, community members or third parties, with prior approval from the CEO.

**R402** The Annual Schedule of Council Meetings will be endorsed by the Council by or during December annually and will:

1. Be published on Council’s website as soon as practical after Council’s endorsement; and
2. Include at a minimum, two (2) Council Meetings at a venue which is not the Council Chambers.

**R403** The Annual Schedule of Council Meetings can be changed by Council resolution during the year, and will be republished.

**R404** Council Meetings will be open to public and all discussions and decision-making will be publicly available unless the Agenda item contains Confidential Information, and if so, the Chairperson will request:

1. Members of the public to Leave the Meeting for the duration of the Confidential Agenda items, discussions and decisions
2. Council staff, except the CEO and Council Officer delegates, to Leave the Meeting for the duration of the Confidential discussions and decision.

**R405** The CEO can, in response to an emergency or another unexpected circumstance:

1. Change the Council Meeting location to an online web-based application meeting, or
2. Adjourn, cancel or postpone a Council Meeting and will:
3. Give notice to Council and the public as soon as practical
4. Publish the relevant details on the Council website as soon as possible
5. Report on the circumstances of the emergency or unexpected circumstance at the next Council Meeting.

**R406** The Mayor can request the CEO, or delegate to approve an Additional Council Meeting by notice containing:

1. The proposed date, time, form and location for the Additional Council Meeting; and
2. The reason that the business to be transacted at the Additional Council Meeting cannot be left to be considered at the next Scheduled Council Meeting.

**R407** A Councillor can request the CEO, or delegate to approve an Additional Council Meeting by notice containing:

1. Confirmation of the Agreement of at least one (1) other Councillors;
2. The proposed date, time, form and location for the Additional Council Meeting; and
3. The reason that the business to be transacted at the Additional Council Meeting cannot be left to be considered at the next Scheduled Council Meeting.

**R408** The CEO can declare an Additional Council Meeting and must disclose to Council:

1. The proposed date, time, form and location for the Additional Council Meeting; and

2. The reason that the business to be transacted at the Additional Council Meeting cannot be left to be considered at the next Scheduled Council Meeting.

**R409** The CEO, or delegate, will either approve or refuse the request for an Additional Council Meeting within three (3) days of receiving the request.

**R410** The CEO will determine the location, date, time and form of the Additional Council Meeting, within three (3) days of receiving the request (where possible) and will:

1. Give notice to Council and the public as soon as practical
2. Publish the relevant details on the Council website before the planned meeting commencement time.

**R411** The business of Additional Council Meetings must be limited to:

1. Attendance and Apologies
2. Declarations of conflict of interest (where applicable)
3. The business listed in the Additional Council Meeting notice
4. Any other matter determined by the CEO or by Council resolution.

**R412** The council will ensure reasonable adjustments are made for Councillors and members to encourage participation at Council Meetings.

### Councillor attendance in person or virtual by approval

**R413** Councillor attendance at Council Meetings will be in person, so that Councillors can contribute to the discussion and debate and can vote by way of raising their hand, unless the meeting is held completely in virtual form or the Councillor has prior approval to attend virtually.

**R414** Councillors can request to attend Council Meetings virtually, however, attendance will only be recognised if they can contribute to the discussion and debate and vote by visibly physically raising their hand or raising their hand by electronic means.

**R415** Councillor requests to attend Council Meetings virtually, must:

1. Be submitted to the Chairperson as soon as practicable
2. Be approved by the Chairperson after consideration to whether the Councillor can:
   1. Adequately contribute to discussion and debate
   2. Be seen by participants so that they can see the raising of the Councillor’s hand to vote
3. Be notified to the CEO allowing sufficient time for technical adjustments prior to the Council Meeting.

### Agenda preparation and publishing

**R416** The CEO will decide the form of the Agenda and requirements for Council Officer Reports to address the Strategic Planning Formula (see Appendix 1).

**R417** The CEO and/or delegate and the Mayor will meet to consider the Agenda prior to drafting.

**R418** The CEO will take into consideration any advice from the Mayor before developing the Council Meeting Agenda, including items for decision and noting.

**R419** The CEO will prepare the Agenda for publishing and distribute it at least three (3) days before the Council Meeting by:

1. Sending the published Agenda electronically to the Council, unless otherwise arranged in exceptional circumstances and in consideration of any reasonable adjustments required
2. Notifying the public of the published Agenda on Council’s website.

**R420** The CEO can, prior to the Council Meeting, seek the Chairperson’s approval to withdraw an Agenda item, and if approved, will notify Council and the Community about the reasons for the withdrawal by:

* + 1. Reporting the reasons for the withdrawal at the Council Meeting
    2. Publishing the change on the Council website if possible.

**R421** Councillors will engage with the community for feedback and can submit an item for discussion and decision to the CEO or delegate using the Notice of Motion Form (Appendix 4) for incorporation into the Agenda. Councillors will:

1. Consult with community members prior to the Council Meeting
2. Be respectful of community views and Council Officer’s recommendations on Agenda items
3. Attend Council Meetings and participate in debate and discussion
4. Demonstrate respect for the Chairperson’s role and the duty of other Councillors to contribute to decision-making
5. Apply the Strategic Planning Formula to decision making
6. Act in accordance with the Councillor Code of Conduct.

**R422** The CEO will incorporate the Councillor’s Agenda item if the Notice of Motion form is received at least seven (7) days prior to the intended Council Meeting. Otherwise, if the Notice of Motion form is received after that time, it will be incorporated into the next possible Scheduled Council Meeting.

**R423** The CEO can accept a Notice of Motion to Rescind or Amend a previous motion that:

* 1. Has not already been raised within the last three (3) months
  2. Has not already been acted on
  3. Is made either by:
     1. A Notice of Motion or in a Council Officer Report, which is on the Agenda; or
     2. Notice in writing to the CEO received before 12pm on the next business day after the Council Meeting that carried the resolution.

### The Chairperson will chair the Council Meeting

**R424** The CEO will Chair the first Council Meeting of a newly elected Council until the Mayor and Deputy Mayor (if any) are elected.

**R425** The Chairperson will be the Mayor once elected.

**R426** If the Mayor is absent from the Council Meeting, the Deputy Mayor will assume the role of Chairperson.

**R427** If both the Mayor and Deputy Mayor are absent, then the Council will appoint a Chairperson by resolution. The CEO will chair the process for conducting the vote to elect the Chairperson.

