

Governance Rules

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Chapter 1 Introduction

Overview

These are the Governance Rules of the **Towong Shire Council**, made in accordance with section 60 of the *Local Government Act 2020* (the "Act"). These Rules should be read in conjunction with the Towong Shire Council Councillor Code of Conduct.

Purpose

Council recognises that integrity, transparency and accountability to the community are of fundamental importance in all of its undertakings. In accordance with s60(2) of the Act, the purpose of these Rules to ensure that Council's governance practices:

- a. Are undertaken in a fair, transparent, orderly and consistent manner
- b. Are conducted in accordance with relevant laws
- c. Withstand scrutiny and provide means for inappropriate behaviours to be identified and addressed
- d. Promote good community engagement
- e. Promote adherence to the overarching governance principles of the LGA 2020.

Principles

In accordance with s60(2) of the Act, Council decisions will be:

- a. Considered and made fairly, by giving consideration in a balanced, ethical and impartial manner
- b. Made on the merits, free from favouritism or self interest
- c. Made in adherence to the principles of natural justice, including that any person whose rights are directly affected by a decision is entitled to communicate their views and have their interests considered.

Council must, in the performance of its role, give effect to the overarching governance principles outlined in the Act. These principles are:

- 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;
- i. The transparency of Council decisions, actions and information is to be ensured.

Definitions

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

<i>Act</i>	means the <i>Local Government Act 2020</i>
<i>Advisory committee</i>	means a committee established by the Council, that provides advice to: <ul style="list-style-type: none"> a) the Council; or b) a member of Council staff who has been delegated a power, duty or function of the Council; that is not a Delegated Committee.
<i>Agenda</i>	means a document containing the date, time, and place of a Meeting, and a list of business to be transacted at the meeting
<i>Attend, in attendance</i>	Includes attendance (participation) by electronic means
<i>Audit and Risk Committee</i>	means the Audit and Risk Committee established by a Council under section 53 of the Act
<i>Chairperson</i>	means the person who chairs a meeting of the Council, Delegated Committee, Community Asset Committee, or Advisory Committee, and includes an acting, temporary or substitute Chairperson
<i>Chamber</i>	means any room where the Council holds a Council meeting
<i>Chief Executive Officer</i>	means the person occupying the office of Chief Executive Officer of Council, or any person acting in that position during their absence
<i>Code of Conduct</i>	has the same meaning as in the Act
<i>Community Asset Committee</i>	means a Community Asset Committee established under s65 of the Act
<i>Council</i>	means the Towong Shire Council
<i>Councillor</i>	means a person who is an elected member of the Council
<i>Council meeting</i>	means a meeting of the Council, comprised entirely of Councillors, held in accordance with s61(1) of the Act and held in accordance with these Governance Rules, and includes both Ordinary (scheduled) and Special (unscheduled) Meetings, whether held face-to-face in a physical location, wholly by electronic means, or in a hybrid format including both in-person attendance at a physical location and attendance by electronic means.
<i>Delegate</i>	means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation
<i>Delegated Committee</i>	has the same meaning as established under s63 of the Act, whether held face-to-face in a physical location, wholly by electronic means, or in a hybrid format including both in-person attendance at a physical location and attendance by electronic means.
<i>Delegated Committee Meeting</i>	means a Meeting of a Delegated Committee
<i>Deputy Mayor</i>	means the Deputy Mayor of the Council, or any person appointed by Council to act as Deputy Mayor
<i>Disorder</i>	means any disorderly conduct of a member of the Gallery or a Councillor and includes:

- interjecting when another person is speaking, except in the case of where a Councillor is raising a Point of Order;
- making comments that are defamatory, malicious, abusive or offensive;
- refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and

engaging in any other conduct which prevents the orderly conduct of the Meeting

<i>Division</i>	means a formal count and record taken of those for and against a motion
<i>Foreshadowed Item</i>	means a matter raised in the relevant section of the Council Meeting that a Councillor intends to submit a Notice of Motion for the next Council Meeting
<i>Joint letter</i>	means a formal application to Council in the form of a letter which has been signed by at least ten people or executive/committee representatives from ten separate entities whose names and physical addresses also appear on the letter. A letter from a single entity or organisation that is signed by multiple parties from that organisation or entity will not be classed as a joint letter;
<i>Location</i>	The location of a meeting may be a physical address, or, where a meeting is held wholly electronically, it will be livestreamed on the Council's website www.towong.vic.gov.au .
<i>Lot</i>	means a decision or choice made by drawing a card from a container
<i>Mayor</i>	means the Mayor of Council, or any person acting in that position during their absence
<i>Minister</i>	means the Minister responsible for administering the Act (Minister for Local Government)
<i>Minutes</i>	means the official record of the proceedings and decisions of a Meeting
<i>Motion</i>	means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted
<i>Municipal district</i>	means the municipal district of Council
<i>Notice of Motion</i>	means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting
<i>Notice of Rescission</i>	means a Notice of Motion to rescind a resolution made by Council
<i>Offence</i>	means an act or default contrary to the Governance Rules
<i>On Notice</i>	means held or deferred to enable preparation of a response
<i>Ordinary meeting</i>	means any meeting of Council which is not a Special meeting
<i>Penalty unit</i>	has the meaning ascribed to it by section 110(2) of the <i>Sentencing Act 1991</i>
<i>Petition</i>	means a formal written application addressed to Council, submitted in printed or electronic format without erasure, signed or electronically endorsed by at least ten people whose names and physical addresses also appear, and on which each page of the petition bears the wording of the whole of the petition

<i>Point of Order</i>	means a procedural point about how the Meeting is being conducted, not involving the substance of a matter before a Meeting
<i>Present</i>	Includes being present (participating) by electronic means
<i>Preside</i>	means to act as Chairperson of the Council Meeting
<i>Procedural Motion</i>	means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision
<i>Public notice</i>	means a notice published in one or more of the following locations: <ul style="list-style-type: none"> a. Council's website; b. in a newspaper generally circulating in the municipal district of the Council
<i>Resolution</i>	means a motion moved, seconded and carried by a vote of the meeting
<i>Special meeting</i>	means an extra-Ordinary meeting of Council convened for a particular purpose that cannot be effectively dealt with in the schedule or Ordinary Council meetings set by Council
<i>Suspension of standing orders</i>	means the suspension of the provisions of these Governance Rules to facilitate full discussion of an issue without formal constraints
<i>s# or s#(#)</i>	Reference to a section in the Act
<i>Urgent Business</i>	means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next Meeting

Chapter 2 Procedure for election of Mayor and Deputy Mayor

PART A BACKGROUND

A1 Overview

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

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

A2 Timing

Election of a councillor to the office of Mayor must occur no later than one month after the date of a general election. In following years, the next election of the Mayor must be held on a day that is as close to the end of the term of Mayor as possible.

At all other times after a vacancy in the office of the Mayor, an election must be held within one month of the vacancy occurring.

A3 Meeting format

The election of the Mayor must take place at an in person meeting of the Council that is open to the public. The Chief Executive Officer will preside at the election of a councillor to the office of Mayor noting that the Chief Executive Officer has no voting rights.

The elected Mayor will then preside over the election of Deputy Mayor.

A4 Term of office

Prior to the election of the Mayor, the Council must resolve to elect a councillor to the office of Mayor for a term of one year or two years.

A5 Nominations

Subject to s167 of the Act, any councillor is eligible for election or re-election to the office of Mayor. Candidates must be nominated by another councillor.

A nomination must be seconded to be eligible to be put to a vote. A councillor nominated may accept or refuse the nomination. Only accepted nominations will be put to a vote.

A nominator may only nominate one councillor and a seconder may only second one nomination.

A6 Sole candidate must be elected

If only one Councillor is a candidate, they must be duly elected.

A7 Voting

Councillors present at the time of voting must vote. There must be a quorum present at the meeting to enable a vote to be taken.

Voting for the election of Mayor and Deputy Mayor is by a show of hands or such other visual or audible means as the Chief Executive Officer determines.

A8 Absolute majority requirement

An absolute majority of votes is required to be elected, meaning at least half the total number of Councillors of the Council. There are no casting votes.

A9 Deputy Mayor

A council may establish an office of Deputy Mayor in accordance with s20A of the Act.

Where a council chooses not to elect a Deputy Mayor, it must follow the provisions of s20B of the Act and appoint an Acting Mayor in accordance with that section if:

- (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) the office of Mayor is vacant.

Council has historically:

- appointed a councillor to the office of Deputy Mayor to fulfil the requirements of section 20A of the Act, that is a councillor to act on behalf of the Mayor; and
- aligned the length of the term of the Deputy Mayor to that of the office of the Mayor.

It is assumed for the purpose of this procedure that the historical precedence will be maintained.

PART B DETAILED STEPS, PROCEDURES AND ACTIONS

B1 Term of office of the Mayor

B1.1 The Chief Executive Officer will request a motion on the term of the office of the Mayor.

B1.2 The term must be either one year or two years.

B2 Nominations

B2.1 The Chief Executive Officer will invite nominations for the office of Mayor.

