



Governance Rules

Contents

CONTEXT	6
DEFINITIONS	7
(1) In these Governance Rules:	7
MEETING PROCEDURE	10
1. Purpose of Council meetings	10
2. Meeting Roles	10
2.1 Chairperson and Members	11
2.2 Mayor to take the Chair	11
2.3 Delegated Committee Chairperson	12
2.4 The Chairperson's duties and discretions	12
2.5 Chief Executive Officer	12
2.6 Councillors and members of Delegated Committees	13
2.7 Community	13
2.8 Apologies and absences	13
3. Notice of meetings and availability of agenda	14
3.1 Date, time and place of Council meetings	14
3.2 Postponement	15
3.3 Unscheduled meetings	15
3.4 Notice of meetings	16
3.4.1 Council Meetings	16
3.4.2 Unscheduled meetings	16
4. Quorum	17
5. Election of Mayor	19
5.1 Chief Executive Officer to set time and date for the election of the Mayor	19
5.2 Role and Election of Mayor	19
5.3 Role and Election of Deputy Mayor	19
5.4 Method of Voting	20
5.5 Determining the Election of Mayor / Deputy Mayor	20
5.6 Ceremonial Mayoral Speech	21
5.7 Acting Mayor	21
6. Business of meetings	22
6.1 Business at meetings	22
6.2 Order of business for Council meetings	22
6.3 Change to order of business	22

6.4	Urgent Business	22
6.5	Time Limits for Meetings	23
6.6	Chairperson may temporarily adjourn a meeting exceeding two hours	23
7.	Community questions and submissions	25
7.1	Open Forum and Questions of Council Time to be held	25
7.2	Open forum and Questions of Council guidelines	26
7.3	Open forum prior notice	26
7.4	Open Forum Procedure	27
7.5	Prior notice of Questions of Council	28
7.6	Response to questions	28
7.7	Petitions and joint letters	28
7.8	Display of placards and posters	30
7.9	Chairperson may remove members of the public	30
8.	Voting	31
8.1	How a matter is determined	31
8.2	Voting must be seen	31
8.3	When a division is permitted	32
8.4	No discussion once a vote has been declared	32
9.	Addressing the meeting	33
9.1	Councillor allowed to speak uninterrupted	33
9.2	Addressing the Meeting	33
10.	Motions and Debate	34
10.1	Moving a motion	34
10.2	Chairperson's duty	35
10.3	Right of reply	35
10.4	Moving an amendment	36
10.5	Foreshadowing motions	36
10.6	Withdrawal of motions	37
10.7	Separation of motions	37
10.8	Motions moved in a block	37
10.9	Motions in writing	37
10.10	Debate must be relevant to the motion	37
10.11	Adequate and sufficient debate	38
10.12	Speaking times	38
10.13	Procedural motions	39

10.14	Notice of motion	42
10.15	Notice of Rescission	44
10.16	Change of Council Policy	45
10.17	Foreshadowed items	46
11.	Points of Order	47
11.1	Dissent in Chairperson's ruling	47
11.2	Valid points of order	48
11.3	Contradiction or opinion	48
11.4	Disorderly Conduct	48
11.5	Chairperson may adjourn disorderly Meeting	48
12.	Minutes	50
12.1	Keeping of Minutes	50
12.2	Confirmation of Minutes	51
12.3	Recording of Proceedings	52
13.	Suspension of Standing Orders	53
13.1	Suspension of standing orders	53
14.	Delegated Committees	54
15.	Community Asset Committees	54
16.	Audit and Risk Committee	55
17.	Election Period Policy	55
18.	Conflict of interest	57
18.1	Obligations with regard to conflict of interest:	57
18.2	Councillors and Members of Delegated Committees	57
18.3	Procedure at a Council or Delegated Committee Meeting	57
18.4	Procedure at other meetings organised, hosted or supported by Council	58
18.5	Council staff	59
18.6	Procedure for disclosures of conflicts of interest by Council Staff	59
19	Joint council meetings	60
	Revision History and Review	61
	Schedule 1	62
	Purpose	64
	Scope	65
	Policy Statement	65
1.0	Council Decisions	65
2.0	Council Resources	66

2.2	Travel/Accommodation and Professional Development.....	67
2.3	Councillor Expenditure	67
3.0	Council Communications and Publicity	67
3.1	Social Media and Website	68
3.2	Functions and Events / Speeches.....	69
3.3	Provision of Information.....	69
3.4	Advice to Candidates	70
4.0	Community Engagement.....	70
5.0	Council Spokesperson.....	70
	Roles and Responsibilities	71
	References and Supporting Documents.....	72
	Privacy and Human Rights Consideration	72
	Definitions	73
	Revision History and Review.....	75

CONTEXT

The Governance Rules provide for Council to consider and make decisions on any matter fairly and on the merits and enable a person whose rights are directly affected by a decision to have their views heard and interest considered in the process.