**R428** The CEO, or delegate, may participate in the meeting to provide support to the Chairperson to help clarify the intent of any unclear motion to facilitate implementation; or assist with procedural issues that may arise.

### Nominations and election of Mayor and Deputy Mayor (if any)

**R429** If the Mayoral role is vacant, the CEO will decide the time, date, location and form for the election to be held, which must be at a Council Meeting open to the public and within one month of the Mayoral vacancy and/or Declaration of Result from the election.

**R430** Any Councillor is eligible for election or re-election to the role of Mayor or Deputy Mayor (if any).

**R431** Each Councillor is entitled to one (1) nomination and may nominate themselves for the role of Mayor and/or Deputy Mayor (if any).

**R432** A nominee that has not nominated themselves, must declare whether they accept or decline the nomination.

**R433** At the Council Meeting, the CEO will invite nominations for the Mayoral role and:

* 1. If only one (1) nomination is received, the CEO will declare the nominee Mayor; or
  2. If more than one (1) nomination is received, invite the nominees (in order of nominations) to speak for up to three (3) minutes; and will:
     1. Call for Councillors to vote on the nominates
     2. Elect the Councillor who has an Absolute Majority of the total number of elected Councillors.

**R434** If the Deputy Mayoral role is vacant, the Council may resolve to establish a Deputy Mayor, and if resolved the Chairperson will invite nominations for the Deputy Mayoral role, and

* 1. If only one (1) nomination is received, the CEO will declare the nominee Deputy Mayor; or
  2. If more than one (1) nomination is received, invite the nominees (in order of nominations) to speak for up to three (3) minutes each; and will:
     1. Call for Councillors to vote on the nominates
     2. Elect the Councillor who has an Absolute Majority.

**R435** Where an Absolute Majority cannot be obtained, the Council can hold an election for Mayor and/or Deputy Mayor (if required), at a time and date that is no later than five (5) business days from the resolution.

**R436** The election of the Mayor and/or Deputy Mayor will be carried out by a show of hands or an electronic method (as determined by the CEO) that enables those observing to see who a Councillor has voted for at the time the vote is taken.

**R437** The Mayor and/or Deputy Mayor once elected can make a ceremonial speech to talk about Council/Community Plan priorities.

### 

### Addressing the Chairperson and referencing titles

**R438** When addressing a Council Meeting a person must:

1. Do so through the Chairperson
2. Refer to the Mayor as “Mayor” and Deputy Mayor as “Deputy Mayor”
3. Refer to the CEO, after the general election and before a Mayor is elected, as “Chairperson” or “Chair”
4. Refer to a Councillor who has been appointed to the role of Chair at a Council Meeting as “Chairperson “ or “Chair”
5. Refer to a Councillor as “Councillor [surname]”, and while Administrators are appointed “Administrator [surname]”
6. Refer to a Council Officer by their first and last names and position title when they are being introduced for the first time, and then subsequently all participants can refer to them by their first name.
7. Refer to any other person courteously and in accordance with the Code of Conduct.

### Opening the Council Meeting

**R439** The Chairperson will open the Council Meeting with:

1. A Statement to Acknowledge Traditional Owners; and
2. The Diversity Statement.

**R440** The Chairperson will run the Council Meeting and will guide the Council through the Agenda items unless they decide to make a Procedural Motion to change the Agenda’s order of business.

**R441** All apologies will be:

1. Submitted to the Chairperson in writing prior to the Council Meeting, or
2. Advised by another Councillor for submission at the meeting on their behalf; and the Chairperson will:
3. Confirm attendance; and
4. Note apologies.

**R442** A Councillor who is not In Attendance at a Council Meeting and has not submitted an apology or approved Leave of Absence will be recorded as absent and may cease to be a Councillor if absent for four (4) consecutive meetings without leave.

**R443** The Chairperson will ask Councillors to disclose any Conflict of Interest with any Agenda items and:

1. Councillors will disclose any Conflict of Interest, at the start of the meeting and when the Agenda item is read out, which will be discussed and noted in the Council Meeting Minutes; and will:
   1. State the type of conflict either:
      1. General
      2. Material:
   2. Disclose the circumstances that gave rise to the Conflict of Interest; and
   3. Leave the meeting prior to consideration and voting on the Agenda item for which they have a Conflict of Interest.
2. Councillors can seek policy advice from Council Officers to enable them to manage a Conflict of Interest.

**R444** The Chairperson will:

1. Ask Councillors to confirm the previous Council Meeting Minutes or raise any inaccuracy by referencing the Council Meeting Minutes and proposing an amendment for decision (Motion)
2. Ask for another Councillor to agree to put the amendment to a vote; and if so, the decision will be put to a vote (Seconder).

**R445** The Chair may seek advice from the CEO on matters related to the operation of the meeting procedure and/or Governance Rules during the Council Meeting, and may, if required, adjourn the meeting to do so.

### Meeting debate and discussion

**R446** Councillors must remain seated during debate and discussion.

**R447** The CEO can ask a Council Officer to give a verbal report on an Agenda item and the Council Officer:

1. Can only speak for five (5) minutes unless granted an extension to seven (7) minutes
2. Can only make comments that are relevant to the report’s content
3. Cannot debate on the report.

**R448** Councillors will have the opportunity to ask questions to the CEO or delegate.

**R449** The Chairperson will:

1. Ask for a Councillor (Mover) to put forward an Agenda item for discussion and decision (Motion)
2. Ask for a Councillor to agree to the Agenda item (Seconder)
3. Invite discussion and debate on the Agenda item.
4. Invite Councillors to:
   1. Vote on the decision (resolution); or
   2. Propose:
      1. An amendment to the Motion for agreement by the Mover and Seconder (if this is agreed, then this becomes the Motion); or
      2. An Alternate Motion; and if so, the Councillor will state the Alternate Motion to be seconded by another Councillor.
5. Any number of amendments to a Motion may be proposed, but only one (1) amendment may be accepted by the Chairperson, which must be dealt with before moving to a subsequent amendment **o**r Alternate Motion.
6. At any time during debate, a Councillormay foreshadow a Motion to inform Council of their intention to move a Motion or Alternate Motion on an item in the Agenda at a later stage in the Meeting. A foreshadowed motion has no procedural standing (unless moved as an actual Motion) and merely assists the flow of the Meeting.

**R450** The Chairperson may adjourn the Council Meeting for the time required to prepare a Motion or an Alternate Motion, and:

1. A Motion or Alternate Motion which does not conform to the requirements of this rule can be rejected by the CEO
2. Will be read aloud by the proposer or can be written out by the proposer and given to the Chairperson to be read out

Will be displayed so that all Councillors and community members can read it before a debate takes place, or a vote is taken.