B2.2 The Chief Executive Officer will ask for a seconder for each nomination.

B2.2.1 If a seconder is not forthcoming the nomination lapses.

B2.2.2 If a nomination is seconded, the Chief Executive Officer will ask the nominated councillor if they accept the nomination.

- (a) If the nominated councillor refuses the nomination the nomination lapses.
- (b) If the nominated councillor accepts the nomination, the nomination is put to the vote.

B3 Voting: when only one nomination is received

B3.1 If only one nomination (seconded and accepted) is received, a vote is not taken and the councillor nominated will be declared elected to the office of Mayor.

B4 Voting: when two nominations are received

- B4.1 The Chief Executive Officer will invite each councillor nominated (in the order that the nominations were received) to address the Council for no more than five minutes.
- B4.2 The Chief Executive Officer will put each nomination to the vote in the order that the nominations were received.
- B4.2.1 If one of the nominees receives a majority of votes, they will be declared elected to the office of Mayor.
- B4.2.2 In the event that the vote results in an equality of votes, the Chief Executive Officer will conduct a Lot (refer to B6) to determine which nominee is declared elected to the office of Mayor.

B5 Voting: when more than two nominations are received

- B5.1 The Chief Executive Officer will invite each councillor nominated (in the order that the nominations were received) to address the Council for no more than five minutes.
- B5.2 The Chief Executive Officer will put each nomination to the vote in the order that the nominations were received.
- B5.2.1 If one of the nominees receives a majority of votes, they will be declared elected to the office of Mayor.
- B5.2.2 In the event that the vote results in no nominee receiving a majority of the votes, either:
- a. where one nominee clearly has the lowest number of votes, the Chief Executive Officer will:
 - Eliminate the nominee with the lowest number of votes from the election.
 - Put each of the remaining nominations to the vote in the order that the nominations were received and the nominee that receives a majority of the votes will be declared elected to the office of Mayor.

OR

- b. where two or more nominees have the equal lowest number of votes the Chief Executive Officer will:
 - Conduct a Lot to determine which nominee is eliminated.
 - Put each of the remaining nominations to the vote in the order that the nominations were received and the nominee that receives a majority of the votes will be declared elected to the office of Mayor.

OR

- c. where three nominees have an equal number of votes, the Chief Executive Officer will:
 - Conduct a Lot to determine which nominee is eliminated.
 - Put each of the remaining nominations to the vote in the order that the nominations were received and where:
 - one of the nominees receives a majority of the votes, they will be declared elected to the office of Mayor;

OR

- where the nominees have an equal number of votes the Chief Executive Officer will conduct a Lot to determine which nominee is declared elected to the office of Mayor.

B6 Determination by lot

- B6.1 In the event that two or more nominees have an equal number of votes and a determination by lot is required, the Chief Executive Officer will conduct the Lot to declare the nominee either elected or eliminated as the case requires.
- B6.2 The following process for the lot will apply:
- B6.2.1 For every nominee who receives an equal number of votes, and is therefore subject to the lot, an identical card will be placed in a container.
 - B6.2.2 Each nominee will draw one card from the container in the order that the nominations were received;
- B6.3 Where the lot is being conducted to determine who is an eliminated nominee:
- B6.3.1 the word 'eliminated' will be imprinted on one of the cards; and
 - B6.3.2 the nominee who draws the card with the word 'eliminated' on it will be declared as an eliminated nominee.
- B6.4 Where the lot is being conducted to determine which nominee is to be elected:
- B6.4.1 the word 'elected' will be imprinted on one of the cards; and
 - B6.4.2 the nominee who draws the card with the word 'elected' on it will be declared elected to the office of Mayor.

B7 Statement by outgoing Mayor

The Chief Executive Officer will invite the outgoing Mayor to address the Council.

B8 Statement by incoming Mayor

The Chief Executive Officer will invite the incoming Mayor to address the Council.

B9 Mayor to take Chair

The Mayor must take the Chair of the meeting immediately after being elected and preside over the balance of the business to be transacted at the meeting including the matters relating to the office of Deputy Mayor.

B10 Office of Deputy Mayor

The Mayor will conduct an election for the office of Deputy Mayor using the procedures detailed under sections 1 to 6 of this procedure (replacing the words Mayor with Deputy Mayor and Chief Executive Officer with Mayor as required).

Chapter 3 Meeting procedure for Council meetings

PART A INTRODUCTION

A1 Purpose of Council meetings

- A1.1 Council holds Ordinary (scheduled) and when required, Special (unscheduled) meetings to conduct the business of Council.
- A1.2 Council is committed to transparency in decision making, and in accordance with s66 of the Act, Council meetings are open to the public and the community are able to attend.
- A1.3 Meetings will only be closed to members of the public if:
 - a. There are clear reasons for particular matters to remain confidential; 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.

PART B MEETING ROLES

B1 Chairperson and Councillors

- B1.1 The Chairperson and Councillors will ensure good Council decision-making by endeavouring to ensure:
 - a. Decision making is transparent to members and observers;
 - b. Meeting members have sufficient information to make good decisions;
 - c. Every councillor is able to contribute to decision making;
 - d. Any person whose rights are affected has their interests considered;
 - e. Debate and discussion is focussed on the issues at hand;
 - f. Meetings are conducted in an orderly manner;
 - g. Decisions are made on the merits of the matter.

B2 Mayor to take the Chair

- B2.1 In accordance with s61 and s63 of the Act, the Mayor must take the Chair at all Council meetings at which the Mayor is present.
- B2.2 If the Mayor is not in attendance at a Council meeting, the Deputy Mayor must take the Chair.
- B2.3 If the Mayor and Deputy Mayor are not in attendance at a Council meeting, Council must appoint one of the Councillors as Chairperson of the meeting by resolution.

B3 Chairperson’s duties and discretions

- B3.1 In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:
- a. Must not accept any Motion, question or statement which is:
 - Vague or ambiguous;
 - Defamatory, malicious, abusive or objectionable in language or substance; or
 - Outside the powers of Council.
 - b. Must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
 - c. Must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council;
 - d. May direct that a vote be recounted to be satisfied of the result; and
 - e. Must decide on all points of order.

PART C NOTICES OF MEETINGS AND AGENDA

C1 Scheduling of Ordinary Council meetings

- C1.1 The date, time and locations of Ordinary Council meetings will be fixed by Council from time to time.
- C1.2 Notwithstanding sub-clause (C1.1) the date, time and location of a Council meeting may be altered by:
- a. Council resolution, or
 - b. the Chief Executive Officer may change the date, time and place of, or cancel, any Council meeting which has been fixed.
 - c. Public notice of any change of schedule must be made in accordance with sub-sections (C1.3) and (C1.4).
- C1.3 A schedule of Council meetings must be prepared and published on Council’s website at least once a year, and with such frequency as the Chief Executive Officer determines.
- C1.4 Public notice of upcoming Ordinary Council meetings must be given in accordance with Rule C3.

C2 Special Council meetings

- C2.1 A Special Council meeting, outside the Schedule set in rule C1, may be called in the following manner:
- a. By resolution of the Council; or
 - b. By written notice from the Mayor; or
 - c. By written notice from at least three Councillors; or
 - d. By the Chief Executive Officer immediately following a general election to allow:
 - i. Councillors to take their oath or affirmation of office, or
 - ii. An Election of Mayor or Deputy Mayor.
- C2.2 The resolution or written notice must specify:
- a. The date, time and location of the Special Council meeting; and
 - b. The business to be transacted.
- C2.3 The resolution or written notice in sub-section C2.2 must be provided to the Chief Executive Officer to allow sufficient time for public notice and preparation of the agenda.
- C2.4 Public notice, containing the items specified in the resolution or written notice, should be given in accordance with rule C3.
- C2.5 The Chief Executive Officer must convene the Special Council meeting in accordance with the resolution or written notice.
- C2.6 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the resolution or written notice is to be transacted.

C3 Public notice of Council meetings

- C3.1 Unless urgent or extraordinary circumstances apply, Council must at least six days before the holding of any type of Council meeting, give public notice of the date, time and location of the meeting.
- C3.2 If urgent or extraordinary circumstances prevent Council from complying with sub-section C3.1 the Council must:
- a. Give such public notice as is practicable; and
 - b. Specify the urgent or extraordinary circumstances which prevented the Council from complying with sub-section C3.1.

C4 Order of business

C4.1 The Chief Executive Officer is responsible for determining the order and content of business of any Council meeting.

C4.2 A notice of a meeting, incorporating or accompanied by an agenda and the business to be dealt with, must state:

- a. the date, time and location of the meeting; and
- b. the business to be dealt with.

No business may be conducted at an Ordinary meeting of Council unless it is business notice of which has been given either by:

- a. inclusion in the agenda, or
- b. any report accompanying the agenda, or
- c. in a notice of motion,

provided that the Council may resolve to admit (without such notice) an item considered to be urgent business, not being a matter which required that notice shall be given.

C5 Agenda distribution

C5.1 This clause applies to both Ordinary and Special Council meetings.

