

GREATER SHEPPARTON CITY COUNCIL GOVERNANCE RULES

Adopted by Council: **Day Month Year**



CONTENTS

INTRODUCTION	6
1. Nature of Rules	6
2. Date of Commencement	6
3. Contents	6
4. Definitions	6
CHAPTER 1 – GOVERNANCE FRAMEWORK	10
5. Context	10
6. Decision Making	10
CHAPTER 2 – MEETING PROCEDURE FOR COUNCIL MEETINGS	12
PART 1 – INTRODUCTION	12
7. Purpose	12
8. Regard to Further Guidance	12
9. Situations and Matters not addressed by these Rules	12
10. Conflicts with other Acts	12
PART 2 – ELECTION OF MAYOR, DEPUTY MAYOR AND OTHER CHAIRS	12
11. Election of Mayor	12
12. Method of Voting in the election of the Mayor	13
13. Process for the Election of the Mayor	13
14. Elimination by Lot	14
15. Election of the Deputy Mayor or Chair of a Special Committee	14
16. Statement by Mayor or Deputy Mayor	14
PART 3 – MEETING PROCEDURE	15
DIVISION 1 – Notices of Meetings and Delivery of Agendas	15
17. Dates and Times of Council Meetings	15
18. Additional Council Meetings	15
19. Virtual Council Meetings	15
20. Postponement or Cancellation of Council Meetings	15
21. Notice of Council Meetings to Councillors	16
22. Notice of Council Meetings to the Public	17
DIVISION 2 – Chairing of Meetings	17
23. Mayor to Chair	17
24. Acting Chair in Mayor’s Absence	17
DIVISION 3 – Quorums	19
25. Inability to Gain a Quorum	19
26. Inability to Maintain a Quorum	19
27. Inability to Gain or Maintain a Quorum due to Conflicts of Interest	19
28. Adjournment of Meetings	19

29.	Notice of Adjourned Meeting.....	19
DIVISION 4 – Conflicts of Interest.....		20
30.	Disclosure	20
DIVISION 5 – Business of Meetings.....		20
31.	The Order of Business	20
32.	Chief Executive Officer will prepare the Agenda	20
33.	Urgent Business.....	20
34.	Reports of Delegated Committees.....	20
35.	Reports from Councillors.....	20
DIVISION 6 – Minutes		21
36.	Contents of Minutes	21
38.	Confirmation of Minutes	22
39.	Deferral of Confirmation of Minutes	23
40.	Publication of Minutes	23
DIVISION 7 – Motions and Debate		23
41.	Chair’s Powers and Duties.....	23
42.	Questions and Points of Clarification	24
43.	Addressing the Meeting	24
44.	Interruptions	24
45.	Moving a Motion.....	25
46.	Amendments	25
47.	Who May Move an Amendment.....	26
48.	Moving an Amendment	26
49.	Who May Debate an Amendment.....	26
50.	How many Amendments may be proposed	26
51.	An Amendment once Carried or Lost.....	26
52.	Speaking to a Motion or an Amendment.....	27
53.	Lost Motion.....	27
54.	Chair may speak	27
55.	Right of Reply.....	27
56.	Withdrawal of Motions.....	27
57.	Separation of Motions	28
58.	Debate must be Relevant to the Motion.....	28
59.	Speaking Times	28
60.	Foreshadowing Motions	28
61.	Speaking by Chief Executive Officer and/or Council Officers.....	28
DIVISION 8 – Notice of Motion		28
62.	Councillors may Submit Notices of Motion	28
63.	Procedure for Submitting a Notice of Motion	28
64.	Rejection of Notice of Motions	29

65.	Listing Notices on an Agenda	30
66.	Register of Notices	30
67.	Notice of Motion may be Moved by any Councillor	30
68.	Notice of Motion must be Moved as listed in the Agenda	30
	DIVISION 9 – Notice of Amendment or Rescission of Resolution	30
69.	Notice of Amendment or Rescission of Resolution	30
70.	When Not Required	31
71.	Cannot be Amended	31
72.	Treatment of Notices to Amend or Rescind	31
	DIVISION 10 – Laying a Motion on the Table	31
73.	Laying a Motion on the table	31
74.	Guidelines for Laying a Motion on the table	31
	DIVISION 11 – Points of Order	32
75.	Points of Order	32
76.	Dissent from Chair’s Ruling	33
	DIVISION 12 – Voting	33
77.	How Motions are Determined	33
78.	Division	34
79.	Procedure for a Division	34
80.	No Discussion Once Declared	34
	DIVISION 13 – Petitions	34
81.	Petitions	34
	DIVISION 14 – Conduct and Discipline	35
82.	Objectionable remarks by Councillors	35
83.	Suspension of Councillors	35
84.	Gallery to be silent	36
85.	Improper and disorderly conduct by a member of the public	36
86.	Removal from Meeting	36
87.	Chair May Adjourn Disorderly Meeting	36
	DIVISION 15 – Suspension of Standing Orders	36
88.	Suspension of Standing Orders	36
	PART 4 – PUBLIC QUESTION TIME	37
89.	Public Question Time to be Held	37
90.	Submission of Questions	37
91.	Question Guidelines	37
92.	Question Time Procedure	38
	CHAPTER 3 – MEETING PROCEDURE FOR DELEGATED COMMITTEES	39
93.	Meeting Procedure Generally	39

94. Meeting Procedure Can Be Varied	39
CHAPTER 4 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES	40
95. Introduction	40
96. Meeting Procedure	40
CHAPTER 5 – DISCLOSURE OF CONFLICTS OF INTEREST	41
97. Introduction	41
98. Definition	41
99. Disclosure of a Conflict of Interest at a Council Meeting	41
100. Disclosure of Conflict of Interest at a Delegated Committee Meeting	41
101. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting	42
102. Disclosure at a Meeting conducted under the auspices of Council	42
103. Disclosure by Council Officers Preparing Reports for Meetings	43
104. Disclosure of Conflict of Interest by Council Officers in the Exercise of Delegated Power ...	43
105. Disclosure by a Council Officer in the Exercise of a Statutory Function	44
106. Retention of Written Notices	44
CHAPTER 6 – MISCELLANEOUS	45
107. Informal Meetings of Councillors	45
108. Confidential Information	45
CHAPTER 7 – ELECTION PERIOD POLICY	46
1. Decision Making	46
2. Council Publications	46
3. Council Website	46
4. Community Engagement and Public Consultation	46
5. Small Town Catch Ups / Community Information Sessions	46
6. Media	46
7. Public Notices and Advertising	46
8. Social Media	46
9. Council Resources	46
10. Events and Speeches	46
11. Correspondence	46
12. Use of the Title "Councillor"	46
13. Dispute Resolution	46
14. Equitable Distribution of Information	46
15. Conduct of Council Officers	46

GOVERNANCE RULES

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on the date of adoption by Council.

3. Contents

These Governance Rules are divided into the following Chapters:

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

4. Definitions

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

“Absolute Majority”	means the number of: <ol style="list-style-type: none"> (a) Councillors which is greater than half the total number of Councillors of Council; and (b) members of a Delegated Committee which is greater than half the total number of members of the Delegated Committee.
“Act”	means the <i>Local Government Act 2020</i> .
“Additional Council Meeting”	means a meeting called in accordance with rule 18.
“Advisory Committee”	means any body established by Council to provide advice to it in a particular case or generally.
“Agenda”	means the notice of a Council Meeting setting out the business to be transacted at the meeting and includes a revised Agenda.

“Amendment”	means a minor change or addition designed to improve or clarify the intent of the motion.
“Business Day”	means every day that is not a Saturday or Sunday or a day appointed under the Public Holidays Act 1993 as a public holiday in the municipal district.
“Chair”	means the: <ul style="list-style-type: none"> (a) Councillor elected as Mayor under rule 11; (b) person appointed as the Chairperson of a Delegated Committee; or (c) person taking the chair at a Meeting in accordance with these Rules in the absence of the Mayor or Chairperson of the Delegated Committee, as the case requires.
“Chief Executive Officer”	means the person occupying the position of Chief Executive Officer of Council, and includes a person acting in that position.
“Committee”	means a Delegated Committee and a Community Asset Committee.
“Community Asset Committee”	means a Community Asset Committee established under section 65 of the Act.
“Community Asset Committee Meeting”	means a meeting of a Community Asset Committee.
“Confidential Information”	has the same meaning as in s 3(1) of the Act.
“Consent of the Chair”	means the permission of the Chair granted to a Councillor or member of a Delegated Committee for an act to occur without the need for a formal resolution, except that, where any Councillor or member of a Delegated Committee indicates opposition to such permission being granted, a formal resolution must be obtained.
“Consent of Council”	means the permission of a majority of Councillors present at a Council Meeting, or members of a Delegated Committee present at a Delegated Committee Meeting, without the need for a formal resolution.
“Council”	means the Greater Shepparton City Council.
“Council Meeting”	has the same meaning as in the Act and, unless the context otherwise requires, includes a Scheduled Council Meeting and an Additional Council Meeting.
“Council Officer”	means a person who is employed by Council.
“Council Officer Report”	means a report prepared by a Council Officer for consideration by Council.
“Councillor”	means a Councillor of Council.