**R451** The Chairperson will allow the following speaking times, unless the Council has decided on an extension of time to a maximum of two (2) additional minutes:

1. Five (5) minutes for the Councillor who put forward the Agenda item or amendment (mover of the motion)
2. Three (3) minutes for another Councillor to also present the Agenda item (seconder of the motion)
3. Each Councillor has the opportunity to ask questions of the Mover of the Motion or the CEO or delegate, for two (2) minutes
4. Two (2) minutes for the Mover to reply or conclude.
5. After the Mover has replied the Motion will be immediately put to a vote without any further discussion or debate.

**R452** The Chairperson can allow the CEO or Councillor to clarify a misrepresentation or misunderstanding or to respond to a request for more information.

### Respectful debate and discussions

**R453** A Councillor will listen and participate in discussion and debate respectfully in accordance with the Code of Conduct and will not:

1. Make any defamatory, indecent, abusive, offensive, or disorderly statement; and if requested by the Chairperson will unreservedly withdraw the statement
2. Interrupt others while speaking, however, the Chairperson can interrupt on a Point of Order.

**R454** Where discussion is adjourned by a resolution, the Councillor moving the adjournment has the right to speak first when the discussion is resumed.

**R455** When exercising a right of reply, a Councillor must not introduce new or additional matters.

**R456** The Chairperson can adjourn, postpone or cancel a Council Meeting, if order cannot be obtained and will report on the circumstances of the adjournment, postponement, or cancellation at the next Council Meeting.

### Quorum

**R457** A Council Meeting can be postponed in the absence of a majority of Councillors, by the CEO if a Quorum:

1. Is not present within 30 minutes after the Council Meeting’s commencement; or
2. Cannot be formed during the meeting.

**R458** Where a Quorum cannot be reached because a majority of Councillors have declared a conflict of interest, Council can use an alternative decision-making method of either:

1. Splitting the matter into separate parts so that a Quorum might be reached for each part; or
2. Making decisions on component parts of a matter, which will be resolved when a Quorum can be reached at a future meeting; or
3. Establishing a Delegated Committee made up of the Councillors who are not conflicted and any other suitable people.
4. A decision made by a Delegated Committee in these circumstances will be reported to the next Council Meeting.

### Decisions and voting

**R459** Each Councillor:

1. Is entitled to one (1) vote and abstaining from the vote is considered a vote against the Agenda item for decision
2. Will indicate their vote by a show of hands unless Council decides on an alternative method if the method of voting is clearly visible to everyone at the Council Meeting.

**R460** Decisions require a majority of votes of those present at Meeting and eligible to vote to be approved (carried).

**R461** The Chairperson has the deciding vote if there is an equal number of votes on a decision.

**R462** A Councillor can call for a division immediately after a decision is approved (motion is carried) and before the Council Meeting has moved to the next Agenda item. If so, the Chairperson will:

1. Ask each Councillor who agrees with the motion to raise their hand; and
2. The Chair will call out the names of each Councillor with their hands raised
3. Results will be recorded in the Meeting Minutes.
4. Ask each Councillor who disagrees with the motion to raise their hand;
5. The Chair will call out the names of each Councillor with their hands raised
6. Results will be recorded in the Meeting Minutes.
7. Call out the names of Councillors who have abstained. These details will be recorded in the minutes.

**R463** A Councillor can question the Chairperson’s ruling by calling a Motion of Dissent, and if so, the Chairperson will ask for a Seconder and if it’s Seconded:

1. The Deputy Mayor will assume the role of Chairperson; and will
   1. Put questions to the Mayor
   2. Put questions to the mover of the Motion of Dissent
   3. Invite debate on the Motion of Dissent
   4. Put the Motion of Dissent to a vote to be decided by a majority vote.
2. The Mayor will then resume the role of Chairperson.

### Rescission of previous resolution

**R464** A Councillor can request the CEO to consider approving a Motion to be put to a Council Meeting to rescind a previous resolution of Council which will:

1. Be in writing by the proposing Councillor and seconded by another Councillor;
2. Indicate the reason for the request, either:
3. The previous resolution was made in error of law
4. The previous resolution was made in error of a material fact, or
5. There has been a significant change of circumstance since the resolution; and
6. Be received by the CEO by 12pm on the working day following the Council Meeting.
7. A Motion that would conflict with or have the effect of nullifying a previous resolution will not be considered unless submitted in accordance with this rule.

**R465** 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.

**R466** Where a Notice of Motion to rescind 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.

**R467** A Councillor may withdraw a Notice of Motion to rescind or amend a previous resolution.

### Councillor/CEO Reports

**R468** Councillors can provide a verbal or written report about their activities including representation on committees and participation in community events for up to three (3) minutes.

**R469** The Mayor can provide a verbal or written report about their activities including representation on committees and participation in community events for up to three (3) minutes.

**R470** The CEO can provide a verbal or written report about Council business and events for up to three (3) minutes.

### Questions or discussions on the interpretation of the Governance Rules

**R471** A Councillor can at any time during the meeting, ask the Chairperson to interpret the Governance Rules and make a ruling.

**R472** The Chairperson, on receiving a request to interpret the Governance Rules:

1. Will suspend any Agenda item discussions
2. Can consult with the CEO or CEO’s delegate before giving a ruling
3. May adjourn the meeting to do so.

### Closing the meeting

**R473** A Council Meeting will conclude by 10:30pm unless extended by Council resolution to 11:00pm. If the business of the meeting is not concluded by 11:00pm the Chairperson can adjourn the meeting and will announce a date, time and place for the Council Meeting to continue, which must be within seven (7) days.

**R474** The Closure or the Adjournment of the Council Meeting will be recorded in the Council Meeting Minutes.

**R475** Council Meetings (or part of it) will be closed to the public for Confidential discussions and community members and Council Officer’s not required will be asked to Leave the Meeting.

**5.** **Community Participation**

### Public Question Time

**R500** Community members are encouraged to provide input to the Council’s decision-making process through Public Question Time, engagement forums or by contacting Councillors directly in advance of Council Meetings.