The conduct of Council meetings is at the discretion of Council except as provided in the Act and the Governance Rules. Section 60 of the *Local Government Act 2020* (the Act) requires Council to adopt Governance Rules to:

- (a) manage the conduct of Council meetings, including delegated committee meetings;
- (b) detail the form and availability of meeting records;
- (c) establish the process for the election of Mayor and Deputy Mayor;
- (d) outline the appointment of an Acting Mayor;
- (e) detail the arrangements during an election period policy; and
- (f) specify how Councillors, members of delegated committees and Council staff disclose of conflicts of interest in accordance with the Act.

These Governance Rules will replace the Local Law No. 1 Procedures for Council Meetings.

Council may amend its Governance Rules following a process of community engagement. However, under section 60(5) a community engagement process is not required if Council is adopting a good practice guideline issued by the Minister for Local Government.

Governance Rules are not subordinate legislation. The Act provides that the Mayor is responsible promoting good behaviour at Council meetings. The Mayor has the power to direct Councillors and members of the public to leave a meeting if their behaviour is preventing the Council from conducting its business.

The Governance Rules apply to Council meetings and meeting of delegated committees and community asset committees. The Governance Rules will apply to other Council meetings, such as Audit and Risk Committee meetings, as outlined in the relevant terms of reference or charter

DEFINITIONS

(1) In these Governance Rules:

Act means the *Local Government Act 2020*.

Advisory committee means a committee established by the *Council*, that provides advice to —

(a) the *Council*; or

(b) a member of *Council* staff who has been delegated a power, duty or function of the *Council*;

that is not a delegated committee.

Agenda means a document containing the date, time and place of a meeting and a list of business to be transacted at the meeting.

Agreement of Council means indicative agreement of all Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote.

Audit and Risk Committee means the Audit and Risk Committee established by a Council under section 53 of the Act.

Authorised Officer has the same meaning as in the *Local Government Act 1989* or any other Act.

Chairperson means the Chairperson of a meeting and includes an acting, temporary and substitute Chairperson.

Chamber means any room where the Council holds a Council meeting.

Chief Executive Officer means the person occupying the role of Chief Executive Officer of Council, and includes a person acting in that role.

Committee meeting means a meeting of a delegated committee.

Council means East Gippsland Shire Council.

Councillor means a Councillor of Council.

Code of Conduct has the same meaning as in section 139 of the Act.

Council meeting means a meeting of the Council convened in accordance with section 61 of the Act and these Governance Rules and includes a scheduled meeting and unscheduled meeting.

Delegate means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation.

Delegated committee has the same meaning as in section 63 of the Act.

Delegated committee meeting means a meeting of a delegated committee.

Deputy Mayor means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.

Disorder means any disorderly conduct of a member of the gallery or a Councillor and includes:

- a) interjecting when another person is speaking, except, in the case of where a Councillor is raising a point of order;
- b) making comments that are defamatory, malicious, abusive or offensive;
- c) refusing to leave the meeting when requested, ordered or directed to do so by the Chairperson in accordance with section 19 or 318 of the Act and the Governance Rules; or
- d) engaging in any other conduct which prevents the orderly conduct of the meeting;

Emergency As defined by the *Emergency Management Act 2013* an emergency means an actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety of health of any person in Victoria or which destroys or damages, or threatens to destroy or damage, any property in Victoria or endangers or threatens to endanger the environment or an element of the environment in Victoria including but not limited to

- (a) an earthquake, flood, windstorm or other natural event; and
- (b) a fire; and
- (c) an explosion; and
- (d) a road accident or any other accident; and
- (e) a plague or an epidemic or contamination; and
- (f) a warlike act or act of terrorism, whether directed at Victoria or a part of Victoria or at any other State or Territory of the Commonwealth; and
- (g) a hi-jack, siege or riot; and
- (h) a disruption to an essential service;

in respect of which the Chief Executive Officer has declared in writing that an Emergency exists.