“Delegated Committee”	means a Delegated Committee established under section 63 of the Act.
“Delegated Committee Meeting”	means a meeting of a Delegated Committee.
“Delivered”	means to be sent by post or email or otherwise deposited at each Councillor’s place of residence or business or to a place as otherwise specified by a Councillor.
“Deputy Chair”	means the: <ul style="list-style-type: none"> (a) Councillor elected as Deputy Mayor under rule 15; (b) person appointed as the Deputy Chair of a Delegated Committee; or (c) other person taking the chair at a Meeting in accordance with these Rules in the absence of the Mayor or Chair of the Delegated Committee, as the case requires.
“Director”	means a Council Officer appointed by the Chief Executive Officer as part of Council’s Executive Leadership Team.
“Division”	means a formal count of those Councillors or members of a Delegated Committee who voted for or against, or did not vote in respect of, a motion and the recording of that count and the way each Councillor or member of the Delegated Committee voted in the minutes of the Meeting.
“Election Period”	has the same meaning as in section 3(1) of the Act.
“Finalisation of the Agenda”	means the time at which the Agenda for a Meeting has been approved by the Chief Executive Officer for distribution to the public.
“Informal Meetings of Councillors”	means a meeting referred to in rule 107.
“Mayor”	means the Mayor of Council or in the Mayor’s absence the Deputy Mayor.
“Meeting”	means a Scheduled Council Meeting, an Additional Council Meeting, a Delegated Committee Meeting and a Community Asset Committee Meeting, as the context requires.
“Notice of Motion”	means a notice setting out the text of a motion, which is proposed by a Councillor to be moved at a Meeting in accordance with Division 8 of Part 3 of Chapter 2 of these Rules.
“Point of Clarification”	means to seek clarification or understanding on words of others that are not understood.
“Point of Order”	means a point of order raised in accordance with rule 75

“Quorum”	at a Council Meeting or Delegated Committee Meeting means an Absolute Majority of Councillors or members of the Delegated Committee, as the case requires.
“sent electronically”	in respect of communication to and from Councillors includes an email forwarded to the Council-provided email account of the Councillor, or the provision of documents transmitted via a secure software application to a Council-provided device.
“Standing Orders”	means the provisions of these Rules governing the conduct of Meetings.
“Suspension of Standing Orders”	means the suspension of the provisions of these Rules governing the conduct of Meetings to facilitate full discussion on a matter without formal constraints.
“these Rules”	means these Governance Rules.
“Urgent Business”	means a matter that has arisen since Finalisation of the Agenda for a Meeting and cannot safely or conveniently be deferred until the next Meeting.
“virtual attendees”	means attendance at a Council Meeting in accordance with rule 19.

Chapter 1 – Governance Framework

5. Context

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

- 5.1 the overarching governance principles specified in section 9(2) of the Act; and
- 5.2 the following documents adopted or approved by Council:
 - 5.2.1 Live Streaming and Publishing Recordings of Council Meetings Policy;
 - 5.2.2 Exercise of Delegations Policy
 - 5.2.3 Councillor Code of Conduct
 - 5.2.4 Councillor Gift Policy
 - 5.2.5 Conflict of Interest Policy
 - 5.2.6 Councillor Expenses Policy

6. Decision Making

- 6.1 Where Council makes a decision in any matter (including persons acting with the delegated authority of Council), Council must consider the matter and make the decision:
 - 6.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - 6.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- 6.2 Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered).
- 6.3 Without limiting anything in rule 6.2:
 - 6.3.1 before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person has or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
 - 6.3.2 if a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - 6.3.3 if a report to be considered at a Delegated Committee Meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
 - 6.3.4 if a Council Officer proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the Council Officer must, when making that decision, ensure that they record that notice of the decision to be made was given to the person or persons and such

person was or persons were provided with an opportunity to communicate their views and have their interests considered.

Chapter 2 – Meeting Procedure for Council Meetings

PART 1 – INTRODUCTION

7. Purpose

The purpose of this Chapter is to:

- 7.1 provide for the election of the Mayor and Deputy Mayor;
- 7.2 provide for the procedures governing the conduct of Meetings; and
- 7.3 set expectations with respect to the behaviour of those participating in or present at Meetings.

8. Regard to Further Guidance

In exercising its powers and functions under these Rules, Council may have regard to any guidelines, policies, codes or standards it has adopted for the purpose.

9. Situations and Matters not addressed by these Rules

Where a situation or matter is not addressed in these Rules, the course of action may be determined by:

- 9.1 the Chair; or
- 9.2 by resolution of Council.

10. Conflicts with other Acts

Where any rule conflicts or is inconsistent with the Act or any other legislation, the Act or other legislation has precedence and the rule is inoperative to the extent of the conflict or inconsistency.

PART 2 – ELECTION OF MAYOR, DEPUTY MAYOR AND OTHER CHAIRS

11. Election of Mayor

- 11.1 The Chief Executive Officer shall facilitate the election of the Mayor in accordance with the provisions of the Act and will:
 - 11.1.1 convene a Council Meeting in accordance with the Act to elect a Mayor and Deputy Mayor; and
 - 11.1.2 chair the Meeting until a Mayor is elected; but
 - 11.1.3 have no voting rights.
- 11.2 The Agenda for the Council Meeting to deal with the election of the Mayor may also include:
 - 11.2.1 the adoption of a “Councillors Statement of Expectations for the position of the Mayor”;
 - 11.2.2 the election of a Deputy Mayor for Council’s consideration; and
 - 11.2.3 where it is the first such Council Meeting after a general election, the taking of the oath of office by each Councillor before the Chief Executive Officer.

12. Method of Voting in the election of the Mayor

The election of the Mayor must be carried out by a show of hands at a Council Meeting that is open to the public.

13. Process for the Election of the Mayor

The process to be used for the election of the Mayor is as follows:

- 13.1 The Chief Executive Officer shall invite nominations for the Office of Mayor and confirm that all nominees are willing to stand.
 - 13.1.1 Nominations do not require a seconder.
- 13.2 Where there is only one nomination, the Councillor nominated shall be declared elected as Mayor.
- 13.3 Where there is more than one Councillor nominated (candidates) for the Officer of Mayor, the following process is to be followed:
 - 13.3.1 in the order of their nomination, those candidates may each address the Council Meeting for up to five minutes (with no extensions permitted) on their candidacy; and
 - 13.3.2 a vote will then be called by the Chief Executive Officer, where an Absolute Majority must be achieved to declare a candidate elected as Mayor.
- 13.4 The voting process is outlined below;
 - 13.4.1 all Councillors present at the Council Meeting shall be entitled to vote for one of the candidates.
 - 13.4.2 a candidate receiving an Absolute Majority of votes is declared elected as Mayor; or
 - 13.4.3 in the event no candidate receives an Absolute Majority of votes, the candidate with the fewest number of votes is eliminated;
 - 13.4.4 where two or more of the candidate has the same fewest number of votes, one candidate is to be eliminated by lot (see rule 14);
 - 13.4.5 Councillors present at the Council Meeting shall then be entitled to vote for one of the remaining candidates;
 - 13.4.6 where one of the remaining candidates receives an Absolute Majority of votes, they shall be declared elected as Mayor;
 - 13.4.7 where none of the remaining candidates receives an Absolute Majority of votes, the process as described in rule 13.4.3 is repeated;
 - 13.4.8 voting for the remaining candidates shall be repeated in this way until one of the candidates receives an Absolute Majority of votes; and
 - 13.4.8.1 if the final two candidates have an equal number of votes, the vote is repeated until either one of the candidates has received an Absolute Majority of votes; or
 - 13.4.8.2 where one or more Councillors were an apology, the Council Meeting may be suspended by the Chief Executive Officer and reconvened at a time when all Councillors are available to attend the Council Meeting.

14. Elimination by Lot

In the event that rule 13.4.4 is required where a candidate is to be eliminated by lot, the Chief Executive Officer, or the Mayor in the case of the election of the Deputy Mayor, shall conduct the lot and the following provisions shall apply:

- 14.1 for every candidate who received the same fewest number of votes, an identical number of pieces of paper will be placed in a receptacle;
- 14.2 one piece of paper will have the word "**eliminated**" written on it, and all the other pieces of paper will have the word "**continue**" written on them.
- 14.3 each candidate will draw one lot from the receptacle;
- 14.4 the order of drawing lots will be determined by the alphabetical order of the surnames of Councillors participating in the lot, and where two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of Councillors' first names; and
- 14.5 the Councillor who draws the paper with the word "**eliminated**" written on it, shall be eliminated from candidacy for the position of Mayor.

15. Election of the Deputy Mayor or Chair of a Delegated Committee

The election of a Deputy Mayor or the Chair of a Delegated Committee will, so far as is practicable, follow the same procedure as that for the election of the Mayor.

16. Statement by Mayor or Deputy Mayor

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

PART 3 – MEETING PROCEDURE

DIVISION 1 – Notices of Meetings and Delivery of Agendas

17. Dates and Times of Council Meetings

The Council:

- 17.1 shall fix the day, time and place of all Scheduled Council Meetings by resolution;
- 17.2 may, by resolution at a Council Meeting, determine or alter the day, time and place of any Council Meeting; and
- 17.3 shall publish the Agenda for a Scheduled Council Meeting on its external website on the Friday immediately prior to the Scheduled Council Meeting.

18. Additional Council Meetings

- 18.1 An Additional Council Meeting will be held where:
 - 18.1.1 the Chief Executive Officer determines, that an Additional Council Meeting is necessary or desirable; or
 - 18.1.2 written notice of the Additional Council Meeting is provided to the Chief Executive Officer signed by the Mayor, or by three or more Councillors; and
 - 18.1.3 the written notice specifies the:
 - 18.1.3.1 date, time and place for the Additional Council Meeting;
 - 18.1.3.2 business to be transacted at the Additional Council Meeting; and
 - 18.1.3.3 reason that the business to be transacted at the Additional Council Meeting cannot be left to be considered at the next Scheduled Council Meeting.

19. Virtual Council Meetings

- 19.1 A Councillor may request to attend a Council Meeting via electronic means.
- 19.2 Any request made under sub-Rule 19.1 must:
 - 19.2.1 be in writing;
 - 19.2.2 be given to the Chief Executive Officer no later than 24 hours prior to the commencement of the relevant Council Meeting; and
 - 19.2.3 specify the reasons why the Councillor is unable or does not wish to attend the Council Meeting in person.
- 19.3 The Chair must ensure that any request received in accordance with sub-Rule 19.2 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council Meeting.
- 19.4 The Chief Executive Officer may approve and must not unreasonably refuse any request.
- 19.5 A Councillor who is attending 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.

- 19.6 Without detracting from anything said in sub-Rule 19.5, a Councillor who is attending a Council Meeting by electronic means must be able to:
- 19.6.1 hear the proceedings;
 - 19.6.2 see all Councillors and Council Officers who are also attending the Council Meeting, at least while a Councillor or Council Officer is speaking;
 - 19.6.3 be seen by all Councillors, Council Officers and members of the public who are physically present at the Council Meeting; and
 - 19.6.4 be heard when they speak.
- 19.7 If the conditions of sub-Rule 19.6 cannot be met by one or more Councillors attending a Council Meeting, whether because of technical difficulties or otherwise:
- 19.7.1 the Council Meeting will nonetheless proceed as long as a quorum is present; and
 - 19.7.2 the relevant Councillor (or Councillors) will be treated as being absent from the Council Meeting or that part of the Council Meeting,
- unless the Council Meeting has been adjourned in accordance with these Rules.
- 19.8 Nothing in this Rule prevents a Councillor from joining (or re-joining) a Council Meeting at the time that they achieve compliance with sub-Rule 19.6 even if the Council Meeting has already commenced or has continued in their absence.