**R501** The Council will hold Public Question Time for up to 30 minutes at each Scheduled Council Meeting, to enable community members to ask questions, make statements or read out a Petition or Joint Letter to Council and will:

1. Accept a maximum of two (2) written questions or statements from each person or entity, which will be read out during Public Question Time if the Chairperson determines there is adequate time; and
2. The question or statement:
3. Is no more than 200 words in length per question or statement and
4. Contains the name, address and contact details of the person or entity submitting the question or statement

**R502** The Council can resolve to extend Public Question Time during a Council Meeting.

**R503** The Council will not hold Public Question Time during the election period.

**R504** Public Question Time will not be available during Meetings closed to the public.

**R505** The Council will ensure community members can make a submission to Public Question Time and will make reasonable adjustments to enable participation. Assistance may include physical assistance and/or translation services.

**R506** Priority will be given to questions or statements that relate to Agenda items and those submitted prior to 12pm on the day of the Council Meeting. Any questions submitted after 12pm on the day may be read if there is sufficient time and otherwise, will be held-over until the next Council Meeting.

### Hearing of Public Submissions

**R507** Public submissions can be heard during public question time.

**R508** If there is insufficient time to hear all public submissions during Public Question Time:

1. Public question time can be extended, or
2. The hearing of submissions can be deferred to later in the meeting, or
3. The meeting adjourned to hear submissions and consider the relevant items at a later date.

**R509** The Chairperson will ensure each community member is given three (3) minutes (in total – not per question) to ask their question, make a statement, read a petition or joint letter, and the Chair may censure a person who:

1. Is discourteous or disrespectful of the Council and its processes, or
2. Debates or joins Council discussions unless responding to a direct question from a Councillor; or
3. Makes statements that may (or are intended to) prejudice, insult, or defame someone; or
4. Exceeds the time limit.

**R510** The Chairperson will ask community members who interrupt or disturb the Council Meeting to stop the behavior, and if the behavior continues, will ask the person to leave the Council Meeting.

**R511** The submitter can ask the Chair or a delegate to read the prepared item during Public Question Time on behalf of the submitter.

**R512** Submissions, statements, or questions may be read by the Chair when the submitter is unable to read to the item.

## 6. Reasonable adjustments

**R600** The council will ensure reasonable adjustments are made to encourage community member participation at Council Meetings using Council’s *Guide to Minimum Accessibility Requirements for Community Meetings, Consultations and Events*.

**7.** **Recording of Council Decisions**

### Minutes, footage and record keeping

**R700** The CEO will determine the form of Council Meeting Minutes, which will include:

1. Opening items of the Council Meeting as per Agenda preparation and publishing
2. Date, time and place of the Council Meeting, the time it commenced, ended and any times at which it was adjourned and/or resumed
3. Names of the Councillors and whether they were present, an apology or on leave of absence
4. Councillor arrival and departure times during the Council Meeting
5. Any actions taken in relation to Conflict of Interest
6. Name and title of Council Officer’s presenting
7. Formal reports by Councillors appointed as a Council representative of another body/committee
8. Proposed motion or amendment
9. Names of Councillors who move and second any motion or amendment
10. Whether the proposed motion or amendment, which is seconded is carried or lost
11. Where a Division is called, the names of every Councillor, the way their vote was cast; and if they abstained
12. Name of a person who submitted a Petition or Joint Letter and the discussion topic
13. Details of questions or statements made during Public Question Time
14. Details of failure to achieve a Quorum
15. The reason for any adjournment and the time the Council Meeting was adjourned
16. Any other matter, which the CEO thinks should be:
    1. Recorded to clarify the intention of the Council Meeting, or
    2. Redacted to protect Council against any civil legal claim.

**R701** Once confirmed, the Minutes of a Council Meeting must be:

1. Endorsed by the Chairperson of the Council Meeting at which they are confirmed
2. Saved electronically and stored in accordance with Public Records Office Victoria standards.

**R702** The CEO will ensure the electronic confirmed Council Meeting Minutes are:

1. Provided to each Councillor at least three (3) days before the next Council Meeting
2. Published on Council’s website within two (2) weeks of the Council Meeting
3. Available on Council’s website for at least 12 months
4. Recorded electronically by Council
5. Recorded electronically and stored in accordance with Public Records Office Victoria standards.

**R703** The CEO can decide to publish footage of the Council Meeting on Council’s website and any other electronic application determined by the CEO. If the footage is published:

1. It may be redacted to protect the Council against any civil legal claim
2. It will be Copyright Protected.

**8.** **Council decisions during Election Period**

**R800** The council cannot make a Major Policy Decision during an Election Period.

**R801** The council can decide to apply to the Minister if there are extraordinary circumstances requiring a Major Policy Decision during the Election Period, and a decision cannot be made until Ministerial approval is granted.

**R802** A Major Policy Decision made during the Election Period without Ministerial approval is invalid.

**R803** The council will be insured, compensating anyone for loss or damage while acting in good faith of a Major Policy Decision, which is deemed invalid.

## 9. Compliance with the Governance Rules

**R900** The CEO or delegate can inform the Chairperson during the Council Meeting of any operational, financial or risk implications arising from a proposed resolution and any non-compliance with the Governance Rules, law or custom and the Chairperson:

1. Can ask the CEO or delegate to advise the Council on the implications or the non-compliance and guide how compliance can be achieved.
2. Ensures the Meeting Minutes record accurate details.

**R901** The Councillor Code of Conduct applies to all Councillor conduct and behaviour, especially during Council Meetings, Delegated Committee Meetings, and Councillors will act with integrity in compliance with the Code.

**R902** The Staff Code of Conduct applies to the conduct and behaviour of Council Staff during the performance of their role.

**10.** **Delegated Committee Meetings**

**R1000** These rules apply to any Delegated Committee established by the Council and:

1. Any reference to “Chairperson” in these Governance Rules is to be read as the Chairperson of the Delegated Committee
2. Any reference to “Councillor” in these Governance Rules is to be read as Member.

**R1001** The Mayor can appoint a Councillor as the Chair of a Delegated Committee, which will replace any previous Council appointment if it is consistent with Council’s *Public Transparency Policy* and the Code of Conduct’s pledge to work together in the best interest of our community and to discharge responsibilities to the best of our ability and judgement.

**R1002** The Delegated Committee will establish a Terms of Reference or Charter, which can amend any of these Governance Rules for the purposes of that Committee, except for the rules in Section 6 - Recording of Council decisions.

**R1003** The established Terms of Reference or Charter must outline the processes for regularly informing the Council of decisions, outcomes and activities.

**11.** **Decisions made by the CEO and Council Officers**

**R1100** The CEO can make decisions on behalf of Council under delegation in the Instrument of Delegation, from Council using the Strategic Planning Formula to inform decision-making.