C5.2 At least 48 hours before a meeting is scheduled to occur, an agenda incorporating the business to be dealt with must be:

- a. Delivered to each Councillor by electronic means; and
- b. Published on Council's website.

C5.3 If it is not possible to comply with sub-rule C5.2 for any reason, the Chief Executive Officer must ensure delivery and publication of the agenda as soon as reasonably possible.

C6 Time limit for meetings

C6.1 Council meetings must conclude no later than 3 hours after commencement unless a resolution is carried to extend the meeting.

C6.2 Any resolution to extend a meeting will be for no longer than 30 minutes. Once the meeting reaches the conclusion of the 30 minute extension, a further resolution to extend the meeting must be carried.

C6.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and location to be announced by the Chairperson.

C6.4 No meeting shall continue longer than 4 hours after commencement. If a meeting continues for 4 hours after commencement, the Chairperson must adjourn the meeting.

C6.5 The Chief Executive Officer must give notice to each Councillor of the date, time and location to which the meeting stands adjourned and of the business remaining to be considered.

PART D APOLOGIES AND ABSENCES

D1 Apologies

D1.1 Councillors who are unable to attend a meeting may submit an apology:

- a. To the Chairperson, who will advise the meeting; or

b. By seeking another Councillor to submit it at the meeting on their behalf.

D1.2 An apology submitted to a meeting will be recorded in the minutes.

D2 Leave of absence

D2.1 A Councillor intending to take a leave of absence should formally advise the Mayor and Chief Executive Officer.

D2.2 The Chief Executive Officer will include any leave of absence request received in the agenda of the next Council meeting.

D2.3 A leave of absence not included in a Council meeting agenda may still be considered by Council if a formal request has been received by the Mayor and Chief Executive Officer prior to the meeting.

D2.4 Council will not unreasonably withhold its approval of a leave of absence request.

D2.5 A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council meeting will be recorded as absent.

PART E QUORUMS

E1 Quorum to be present

E1.1 No business may be conducted at any Council meeting unless a quorum is present.

E1.2 Quorum means presence by a majority of Councillors.

E1.3 A Councillor present by electronic means is deemed present for the purposes of a quorum as long as they satisfy the mode of attendance requirements at Rule G2.

E2 Inability to achieve or maintain a quorum

E2.1 If no quorum can be obtained or maintained within 45 minutes of the Council meeting commencing or the quorum being lost, the Chief Executive Officer must adjourn the meeting to another date and time.

E2.2 Unless the Meeting is adjourned to a later time on the same day, the Chief Executive Officer or delegate, must give notice of the adjourned meeting in accordance with rule C3 and C5.

E3 Inability to achieve or maintain a quorum due to Conflicts of Interest

E3.1 The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an agenda for a future Council meeting. The Chief Executive Officer must give notice of the adjourned meeting in accordance with rule C3 and C5.

E3.2 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interest by the majority of Councillors, Council will:

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

b. Determine to make decisions on separate parts of the matter at a meeting where a quorum can be maintained, before making a decision on the whole matter at a meeting for which a quorum can be maintained.

PART F DURING A COUNCIL MEETING

F1 Confirmation of minutes

- F1.1 At every Ordinary meeting of the Council the minutes of the previous meetings must be dealt with as follows:
- a. if the minutes have been delivered to each Councillor at least 48 hours before the meeting a motion must be passed for confirmation of the minutes; or
 - b. if the minutes have not been so delivered the minutes must be read and a motion must be passed for confirmation of the minutes.
- F1.2 No discussion is permitted on the minutes except as to their accuracy as a record of proceedings.

F2 Addressing the Council meeting

- F2.1 Councillors and any other person addressing the Chairperson must refer to them as:
- a. 'Madam Mayor'; or
 - b. 'Mr Mayor'; or
 - c. 'Madam Chair'; or
 - d. 'Mr Chair' -
- as the case may be.
- F2.2 All Councillors other than the Mayor must be addressed as Councillor (surname).
- F2.3 All members of Council staff must be addressed as Mr or Ms (surname) as appropriate or by their official title.

F3 Priority of address

- F3.1 In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard.

F4 Seeking clarification or asking questions of officers

- F4.1 Officers will support the meeting process through provision of reports for the agenda and Councillors should make every effort to seek clarification from officers in advance of the meeting.
- F4.2 Where Councillors need to seek clarification by asking questions of officers during the meeting, that were not able to be asked prior to the meeting, such questions need to be:
- a. Directed through the Chairperson;
 - b. Relevant to an item on the agenda;
 - c. Seeking genuine clarification of a matter that is not already addressed in the officer's report;
 - d. Not objectionable in language, nature or tone;
 - e. Not intended to draw officers into debating a matter or justifying a recommendation; and
 - f. Not seeking re-iteration of an answer that was provided prior to the meeting;
 - g. Not designed to canvass matters or disseminate information to the public.
- F4.3 Questions are not to be asked between moving and seconding a motion except to seek clarification on the motion received.

F5 Motions

- F5.1 Motions must be clear and unambiguous and not be defamatory or objectionable in language or nature.
- F5.2 The Chairperson may require motions to be put in writing.
- F5.3 Where a motion contains more than one part, the Chairperson may put the motion to the vote in separate parts.

F6 Procedure for moving a motion

- F6.1 The mover must state the nature of the motion.
- F6.2 The Chairperson must call for a seconder unless the motion is a call to enforce a point of order.
- F6.3 If there is no seconder the motion lapses.
- F6.4 If there is a seconder then the Chairperson must call the mover to address the meeting.
- F6.5 After the mover has addressed the meeting the seconder may address the meeting.
- F6.6 After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting) the Chairperson must call upon any Councillor who wishes to speak against the motion.
- F6.7 If no Councillor speaks against the motion then the Chairperson may put the motion or call any other member to speak.

F7 Procedure for moving an amendment

- F7.1 Any Councillor may move or second an amendment.
- F7.2 A Councillor may speak once on the motion and once on any amendment, except for the mover of an original motion which has not been amended (but not of an amendment) who has a right of reply after which the motion must be put to the meeting for decision.
- F7.3 A Councillor may be permitted by the Chairperson or by resolution to speak more than once to explain that the Councillor has been misrepresented or misunderstood.
- F7.4 A Councillor calling the attention of the Chairperson to a point of order is not regarded as speaking to the motion or the amendment.
- F7.5 No motion or amendment may be withdrawn without the consent of the meeting.
- F7.6 Amendments must be dealt with one at a time.
- F7.7 An amendment must not be considered until any previous amendment is decided upon.

F8 Conduct of debate

- F8.1 A Councillor must address the Chairperson to move a motion, amendment or take part in the debate.
- F8.2 Councillors and members of staff must designate each other by their official titles.
- F8.3 Once acknowledged by the Chairperson the Councillor has the floor and must not be interrupted unless called to order or time has expired.
- F8.4 Debate must be relevant to the motion, and if not, the Chairperson must request the speaker to confine debate to the motion.

F9 Time limits

F9.1 No Councillor may speak longer than the time set out below unless granted an extension by the meeting:

- | | |
|--|-----------|
| a. The mover of a motion | 5 minutes |
| b. Any other member | 3 minutes |
| c. The mover of a motion exercising a right of reply | 2 minutes |

F10 Voting

F10.1 All voting on matters is by show of hands or such other visible or audible means as the Chairperson determines.

F10.2 Where a Councillor intends to abstain from voting on a matter the Councillor must indicate to the Chairperson that he / she is abstaining from voting.

F10.3 If there is an equal division of votes upon any matter, other than the election of the Mayor or Deputy Mayor, the Chairperson at such meeting shall in addition to a vote as a Councillor have a second or casting vote.

F10.4 A councillor may, after a vote on a motion or amendment has been taken, request that their opposition or support of the motion or amendment be recorded in the minutes of the meeting.

F11 Divisions

F11.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

F11.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

F11.3 When a division is called by a Councillor the vote must be taken by Councillors voting in an affirmative and then by those voting in the negative. The Chairperson must declare the result.

F11.4 The Chief Executive Officer must record in the minutes the names of Councillors and whether they voted for or against.

F12 No discussion once declared

F12.1 Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

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

For example, Rule F12 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule F12 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule F12.1b, to discussion about a positive motion were a resolution has just been rescinded.

F13 Points of order

F13.1 A point of order is an objection that the motion, amendment or statement made is:

- a. Contrary to these Governance Rules;
- b. Defamatory;
- c. Irrelevant;
- d. Improper; or
- e. Outside Council’s legal powers and may be made despite the fact that the Councillor or Chairperson is speaking at the time.

F13.2 A point of order must be taken by stating:

- a. The matter complained of; and
- b. The reason constituting the point of order;

F13.3 The Chairperson may raise a point of order without it having been made by a Councillor.

F13.4 When called to order, a Councillor must remain silent until the point of order is decided unless he or she is requested by the Chairperson to provide an explanation.

F13.5 The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.

F13.6 The Chairperson must, when ruling on a point of order, give reasons for the ruling.