20. Postponement or Cancellation of Council Meetings

- 20.1 The Chief Executive Officer, after consulting the Mayor, may postpone or cancel a Council Meeting if:
- 20.1.1 they have been informed by Councillors that a quorum will not be reached; or
 - 20.1.2 other circumstances exist which mean that the Council Meeting cannot be safely or effectively convened.
- 20.2 If a Council Meeting is postponed or cancelled under rule 20.1, the Chief Executive Officer, must give such notice of that postponement or cancellation as they see fit, provided that all Councillors are notified.

21. Notice of Council Meetings to Councillors

- 21.1 The Chief Executive Officer shall ensure that the notice of a Council Meeting is served on every Councillor, accompanied by an Agenda of the business to be dealt with at least two Business Days before the Council Meeting.
- 21.2 The notice for any Council Meeting must:
- 21.2.1 state the date, time and place of the Council Meeting;
 - 21.2.2 state the business to be dealt with at the Council Meeting; and
 - 21.2.3 be delivered or provided electronically to each Councillor.
- 21.3 Upon Finalisation of the Agenda for any Council Meeting, the Agenda may only be amended or varied by resolution of Council at the Council Meeting, in accordance with these Governance Rules.

22. Notice of Council Meetings to the Public

- 22.1 Public notice of all Council Meetings will be provided by the Chief Executive Officer in accordance with this rule 22
- 22.2 Each notice of meeting must indicate whether the relevant Council Meeting is to be conducted:
 - 22.2.1 wholly in person;
 - 22.2.2 wholly by electronic means; or
 - 22.2.3 partially in person and partially by electronic means.
- 22.3 The indication in the notice of meeting must be consistent with any resolution of Council that has expressed a preference for, or otherwise specified, when Council Meetings are to be conducted:
 - 22.3.1 wholly in person;
 - 22.3.2 wholly by electronic means; or
 - 22.3.3 partially in person and partially by electronic means.
- 22.4
- 22.5 Public notice of Scheduled Council Meetings will be provided by:
 - 22.5.1 a program of all Scheduled Council Meetings, including the date, time and place for each Scheduled Council Meeting, as updated from time to time, being displayed on Council's website; and
 - 22.5.2 the Agenda for a Scheduled Council Meeting being published on Council's website no less than four (4) days before the Scheduled Council Meeting.
- 22.6 Public notice of Additional Council Meetings will be provided by:
 - 22.6.1 notice of the date, time and place of the Additional Council Meeting being published on Council's website as soon as practicable after the Additional Council Meeting is called under rule 18; and
 - 22.6.2 the Agenda for the Additional Council Meeting being published on Council's website as far in advance of the Additional Council Meeting as possible.
- 22.7 Despite the provisions of this rule 22, the Chief Executive Officer, after consulting the Mayor, may determine to provide shorter public notice of a Council Meeting where they consider it necessary to do so.

DIVISION 2 – Chairing of Meetings**23. Mayor to Chair**

Where the Mayor is present at a Council Meeting, the Mayor shall be the Chair of that Council Meeting.

24. Acting Chair in Mayor's Absence

- 24.1 Where, for any reason, the Mayor is unable to attend a Council Meeting, or is required to vacate the Chair, the Deputy Mayor (if elected) shall be the Acting Chair without resolution.

- 24.2 Where, for any reason, neither the Mayor nor Deputy Mayor is able to attend a Council Meeting, or neither is able to take the Chair, the Chief Executive Officer shall facilitate the election of an Acting Chair from among the other Councillors present by way of nomination and resolution.

DIVISION 3 – Quorums**25. Inability to Gain a Quorum**

If, after 30 minutes from the scheduled starting time of any Council Meeting, a Quorum cannot be gained:

- 25.1 the Mayor; or
- 25.2 if the Mayor is not present, the Deputy Mayor; or
- 25.3 if neither the Mayor or the Deputy Mayor is present, those Councillors present; or
- 25.4 if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a Director,

must adjourn the Council Meeting for a period not exceeding seven (7) days from the date of the adjournment.

26. Inability to Maintain a Quorum

Where during any Council Meeting or following any adjournment of a Council Meeting, a Quorum is lost and cannot be regained within 30 minutes:

- 26.1 the Mayor; or
- 26.2 if the Mayor is not present, the Deputy Mayor; or
- 26.3 if neither the Mayor or the Deputy Mayor is present, those Councillors present; or
- 26.4 if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a Director,

must adjourn the Council Meeting for a period not exceeding seven (7) days from the date of the adjournment.

27. Inability to Gain or Maintain a Quorum due to Conflicts of Interest

In accordance with section 67 of the Act, where a Quorum cannot be gained or maintained at a Council Meeting due to conflicts of interest among the Councillors, Council will consider whether the decision can be made by dealing with the matter in an alternative manner.

28. Adjournment of Meetings

In addition to any other method of adjournment provided in these Rules, where a Quorum is present, Council may resolve to adjourn any Council Meeting and must include the reason for the adjournment in the resolution.

29. Notice of Adjourned Meeting

- 29.1 The Chief Executive Officer must provide written notice of a Council Meeting adjourned under rules 25 or 26 but, where time does not permit written notice to be given, then notice by telephone, in person or by some other means is sufficient, provided every reasonable attempt is made to contact every Councillor.
- 29.2 Such notice shall include the date, time and place to which the Council Meeting stands adjourned and of the business remaining to be considered.

DIVISION 4 – Conflicts of Interest**30. Disclosure**

A Councillor who has a conflict of interest in a matter on the Agenda for a Council Meeting must disclose that conflict of interest in accordance with Chapter 5 of these Rules and comply with their remaining obligations under the Act.

DIVISION 5 – Business of Meetings**31. The Order of Business**

The order of business of any Council Meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.

32. Chief Executive Officer will prepare the Agenda

The Agenda for a Council Meeting will be prepared by the Chief Executive Officer after consulting with the Mayor, and may include any matter that the Chief Executive Officer thinks should be considered by Council at the Council Meeting.

33. Urgent Business

Where the Agenda for a Council Meeting makes provision for Urgent Business, an item must not be admitted as Urgent Business unless:

- 33.1 the Mayor has determined that the proposed urgent business;
 - 33.1.1 relates to a matter which has arisen since Finalisation of the Agenda of a Scheduled Council Meeting; and
 - 33.1.2 it cannot safely or conveniently be deferred until the next Scheduled Council Meeting;
- and;
- 33.1.3 the Council resolves to admit the item as Urgent Business.

34. Reports of Delegated Committees

- 34.1 Any Delegated Committee, and any Councillor who is Chair of a Delegated Committee, may submit a report to be presented to Council for consideration.
- 34.2 Reports must be submitted to the Chief Executive Officer for inclusion on the Agenda, no less than ten (10) Business Days prior to the Council Meeting at which they will be considered.
- 34.3 The procedure for considering a report submitted under this rule 34 will be the same as the procedure for moving a motion, as outlined in rule 45.

35. Reports from Councillors

- 35.1 A Councillor may submit a written report for noting only by Council to any Scheduled Council Meeting on:
 - 35.1.1 the business of a Delegated Committee, Community Asset Committee, Advisory Committee or other body to which the Councillor has been appointed as a representative of Council; or
 - 35.1.2 a conference or professional development program attended by the Councillor in their capacity as a Councillor.

- 35.2 A Councillor may make such a report by submitting a written report to the Chief Executive Officer, no less than ten (10) Business Days prior to the to the Council Meeting at which it will be considered.

DIVISION 6 – Minutes

36. Contents of Minutes

- 36.1 The Chief Executive Officer must keep minutes of each Council Meeting, and those minutes must record:
- 36.1.1 the date, time, place and nature of the Council Meeting;
 - 36.1.2 the names of each of the Councillors and whether they are present, an apology, on leave of absence or absent from the Council Meeting;
 - 36.1.3 the names of Council Officers formally in attendance (not including Council Officers who are merely attending as members of the public gallery);
 - 36.1.4 the declaration of any conflict of interest made by a Councillor, including the matters required by Chapter 5 of these Rules;
 - 36.1.5 the declaration of any conflict of interest made by a Council Officer or any consultant / contractor who has provided advice to Council in relation to a matter being considered at the Council Meeting, including the matters required by Chapter 5 of these Rules;
 - 36.1.6 arrivals and departures (including temporary departures) of Councillors during the course of the Council Meeting;
 - 36.1.7 each motion that is unopposed as being carried unopposed;
 - 36.1.8 each motion and amendment moved along with the mover and seconder of each motion and amendment;
 - 36.1.9 the outcome of every motion or amendment, including motions and amendments that lapse for the want of a seconder;
 - 36.1.10 where a Division is called, the names of every Councillor present and the way their vote was cast, either “For”, “Against” or “Did Not Vote”;
 - 36.1.11 details of any failure to gain or maintain a Quorum;
 - 36.1.12 the time and reason for any adjournment of the Council Meeting or suspension of Standing Orders, including any adjournment as a result of a failure to gain or maintain a Quorum;
 - 36.1.13 any questions and responses provided during the meeting in accordance with rule 91.7 for Public Question Time
 - 36.1.14 the closure of the Council Meeting to the public and the reasons for the closure;
 - 36.1.15 the time at which the Council Meeting was closed; and
 - 36.1.16 any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the Council Meeting or assist the reading of the minutes.

37. Live Streaming and Recording of Meetings

- 37.1 The Chief Executive Officer (or other persons authorised by the Chief Executive Officer) may live stream Council Meetings, except those parts of the Council Meetings that are closed to the public. The recording of Council Meetings will be in accordance with Council's Live Streaming and Publishing Recordings of Council Meetings Policy.

38. Confirmation of Minutes

- 38.1 A copy of the unconfirmed minutes of a Council Meeting are to be sent electronically to each Councillor within two (2) business days following the Council Meeting.
- 38.2 At every Scheduled Council Meeting, the minutes of the preceding Council Meeting(s) shall be confirmed by resolution.
- 38.3 When the confirmation of minutes is called on, the Chair shall ask:
- “Is any item of the minutes opposed?”
- 38.4 Where no Councillor indicates opposition, the Chair shall seek a mover and seconder for the confirmation of the minutes.
- 38.5 A Councillor seeking to move or second the motion for confirmation of the minutes must have been in attendance at the Council Meeting that the minutes relate to.
- 38.6 No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the Council Meeting to which they relate is questioned.
- 38.7 Where a Councillor objects to the accuracy of the minutes:
- 38.7.1 the Councillor must specify the item(s) to which they object;
- 38.7.2 where more than one item is objected to, the items objected to shall be considered separately and in the order in which they appear in the minutes;
- 38.7.3 the Councillor must move a motion clearly outlining the proposed alternative wording to amend the minutes;
- 38.7.4 the motion of objection must be seconded;
- 38.7.5 the Chair may then ask if any Councillors oppose the motion, and;
- 38.7.5.1 if there is no opposition to the motion of objection, then the motion is adopted without debate; or
- 38.7.5.2 if a Councillor opposes the motion of objection, normal debate and voting on the amendment is to occur;
- 38.7.6 the mover of the motion of objection may speak to it once it is seconded;
- 38.7.7 the seconder of the motion may then speak, or defer their right to speak until later in the debate;
- 38.7.8 the motion shall then be opened to debate; and

38.7.9 at the conclusion of debate, the motion must be put to the vote.