**R1101** Council Officers can make decisions on behalf of Council under sub-delegation in the Instrument of Delegations, using the Strategic Planning Formula to inform decision-making.

**R1102** Council Officers will manage conflicts of interest using the Staff Conflict of Interest Policy & Guidelines.

**12.** **Definitions**

**1200** In these Governance Rules, the following words and phrases mean:

| **Words** | **Meaning/Definition** |
| --- | --- |
| Absolute Majority | The number of Councillors, which is greater than half the total number of elected Councillors/members of the delegated committee. |
| Act | *The Local Government Act 2020*. |
| Additional Council Meeting | An additional Council Meeting called by Councillors. |
| Agenda | A document containing the date, time, place and form of a Meeting and a list of business to be transacted at the Meeting. |
| Alternate Motion | A Motion that is different from the original Motion. |
| Authorised Officer | An Officer who is authorised by the Chief Executive Officer or Council under section 224 of the *Act*. |
| Chairperson | The Councillor that has been appointed as Council’s Chairperson or Delegated Committee Chairperson. The Councillor elected Mayor will be appointed as Council’s Chairperson.  The Chairperson plays a crucial role in providing an orderly, respectful, transparent and constructive meetings by ensuring all Councillors and members of Delegated Committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.  The Chairperson is an independent leader of meetings and generally does not participate in debate or move or second motions. The Mayor will act consistently with the adopted Councillor Code of Conduct and transparency commitments of the Council.    Specific duties and discretions of the Chairperson are outlined throughout these Governance Rules. |
| CEO | the Chief Executive Officer and includes an Acting CEO. |
| Conflict of Interest | Has the same meaning as section 126 (2) of the Act. A person has a conflict of interest if the person has a general conflict or a material conflict (see sections 127 and 128 of the Act. |
| Conflict of Interest Policy | Means the conflict of interest provisions of the Councillor Code of Conduct Policy or the Conflicts of Interests (Employee) Policy |
| Confidential Information | Has the same definition as in section 3(1) of the Act for example any information or decision making around tenders, security information, planning information that might encourage land speculation, law enforcement information, information that is legally privilege, personal information that is unreasonable to disclose, private commercial information. |
| Copyright Protected | A notice in place, which alerts a person that the footage or material is copyright protected. |
| Council | The Whittlesea City Council. |
| Council Meeting | Includes a Scheduled Council Meeting and an Additional Council Meeting. |
| Council Officer | A member of Council Staff. |
| Council Staff | A Council Officer but does not include a member of the Executive Leadership Team. |
| Councillor | A person who holds the office of Member of Council or a person appointed as an Administrator for City of Whittlesea under the *Act*. An Administrator performs the role of a Councillor for the purposes of section 28 of the *Act.* Reference to persons appointed as Administrators is a reference to persons elected as Councillors of Council, as the case may be.  Councillors have a duty to participate in Council Meetings and provide good decision-making. |
| Councillor Code of Conduct | the code of conduct developed and adopted by Council under section 139 of the Act, which relates to the conduct of elected Councillors. |
| Declaration of Result | The result of the election in accordance with s.284 of the Act. |
| 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 established by Council. |
| Delegated Committee Meeting | A meeting of a Delegated Committee. |
| Deputy Mayor | Has the same meaning as section 21 of the Act. The Deputy Mayor can exercise any powers of the Mayor if the Mayor is absent or unwell or the Mayoral role is vacant. |
| Diversity Statement | A statement to reflect the purpose of the governance process to ensure decision making is reflective of the diverse community and Council’s vision: A Place for All.  “*At the City of Whittlesea we are proud of our diversity and the many cultures, faiths and beliefs that make up our community. We strive to be an inclusive welcoming City that fosters participation, wellbeing and connection to each other and this land. We commit as a Council to making informed good decisions to benefit the people of the City of Whittlesea now and in the future to support our community’s vision of A Place For All.”* |
| Division | A procedure to enable a Councillor to set aside a result of the vote announced by the chairperson, to be replaced by the outcome of a more conscious and transparent show of hands. A Division ensures the names of Councillors voting for and against are recorded in the Council Meeting Minutes. |
| Election Period | Starts 32 days before the Council general election and ends 6pm on election day (see also the Election Period Policy). |
| Foreshadowed Motion | A notification to inform Council of the Councillor’s intention to raise a Motion at a later stage. It has no procedural standing. |
| In Attendance | A Councillor is able to participate in a Council Meeting. This includes being able to be seen by all participants, contribute to discussion and debate and are able to vote. |
| Instrument of Delegation | The instrument that is approved by Council, which gives the CEO the ability to do certain things, including spend up to a certain amount of money, enter into contracts and make decisions without Council approval. |
| Instrument of Sub-Delegation | The instrument that is approved by the CEO, which gives Council Officers, the ability to do certain things, including spend up to a certain amount of money, enter into contracts and make decisions without Council approval. |
| Joint Letter | Correspondence addressed to the Council, which is signed personally (or by a representative) by at least three (3) people from different addresses stating the address of each signatory; and explaining the matter and the remedy sought. |
| Leave of Absence | A request from a Councillor to be absent from a Council Meeting for more than four (4) Meetings with CEO approval (section 35(1)(e) of the Act). |
| Leave the Meeting | Request for Councillors, community member’s and Council Officers to leave the meeting either by temporarily suspending online access or by physically leaving the Council Meeting location. |
| Major Policy Decision | Any decision 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 (section 69 of the Act) |
| Mayor | The Councillor elected to be the Mayor under section 25 of the Act. |
| Member | A Councillor or Member of a Delegated Committee. |
| Motion of Dissent | A motion that seeks to correct what may have been a mistake of fact or interpretation by the Chairperson. |
| Mover | A Councillor who is moving a Motion. |
| Notice of Motion | A notice setting out the text of a motion, which a Councillor proposes to move at a Council Meeting. |
| Petition | A written statement addressed to the Council and:   1. 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; 2. stating the address of each signatory; and 3. setting forth the matter on which a remedy or relief is sought, excluding an online petition. |
| Point of Order | A point of order occurs when someone draws attention to a Governance Rules violation in a Council Meeting. |
| Procedural Motion | A procedural motion relates to how the meeting is conducted and can be used to change the sequence of the Agenda, accept minutes, stop discussions for an immediate decision, prevent a decision being made or to postpone a decision (see Procedural Motion Appendix 3). |
| Quorum | At a Council Meeting or Delegated Committee Meeting means an Absolute Majority of Councillors or Members of the Delegated Committee, as the case requires. |
| Seconder | A Councillor who is supporting the Motion. |
| Staff Code of Conduct | The code of conduct developed and adopted by Council under section 139 of the *Act*, which relates to the conduct of Council Officers. |
| Statement to Acknowledge Traditional Owners | *“On behalf of the City of Whittlesea I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan as the Traditional owners of this place. I would also like to personally acknowledge Elders past, present and emerging”* |
| 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. |