F13.7 The Chairperson’s ruling shall be final unless the majority of Councillors present at the meeting vote in favour of a motion of dissent that is moved and seconded immediately after the Chair’s ruling is given.

F13.8 A motion of dissent must state the provision or practice in substitution for the Chair’s ruling.

F13.9 A motion of dissent that is carried must be acted upon by the Chair.

F13.10 Only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of reply.

F13.11 The Chairperson is not required to vacate the Chair.

F14 Procedural motions

F14.1 A procedural motion may be moved at any time during a meeting and must be immediately dealt with.

F14.2 A procedural motion may be refused by the Chair.

F14.3 A procedural motion requires a seconder.

F14.4 Debate on a procedural motion is not permitted with the exception of a meeting closure under section 66(2)(a) of the Act, or that debate on a matter be deferred until a later meeting.

F14.5 A Councillor may move a procedural motion that:

- a. 'a report/document be tabled';
- b. 'the Agenda item/s be moved forward';
- c. 'the motion be put';
- d. 'the matter be laid on the table';
- e. 'the matter be taken from the table';
- f. 'the meeting be adjourned';
- g. 'standing orders be suspended';
- h. 'standing orders be resumed';
- i. 'the meeting be closed to the public';
- j. 'the meeting be reopened to the public';
- k. 'the Chair's ruling be dissented from';
- l. 'the debate on the matter be deferred' -
- m. which are outlined further in Schedule D.

F15 Urgent business

F15.1 Business must not be admitted as urgent business unless:

- a. It relates to or arises out of a matter which has arisen since distribution of the agenda; and
- b. It cannot safely or conveniently be deferred until the next Council meeting; and
- c. The Council resolves to admit an item considered to be urgent business.

F15.2 Items of urgent business are to be supported by an officer's report.

F15.3 Notices of motion will not be admitted into urgent business and will be dealt with in accordance with Rule F16.

F15.4 Unless a majority of Councillors present resolve to deal with another matter as urgent business, no business can be transacted at a Council meeting unless it appears on the agenda.

F16 Notice of motion

F16.1 A notice of motion must:

- a. identify two supporting Councillors who are not obliged to move, second or vote in favour of the motion but are of the opinion that the proposed motion relates to a matter sufficiently important that it warrants formal consideration by Council;
- b. briefly explain the rationale for the proposed motion; and
- c. be lodged in the format provided for this purpose as appearing in Schedule B of these Governance Rules, either electronically or in writing, with the Chief Executive Officer by 5pm on the seventh working day prior to the date of the meeting to allow sufficient time for the notice of motion to be included in the Agenda for the next Council meeting.

F16.2 Any supporting documentation must be attached to the notice of motion for inclusion in the agenda, but must not be more than 500 words inclusive of the proposed motion.

F16.3 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.

F16.4 The Chief Executive Officer may reject any notice of motion which:

- a. is the same as, or similar intent to, a notice of motion or other motion (including lost and lapsed motions) that has been considered by Council in the preceding six (6) months;
- b. is vague or unclear in intention;
- c. is defamatory;
- d. may be prejudicial to any person or Council;
- e. is objectionable in language or nature;
- f. is outside the powers of Council;
- g. is submitted during an Election Period; or
- h. if passed would result in Council otherwise acting invalidly,

But must give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so.

F16.5 Except by resolution of Council, notices of motion before any Council meeting must be considered in the order in which they were recorded in the notice of motion register.

F16.6 To assist Councillors to make an informed decision regarding a notice of motion, the Chief Executive Officer must provide a written report prior to the meeting at which the notice of motion is to be considered, however the report is not to contain a recommendation.

F16.7 If both Councillors who have given a notice of motion:

- a. are absent from the Council meeting; or
 - b. fail to move the motion when called upon by the Chair;
- any other Councillor may move the notice of motion.

F16.8 If a notice of motion is not moved and seconded at the Council meeting for which it was included on the agenda, it lapses.

F16.9 Before the notice of motion is put to the vote, it may be withdrawn by the two supporting Councillors.

F17 Revocation or alteration of previous resolution (notice of rescission)

F17.1 A Councillor may propose a motion to amend or rescind a previous resolution of Council provided the notice of motion is signed by two Councillors and delivered to the Chief Executive Officer no later than 72 hours following the meeting of Council at which the resolution proposed to be rescinded or amended was adopted.

F17.2 Notices of motion to rescind or amend a previous resolution of Council are to be lodged in the format provided for this purpose as appearing in Schedule C.

F17.3 No action will be taken to implement a resolution on which a notice to rescind or amend the resolution has been given pursuant to clause F17.1.

F17.4 A notice of motion to rescind or amend a previous resolution of Council shall be deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted.

F17.5 A Councillor may not propose a motion to rescind or amend a resolution of the Council which has been acted upon.

F17.6 A resolution will be considered as having been acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has commenced or been carried out.

F17.7 A second or subsequent notice to rescind or amend an earlier resolution must not be accepted by the Chief Executive Officer until a period of three months has elapsed since the date of the meeting at which the previous motion of rescission or amendment was dealt with.

F18 Foreshadowed motions

F18.1 At any time during debate a Councillor may foreshadow a motion, so as to inform Council of their intention to move a motion at a later stage in the meeting.

F18.2 Foreshadowing a motion does not extend any special right to the motion.

F18.3 The Chairperson is not obliged to accept foreshadowed motions.

F19 Behaviour

F19.1 Suspension

F19.1.1 Council may suspend from a meeting and for the balance of the meeting any Councillor, or member of the public gallery, whose actions have disrupted the business of the Council and impeded its orderly conduct.

F19.2 Removal from chamber

F19.2.1 The Chairperson, or the Council in the case of a suspension, may ask a senior member of Staff or a member of the police force to remove from the chamber any person whose behaviour disrupts any meeting or fails to comply with a direction from the Chair.

F19.3 Chairperson may close a meeting to the public gallery

F19.3.1 In accordance with s66(2)(b) and s66(2)(c) of the Act, a Chairperson may close a meeting to the public gallery where there are security reasons, or to enable the meeting to proceed in an orderly manner.

F19.3.2 Where a meeting is closed as such, the meeting must be or continue to be livestreamed and recorded, in accordance with s66(3) of the Act.

F19.4 Chairperson may adjourn disorderly meeting

F19.4.1 If the Chairperson is of the opinion that disorder at the Council table or in the public gallery makes it desirable to adjourn the Council meeting, he or she may adjourn the meeting to a later time on the same day, or to some later day as they think proper.

F19.4.2 In the event that a meeting is adjourned, the Chief Executive Officer must provide notice to each Councillor and provide public notice of the date, time and place of the meeting, and the business remaining to be transacted.

PART G OTHER MATTERS

G1 Recording of council meetings

- G1.1 Except where Council conducts the recording, no video or audio recording of proceedings of Council meetings shall be permitted without specific approval by resolution of the meeting.
- G1.2 Council meetings may be made available to the public in a livestreamed format via its website: www.towong.vic.gov.au. Any Council recordings of open Council meetings will subsequently be made available to the public via the website.
- G1.3 Where a meeting or part of a meeting is closed to the public to consider confidential information, the meeting or part of a meeting will not be recorded or livestreamed.

G2 Mode of attendance

- G2.1 Council meetings may be conducted and attended:
 - a. wholly in person;
 - b. wholly by electronic means;
 - c. partially in person and partially by electronic means.
- G2.2 If the meeting is being conducted wholly or partially in person, the notice of meeting must specify the location of the meeting as being the location where the public gallery is being held.
- G2.3 If the meeting is to be held wholly by electronic means with no physical public gallery available, it must be livestreamed.
- G2.4 Council must endeavour to meet wholly in person where possible before electronic attendance is considered, unless in accordance with a Council resolution for an alternative preference in specified circumstances.
- G2.5 A Councillor may request to attend an otherwise in person meeting by electronic means.
- G2.6 Any request under G2.5 must:
 - a. be in writing;
 - b. be given to the Chief Executive Officer no later than one hour prior to the commencement of the relevant Council meeting;
 - c. specify the reason(s) why the Councillor is unable or does not wish to attend the Council meeting in person.
- G2.7 Any request under G2.5 is to be considered at the beginning of the meeting. Council may approve and must not unreasonably refuse any request.
- G2.8 A Councillor who attends a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the Council meeting.
- G2.9 Without detracting from anything in sub-rule G2.6, a Councillor who is attending a meeting by electronic means must be able to:
 - a. hear the proceedings;
 - b. see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;
 - c. be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting; and

d. be heard when they speak.

G2.10 If the conditions of sub-rule G2.8 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:

- a. the Council meeting will nonetheless proceed as long as a quorum is present;
- b. the relevant Councillor (or Councillors) will be treated as being absent from the Council meeting or part of the Council meeting;

unless the Council meeting has been adjourned in accordance with these Governance Rules.

G2.11 When determining must a meeting must be adjourned in sub-rule G2.10, Council must consider rule E2 "Inability to achieve or maintain a quorum".

G2.12 For any Councillor who is present at the commencement of a Council meeting, but becomes absent in accordance with sub-rule G2.9, the period of absence must be noted in the Council meeting minutes.