38.8 A motion under rule 38.7 must relate only to the accuracy of the minutes as a record of the proceedings at the Council Meeting.

38.9 When all objections to the minutes have been determined, the Chair shall say as necessary:

“That the minutes be confirmed”; or

“That the minutes, as amended, be confirmed”,

and the confirmation of the minutes shall be put to the vote.

39. Deferral of Confirmation of Minutes

Council may resolve to defer the confirmation of minutes until later in the Scheduled Council Meeting or until the next Scheduled Council Meeting as appropriate.

40. Publication of Minutes

The unconfirmed minutes and video recordings of all Council Meetings will be published as soon as practicable after the Council Meeting on Council’s website.

DIVISION 7 – Motions and Debate

41. Chair’s Powers and Duties

41.1 The Chair of a Council Meeting must ensure the orderly conduct of the Council Meeting and act to prevent any conduct, question or statement which appears to the Chair to be derogatory, defamatory or embarrassing to any Councillor, Council Officer, ratepayer or member of the public.

41.2 The Chair must not accept any motion or amendment, which is:

41.2.1 defamatory;

41.2.2 objectionable in language or nature;

41.2.3 vague or unclear in intention;

41.2.4 outside the powers of Council;

41.2.5 irrelevant to the item of business on the Agenda, unless it has been admitted as Urgent Business; or

41.2.6 purports to be an amendment but is not.

41.3 The Chair must ensure that any member of the public addressing the Council Meeting shall extend due courtesy and respect to Council and the processes under which it operates and take direction from the Chair whenever called on to do so.

41.4 The Chair may, in addition to any powers of the Chair under the Act:

41.4.1 during the Council Meeting, alter the order of business for that Council Meeting;

41.4.2 require any motion to be submitted in writing;

- 41.4.3 determine the order in which Councillors will speak in debate;
- 41.4.4 adjourn the Council Meeting while a motion or amendment is being written;
- 41.4.5 defer a matter until the motion or amendment has been written, allowing the Council Meeting to proceed uninterrupted;
- 41.4.6 adjourn the Council Meeting for so long as is necessary where the Chair is required to consider a Point of Order; and
- 41.4.7 adjourn the Council Meeting to a later time on the same day, or to some later day as deemed to be appropriate, where the Chair is of the opinion that the Council Meeting is unruly or disorderly.

42. Questions and Points of Clarification

- 42.1 A Councillor may, with the leave of the Chair:
 - 42.1.1 when no other Councillor is speaking, ask any question through the Chair concerning or arising out of an item of business before the Council Meeting for the purpose of a Point of Clarification; and
 - 42.1.2 before a motion is put, ask for a Point of Clarification from the Chair or, in the case of a Notice of Motion, from the Councillor who moved the Notice of Motion of the intent or some other aspect of the motion.
 - 42.1.2.1 When a Point of Clarification is raised, all Councillors are to refrain from speaking until the Point of Clarification has been resolved.

43. Addressing the Meeting

- 43.1 Any Councillor or person who addresses the Council Meeting must direct all remarks and debate through the Chair.
- 43.2 Any Councillor or person addressing the Chair should refer to the Chair as:
 - 43.2.1 Mayor (Surname of the Mayor);
 - 43.2.2 Deputy Mayor (Surname of the Deputy Mayor); or
 - 43.2.3 Chair (Surname of the Chair),
 as the case may be.
- 43.3 All Councillors, other than the Mayor and Deputy Mayor, should be addressed as Cr (Surname).
- 43.4 All Council Officers should be addressed by their title and/or surname, such as:
 - 43.4.1 Chief Executive Officer (Surname); or
 - 43.4.2 Director (Surname).
- 43.5 It is not necessary for a Councillor or Council Officer to rise when speaking at a Council Meeting unless the Chair determines otherwise.

44. Interruptions

- 44.1 A Councillor shall not be interrupted except by the Chair or upon a Point of Order.

- 44.2 Where a Councillor is interrupted by the Chair or upon a Point of Order, they shall remain silent until the Chair has ceased speaking, or the Point of Order has been ruled on.

45. Moving a Motion

The procedure for moving any motion is as follows:

- 45.1 the mover must:
- 45.1.1 read out the motion in full, or
- 45.1.2 state that they:
- “move the recommendation as printed on pageof the Council Meeting Agenda as the motion”,
- or
- (where the motion is not a recommendation of a Council Officer) “move the motion as follows.....”;
- 45.2 the motion must be seconded by a Councillor other than the mover. The seconder must state that they:
- “Second the motion”
- 45.3 if a motion is not seconded it will lapse for want of a seconder.
- 45.4 if the motion is seconded, the Chair will then call on the mover to address Council on the motion.
- 45.5 the Chair will then invite the seconder to address Council on the motion; or to defer their right to speak until later in the debate;
- 45.6 the Chair must then ask:
- “Is the motion opposed?”
- 45.7 where any Councillor indicates opposition, the Chair will invite Councillors to debate the motion, commencing with those opposed and following with those in support of the motion;
- 45.7.1 where no Councillor indicates opposition, the Chair must provide an opportunity for Councillors to speak in turn as they desire;
- 45.8 if any Councillors speak against the motion, the mover of the motion has a right of reply in accordance with rule 55; and
- 45.9 once all Councillors have had the opportunity to speak for or against the motion, and the mover has been provided a right of reply (if applicable), the motion is then put to the vote in accordance with Division 12 of the Governance Rules.

46. Amendments

- 46.1 A motion which has been moved and seconded, but not put to the vote, may be amended.

The amendment must be limited to a minor change or addition designed to improve or clarify the intent of the motion.

- 46.2 The moving of an amendment to a motion must not be accepted by the Chair if:
- 46.2.1 the amendment does not comply with rule 41.2;
 - 46.2.2 the amendment is not relevant to the motion it seeks to amend;
 - 46.2.3 the amendment changes the intent of the original motion.

47. Who May Move an Amendment

- 47.1 An amendment may be moved or seconded by any Councillor, except the mover or seconder of the original motion.
- 47.2 A Councillor may not move more than two amendments in succession.

48. Moving an Amendment

- 48.1 An amendment may be made to a motion without debate or a vote, where it is accepted by the Councillors who moved and seconded the original motion;
- 48.2 Where an amendment is accepted under rule 48.1:
 - 48.2.1 the amendment is recorded in the Council Meeting minutes as the motion before Council; and
 - 48.2.2 the original mover and seconder of the motion remain, and debate continues on from when the amendment was proposed.
- 48.3 A proposed amendment to a motion which has not been accepted by both Councillors who moved and seconded the original motion, must be seconded by another Councillor before the proposed amendment can be debated, in accordance with the normal process, and then put to the vote;
- 48.4 A proposed amendment will lapse if it is not seconded.

49. Who May Debate an Amendment

- 49.1 A Councillor may address the Council Meeting once on any amendment, whether or not they have spoken to the original motion.
- 49.2 Debate on an amendment shall be confined to the acceptance or rejection of the amendment and the subject matter of the motion should not be debated at this stage.

50. How many Amendments may be proposed

- 50.1 Any number of amendments to a motion may be proposed but only one amendment may be accepted by the Chair at any one time.
- 50.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be considered until the previous amendment has been dealt with.

51. An Amendment once Carried or Lost

- 51.1 If the amendment is carried:
 - 51.1.1 the amended motion becomes the motion before the Council Meeting and is to be debated; and
 - 51.1.2 no further action is taken on the original motion.
- 51.2 If the amendment is lost:

51.2.1 the amendment is declared lost; and

51.2.2 debate is to resume on the original motion.

52. Speaking to a Motion or an Amendment

52.1 Councillors may only speak once on any motion and/or amendment, with the exception of the mover of a motion, who may exercise a right of reply in accordance with rule 55.

52.2 Nothing in rule 52.1 prevents a Councillor from calling a Point of Order or Point of Clarification.

52.3 After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

53. Lost Motion

53.1 If a motion is lost, including a Notice of Motion, a similar motion cannot be put before Council for at least three (3) calendar months from the date it was lost, unless the Chief Executive Officer determines, after consulting the Mayor, to bring the matter back before Council for consideration by way of a Council Officer Report.

54. Chair may speak

54.1 The Chair may address a Council Meeting upon any matter under discussion, including speaking in favour of or opposing a motion.

54.2 Where the Chair wishes to move a motion or amendment, they must vacate the Chair for the duration of the item being considered.

54.3 Where the Chair chooses to vacate the Chair for a particular item, the Deputy Mayor will assume the Chair.

54.4 Where the Deputy Mayor is not present, or declines to take the Chair, the Chief Executive Officer will facilitate the appointment of a temporary Chair who will be elected by way of nomination and resolution, to perform the role of the Chair until the matter has been voted on.

55. Right of Reply

55.1 Once the debate on a motion has concluded, the mover of a motion that was opposed, has a right of reply to matters raised during debate.

55.2 If no Councillor has spoken against the motion, the mover does not have a right of reply.

55.3 In exercising the right of reply, the mover of a motion must not introduce new information into their response.

55.4 This right of reply does not extend to the seconder of a motion, or the mover or seconder of an amendment.

56. Withdrawal of Motions

56.1 Before any motion or amendment is put to the vote, it may be withdrawn by the mover with the Consent of the Chair.

56.2 The Chair may ask if any Councillor wishes to move a new motion in place of that which is withdrawn.

57. Separation of Motions

Where a motion contains more than one part:

- 57.1 a Councillor may request that the Chair put the motion to the vote in separate parts; or
- 57.2 in the absence of a Councillor request, the Chair may decide to put any motion to the vote in separate parts.