**Appendix 1 – Strategic Planning Formula**

| Must apply this column to decision-making for all decisions | | Must apply these columns where relevant to decision-making | | | | |
| --- | --- | --- | --- | --- | --- | --- |
| Overarching Governance Principles | | Community Engagement Principles | Strategic Planning Principles | Financial Management Principles | Service Performance Principles | Public Transparency Principles |
| 1 | **Lawful** | Any decision likely to affect human rights to be considered against the Charter of Human Rights & Responsibilities 2006 & the Equal Opportunity Act 2010. | In accordance with the Council / Community Plan. | Australian Standards & Legislation |  | Council decision making processes are transparent except when the Council is dealing with information that is confidential in accordance with *the Local Government Act 2020* or any other Act. |
| 2 | **Achieve best outcomes for** **the community into the future** | A community engagement plan clearly defines objectives and scope  The community engagement plan is implemented. | Addresses the community vision and demonstrates benefit.  Monitors performance through reporting.  Identifies and manages implementation risks. | Considers the financial impact to the community. | Services provided are accessible, equitable, diverse and represent community need.  Fair and effective processes for considering and responding to service performance complaints. | Written record of a decision affecting the rights of a person will record the opportunity provided to the person to have their views considered. |
| 3 | **Economically, socially and environmentally sustainable** |  | Ensures sufficient finances and resources to implement the strategy. | Identifies, monitors and manages financial risks.  Financial risks must be monitored and managed prudently having regard to economic circumstances. | Quality and costs standards for services provide good value to the community. | Reported in the Annual Report and other Performance Reporting |
| 4 | **Community engagement in strategic planning & decision making** | Managed in accordance with Council’s Community Engagement Policy. |  |  |  | Council information must be publicly available unless it’s confidential.  Council information must be understandable and accessible to members of the municipal community. |
| 5 | **Innovation & continual improvement** |  | Strategies are informed with data |  | Performance is analysed for continual improvement. |  |
| 6 | **Collaboration with other Councils/Govt /Stat bodies** | Networked to increase reach | Granting opportunities | Economy of scale |  |  |
| 7 | **Financially viable** |  |  | Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with financial policies and strategic plans |  |  |
| 8 | **Consistent with regional, state & national plans** |  |  |  |  |  |
| 9 | **Transparent** | Community has access to objective, relevant & timely information to inform participation.  Participants are given reasonable support to enable meaningful and informed engagement.  Participants are informed how the community engagement will influence Council decision making. |  | Accounts and records that explain the financial operations & financial position are to be kept. |  | Managed in accordance with Council’s Public Transparency Policy.  Council information must be publicly available unless—  (i) the information is confidential by virtue of this Act or any other Act; or  (ii) public availability of the information would be contrary to the public interest.  Public awareness of the availability of Council information must be facilitated. |

**Appendix 2 – Election Period Policy**

**Policy statement**

This Policy demonstrates Council’s compliance with the election period provisions of the *Local Government Act* *2020* (**Act**) and demonstrates how we will:

* Responsibly and transparently continue Council business during the ‘caretaker’ period.
* Prevent the Council making any significant new policies or decisions that could unreasonably bind a future Council.
* Prevent any decisions from being made that 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.

**Objective**

The objective of the Policy is to:

* Assist Council in continuing to make fair, transparent decisions during the Election Policy Period.
* Establish procedures to prevent Council from making Major Policy Decisions or using significant resources 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;
* Place limits on public consultation and the scheduling of Council events during the election period.

**Scope**

This Policy relates to behaviour and decision making during the ‘caretaker’ period for all Councillors and Council Staff.

**Key linkages**

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

This policy has clear linkages to section 69 of the *Local Government Act 2020*.

**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 ending 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**

The Chief Executive Officer (CEO) or Delegate will ensure as far as possible, that:

* All Councillors and Council Officers are aware of this policy, at least 30 days before the start of the election period; and
* Major policy decisions or significant decisions are resolved before the start of the election period, or deferred, where appropriate, for determination by the incoming Council.
  + 1. **Decisions by Council**

**2.1 Major Policy Decisions**

**2.1.1 Tender Decision**

If Council accepts a tender prior to the election period, the contract documents can be executed 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.

Council can continue to make town planning decisions under the *Planning and Environment Act 1987* during the election period and they will still be processed in accordance with usual practices and statutory timelines.

**2.1.2 Prohibition on Council**

Council or a Council Officer under delegation is unable to make Major Policy Decisions and any major policy decision made during the election period is deemed to be invalid under the Act and may be compensable.

**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.

**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:

* Decisions that would affect voting in an election; and
* Decisions that could reasonably be made after the election.

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

1. the failure to make the decision would have a negative impact on Council, the municipality or the local community; and
2. 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**

Public consultation activities may be necessary during the election period to ensure that the community is continuing to be consulted in decision making processes. Where it is within Council’s control to do so, Council will seek to avoid actions which will require Councillor public consultation during the election period. Councillors will not attend or be involved in public consultation.

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

**3.2 Council Events**

Council will ensure that any significant Council events are scheduled to occur outside the election period. Where a Council event must be held during the election period, Councillor involvement will be minimised.

**4. Council Publications**

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

Public Affairs will only certify electoral advertisements and information about the election process.

A Councillor or Council Officer will not print, publish or distribute, or be involved in the printing, publishing or distribution of an electoral advertisement, handbill, pamphlet or notice during the election period if the electoral advertisement, handbill, pamphlet or notice has not been certified by Public Affairs.

**4.2 Certification of Publications**

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 and video footage);
* 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 the Council;
* Media releases;
* Material to publicise a function or event; and
* Any publication or distribution of Councillor’s speeches.

Application should be made to the Public Affairs Department who will seek certification of the publication of election advertisements.

Copies of all certified documents and applications will be retained for three (3) years by the City of Whittlesea.

**4.3 Prohibited Material**

‘Electoral matter’ 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’s therefore likely that “electoral matter” will include material which:

* 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**

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

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

**4.6 Annual Report**

Council is required to produce and put on public display a copy of its Annual Report. The Annual Report may be published by the CEO, or delegate during the election period. The Annual Report will not contain any electioneering or material that could promote individual Councillors.