G2.13 Nothing in G2 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with G2.9 even if the Council meeting has already commenced or has continued in their absence.

G2.14 If a Council meeting is conducted wholly or partially by electronic means, the Chairperson may, with the consent of the meeting, modify the application of any of the rules in this Chapter to facilitate the more effective and efficient transaction of the business of the meeting.

G3 Petitions and joint letters

G3.1 A petition or joint letter must be presented to the next available meeting of Council where the petition or joint letter is received at least seven business days before the meeting of Council.

- a. be clear, and on each signatory page contain a statement which outlines the matter and action sought from Council;
- b. not be derogatory, defamatory, or objectionable in language or nature;
- c. not relate to matters outside the functions and powers of Council; and
- d. contain the names, addresses and original signatures of at least ten (10) people.

G3.2 The Chairperson may disallow any petition or joint letter which is considered to:

- a. Relate to a matter beyond the power or duties of Council;
- b. Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
- c. Be confidential in nature or of legal significance;
- d. Be repetitive of a question already answered (whether at the same or any earlier meeting);
- e. Be aimed to embarrass a Councillor or member of Council staff;
- f. Relate to personnel matters;
- g. Relate to the personal hardship of any resident or ratepayer;
- h. Relate to proposed developments or legal advice;
- i. Relate to matters affecting the security of Council property;
- j. Relate to a matter which has already been acted on;
- k. Relate to any other matter which Council considers would prejudice the Council or any person; or
- l. Relate to a matter for which there is already a primary avenue of redress such as planning permits or amendments which will be addressed through the planning submissions process.

- G3.3 Any signature appearing on a page which does not bear the text of the whole of the petition or request as outlined in G2.2 may not be considered by Council, unless it is specifically resolved by Council to receive the petition or joint letter in a non-conforming format.
- G3.4 When a petition or joint letter presented to a meeting of the Council relates to a planning application, it will be received by Council at the next available Council meeting and subsequently considered as a formal submission to the planning application whether the application is determined by Council or under delegation.
- G3.5 When a petition or joint letter presented to a meeting of the Council relates to an item of business on the agenda, the submission is to be considered by Council as part of its deliberations on such item.
- G3.6 Where a petition has been signed by less than ten (10) people, it may be treated as a joint letter, and forwarded directly to the appropriate member of Council staff for action as an operational item.
- G3.7 No petition shall be considered until the next ordinary meeting of the Council after that at which it was presented unless otherwise resolved by the Council.

G4 Public Question Time

- G4.1 There must be a public question time of up to 30 minutes, unless extended at the discretion of the Chair, at every Ordinary Council meeting fixed under rule C1 to enable members of the public to submit questions to Council, with the exception of the Council meeting held immediately before a general election.
- G4.2 Sub-rule G3.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the Act.
- G4.3 Questions with notice must be submitted to Council in writing by 2pm on the day before the meeting in accordance with Schedule A, or via the Public Question Time online form available on Council's website, stating the name, address, and telephone and email contact details of the person submitting the question.
- G4.4 During meetings where attendance is partially or wholly in person, questions without notice may be asked at the meeting with a written copy of the question to be tabled in a form approved or permitted by Council (in accordance with Schedule A) stating the name and address of the person asking the question, however questions without notice being accepted is at the discretion of the Chairperson.
- G4.5 All questions must be as brief as possible and no greater than 200 words in length, inclusive of any supporting or contextual information.
- G4.6 No person may submit more than two questions at any one meeting.
- G4.7 The Chairperson or a member of Council staff nominated by the Chairperson may read to those present at the meeting a question which has been submitted in accordance with this rule. The question and the name and address of the person who asked the question shall be read out and recorded in the minutes, unless requested otherwise on the Public Question Time form (Schedule A).
- G4.8 A question may be disallowed by the Chairperson if the Chairperson determines that it:
- is not related to an item on the agenda;
 - relates to a matter outside the duties, functions and powers of Council;
 - is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

- deals with a subject matter already answered;
- is aimed at embarrassing a Councillor or a member of Council staff;
- relates to confidential information as defined in s3 of the Act;
- relates to the personal hardship of any resident or ratepayer; or
- relates to any other matter which the Council considers would prejudice the Council or any person.

G4.9 No discussion shall be entered into in asking or responding to questions, other than through a request from a Councillor, directed through the Chair, for the purposes of clarification.

G4.10 All questions must be directed to Council as a whole and not to individual or specific Councillors.

G4.11 The Chairperson may answer a question or nominate a member of Council staff to briefly answer a question. Councillors, other than the Chair, will not answer any question relating to an item on the agenda.

G4.12 Every reasonable attempt will be made to substantively answer a question with notice at the meeting unless the person asking the question has been contacted beforehand and advised of the reason for the question not being answered at the meeting in which case the answer will be provided within five business days.

G4.13 Where multiple questions requiring broadly similar responses have been received, the Chairperson may read out one statement that answers the matters raised, without the need for each question to be read out individually. The questions and statement shall be recorded in the minutes.

G4.14 A Councillor, the Chief Executive Officer, or a member of staff may require a question to be put on notice. If a question is put on notice, an answer will be provided to the person who asked the question as soon as practical after the meeting.

G5 Form and availability of minutes

G5.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council meeting, and those minutes must record:

- a. The date, place, time and nature of the meeting;
- b. The names of the Councillors and whether they are present, an apology or on leave;
- c. The names and titles of the members of Council staff present, who are not part of the public gallery;
- d. Any disclosure of a conflict of interest made by a Councillor in accordance with the Act;
- e. the arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals);
- f. every Motion and amendment moved (including procedural Motions),
- g. the outcome of every Motion moved;
- h. where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
- i. when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any Motion, noting that under section 61(5) of the Act that a Councillor present at the meeting who does not vote is taken to have voted against the question;
- j. details of any failure to achieve or maintain a quorum;
- k. details of any petitions made to Council;

- l. the time and reason for any adjournment of the Meeting or suspension of standing orders;
 - m. any other matter, which the Chief Executive Officer thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes; and
 - n. the time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public.
- G5.2 Unconfirmed minutes of the Council meeting shall be displayed on Council's website no later than 5 business days after the Council meeting.
- G5.3 The Chief Executive Officer must ensure that the minutes of any Council meeting are published on Council's website and are available for inspection at Council's office during normal business hours.
- G5.4 At the request of a member of the public, a printed copy or an electronic version of the minutes may be made available.
- G5.5 In accordance with s66 of the Act, if a meeting is closed to the public to consider confidential information, the minutes must record the grounds for determining to close the meeting.

Chapter 4 Joint Council meetings

Regional collaboration can provide substantial benefits through activities such as joint procurement, joint projects, shared services, and combined advocacy. While on some collaborative matters it is possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as provided for in the Act.

- A1.1 Council may resolve to participate in a Joint Council meeting with one or more other Councils, in accordance with s62 of the Act.
- A1.2 Procedures for the holding of Joint Council meetings must be agreed on by the participating Councils prior to the meeting. The Chief Executive Officer may seek the agreement of the other Councils prior to the meeting.
- A1.3 Councils must elect to follow the Governance Rules of one nominated Council while holding Joint Council meetings.
- A1.4 Where Towong Shire Council is the lead Council calling the Joint Council meeting, the Towong Shire Council Mayor will be Chairperson of the Joint Meeting.
- A1.5 All Towong Shire Councillors must be invited to the Joint Council Meeting.
- A1.6 All Councillors from all participating councils must receive consistent information through pre-meeting briefings and agenda papers.
- A1.7 A joint briefing may be organised between Councils prior to the Joint Council meeting. This joint briefing may be held electronically.

Chapter 5 Meeting procedure for delegated committees

A1 Meeting procedure generally

A1.1 If Council establishes a delegated committee:

A1.1.1 all of the provisions of Chapter 3 apply to meetings of the delegated committee; and

A1.1.2 any reference in Chapter 3 to:

- a. a Council meeting is to be read as a reference to a delegated committee meeting;
- b. a Councillor is to be read as a reference to a member of the delegated committee; and
- c. the Mayor is to be read as a reference to the Chairperson of the delegated committee.

A2 Meeting procedure can be varied

A2.1 Notwithstanding rule 1, if Council establishes a delegated committee that is not composed solely of Councillors:

a. Council may; or

b. the delegated committee may, with the approval of Council

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the delegated committee, in which case the provision or those provisions will not apply until Council resolves, or the delegated committee with the approval of Council resolves, otherwise.

A3 Delegated committee Chairperson

A3.1 At the meeting at which Council establishes a delegated committee it must also appoint a Chairperson.

A3.2 The Chairperson of a delegated committee must be a councillor.

A3.3 For the avoidance of doubt, sub-rule (1) does not intend to limit the powers of the Mayor provided in the Act. The Act provides for the Mayor to appoint a Councillor as the Chairperson of a delegated committee and any such appointment prevails over any appointment made by Council.