58. Debate must be Relevant to the Motion

Debate must always be relevant to the motion before the Council Meeting. Where debate is not relevant, the Chair shall request the speaker to confine their debate to the motion.

59. Speaking Times

- 59.1 A Councillor shall be provided an opportunity to speak for:
 - 59.1.1 Six (6) minutes on any motion and/or amendment without extension; and
 - 59.1.2 Three (3) minutes in exercising a right of reply without extension.

60. Foreshadowing Motions

- 60.1 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 Council Meeting, but this does not extend any special right to the foreshadowed motion.
- 60.2 The Councillor is not required to announce what the foreshadowed motion is, just state that they foreshadow a motion.
- 60.3 A foreshadowed motion will only be considered if the original motion is lost.
- 60.4 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

61. Speaking by Chief Executive Officer and/or Council Officers

- 61.1 The Chief Executive Officer and other Council Officers must not speak on any motion or matter during a Council Meeting unless invited by the Chair.
- 61.2 Any questions from Councillors directed to Council Officers must be asked through the Chair to the Chief Executive Officer, who will then determine who should answer the question..

DIVISION 8 – Notice of Motion**62. Councillors may Submit Notices of Motion**

- 62.1 Councillors may submit a Notice of Motion in accordance with this Division 8 of Part 3 of Chapter 2 of these Rules.
- 62.2 Despite anything else in these Rules, no Notices of Motion will be accepted during the election period.

63. Procedure for Submitting a Notice of Motion

- 63.1 A Notice of Motion must be:
 - 63.1.1 submitted on the appropriate form via one of the following methods;

- 63.1.1.1 the Councillor Portal;
 - 63.1.1.2 email to "governance@shepparton.vic.gov.au"; or
 - 63.1.1.3 provided in person to a member of the Governance Team; and
- 63.1.2 submitted no later than ten (10) Business Days prior to the Scheduled Council Meeting at which it is to be considered.
- 63.2 The Chief Executive Officer must inform Councillors about the potential legal and cost implications of any Notice of Motion that is submitted in accordance with this rule 63.
- 63.3 A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- 63.4 A Notice of Motion must call for a Council Officer Report if the Notice of Motion proposes any action that:
- 63.4.1 impacts the levels of Council service;
 - 63.4.2 commits Council to either a loss of income, or expenditure that is not included in the adopted Council Budget, to the value of \$25,000 inc GST or greater;
 - 63.4.3 proposes to establish, amend or extend Council policy;
 - 63.4.4 proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - 63.4.5 commits Council to any contractual arrangement; or
 - 63.4.6 concerns any litigation in respect of which Council is a party.

64. Rejection of Notice of Motions

- 64.1 The Chief Executive Officer must not accept any Notice of Motion which is:
- 64.1.1 defamatory;
 - 64.1.2 objectionable in language or nature;
 - 64.1.3 vague or unclear in intention;
 - 64.1.4 outside the powers of Council;
 - 64.1.5 similar in form or substance to a Notice of Motion which has been put to a vote and lost in the last three (3) months; or
 - 64.1.6 to amend or rescind a resolution of Council which has been acted on for the purposes of rule 69.2.
- 64.2 The Chief Executive Officer may reject any Notice of Motion that relates to a matter that has been previously resolved by Council and is acted upon.
- 64.3 Where a Notice of Motion is rejected under rule 64.1 or 64.2, the Chief Executive Officer will:
- 64.3.1 notify the Councillor who submitted the Notice of Motion of the rejection and reasons for the rejection; and

- 64.3.2 provide the Councillor who submitted the Notice of Motion an opportunity, prior to Finalisation of the Agenda, to submit a revised Notice of Motion in accordance with these Rules.

65. Listing Notices on an Agenda

- 65.1 A Notice of Motion shall be included in the Agenda for the next Scheduled Council Meeting.
- 65.2 The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
- 65.3 Subject to a determination under rule 65.2, the full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda.
- 65.4 Where the Chief Executive Officer receives more than one Notice of Motion to be considered at a particular Council Meeting, they will be listed on the Agenda for that Council Meeting in the order in which they were received.
- 65.5 A Notice of Motion cannot be considered at an Additional Council Meeting unless that Additional Council Meeting has been called for the purpose of considering that Notice of Motion

66. Register of Notices

- 66.1 The Chief Executive Officer shall keep a register of all Notices of Motion to be sequentially numbered, dated and entered in the Notice of Motion Register, in the order in which they were received.
- 66.2 Except by resolution of Council, each Notice of Motion before any Council Meeting shall be considered in the order in which they were entered in the Notice of Motion Register.

67. Notice of Motion may be Moved by any Councillor

Where a Councillor who has submitted a Notice of Motion is absent from the Council Meeting at which their Notice of Motion is listed, or fails to move the Notice of Motion when called upon by the Chair to do so, any other Councillor present may move the Notice of Motion.

68. Notice of Motion must be Moved as listed in the Agenda

- 68.1 A Notice of Motion must be moved in the form of words listed in the Agenda and requires a seconder.
- 68.2 Where a Notice of Motion has been submitted but is not moved at the relevant Council Meeting, the Notice of Motion lapses.
- 68.3 A Notice of Motion, once moved and seconded, may be amended in accordance with rule 48.

DIVISION 9 – Notice of Amendment or Rescission of Resolution

69. Notice of Amendment or Rescission of Resolution

- 69.1 A Councillor may propose a motion to amend or rescind a decision of Council, by submitting a Notice of Motion in accordance with Division 8 of Part 3 of Chapter 2 of these Rules, provided that:

- 69.1.1 the resolution proposed to be amended or rescinded has not been acted on; and
- 69.1.2 the Notice of Motion specifies:
 - 69.1.2.1 the resolution to be amended or rescinded;
 - 69.1.2.2 in the case of a proposed amendment of a resolution, the manner in which it will be amended; and
 - 69.1.2.3 the date of the Council Meeting at which the resolution was made.
- 69.2 A resolution will be deemed to have been “acted on” where:
 - 69.2.1 it has been formally communicated to a person who is materially affected by or reliant on it; or
 - 69.2.2 a statutory process has been commenced, so as to vest enforceable rights in or obligations on Council or any other person.
- 69.3 The Chief Executive Officer, or another Council Officer may implement a resolution of Council at any time after the close of the Council Meeting at which the resolution was made.
- 69.4 In addition to any other rules provided for amendment or rescission of a Council resolution, in this rule 69, an amendment or rescission of a Council resolution may be proposed by way of a Council Officer Report included on the Agenda for a Council Meeting.

70. When Not Required

Where Council intends to review, amend or update its Policies, a Notice of Motion to amend or rescind an earlier resolution adopting those policies is not required. The new resolution, despite being inconsistent with the earlier resolution, has the effect of adopting Council's changed policy.

71. Cannot be Amended

A Notice of Motion, proposing the amendment or rescission of a resolution of Council cannot be amended.

72. Treatment of Notices of Motion to Amend or Rescind

For the avoidance of doubt, a Notice of Motion to amend or rescind a previous resolution of Council will, unless the contrary intention appears, be treated as a Notice of Motion submitted under Division 8 of Part 3 of Chapter 2 of these Rules.

DIVISION 10 – Laying a Motion on the Table

73. Laying a Motion on the table

Any motion which has been moved and seconded but not put to the vote may be laid on the table to be heard at the next Scheduled Council Meeting or such later Council Meeting that is specified in the motion.

74. Guidelines for Laying a Motion on the table

- 74.1 A motion being debated by Council, may be laid on the table, through the moving of a motion by any Councillor except:
 - 74.1.1 the mover or seconder of the motion before Council; and

- 74.1.2 a Councillor who has already spoken to the motion.
- 74.2 The Chair must not accept a motion to lay a motion on the table:
 - 74.2.1 during the election of the Chair; or
 - 74.2.2 if it would cause Council to be in breach of a legislative requirement or obligation.
- 74.3 A seconder is not required to lay the motion on the table. Once moved, the motion must be put to the vote without debate.
- 74.4 Any further debate on the original motion is suspended until either the vote to lay the motion on the table is lost, or Council resolves to lift the motion from the table.

DIVISION 11 – Points of Order

75. Points of Order

- 75.1 A Point of Order may be raised at a Council Meeting in relation to:
 - 75.1.1 a motion that should not be accepted by the Chair on the basis of rule 42.1
 - 75.1.2 a Councillor who is or appears to be out of order;
 - 75.1.3 any act of disorder, including:
 - 75.1.3.1 interjecting when another person is speaking, except, in the case of a Councillor, to raise a Point of Order;
 - 75.1.3.2 making comments that are defamatory, malicious, abusive or offensive;
 - 75.1.3.3 refusing to leave the Council Chamber when requested, ordered or directed to do so by the Chair in accordance with the Act; and
 - 75.1.3.4 engaging in a way which prevents the orderly conduct of the Council Meeting;
 - 75.1.4 an error in fact;
 - 75.1.5 objectionable or offensive language;
 - 75.1.6 a lack of relevance to the motion before the Council;
 - 75.1.7 an act that is outside the powers of a Councillor or Council; or
 - 75.1.8 anything which is inconsistent with these Rules.
- 75.2 A Point of Order may be raised by any Councillor, by stating the words “point of order”.
- 75.3 A Point of Order may be raised at any time, including when the Chair or another Councillor is speaking.
- 75.4 When a Point of Order is raised, all Councillors shall cease speaking and come to order, while the Point of Order is determined.
- 75.5 When asked by the Chair, a Councillor raising a Point of Order must state:
 - 75.5.1 the Point of Order; and

75.5.2 the reason for the Point of Order.

- 75.6 To express a mere difference of opinion or to contradict a speaker will not be treated as a Point of Order.
- 75.7 The Chair will decide all Points of Order without entering into any discussions or comment.
- 75.8 The Chair may adjourn the Council Meeting to consider a Point of Order, but must in any event rule on it as soon as practicable after it is raised.
- 75.9 All other matters before Council will be suspended until the Point of Order is decided.
- 75.10 The Chair shall, without entering into discussion or debate:
- 75.10.1 decide all Points of Order by stating the Point of Order is either 'upheld' or 'lost'; and
- 75.10.2 state the provision, rule, practice or precedent which they have relied upon to determine the Point of Order raised.