The Annual Report does not require certification by the CEO; 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 CEO, or delegate, unless they are printed or published for wider distribution.

**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 CEO, or delegate.

Staff responsible for administering Council’s social media sites will monitor them 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 Councillor misusing their position 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 Mayor’s Executive Assistant can 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 Council equipment provided to them for normal Council duties, subject to existing protocols and terms of use. Councillors standing for re-election must not use Council equipment such as printers 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 relate to 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 will not be published by Council during the election period.

**5.7 Officers' Discretion**

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 CEO or Delegate.

**6. Media Services**

**6.1 Restriction on Services**

During the election period, the Council's Public Affairs and Customer Service Departments’ 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 CEO, or delegate approval and certification.

**6.2 Media Releases/Spokespersons**

Media releases will minimise references to specific Councillors and will not promote a Councillor as an election candidate. The CEO or Delegate will be referenced instead.

Media releases will require certification by the CEO or delegate.

**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**

In accordance with the staff Code of Conduct, 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 CEO or 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 CEO or 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 complete a Nomination Form, which will be available from the Returning Officer, accompanied by the prescribed nomination fee.

Candidates will complete and submit an Election Campaign Donation Return in the prescribed form within 40 days after election day. The return must contain details of any campaign donation or gift valued at more than the gift disclosure threshold (currently $500 as at June 2022) which was received between the date 30 days after the previous election and the date 30 days after the current election.

**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.

| **Words** | **Meaning/Definition** |
| --- | --- |
| Councillor | A person who holds the office of Member of Council or a person appointed as an Administrator for City of Whittlesea under the Act. An Administrator performs the role of a Councillor for the purposes of section 28 of the Act. Reference to persons appointed as Administrators is a reference to persons elected as Councillors of Council, as the case may be.  Councillors have a duty to participate in Council Meetings and provide good decision-making. |
| Election period | 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. |
| Inappropriate decisions | Includes any of the following:  a) decisions that would affect voting in an election; or  b) decisions that could reasonably be made after the election. |
| Public consultation | 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. |
| Publish | By any means, including by publication on the Internet. |
| Major Policy Decision | Is defined by the Act to mean a decision   1. Relating to the employment or remuneration of a CEO, other than a decision to appoint an acting CEO; 2. To terminate the appointment of a CEO;   To enter into a contract the total value of which exceeds 1% of Council’s total revenue from rates and charges in the preceding financial year. |
| Significant decision | In the context of this policy, significant decisions include:   1. decisions that may irrevocably commit the incoming Council to substantial expenditure or to other significant actions; and 2. decisions that may have an irrevocable and significant impact on the municipality or a significant section of the community. |

**Appendix 3 – Procedural Motions**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Procedural**  **Motion** | **Form** | **Who can move or second** | **Is a seconder required?** | **Matter in respect of which motion may be moved** | **When is the motion prohibited** | **Effect if carried** | **Effect if lost** |
| Adjournment of debate to later hour/date | That this matter be adjourned until \_\_\_\_\_\_ | Any Councillor | Yes | Any matter | When another 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 Councillor | Yes | Any matter | When another  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 Councillor | Yes | Any Meeting | When another Councillor is speaking | Council Meeting adjourns immediately until the proposed time (or date) | Council Meeting continues unaffected |
| Adjournment of Meeting indefinitely | That this Meeting be adjourned until further notice | Any Councillor | Yes | Any matter | When another Councillor is speaking | Council Meeting adjourns until further notice | Council Meeting continues unaffected |
| The Closure | That the question be now put | A Councillor who has not moved, seconded or spoken to the motion or any amendment of it | No | Any matter | (NB A closure motion shall not be accepted by the Chairperson unless the Chairperson considers there has been sufficient debate for and against the original motion or amendment) | Motion or amendment in respect of which the closure carried is put to the vote immediately | Debate continues unaffected |
| Laying the question on the table | That the matter lie on the table | A Councillor who has not moved, seconded or spoken to the motion or any amendment of it | Yes | Any matter | During the election of the Mayor/Deputy Mayor | Motion and amendments not further discussed or voted on until:  (a) Council resolves to take the question from the table at the same Council Meeting  (b) Matter is placed on an Agenda and the Council resolves to take the question from the table | Debate continues unaffected |
| Proceeding to the Next Business | That the Meeting proceed to the next business | A Councillor who has not moved, seconded or spoken to the matter to which the motion relates | Yes | Any matter |  | (a) If carried in respect of a motion, its effect is to 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 | Debate resumed at point of interruption |
| Suspension of Standing Orders | That Standing Orders be suspended to …’ (reason must be provided) | Any Councillor | Yes | To allow full discussion or clarification of an issue |  | The rules of the meeting are temporarily suspended for the specific reason given in the motion    No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted | The meeting continues unaffected |
| Resumption of Standing Orders | That Standing Orders be resumed | Any Councillor | Yes |  | When standing orders have not been suspended | The temporary suspension of the rules of the meeting is removed and the rules of the meeting resume | The meeting cannot continue |
| Alter the order of business | That the item listed at xx on the agenda be considered before/after the item listed as xy | Any Councillor | Yes | Any matter | (a) At a Meeting to elect the Mayor; or  (b) During any debate | Alters the order of business for the meeting | Items are considered in the order as listed in the Agenda |

**Appendix 4 – Notice of Motion Form**

**NOTICE OF MOTION NO ##**

**<Title>**

**To All Administrators/Councillors**

**Please TAKE NOTICE that it is my intention to move at the Scheduled Meeting of Council to be held on <insert day>, <insert date> at <insert time>pm:**

**PREAMBLE**

<If required enter preamble>

**MOTION**

That Council:

**Administrator/ Cr <Name>** …..………..…………………………………………………………………….

**Date: <insert date>**

Acknowledged by the CEO on …..………..……………………………………………

*(signature and date)*

**Appendix 5 – Public Questions Form**

# 

**Questions to Council FORM**

**REFER TO THE PROCEDURAL GUIDELINES ON THIS FORM FOR FURTHER INFORMATION ON SUBMITTING QUESTIONS AT COUNCIL MEETINGS**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name:** |  | | |
| **Address:** |  | | |
| **Mobile no:** |  | **Email**: |

You may submit one or two questions or make a public statement at any Meeting. If more than two questions are submitted, you will be required to nominate which two questions will be put to Council and the priority order.