Foreshadowed item means a matter raised in the relevant section of the Council meeting that a Councillor intends to submit a notice of motion for the next Council meeting.

General Manager means a senior member of Council staff holding the position of General Manager or another position (however designated) which reports directly to the Chief Executive Officer.

Majority of the votes means a majority of Councillors present at the time of a vote voting in favour of a matter.

Mayor means the Mayor of Council and any person appointed by Council to be acting as Mayor.

Meeting means a Council meeting or a delegated committee meeting.

Member means a member of any committee to which these Governance Rules apply.

Minutes means the official record of the proceedings and decisions of a meeting.

Motion means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted.

Notice of motion means a notice setting out the text of a motion which a Councillor proposes to move at a Council meeting.

Notice of rescission means a notice of motion to rescind a resolution made by Council.

On notice means held or deferred to enable preparation of a response.

Operational services are the day-to-day tasks of Council. Council has a process in place that captures requests from the community. Council Officers consider, assess, prioritise and action the requests.

Point of order means a procedural point (about how the meeting is being conducted), not involving the substance of a matter before a meeting.

Procedural motion means a motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.

Resolution means a decision of Council as defined in section 59 of the Act.

Rule or sub-rule means a rule or sub-rule included in these Governance Rules.

Urgent business means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next meeting.

Unscheduled meeting means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Ordinary Council meetings set by Council.

MEETING PROCEDURE

1. Purpose of Council meetings

- (1) Council holds scheduled meetings and, when required, unscheduled meetings to conduct the business of Council.
- (2) Council is committed to transparency in decision making and, in accordance with the *Local Government Act 2020*, Council and delegated committee meetings are open to the public and the community are able to attend.
- (3) Meetings will only be closed to members of the public, in accordance with section 66 of the Act, if:
 - (a) there are clear reasons for particular matters to remain confidential; or
 - (b) a meeting is required to be closed for security reasons; or
 - (c) it is necessary to enable the meeting to proceed in an ordinary manner.
- (4) A meeting closed to the public for the reasons outlined in sub-rule 3(b) or 3(c) will continue to be livestreamed. In the event a livestream is not available:
 - (a) the meeting may be adjourned; or
 - (b) a recording of the proceedings may be available on the Council website.

2. Meeting Roles

Overview: In accordance with Section 61 and 63 of the Act, the Mayor must take the Chair at all Council Meetings at which the Mayor is present. If the Mayor is absent, the Deputy Mayor (if any) must take the Chair and if both are absent, Council must elect one of the Councillors as Chairperson of the meeting.

The way in which Council and Committee meetings are conducted makes a significant contribution to good governance. The Chairperson plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors, members of delegated committees and advisory committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.

The Chairperson is an independent leader of the meeting and generally does not participate in debate or move or second motions. The Chairperson will vote and provide the casting vote if votes are tied (s61(5)(d)).

The Act provides for the Mayor to appoint a Councillor as the Chair of a delegated committee and any such appointment prevails over any appointment made by Council. While there are no limitations on exercising that power, the Mayor must always act in a way that is consistent with the adopted Councillor Code of Conduct and transparency commitments of the Council.

Additionally, each member of the meeting has an obligation to participate in good decision-making.

Specific duties and discretions of the Chairperson are outlined throughout these Governance Rules.

2.1 Chairperson and Members

- (1) The Chairperson, Councillors and members of delegated committees will ensure good council decision-making by endeavouring to ensure:
 - (a) decision making is transparent to members and observers;
 - (b) meeting members have sufficient information to make good decisions;
 - (c) every member is supported to contribute to decisions;
 - (d) any person whose rights are affected has their interests considered;
 - (e) debate and discussion are focussed on the issues at hand;
 - (f) meetings are conducted in an orderly manner; and
 - (g) decisions should be made on the merits of the matter.

2.2 Mayor to take the Chair

- (1) The Mayor must take the Chair at all Council Meetings at which the Mayor is present (s61(3)(a)).
- (2) If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair (s61(3)(b)).
- (3) If the Mayor and any Deputy Mayor are not in attendance at a Council Meeting, Council must appoint one of the Councillors as Chair of the meeting by resolution (s61(3)(d)).

2.3 Delegated Committee Chairperson

- (1) At the Meeting at which Council establishes a delegated committee it must also appoint a Chairperson (s63(2)).
- (2) The Chair of a delegated committee must be a Councillor (s63(2)(a)).
- (3) For the avoidance of doubt, sub-rule (1) does not intend to limit the powers of the Mayor provided in the Act.