76. Dissent from Chair's Ruling

- 76.1 A Councillor can, without notice, move to dissent from a ruling of the Chair on a Point of Order. The Chair must suspend the business before the meeting until a decision is made on the motion of dissent.
- 76.2 Despite any other provision of these Rules, only the mover of a motion of dissent and the Chair can speak to the motion before it is put to the vote. The mover of the motion does not have a right of reply.
- 76.3 The Chair must, in accordance with rule 54 vacate the Chair while the motion of dissent is determined.
- 76.4 If a motion of dissent is carried, the Chair must proceed with the suspended business as it was prior to the Point of Order ruling. If a motion of dissent is lost, the Council Meeting must proceed with the suspended business as it was with the Point of Order ruling.
- 76.5 Where a motion of dissent is carried, it will in no way be treated as a motion of censure or no-confidence in the Chair.

DIVISION 12 – Voting

77. How Motions are Determined

- 77.1 Each Councillor is entitled to one (1) vote on any motion before Council.
- 77.2 The Chair of a Council Meeting has, in the event of an equality of votes, a second or casting vote.
- 77.3 Where the Chair declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.
- 77.4 To determine a motion before a Council Meeting, the Chair must call for those voting in favour of the motion, and those voting against the motion.
- 77.5 A Councillor present at the Council Meeting who does not vote in favour of the motion, is deemed to have voted against the motion.

- 77.6 If a majority of Councillors present at the Council Meeting vote in favour of the motion, the motion is carried.
- 77.7 Unless Council resolves otherwise, voting on any matter is by show of hands.
- 77.8 The Chair may direct that a vote on any motion be recounted as many times as necessary for them to be satisfied as to the outcome.
- 77.9 Where a motion is unopposed the Chair will declare the motion as carried unopposed.

78. Division

Immediately following a resolution of Council, any Councillor may call for a Division.

79. Procedure for a Division

- 79.1 When a Division is called for, the vote already taken must be set aside and the Division shall decide the outcome of the motion or amendment.
- 79.2 A Councillor must only vote once.
- 79.3 When a Division is called for, the Chair must:
 - 79.3.1 ask for a show of hands by those Councillors voting “for” the motion or amendment, and then state the names of those Councillors;
 - 79.3.2 ask for a show of hands by those Councillors voting “against” the motion or amendment, and then state the names of those Councillors;
 - 79.3.3 state the names of those Councillors who did not vote on the motion or amendment, and
 - 79.3.4 declare the result of the Division.
- 79.4 In addition to the outcome of the Division, the names of all Councillors who:
 - 79.4.1 voted for the motion or amendment;
 - 79.4.2 did not vote in favour of the motion or amendment and therefore voted against the motion,
 must be recorded in the minutes of the Council Meeting.

80. No Discussion Once Declared

- 80.1 Once a vote on a motion has been taken, no further discussions relating to the motion will be allowed unless the discussion is for a Councillor to request for a Division.
- 80.2 Nothing in this rule 80 is intended to prevent a subsequent motion, which supports or complements the original resolution and does not change the intent of the original motion, being moved.

DIVISION 13 – Petitions

81. Petitions

- 81.1 The Chief Executive Officer shall list a summary of all petitions received, providing they meet the criteria detailed under this Division 13 of Part 3 of Chapter 2 of these Rules.

- 81.2 The petition will be listed on the next available Scheduled Council Meeting Agenda for noting.
- 81.3 The listing shall include a description of the purpose of the petition and the number of signatories to it, however the petition itself will not be attached.
- 81.4 With the consent of the Chair, any Councillor may table a petition not listed on the Agenda for a Scheduled Council Meeting.
- 81.5 Unless Council agrees to deal with it earlier, no motion other than a motion to receive and note may be made on any petition until the next Scheduled Council Meeting after that at which it has been presented or tabled.
- 81.6 Where a Councillor presents or tables a petition on behalf of the petitioners, that Councillor must understand the purpose of the petition and be satisfied that it does not contain language disrespectful to Council or individuals and that the contents or actions proposed do not violate any law.
- 81.7 Every petition presented to or tabled before Council shall be in writing (other than in pencil), typed or printed, contain the request of the petitioners or signatories, and be signed by at least twenty (20) people.
- 81.8 Every petition must:
- 81.8.1 clearly state the full name and address of every signatory; and
 - 81.8.2 be signed (other than pencil) by the persons whose names and, addresses are appended to it with their signatures or marks and, except in cases of incapacity or sickness, by no one else.
- 81.9 Where a petition contains more than one page bearing the details and signature of at least one petitioner or writer, each page shall contain the request of the petitioners or signatories.
- 81.10 Council may accept electronic petitions, providing they meet the essential criteria in accordance with rule 81.8.
- 81.11 Due to the personal information contained within, the petition will not be attached to the Agenda or Minutes of the Council Meeting at which it is presented or tabled.

DIVISION 14 – Conduct and Discipline

82. Objectionable remarks by Councillors

- 82.1 The Chair may require a Councillor to withdraw any remark made at a Council Meeting which is considered by the Chair to be defamatory, indecent, abusive, offensive, disorderly, or objectionable in language, substance or nature and to apologise, to the satisfaction of the Chair, when called upon by the Chair to do so.
- 82.2 A Councillor required to withdraw a remark and apologise shall do so immediately without qualification or explanation.

83. Suspension of Councillors

In addition to, and without limiting, the power of the Chair under the Act to direct a Councillor to leave a Council Meeting, Council may by resolution suspend from a Council Meeting, and for the balance of the Council Meeting, any Councillor whose actions have disrupted the business of the Council Meeting, and have impeded its orderly conduct. An appropriate motion would be:

“I move that Councillor (name) be suspended for the balance of this Meeting”.

84. Gallery to be silent

- 84.1 Members of the public must not interject or take part in the debate at any Council Meeting.
- 84.2 Silence must be preserved in the public gallery at all times when a Council Meeting is being conducted.

85. Improper and disorderly conduct by a member of the public.

- 85.1 The Chair shall call to order any member of the public who is disruptive or unruly during any Council Meeting.
- 85.2 Where any member of the public is called to order by the Chair and thereafter again acts in breach of these Rules, the Chair may order the individual to leave the Council Meeting.
- 85.3 Any member of the public who is ordered by the Chair to leave the Council Meeting shall leave the Council Meeting when requested to do so.

86. Removal from Meeting

The Chair, or Council in the case of a suspension under rule 83, may ask the Chief Executive Officer, Council Officer, Contractor or a member of Victoria Police to remove from the Chamber any person whom the Chair, or Council in the case of a suspension under rule 83, has ordered to be removed from the public gallery under these Rules.

87. Chair May Adjourn Disorderly Meeting

Where the conduct of Councillor/s or members of the gallery is deemed disorderly, the Chair may adjourn the Council Meeting to a later time on the same day, or to a future date.

DIVISION 15 – Suspension of Standing Orders

88. Suspension of Standing Orders

- 88.1 To expedite or otherwise facilitate the business of a Council Meeting, Standing Orders may be suspended by resolution of Council.
- 88.2 The purpose of a Suspension of Standing Orders is to enable the formalities of meeting procedure to be temporarily set aside while an issue is discussed. The Suspension of Standing Orders should not be used purely to dispense with the processes and protocol of the government of the Council.
- 88.3 An appropriate motion for the Suspension of Standing Orders may be:
 - “I move that standing orders be suspended to enable discussion on...”
- 88.4 No motion may be accepted by the Chair or be lawfully dealt with during any Suspension of Standing Orders and Standing Orders must be resumed by resolution of Council once the discussion has taken place.
- 88.5 An appropriate motion to resume Standing Orders would be:
 - “I move that standing orders be resumed.”
- 88.6 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification during Public Question Time.

PART 4 – PUBLIC QUESTION TIME**89. Public Question Time to be Held**

- 89.1 The Council will hold a Public Question Time during each Scheduled Council Meeting to enable members of the public to receive answers to questions previously submitted for consideration.
- 89.2 No Public Question Time will be held at:
 - 89.2.1 an Additional Council Meeting, unless Council resolves otherwise; or
 - 89.2.2 a Council Meeting held during the Election Period.

90. Submission of Questions

Questions submitted to Council for Public Question Time must be:

- 90.1 in writing, containing the name, contact telephone number and address or email of the person submitting the question;
- 90.2 addressed to the Chief Executive Officer; and
- 90.3 submitted and delivered to Council no later than 4.00pm on the day, which is at least five (5) Business Days prior to the next Scheduled Council Meeting by:
 - 90.3.1 letter to Locked Bag 1000, Shepparton Victoria 3632;
 - 90.3.2 email to questiontime@shepparton.vic.gov.au; or
 - 90.3.3 hand delivery to the Council's Office at 90 Welsford Street Shepparton.

91. Question Guidelines

- 91.1 No more than two questions will be accepted from any one person at any one Scheduled Council Meeting.
- 91.2 Questions may be submitted on any matter, but the Chief Executive Officer, in consultation with the Mayor, may refuse to accept any question which:
 - 91.2.1 relates to a matter outside the duties, functions and powers of Council;
 - 91.2.2 is malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
 - 91.2.3 relates to a matter which has previously been addressed at a Council Meeting in the six (6) months prior;
 - 91.2.4 relates to any matter which constitutes Confidential Information;
 - 91.2.5 contains insufficient information to verify the identity of the individual submitting the question.
- 91.3 Where the Chief Executive Officer does not accept any question, the person who submitted the question is to be informed, in writing, of the reason or reasons why their question was not accepted.
- 91.4 The Chief Executive Officer must distribute to all Councillors, a question submitted in writing by a member of the public, which has not been accepted, and the reason or reasons why their question was not accepted.

- 91.5 Copies of all questions allowed by the Chief Executive Officer will be provided in writing to all Councillors.
- 91.6 Only the question asked will be read out at the Council Meeting. Any background information or comments accompanying the question will not be read out or heard in the Council Meeting.
- 91.7 The question and response will be printed in the minutes of the Council Meeting at which the question was asked and answered.

92. Question Time Procedure

- 92.1 During Public Question Time at each Scheduled Council Meeting, the Chief Executive Officer or the Chair will read:
 - 92.1.1 each question submitted and accepted; and
 - 92.1.2 the response to each question.
- 92.2 All questions and answers shall be as brief as possible, and no discussion shall be allowed other than:
 - 92.2.1 at the Chair's discretion; and
 - 92.2.2 for the purposes of clarification.
- 92.3 Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.

Chapter 3 – Meeting Procedure for Delegated Committees

93. Meeting Procedure Generally

If Council establishes a Delegated Committee:

- 93.1 all of the provisions of Chapter 2 apply to meetings of the Delegated Committee; and
- 93.2 any reference in Chapter 2 to:
 - 93.2.1 a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
 - 93.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and
 - 93.2.3 the Mayor or the Chair is to be read as a reference to the Chair of the Delegated Committee.