Chapter 6 Meeting procedure for community asset committees and other committees under the auspices of Council

A1 Introduction

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

A2 Meeting procedure for community asset committees

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a community asset committee is in the discretion of the community asset committee.

A community asset committee must report the minutes of all committee meetings to the Chief Executive Officer.

A community asset committee must act in accordance with its adopted charter, instrument of delegation, and any terms of reference adopted by Council.

A3 Meeting procedure for other committees under the auspices of Council

A “meeting conducted under the auspices of Council” means a meeting of the kind described in section 131(1) of the Act, and includes:

- a. Councillor briefing sessions;
- b. Advisory committees formed by Council; and
- c. Reference groups formed by Council.

Unless anything in the terms of reference provide otherwise, the conduct of a meeting of a committee under the auspices of Council, is in the discretion of that committee.

A4 Meeting procedure for Council’s audit and risk committee

The governance rules do not apply to the audit and risk committee.

The audit and risk committee must comply with its own charter.

Chapter 7 Disclosure of conflicts of interest

1. Introduction

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

A1 Definition

In this chapter:

- A1.1 “meeting conducted under the auspices of Council” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule A3 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing Session’ or by some other name); and
- A1.2 a member of a delegated committee includes a Councillor.

A2 Obligations with regards to conflict of interest

Councillors, members of delegated committee, and Council staff are required to:

- a. Avoid all situations which may give rise to conflicts of interest;
- b. Identify any conflicts of interest; and
- c. Disclose or declare all conflicts of interest.

A3 Disclosure of a conflict of interest at a Council meeting

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

- A3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or
- A3.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:
- A3.2.1 advising of the conflict of interest;
 - A3.2.2 explaining the nature of the conflict of interest; and
 - A3.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
 - a. name of the other person;
 - b. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - c. 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 sub-Rule.

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

A4 Disclosure of conflict of interest at a delegated committee meeting

- A4.1 A member of a delegated committee who has a conflict of interest in a matter being considered at a delegated committee meeting must follow the procedure outlined in A3, where a reference to:
- a. a Council meeting is to be read as a reference to a delegated committee meeting;
 - b. a Councillor is to be read as a reference to a member of the delegated committee; and
 - c. the Chief Executive Officer is to be read as a reference to the Chairperson of the delegated committee.
- A4.2 The Chairperson of the delegated committee meeting must ensure that any conflicts of interest are included in the minutes of the meeting and forwarded to the Chief Executive Officer.

A5 Disclosure of a conflict of interest by a Councillor attending a community asset committee meeting, or any other meeting under the auspices of Council

A Councillor who has a conflict of interest in a matter being considered at a community asset committee meeting, or any other meeting under the auspices of Council, at which they are present must follow the procedure outlined in A3 where a reference to:

- (a) a Council meeting is to be read as a reference to a community asset committee meeting, or the relevant committee meeting at which the Councillor is present.

A6 Disclosure by members of Council staff preparing reports for meetings

- A6.1 A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a report for the consideration of a:
- a. Council meeting;
 - b. Delegated committee meeting;
 - c. Community asset committee meeting; or
 - d. Any other meeting under the auspices of Council
- 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.
- A6.2 The Chief Executive Officer must ensure that the report referred to in sub-rule 6.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.
- A6.3 If the member of Council staff referred to in sub-rule 6.1 is the Chief Executive Officer:
- A6.3.1 the written notice referred to in sub-rule 6.1 must be given to the Mayor; and
 - A6.3.2 the obligation imposed by sub-rule 6.2 may be discharged by any other member of Council staff responsible for the preparation of the report.

A7 Disclosure of conflict of interest by members of Council staff in the exercise of delegated power

- A7.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of

the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest.

A7.2 If the member of Council staff referred to in sub-rule 7.1 is the Chief Executive Officer the written notice must be given to the Mayor.

A8 Disclosure by a member of Council staff in the exercise of a statutory function

A8.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest.

A8.2 If the member of Council staff referred to in sub-rule 9.1 is the Chief Executive Officer the written notice must be given to the Mayor.

A9 Advice provided by a member of Council staff with a disclosed conflict of interest

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

- a. The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
- b. The staff member's Director determines that the conflict of interest has not influenced the advice provided; and
- c. The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

Where the staff member is a Director, the Chief Executive Officer must determine that the conflict of interest has not influenced the advice provided. Where the staff member is the Chief Executive Officer, this determination is to be made by the Mayor and one other Councillor.

A10 Retention of Written Notices

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

Chapter 8 Miscellaneous

A1 Informal meetings of Councillors

A1.1 If there is a meeting of Councillors that:

- A1.1.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- A1.1.2 is attended by at least one member of Council staff; and
- A1.1.3 is not a Council meeting, delegated committee meeting or community asset committee meeting,

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

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

A2 Confidential information

- A2.1 If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- A2.2 Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

Chapter 9 Election Period Policy

PART A PURPOSE

The purpose of this policy is to ensure that Towong Shire Council:

- Demonstrates compliance with the election period provisions of the *Local Government Act 2020* (the Act);
- Demonstrates that public resources are not used for election campaigning;
- Is aware of what can and cannot be done during the election period; and
- Continues to provide high standards of service to the community.

PART B SCOPE

This policy defines the practices and behaviours of Councillors, members of special committees, and Council staff during the election period.

Councillors must comply with this policy, regardless of whether they intend to nominate, or have already nominated, as candidates for the election.

In accordance with section 34(2)(d) of the Act, Council staff members who are candidates for election must comply with this policy and in addition:

- Take leave from their duties for the duration of the election period;
- Return any council equipment, including vehicles, telephones, computers, and documents or information which is not available to the public for the duration of the election period; and
- Immediately resign from their position upon election.

Other candidates for election are expected to comply with the obligations of this policy where they apply.

PART C POLICY DETAILS

C1 Election period

The 'election period' is defined by the Act as starting at the time that nominations close on nomination day, and ending at 6pm on election day.

The Chief Executive officer will ensure that all employees are informed of and understand the requirements of this policy.

C2 Misuse of position

Section 123(1) of the Act prohibits a person that is, or has been, a Councillor or a member of a delegated committee from using their position to gain advantage for themselves or another person, or to cause detriment to Council or another person.

Significant penalty units apply to this provision.

For the purposes of section 123(3) of the Act and this policy, misuse of position includes the following circumstances:

- Making improper use of information acquired as a result of the position the person held or holds; or
- Disclosing information that is confidential information within the meaning of the Act; or

- Directing or improperly influencing, or seeking to directly or improperly influence, a member of Council staff; or
- Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or
- Using public funds or resources in a manner that is improper or unauthorised; or
- Participating in a decision on a matter in which the person has a conflict of interest.

Section 124 further specifies that a Councillor must not intentionally direct, or seek to direct, a member of Council staff in the exercise of any power or in the performance of any duty or function.

C3 Decision making

It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. Council therefore commits to this principle in that it will make every endeavour to avoid making decisions that inappropriately bind the incoming Council.

This includes a commitment to not only comply with the requirements of section 69 of the Act, but to apply restrictions to the making of 'major policy decisions', 'inappropriate decisions', and 'significant decisions' as defined within this policy.

Council may hold a scheduled Council meeting during the election period, however no decisions specified in this policy may be made.

Scope exists for Council to hold an unscheduled Council meeting but only in the most urgent or extraordinary circumstances or for any statutory processes that may arise.

Prohibition on decisions

In accordance with s69(2) of the Act, Council is prohibited from a making decision during the election period for a general election, which:

- 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
- commits the Council to expenditure exceeding one percent (1%) of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- the Council considers could be reasonably deferred until the next Council is in place; or
- the Council considers should not be made during an election period.

In accordance with s69(3) of the Act, Council is prohibited from making a 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.

Decisions made in contravention of this policy

In accordance with s69(4) of the Act, any Council decision made in contravention of these specified prohibitions is invalid.

Decisions that Council considers could be reasonably deferred or should not be made during an election period

To provide context, Council will avoid making decisions during the election period that are of a significant nature and which would unnecessarily bind an incoming Council, or would use resources inappropriately during the election period. These include:

- Irrevocable decisions that commit the Council to substantial expenditure or major actions;
- Irrevocable decisions that will have a major impact on the municipality or the community;
- Decisions that would affect voting in an election; and
- Decisions that could reasonably be made after the election.

Examples of decisions that should not be made during an election period are:

- Approval of contracts that require significant funding in future financial years or are regarded as politically sensitive;
- Decisions that have significant impacts on Council's income or expenditure that relate to expenditure on politically sensitive matters;
- Awarding of community grants funded by Council;
- Decisions of a politically sensitive nature;
- Policy or strategy decisions; and
- Planning scheme amendments.

C4 Council and committee meetings

Council meetings

C1.1 Council will hold its ordinary meeting scheduled in the month leading up to the election during the election period. Council will make any Council recordings of Council meetings subsequently available to the public via its website: www.towong.vic.gov.au

In accordance with s100 of the Act, the Council meeting held to consider the annual report must be held on a day not later than the day before election day.

All items for consideration must be scrutinised for compliance with this policy, and be approved by the Chief Executive Officer before being included in the agenda. Each agenda item must include the electoral period statement.