Priority will be given to questions/statements that relate to matters listed on the Agenda.

Does your question(s)/statement relate to a matter listed on the Agenda?

**Yes o** (Item No. )**No o**

**Question** **One** (maximum 200 words)

**Question** **Two** (maximum 200 words)

If you have any queries, please contact the Governance Team on 9217 2294.

**Signature: Date:**

**Privacy Notification Statement**

Council is collecting your name and address to be able to provide you with a written response to your question. If you do not provide this information, Council will be unable to provide you with a written response. Your telephone number/email address are optional and may assist Council in seeking clarification from you on the information you are seeking. You may access or correct your personal information by contacting Council. Only your name will appear in the Council minutes along with details of your question(s) and Council’s response. The other personal information on the form will only be disclosed to Administrators and Council Officers and will be retained on Council files until destroyed in accordance with the *Public Records Act 1973.*

**PROCEDURAL GUIDELINES**

These Procedural Guidelines provide guidance to members of the public wishing to submit a question to a scheduled Council meeting and contain procedures for administering Rule 530-535 of Council’s Governance Rules relating to Public Question Time.

**Purpose of Public Question Time**

The purpose of Public Question Time is to facilitate the asking and answering of questions by members of the public at scheduled Council meetings. Priority will be given to questions that relate to matters listed in the Agenda (including speaking to a Petition or Joint Letter).

If you wish to submit a question you are encouraged to submit it before 12 noon on the day of a scheduled Council meeting. This gives Council the opportunity to properly investigate the question and provide a meaningful response at the meeting.

Questions can be submitted via email ([info@whittlesea.vic.gov.au](mailto:info@whittlesea.vic.gov.au)), delivery to the Council Offices, Customer Service desk or via mail (Locked Bag 1, Bundoora MDC VIC 3083). The schedule of Council meeting dates and times is available on the City of Whittlesea website - <https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/>

**Questions preferably in writing**

If you would like to ask a question at a Council meeting, your question should be in writing and in English unless this unreasonably prevents or hinders you from participating.

If you are unable to provide your question in writing and/or in English and would like to make alternate arrangements, please contact the Council’s Governance Team on 9217 2294 before the Council meeting to discuss the means by which you may submit your question to the Council meeting.

If you do not speak English, we offer various language services to help you communicate with us including VITS and LanguageLinks. If you have a hearing or speech impairment you may use the National Relay Service.

We recommend that your question is submitted on the form available on our website (<https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/>) to ensure your record your contact details together with your question.

**Disallowed questions/statements**

Prior to the Council meeting the CEO, in consultation with the Chairperson, may disallow a question or statement on the grounds outlined below. When disallowing a question, the CEO may receive advice from Executive Manager Governance and Strategy in relation to potential grounds for disallowing the question.

A question/statement may be disallowed by the Chairperson if they determine 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; or
* deals with a matter that should be or has been considered as a confidential matter.

The Executive Manager Governance and Strategy, or their delegate, must advise the person who submitted the question that the question has been disallowed prior to the scheduled Council meeting, and the reason or reasons for the question being disallowed.

Where time permits and where appropriate, the Executive Manager Governance and Strategy or their delegate may contact the person who submitted the question and work with them to revise their question to remove the ground or grounds for disallowing the question.

**Notification of Questions Received**

The CEO must notify Council of any public questions received prior to the scheduled Council meeting, including any questions which are disallowed.

The Chairperson will advise the meeting of a question received that has been disallowed and will provide reasons to the meeting as to why it has been disallowed. Statements and opinions are not permitted during question time and will not be read at the meeting.

Where a question relates to a matter to be dealt with in the confidential section of the Agenda or is of a nature that would ordinarily be dealt with in the confidential section of the Agenda, the Chairperson may, without reading the question aloud, advise the person submitting the question that the question will not be dealt with during the meeting and a written response will be provided as soon as is practicable.

**Reading out Questions**

A time is set aside for Questions to Council during scheduled meetings of Council when you will be given an opportunity to read out your question.  A person may submit one or two questions at any Meeting. If more than two questions are submitted by a person, they will be required to nominate which two questions will be put to Council.

Each person will be allocated up to three (3) minutes in total (not per question) if they wish to address Council in relation to their questions. A person who may need additional support in presenting to Council due to an impairment or disability, will be afforded reasonable accommodations to do so.

**Responding to Questions**

The Chairperson may nominate a 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.

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 be provided to all Administrators/Councillors.

The answer given at the Council Meeting is an interim reply only and the Council’s official response will be provided by either an Administrator or a Council Officer, on behalf of the Council, generally within five (5) working days of the Council meeting. The response will be

provided in writing or any other reasonable form determined by Council or the Chief Executive Officer (CEO).

If you are not in attendance, we will read out your question (or a summary of your question) and provide a response at the meeting and also record your question and the interim response in the minutes of the meeting subject to it complying with the Governance Rules and these Guidelines.

If you are not in attendance, you may view the response to your question/s by accessing the livestream of the Council meeting. Where possible, live streamed Council meetings are also closed captioned.

**Reasonable Accommodations**

Council plays a pivotal role in ensuring our residents have confidence and feel supported to participate and engage within the community and with Council.

Further information on additional support provided by Council can be obtained by referring to Council’s *‘Guide to Minimum Accessibility Requirements for Community Meetings, Consultations and Events’*. This Guide outlines the minimum accessibility requirements staff need to follow when facilitating or supporting community meetings including Council meetings to meet the needs of people with disabilities. (Please note that this guide is currently under production and will be published to Council’s website when available.)

If you are unable to attend the Council meeting in person for any reason, including because of an ‘attribute’ as defined in the *Equal Opportunity Act 2010* (e.g. a disability) you may nominate a representative to attend on your behalf.

**Alternative ways to contact Council**

There are many other ways that you can contact Council to ask a question, receive a service or obtain information. You can contact us by telephone, by visiting the Council offices, by sending a letter or an email or by speaking with one of our staff out in the community. Questions to Administrators time at scheduled Council Meetings is but one method that residents and ratepayers can use to formally contribute to public debate or seek to input to, and obtain feedback from, Council.

You are also welcome to contact the Panel of Administrators by email via [panel@whittlesea.vic.gov.au](mailto:panel@whittlesea.vic.gov.au) or by telephone 9217 2500. The Administrators have been appointed to perform the roles, responsibilities and functions of a Councillor which includes representing residents and ratepayers of the City of Whittlesea and to make decisions on your behalf at Council meetings.