94. Meeting Procedure Can Be Varied

Notwithstanding rule 93, if Council establishes a Delegated Committee that is not composed solely of Councillors:

- 94.1 Council may; or
- 94.2 the Delegated Committee may, with the approval of Council,

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

Chapter 4 – Meeting Procedure for Community Asset Committees

95. 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.

96. Meeting Procedure

Unless anything in the Instrument of Delegation provides otherwise, the conduct of a meeting of a Community Asset Committee is at the discretion of the Community Asset Committee.

Chapter 5 – Disclosure of Conflicts of Interest

97. Introduction

The following Rules are to be read in conjunction with “Division 2 – Conflict of interest” of the Act and Council’s Conflict of Interest Policy.

98. Definition

In this Chapter:

- 98.1 “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 107 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 98.2 a member of a Delegated Committee.

99. Disclosure of a Conflict of Interest at a Council Meeting

- 99.1 A Councillor who has a conflict of interest in a matter being considered at a Council Meeting at which they:
 - 99.1.1 are present, must disclose that conflict of interest by identifying the type of conflict, being either general or material, and by explaining the nature of the conflict of interest to those present at the Council Meeting, immediately before the matter is considered; or
 - 99.1.2 intend to be present, must disclose that conflict of interest by providing a written notice to the Chief Executive Officer prior to the Council Meeting which:
 - 99.1.2.1 identifies the type of conflict of interest, as either general or material;
 - 99.1.2.2 explains the nature of the conflict of interest; and
 - 99.1.2.3 details, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
 - 99.1.2.3.1 name of the other person;
 - 99.1.2.3.2 nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - 99.1.2.3.3 nature of that other person’s interest in the matter being considered by Council,

and then immediately before the matter is considered at the Council Meeting announcing to those present that they have a conflict of interest and that a written notice has been provided to the Chief Executive Officer under this rule 99.1.2.
- 99.2 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 Council Meeting until consideration of the matter has concluded.
- 99.3 A Councillor who has identified and / or disclosed a conflict of interest must ensure that, if they discuss that matter with any other Councillor prior to the matter being determined at a Council Meeting, they identify that they are doing so in their personal capacity and not in their Councillor capacity.

- 99.4 Any disclosure of Conflict of Interest at a Council Meeting will be recorded in the meeting minutes, and will include the type and nature of the conflict, the time that the Councillor left and subsequently returned to the meeting.

100. Disclosure of Conflict of Interest at a Delegated Committee Meeting

- 100.1 A member of a Delegated Committee who has a conflict of interest in a matter being considered at a Delegated Committee Meeting at which they:
- 100.1.1 are present, must disclose that conflict of interest to those present at the Delegated Committee Meeting, immediately prior to considering that matter by explaining the type of conflict of interest, being either general or material, and the nature of the conflict of interest; or
- 100.1.2 intend to be present, must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee Meeting commences, a written notice:
- 100.1.2.1 advising of the type of conflict of interest, being either general or material; and
- 100.1.2.2 explaining the nature of the conflict of interest;
- and then immediately before the matter is considered at the Delegated Committee Meeting, announcing to those present that they have a conflict of interest and that a written notice has been provided to the Chief Executive Officer under this rule 100.1.2.
- 100.2 The member of a Delegated Committee must, in either event, leave the Delegated Committee Meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the Delegated Committee Meeting until consideration of the matter has concluded.
- 100.3 Any disclosure of Conflict of Interest at a Delegated Committee Meeting will be recorded in the meeting minutes, and will include the type and nature of the conflict, and the time that the Committee Member left and subsequently returned to the meeting.

101. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

- 101.1 A member of a Community Asset Committee who has a conflict of interest in a matter being considered at a Community Asset Committee meeting at which they:
- 101.1.1 are present, must disclose that conflict of interest to those present at the meeting, immediately prior to considering that matter by explaining the type of conflict of interest, being either general or material, and the nature of the conflict of interest; or
- 101.1.2 intend to present, must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:
- 101.1.2.1 advising of the type of conflict of interest, being either general or material;
- 101.1.2.2 explaining the nature of the conflict of interest;
- and then immediately before the matter is considered at the Community Asset Committee Meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this rule 101.1.2.

- 101.2 The member of the Community Asset Committee must, in either event, leave the Committee Asset Committee Meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the Community Asset Committee Meeting until consideration of the matter has concluded.
- 101.3 Any disclosure of Conflict of Interest at a Community Asset Committee Meeting will be recorded in the meeting minutes, and will include the type and nature of the conflict, and the time that the Committee Member left and subsequently returned to the meeting.

102. Disclosure at a Meeting conducted under the auspices of Council

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

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

103. Disclosure by Council Officers Preparing Reports for Meetings

- 103.1 A Council Officer who, in their capacity as a Council Officer, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Council Officer report for the consideration of a:

- 103.1.1 Council Meeting;
- 103.1.2 Delegated Committee Meeting; or
- 103.1.3 Community Asset Committee Meeting

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

- 103.2 The Chief Executive Officer must ensure that the Council Officer report referred to in rule 103.1 records the fact that a Council Officer disclosed a conflict of interest in the subject-matter of the report.
- 103.3 If the Council Officer referred to in rule 103.1 is the Chief Executive Officer:
- 103.3.1 the written notice referred to in rule 103.1 must be provided to the Mayor; and
- 103.3.2 the obligation imposed by rule 103.2 must be discharged by any other Council Officer responsible for the preparation of the Council Officer report.

104. Disclosure of Conflict of Interest by Council Officers in the Exercise of Delegated Power

- 104.1 A Council Officer who has a conflict of interest in a matter requiring a decision to be made by the Council Officer as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the type and nature of the conflict of interest.

- 104.2 If the Council Officer referred to in rule 104.1 is the Chief Executive Officer the written notice must be provided to the Mayor.

105. Disclosure by a Council Officer in the Exercise of a Statutory Function

- 105.1 A Council Officer who has a conflict of interest in a matter requiring a statutory function to be performed under an Act must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the type and nature of the conflict of interest.

- 105.2 If the Council Officer referred to in rule 105.1 is the Chief Executive Officer the written notice must be provided to the Mayor.

106. Retention of Written Notices

The Chief Executive Officer must retain all written notices received under this Chapter 5 for a period of three years.

Chapter 6 – Miscellaneous**107. Informal Meetings of Councillors**

If there is a meeting of 3 or more Councillors that:

- 107.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- 107.2 is attended by at least one Council Officer; and
- 107.3 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:

- 107.4 tabled at the next convenient Scheduled Council Meeting; and
- 107.5 recorded in the minutes of that Scheduled Council Meeting.

108. Confidential Information

- 108.1 If the Chief Executive Officer is of the opinion that information relating to a Meeting is confidential information within the meaning of the Act, they may designate the information as confidential and advise Councillors and/or Council Officers in writing accordingly.
- 108.2 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 Council Officers in writing accordingly, will be presumed to be confidential information.

Chapter 7 – Election Period Policy

ELECTION PERIOD POLICY

Version:	2
Business Unit:	Corporate Services
Responsible Officer:	Team Leader Governance
Adopted By:	Council on 20 September 2022
Next Review:	Within 12 months prior to a General Election

1. PURPOSE

Greater Shepparton City Council (**Council**) is committed to implementing clear and transparent caretaker provisions during election periods. This Policy will apply to the election period prior to a general election or by-election. The Chief Executive Officer (**CEO**) or the Governance team will advise all Councillors and staff of the commencement date for any election period applying to Council. The election period commences at midnight on the last day for nominations and ends at 6.00pm on election day

Example below

2020 General Election

For the 2020 general election, the dates for the election period were as follows:

Midnight, Tuesday
22 September 2020

6.00 pm, Saturday
24 October 2020



Note: For the avoidance of doubt, 'Midnight 22 September' refers to midnight at the end of the day on 22 September.

2. OBJECTIVE

The will of the people, expressed through democratic elections, is the cornerstone of democracy at all levels of government, including local government. A guiding principle of the exercising of this free will is that outgoing governments must safeguard the authority of incoming governments. This principle is applied through the implementation of a caretaker period prior to an election. During a caretaker period, an outgoing government shall not make any decisions which could be considered to unreasonably bind an incoming government.

Unlike other levels of government in Australia, where caretaker provisions are established by convention rather than law, the *Local Government Act 2020 (the Act)* requires councils to comply with special arrangements during council elections to ensure the probity of the election process. These include statutory requirements relating to decision-making and the use of council resources.

While these statutory requirements establish limits on what a council may and may not do, they represent the minimum caretaker provisions which a Council must apply and they do not address the ways in which a Council could or should modify its usual actions and processes during an election period.

3. SCOPE

This Policy details the caretaker provisions which are to be followed by all Councillors and Council Officers during an election period. Councillors and Council Officers need to be aware that severe penalties apply to breaches of the Act during the election period. Familiarity and compliance with the provisions detailed in this Policy will significantly reduce the risk of an unintentional breach of the Act and give the community confidence that Council is acting in an ethical manner during the election period.

4. DEFINITIONS

Reference term	Definition
Caretaker provisions	The special arrangements and processes which will be applied during an election period.
Council	Greater Shepparton City Council and the services it provides, including but not limited to Riverlinks, Aquamoves, KidsTown, Childcare Centres and the Visitor Information Centre.
Election period	The 32-day period which starts at midnight on the last day for nominations and ends at 6.00pm on election day.
Election material	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.
Electoral matter	Material which is intended or likely to affect voting in an election, such as: <ul style="list-style-type: none"> the views, strengths or weaknesses of any candidate; advocacy of the policies of Council or of a candidate;

	<ul style="list-style-type: none"> claims made by a candidate and/or responses to such claims; and the achievements of Council, <p>but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.</p>
Emergency	As defined in the <i>Emergency Management Act 1986</i> .
Meeting	A properly constituted meeting of Council, a Delegated Committee or a Community Asset Committee.
Prohibited decision	<p>Any decision of Council (by resolution or under delegation):</p> <ul style="list-style-type: none"> relating to the employment or remuneration of the Chief Executive Officer, other than the appointment or remuneration of an acting Chief Executive Officer; to commit Council to expenditure exceeding 1% of Council's income from general rates, municipal charges and service rates and charges for the preceding financial year; that Council considers could be reasonably deferred until after the election; or that Council considers should not be made during the election period.
Publication	<p>Includes any:</p> <ul style="list-style-type: none"> advertisement (including job, television and radio advertisements), pamphlet, newsletter, handbill, bulk letter or email with more than 20 addressees press release social media post on a Council site, or as a Council representative on any other site website change report master plan submission to external bodies which will be made public notice or similar type document, whether in electronic or hard copy format.