Councillors must limit their discussion during debate to the topic under consideration and avoid raising electoral matters.

Delegated committees and community asset committees

Delegated committees are required to include Councillors as committee members, and are bound by Council's Governance Rules, and misuse of position requirements. Delegated committees will not be permitted to hold committee meetings during the election period.

Community asset committees are not required to include Councillors as committee members, and will be permitted to hold committee meetings during the election period.

Advisory committees will be permitted to hold committee meetings during the election period.

Question time, notices of motion, general business and reports by delegates

Question time will not be held during the election period. Notices of motion, general business and reports by delegates will not be presented during the October meeting during the election period.

Election period statement – Council meeting reports

In order to facilitate compliance with its commitment to ensuring appropriate decision making during elections, the Chief Executive Officer will ensure that an ‘Election Period Statement’ is included in every report submitted to a Council meeting for a decision.

The ‘Election Period Statement’ will specify:

“The recommendation is not a prohibited decision as defined by s69(2) or s69(3) of the Local Government Act 2020, nor is it a decision that could be reasonably deferred, or should not be made in accordance with Council’s Election Period Policy.”

During the election period, the Council will not make a decision on any matter or report that does not include the Election Statement.

C5 Council resources

It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. Council therefore commits that it will ensure Council resources are not used inappropriately during a Council election.

C6 Council resources including staff

Council resources, including offices, staff, hospitality services, vehicles, IT equipment (phones and computers) and stationery will be used exclusively for normal Council business during the election period, and shall not be used in connection with any election campaign activity.

The Chief Executive Officer or any staff must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

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

- Council staff will not undertake an activity that may affect voting in the election;
- Council staff will not authorise, use or allocate a Council resource for any purpose that may influence voting in the election; and

Any staff member who considers that a particular use of Council resources may influence voting in an election or provide an undue advantage for a candidate, shall advise both their immediate supervisor and Director before authorising, using or allocating the resource. The immediate supervisor and Director may seek advice from the Director Corporate and Organisational Development to determine if the use of Council resources is appropriate or not.

C7 Council branding and stationery

No Council events, logos, letterheads or other Council branding should be used for, or linked in any way to, a candidate’s election campaign.

Photos or images taken by or provided by Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign. This applies equally to images on Council websites that may be able to be copied.

C8 Councillor support

Councillors will not request staff to undertake any tasks connected directly or indirectly with an election campaign.

Information and briefing material prepared by staff for Councillors during the election period will relate only to factual matters or to existing Council services to assist Councillors in conducting normal day-to-day activities.

C9 Councillor expenses

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 could be perceived as supporting or being connected with a candidate's election campaign.

C10 Councillor resources

Equipment and facilities provided to Councillors for the purpose for conducting normal Council business should not be used for election campaign purposes.

Where Councillors have Council funded services, such as mobile phones, tablets / computers and internet connections, and where it is impractical for Councillors to discontinue their use of these during the election, Councillors will reimburse the Council for excess usage of those services during the election period. Standard allowances for communication equipment are defined in Councillor Resource Policy.

Councillors who are standing as candidates must not use council email addresses as part of their election campaign.

C11 Council events

Public events run by Council will only be organised and run if it is totally unavoidable to conduct such events during the election period and then only with the express permission of the Chief Executive Officer.

However, Councillors may attend community meetings, events and functions during the election period which are relevant to Council and the community.

When attending events as part of their official Council duties, Councillors must not use the event to promote their individual election campaign.

Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operation of the Council and such speeches will not be circulated or available for publication. Official speaking engagements will be limited to a brief welcome, and will not contain any electoral matters or references to the election. Councillors who are not standing as candidates in the election or the Chief Executive Officer will be given preference to speaking at public events.

No election material or active campaigning is to be conducted at a Council sponsored event or be displayed in any Council building. This does not apply to Victorian Electoral Commission material.

Speeches will be subject to the publication certification process.

C12 Public consultation

Council will limit public consultation and scheduling of Council events during the election period.

Public consultation means a process that involves inviting individuals, groups or organisations or the community general to comment on an issue or proposed action or proposed policy, and which includes discussion of that matter with the public.

Public consultations include inviting the community to express opinions through social media.

If public consultation is required, the representative / spokesperson will be the Chief Executive Officer and not a Councillor.

Public consultations are best avoided during the election period where possible.

C13 Statutory process consultations

The public consultation required under the *Planning and Environment Act 1987* and matters subject to section 223 of the *Local Government Act 1989* are not subject to the restrictions of this policy. These consultations may be undertaken during the election period to facilitate the day-to-day business of Council and to ensure matters continue to be proactively managed. Consultations will avoid any express or implied links to the election.

Consultations under statutory provisions shall only proceed after express agreement of the Chief Executive Officer and only if they relate solely to the normal day-to-day business of the Council.

Where at all possible, statutory process consultations should conclude before the election period commences, or be delayed until after the general election has been held. Any outcomes of the consultation should be delayed until after the election, where possible.

C14 Media and communications

Council's communications and media will not be used in any way that might influence the outcome of a Council election.

Media outlets and the community will be advised that during the election period, communications will be restricted according to the following principles.

Media requests

Council contact with local media (newspapers, television, radio) will be restricted to the communication of normal Council activities and responding to questions not involving the election or possible election outcomes.

In response to media inquiries the response will be provided by the Chief Executive Officer or Directors only, and such information should relate to current services and operations.

Media releases / statements

During the election period, Council initiated communications shall be restricted to the communication of normal Council activities.

In the election period no media releases will be issued quoting or featuring any Councillor.

Publicity of Council events (if any during the election period) will be restricted to the communication of factual material and will not mention or quote any Councillor.

During the election period, no employee will initiate any public statement that relates to an election issue. Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their role.

Issuing of written media releases / statements will be subject to the publication approval processes outlined within C15.

Councillors

No media advice or assistance will be provided to Councillors in relation to election campaign matters.

No publicity will be provided that involves specific Councillors.

Councillors must not use their position as an elected representative of their access to Council staff and other Council resources or information in support of an elections campaign. This includes photos or images provided by Council for past Council activities.

Councillor participation at Council sponsored events (if any during the election period) should not be used to gain attention of an election campaign. Council sponsored events includes launches, events and any other public forum outside of the normal Council meeting cycle.

Social media

Social media is a key means of Council communicating and interacting with its community.

The nature of social media means that Councils should be monitoring and moderating the content on any pages that Council has ownership / control over.

Any publication on social media sites that are under the auspices of Council will also require certification by the Chief Executive Officer as described within C15.

Social media communications will be restricted in the same manner as restrictions on communications / media in this policy.

In addition, the following processes will be implemented on Council's social media pages during the election period:

- Any social media pages maintained by Council will be routinely monitored (including periodically during the weekend) during the election period.
- Posts by others on the page will be moderated by Council, and any electioneering, offensive or inappropriate matter will be removed by Council.
- At the completion of each day, Council will ensure that a copy of the page is taken for records of the Council.
- Before any posts may be removed or moderated by Council, a snapshot of the page must be recorded.

The above processes will be communicated on Council's social media pages prior to the election period commencing.

C15 Council Publications

Council must not print, publish or distribute publications containing specified electoral matter during the election period, unless it is electoral material provided by the Victorian Electoral Commission about the election process. This is to ensure that Council does not utilise public funds that may influence or be seen to influence people's voting intentions.

Council must not print, publish or distribute a publication during the election period unless it has been certified in writing by the Chief Executive Officer.

What is 'electoral matter'?

Electoral matter is any matter that is intended or likely to affect voting in an election. Material is definitely electoral matter if it:

- Publicises the strength or weaknesses of a candidate

- Advocates the policies of the Council or of a candidate
- Responds to claims made by a candidate
- Publicises the achievements of the elected Council
- Publicises matters that have already been the subject of public debate
- Is about matters that are known to be contentious in the community and likely to be the subject of election debate
- Deals with Election Candidates statements
- Refers to Councillors or candidates by name or by implicit reference

What is considered a ‘publication’?

A publication refers to documents produced for the purpose of communicating with the community, including but not limited to:

- Council newsletters
- Advertisements and notices (for example job advertisements, public notices of contracts)
- Media releases
- Leaflets and brochures
- Mailouts (including emails) to multiple addresses
- Internet-based sources including Council’s website and social media pages.

All the publication types listed above require certification by the Chief Executive Officer.

The recommended practice is where possible to avoid all publication activity during the election period except where it is essential for the conduct of Council operations.

Certification of documents by Chief Executive Officer

All documents fitting the descriptions above must be presented to the Chief Executive Officer prior to publication or distribution during the election period.

The Chief Executive Officer must not certify a publication that contains electoral matter, unless that material is only about the election process. It is an offence for the Chief Executive Officer to contravene this requirement.

The certification by the Chief Executive Officer must be in writing and cannot be delegated.

Council must develop a procedure for approval and monitoring of publications within the organisation to support this policy.

Council’s website

The requirement for Chief Executive Officer certification of publications during the election period also applies to the publication of material on Council’s website. This applies to all websites under the auspices of Council.