5. POLICY

5.1. Decision Making

During an election period, Council will not make any prohibited decisions.

During the election period, all agendas prepared for Meetings will be vetted by the CEO to ensure they do not contain matters which may lead to a prohibited decision being made. The following statement will be applied to agendas and minutes prepared during the election period:

Caretaker Statement

The [##recommendations/resolutions] contained within [##this agenda/these minutes] are not prohibited decisions, as defined in either section 69(2) of the *Local Government Act 2020* or Council's Election Period Policy.

5.1.1. Notices of Motion

Notices of Motions are not accepted during the election period. It is also recommended that Councillors avoid raising items of Urgent Business during the election period.

5.1.2. Public Question Time

Public Question Time will not occur at Council Meetings held during the election period.

Any questions received during the election period will be deferred to the next Scheduled Council Meeting.

5.1.3. Meetings of Delegated Committees and Community Asset Committees

Meetings of Delegated Committees and Community Asset Committees will not be held during the election period, unless they cannot reasonably be deferred until after the election. Where a Meeting of a Delegated Committee or Community Asset Committee cannot reasonably be deferred until after the election, the CEO will ensure that the relevant agenda contains only those matters which must be determined before the election and does not call for a prohibited decision to be made.

5.1.4. Community Grants and Sponsorship

Council will continue to receive and accept applications for grants and sponsorship during the election period, however, decisions on such applications will be deferred until after the election.

There will be no public promotion of any new funding streams during the election period. If public promotion commenced prior to the election period, it will continue during the election period, although Councillors will not be associated with any public promotion activities.

5.2. Council Publications

The only publications which will be published during the election period will be those that:

- are considered by the CEO or Director Corporate Services to be necessary and appropriate for the continuity of Council operations; and

- the CEO or Director Corporate Services is satisfied do not contain electoral matter.

5.2.1. Council Publications Including Councillor Information

Council will avoid the release of any publications during the election period which refer to Councillors, other than references appearing in minutes of Meetings.

No publications containing references to Councillors which constitute electoral matter will be released during the election period.

5.2.2. Existing Publications

The CEO or Director Corporate Services will review categories of publications which are publicly available at the commencement of the election period with a view to removing those publications which contain electoral matter relating to Councillors. Publications which are, or material which is, displayed at Council premises and assessed as containing electoral matter will be temporarily removed from display. Any material removed may still be provided to members of the community upon request.

5.2.3. Annual Report

If an Annual Report must be published by Council during the election period, the CEO will ensure that it does not contain any electoral matter.

The Mayor's message may still be included in the Annual Report during an election year, however, the content of the Mayor's message must be limited to factual statements on Council's achievements as a whole, and must not contain any personal views, opinions or special achievements of the Mayor or Councillors.

Information in the Annual Report referring to specific Councillors will be limited to names, titles, contact details, memberships of Delegated Committees and Community Asset Committees and other bodies to which they have been appointed by, and as a representative of, Council.

5.3. Council Website

Material which is already on Council's website at the commencement of the election period will generally remain, except that:

- Councillor profiles, other than Councillor contact details; and
- any information prominently displayed which is assessed by the CEO or Director Corporate Services as electoral matter,

will be removed.

A statement will be published on all Council websites advising that limited information (in compliance with this section) will be published on Council websites until after the election.

5.3.1. Internal Publications and Intranet

The publication of internal newsletters and intranet information, including instructions for the election period, policy and procedure, is permitted and will continue as normal during an election period. The promotion of Councillors, candidates or political parties in internal publications is not permitted.

5.4. Community Engagement and Public Consultation

Council will only conduct community engagement and public consultation during the election period where it is required by law, such as consultation required by:

- the *Planning and Environment Act 1987*;
- the *Local Government Act 2020*; and
- section 223 of the *Local Government Act 1989*.

Consultation on major strategy or policy issues, or that which invites submissions, will not occur, or, if already commenced, will be suspended, during the election period.

5.5. Small Town Catch Ups / Community Information Sessions

Council will not schedule any 'Mayor and CEO Small Town Catch Ups' during the election period.

Where community information sessions are required and cannot be postponed, only Council Officers will be in attendance.

5.6. Media

Council will not broadcast or participate in any regular television or radio program or publish its regular newspaper or newsletter updates during the election period.

The following exceptions may be applied by the CEO or Director Corporate Services:

- advertising commissioned and approved by the election manager, for the purpose of informing electors about the election process;
- advertising critical to Council business, to the extent that it cannot be promoted prior to the commencement of the election period, or cannot reasonably be postponed, and does not contain election material; and
- as required and approved by the CEO or Director Corporate Services in response to an emergency.

All advertising, apart from that commissioned by the election manager, must be approved by the CEO or Director Corporate Services.

5.6.1. Media Interviews

Councillors will not participate in media interviews in their capacity as a Councillor during the election period.

Councillors may participate in media interviews in their capacity as a candidate or a private citizen, but must take care to advise the media that they are speaking to them as an individual and not on behalf of Council, or in their capacity as a Councillor. This disclaimer must be made even when a Councillor believes that a media interview will not be published or broadcast as part of the interview or story.

Council Officers may only participate in media interviews during the election period on operational matters and with the permission of the CEO or Director Corporate Services.

All media interviews are to be coordinated by Council's Marketing and Communications Team.

5.7. Public Notices and Advertising

Regular advertising, including tenders and public notices, will be postponed until after, and suspended during, the election period where possible.

The CEO or Director Corporate Services may authorise the publishing of some public notices after having regard to the following matters:

- whether the notice is required by legislation;
- whether the matter can reasonably be deferred until after the election period; and
- whether the advertisement contains any electoral matter.

Advertising for the purpose of recruitment is permitted during the election period.

5.8. Social Media

Councillors and Council Officers will not engage in social media in their capacity as Councillors and Council Officers during the election period, except with the prior approval of the CEO or Director Corporate Services.

Councillors will not publish comments to official Council social media sites during the election period.

To the extent that it is technically possible to do so, all Council social media sites will be disabled for external comments during the election period, to prevent the publication of electoral matter.

During the election period, Council Officers are expected not to engage with Councillors or candidates via social media, including 'liking' or 'commenting' on posts.

5.9. Council Resources

Councillors and Council Officers will not use any Council resources in a way that is intended, or is likely, to affect the result of the election.

During the election period, Councillors will not use Council resources for a purpose other than Council business. Council resources include, but are not limited to:

- staff time;
- Council property (including meeting rooms and the Councillors' Suite);
- Council-provided equipment (including mobile phones, iPads, computers, printers, internet data and email accounts); and
- Council stationery (including Council nametags, business cards and photographs).

The use of Council resources is generally governed by the Councillor Resources and Facilities Policy. This Policy is varied during the election period as follows:

- Councillors will not attend conferences, functions or events in their capacity as a Councillor except when officially invited to do so as the representative of Council;
- Councillors will not undertake any professional development training in their capacity as a Councillor;
- Councillors will reimburse Council for all personal use of Council-provided provided mobile telephones, including any amount under the \$50 threshold for incidental personal use; and
- Councillors who wish to use email for election purposes must use a private email address.

5.10. Events and Speeches

Regular public events which are part of the normal operations of Council will continue during the election period. Additional events, particularly events which would require Councillor involvement, will only be scheduled with the approval and at the sole discretion of the CEO. The scheduling of additional events that require the involvement of Councillors during the election period will be avoided where possible.

Councillors participating in Council events during the election period as representatives of Council will not use the events for private electioneering. Material published or disseminated during the election period to promote a function or event will not promote individual Councillors.

Where a Councillor is required to deliver a speech at a function or event during the election period, Council Officers are to prepare the speech and the CEO is to confirm that it contains no electoral matter before it is provided to the Councillor.

Functions or events for the purpose of electioneering will not be resourced or publicised by Council.

5.11. Correspondence

Routine letters and emails that are part of normal Council business are not to be affected by election processes, however, Council Officers, equipment and stationery must not be used for Councillor correspondence to the extent that it might relate to the election. This includes, but is not limited to:

- letters with multiple addressees that are prepared by Council Officers, printed on or using Council resources or issued on behalf of Council;
- letters dealing with electoral matters for Councillors; and
- letters and emails that do not form part of general correspondence, which may be evidenced by the 'bulk' nature of such letters and emails.

5.12. Use of the Title "Councillor"

Councillors may use the title "Councillor" in their own election material, as they continue to hold their positions during the election period. To avoid any confusion, however, Councillors must ensure that their election publications are clearly seen to be their own material and not to represent the Council. Councillors will not use the Council logo or any facsimile or derivation of the Council logo on their election material.

5.13. Dispute Resolution

Council will not undertake a dispute resolution procedure under the Councillor Code of Conduct during the election period.

Any dispute resolution procedures which had commenced, but were not yet resolved, prior to the election period will be placed on hold. If re-elected, the Councillors involved may resume the dispute resolution processes once they have formally resumed their position as Councillors.

5.14. Equitable Distribution of Information

Where access to information has been requested by registered candidates during the election period, the matter will be referred to the Governance team to determine whether or not it is appropriate to provide such information.

If approved, the information will be provided to the candidate and also maintained in a register (**the Candidate Information Register**) which will be made available for inspection by any other candidate upon request.

Councillors will continue to receive information that is necessary to fulfil their existing elected roles. This information is not subject to being recorded in the Candidate Information Register as outlined above.

5.15. Conduct of Council Officers

Council Officers are discouraged from promoting any potential candidate during the election period.

Neither the CEO nor any Council Officer can be asked, offer or agree to undertake any tasks connected directly or indirectly with electioneering.

6. RELATED POLICIES

- *Councillor Expenses Policy*
- *Councillor Resources and Facilities Policy*
- *Councillor Code of Conduct*

7. RELATED LEGISLATION

- *Local Government Act 2020*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*

8. REVIEW

This policy is to be reviewed by the Team Leader Governance within twelve months prior to a general election. Should a by-election be required, the Team Leader Governance is to review this policy as soon as the need for a by-election has been identified.

DOCUMENT REVISIONS

Version #	Date Adopted	Date Effective
1.1	21 August 2016	21 August 2016
1.2	17 September 2019	17 September 2019
1.3	18 August 2020	18 August 2020
2		