New pages or new material on the website will require certification and approval by the Chief Executive Officer.

Councillor details

Profiles and photographs of current Mayor and Councillors will be removed from Council’s website during the election period but retain their contact details for their day to day role as Councillor (for example names and mobile numbers).

Recordings of Council meetings

Council will make any Council recordings of Council meetings subsequently available via its website: www.towong.vic.gov.au

New material on website

Any new material published on Council's website during the election period that may be an advertisement, handbill, pamphlet or notice must also be subject to the certification process.

Council agendas, minutes and the annual report are considered exempt from certification.

Annual Report

The annual report adopted during the election period will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors but will fulfil its statutory obligations on reporting matters.

C16 Assistance to candidates

The Council affirms that all candidates for the Council election will be treated equally.

Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

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 the election period contact officer designated within C17.

C17 Access to information by candidates

The Council recognises that all election candidates have rights to information from the Council administration.

Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the election period.

Election period point of contact

Council's Director Corporate and Organisational Development will be the point of contact for both candidates and Councillors seeking information from Council during the election period.

All questions relating to the conduct of the election will be referred to the Victorian Electoral Commission's Returning Officer.

Information provided to Councillors

Information and briefing material prepared by staff for Councillors during the election period will relate only to factual matters or to existing Council services to assist Councillors in conducting their elected roles.

Information request register

Council's Director Corporate and Organisational Development will be assigned as the point of reference for all candidate enquiries.

Council's Director Corporate and Organisational Development will maintain an Information Request Register commencing from the opening of nominations. This register will be available for inspection, and will record all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

Responses to candidate requests will be provided by Directors or the Chief Executive Officer. Directors will be required to discuss the request and the proposed response with the Director Corporate and Organisational Development (as the election period contact) prior to the response being issued. Only information that can be reasonably accessed will be released.

All candidates will be referred to the Victorian Electoral Commission Returning Officer for any election process enquiries.

Improper use of position

Section 123 of the Act prescribes serious penalties for any Councillor or member of a Delegated Committee who inappropriately makes use of the position or information obtained in their role.

Freedom of Information

Any Freedom of Information (Fol) applications lodged during the election period regarding potential 'electoral matters' will be dealt with where possible outside of the election period. Section 21 of the *Freedom of Information Act 1982* requires a notice of decision to be supplied to the applicant within a specified number of days.

PART D ROLES AND RESPONSIBILITIES

Responsibility	Role / Position
Implementation	Chief Executive Officer All staff Councillors Candidates Members of special committees
Compliance	Director, Corporate and Organisational Development
Development / Review	Director, Corporate and Organisational Development
Interpretation / Advice	Director, Corporate and Organisational Development

PART E BREACHES

This policy is issued with the authority of Council. Compliance with this policy is mandatory. Any breach of or failure to comply with this policy should be immediately reported to the Chief Executive Officer.

PART F HUMAN RIGHTS CHARTER COMPATIBILITY

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

PART G SUPPORTING DOCUMENTS

This policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

Related Legislation

- *Local Government Act 2020*

Related Procedures

- Nil

PART H DEFINITIONS AND ABBREVIATIONS

<i>Act</i>	means the <i>Local Government Act 2020</i>
<i>Council staff</i>	includes full time, part-time, casual and temporary council employees
<i>Election</i>	is defined by s3(3) of the Act, and unless expressly provided, means a reference to the following: <ul style="list-style-type: none"> • A general election conducted under s257 of the Act; • A by-election conducted under s260 of the Act; • A countback conducted under s261 of the Act.

<i>General election</i>	<p>is defined by s257 of the Act, and means a general election of Councillors for all Councils, which must be held:</p> <ul style="list-style-type: none"> • On the fourth Saturday in October 2020; and • Thereafter on the fourth Saturday in October in the fourth year after the last general election of Councillors for all Councils was held.
<i>Election day</i>	<p>is defined by s3(1) of the Act, and means the day of an election determined under s257 or s260 the Act</p>
<i>Election period</i>	<p>is defined by s3(1) of the Act, and means the period that:</p> <ul style="list-style-type: none"> • Starts at the time that nominations close on nomination day; and • Ends at 6pm on election day
<i>Electoral material</i>	<p>means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.</p>
<i>Electoral matter</i>	<p>is defined by s3(4) and s3(5) of the Act, and 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 election manager for the purposes of conducting an election.</p> <p>It is matter 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:</p> <ul style="list-style-type: none"> • The election; or • A candidate in the election; or • An issue submitted to, or otherwise before, the voters in connection with the election.
<i>Nomination day</i>	<p>is defined by s3(1) of the Act, and means the last day on which nominations to be a candidate at a Council election may be received in accordance with the Act, and the Local Government (Electoral) Regulations as made.</p>
<i>Publish</i>	<p>is defined by s3(1) of the Act, and means publish by any means including by publication on the Internet.</p>

Schedule A - Public Question Time

Public questions will be considered by Council at a Council meeting subject to receipt by 2pm on the day before the meeting. All questions must be brief and no greater than 200 words including any supporting or contextual information. There is a limit of two questions per person, per meeting. Public question time runs for up to 30 minutes prior to consideration of the formal Agenda by Council. Questions will be considered in the following order:

1. Questions with Notice that relate to items on the agenda coming before Council on the day.
2. Questions with Notice that relate to other matters not relating to the agenda.

Questions received without notice (ie received after 2pm on the day before the meeting) will be addressed in accordance with **Chapter 2, G4 of the Governance Rules.**

First Name: _____ **Surname:** _____

Address: _____

Postcode: _____

Phone: _____ **Email:** _____

Address disclosure: Do you consent to your address being disclosed during the public meeting and in the minutes of the meeting? YES NO

Date of Council meeting: _____

Subject: _____

Question 1: _____

Question 2: _____

Signature: _____ **Date:** _____

If you require additional space for your questions (limit of 200 words) please attach separately.

Questions can be emailed to info@towong.vic.gov.au, or hand delivered to Council's Offices, 32 Towong Street, Tallangatta OR 76 Hanson Street, Corryong.

Privacy Statement:

Personal and or health information collected by the Council is used for municipal purposes as specified in the *Local Government Act 1989*. The personal and/or health information will be used solely by the Council for these purposes, and/or directly related purposes. The Council may disclose this information to other organisations if required by legislation. The applicant understands that the personal and/or health information provided is for the above purpose and that he or she may apply to Council for access to and/or amendment of the information. Request for access and/or correction should be made to Council's Director Corporate and Organisational Development.

Schedule B – Notice of Motion

This form lodges a notice of intention to move a motion in accordance with Chapter 2, clause 30 of the Governance Rules.

I, Councillor _____ give notice of my intention to move the following motion at the Council meeting to be held on _____:

Motion:

Rationale:

*Note – Proposed motion and rationale not to exceed 500 words
To be signed by Councillor lodging this notice and one other Towong Shire Councillor*

Councillor

Councillor

Receipt by Chief Executive Officer

This notice was received by me at _____ am/pm on _____.

Chief Executive Officer

Schedule C – Notice of Motion to Rescind or Amend

This form lodges a notice of intention to move that a resolution passed by Council be rescinded or amended in accordance with Chapter 2, Clause 31 of the Governance Rules.

I, Councillor _____ give notice of my intention to move at the Council meeting to be held on _____ that the following resolution of Council passed on _____:

(Wording of resolution proposed to be amended/rescinded)

be rescinded OR be amended

and subject to that motion being carried, in its place I propose to move that Council:

(Wording of proposed motion to replace/amend above)

To be signed by the Councillor lodging this notice and one other Towong Shire Councillor

Councillor

Councillor

Receipt by Chief Executive Officer

This notice was received by me at _____ am/pm on _____.

Chief Executive Officer

Schedule D – Procedural Motions

Motion	When prohibited	If Carried	Debate
'That a report/document be tabled'		The item is tabled, can be considered as part of debate as will be included in the minutes of the meeting	No
'That the item listed at xx on the agenda be moved forward'	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	No
'That the motion be put'	During nominations for a <i>Chair</i>	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	No
'That the matter be laid on the table'	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the item from the table at the same meeting	No
'That the matter be taken from the table'	When no motion is on the table	Debate of the item resumes	No
'That the meeting be adjourned'		The meeting adjourns until a designated time for recommencement	No
'That Standing Orders be suspended to ...' (reason must be provided)		The rules of the meeting are temporarily suspended in accordance with clause 37 for the specific reason given in the motion	No
'That Standing Orders be resumed'	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	No

Motion	When prohibited	If Carried	Debate
That, in accordance with section 66 of the Act, the meeting be closed to members of the public	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	Yes
'That the meeting be reopened to members of the public'		The Meeting is reopened to the public	No
'That the Chair's ruling be dissented from'	Anytime where the Chairperson has not just made a ruling on a point of order	The point of order decision made by the Chairperson is overturned and the meeting must proceed accordingly. The Chairperson should have the opportunity to speak to their ruling.	Yes
'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a Chair; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Yes