2.4 The Chairperson's duties and discretions

In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:

- (1) must not accept any motion, question or statement which is:
 - (a) vague or ambiguous;
 - (b) defamatory, malicious, abusive or objectionable in language or substance;
 - (c) not relevant to the item of business of the agenda and has not been admitted as urgent business;
 - (d) purports to be an amendment but is not; or
 - (e) outside the powers of Council;
- (2) must allow the Chief Executive Officer or delegate the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
- (3) must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council (s19(1)(b) and s318);
- (4) may direct that a vote be recounted to be satisfied of the result; and
- (5) must decide on all points of order.

2.5 Chief Executive Officer

- (1) The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chairperson.
- (2) The Chief Executive Officer should:
 - (a) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
 - (b) advise if there are operational, legal, financial or other risks, including non-compliance with statutory obligations arising from a proposed resolution;
 - (c) help clarify the intent of any unclear resolution to facilitate implementation;
 - or
 - (d) on request, assist with procedural issues that may arise.

2.6 Councillors and members of Delegated Committees

- (1) Councillors and members of delegated committees contribute to good governance and decision making by:
 - (a) seeking views of community members and reading the agenda prior to the meeting;
 - (b) demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers;
 - (c) attending meetings and participating in debate and discussion;
 - (d) demonstrating respect for the role of the Chairperson and the rights of other Councillors or members of delegated committees to contribute to the decision-making; and
 - (e) being courteous and orderly.

2.7 Community

- (1) Council meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings.
- (2) Community members may only participate in Council meetings in accordance with Rule 7.
- (3) Community members are encouraged to participate in Council's engagement processes.
- (4) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Council meetings.

2.8 Apologies and absences

- (1) Councillors and members of delegated committees who are unable to attend a meeting may submit an apology:
 - (a) in writing to the Chairperson, who will advise the meeting; or
 - (b) by seeking another Councillor or member of the delegated committee to submit it at the meeting on their behalf; or
 - (c) in writing to the Chief Executive Officer or delegate who will advise the Chairperson.
- (2) An apology submitted to a meeting will be recorded in the minutes.
- (3) A Councillor intending to take a leave of absence (s35(4)) should submit a request in writing to the Mayor.
- (4) The Mayor will seek to have any leave of absence request received included in the agenda of the next Council meeting.

- (5) A leave of absence not included in a Council meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.
- (6) Council will not unreasonably withhold its approval of a leave of absence request.
- (7) A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or delegated committee meeting will be recorded as absent.

3. Notice of meetings and availability of agenda

Overview: Council Meetings are held regularly to conduct the ongoing business of the Council and unscheduled Meetings may be held from time to time.

It is important that the community is made aware of the times, dates and locations of Council and delegated committee meetings and the matters Council will consider. The timing of this notice should give the community adequate time to make arrangements to attend the meeting or view via the livestream.

An agenda for each Council Meeting must be provided to Councillors in advance so that they can prepare adequately for the Council Meeting. The Agenda contains the order of business and the professional advice of the organisation, with a recommendation for Council to consider.

The agenda is made available to the public via Council's website and can be accessed online at Customer Service Centres and Council libraries.

3.1 Date, time and place of Council meetings

- (1) At or before the last meeting each calendar year, Council must fix the date, time and place of all Council meetings and any delegated committee meetings for the following calendar year.
- (2) Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any meeting which has been fixed and must provide notice of the change to the public.

3.2 Postponement

- (1) In the case of an emergency, the Chief Executive Officer or delegate or, in the absence of both, a Senior Officer, may postpone a Council meeting, provided every reasonable attempt is made to notify every Councillor of the postponement.
- (2) The Chief Executive Officer, Delegate or Senior Officer must submit a full written report of the circumstances requiring his or her action in respect of the emergency postponement at the next scheduled meeting.

3.3 Unscheduled meetings

- (1) Council may by resolution call an unscheduled meeting of the Council.
- (2) The Mayor, or three Councillors may by written notice call an unscheduled meeting of the Council.
- (3) The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting.
- (4) A written notice to call an unscheduled meeting must:
 - (a) specify the business to be transacted;
 - (b) the date and time for the unscheduled meeting
 - (c) be delivered to the Chief Executive Officer or delegate 5 days prior to the date and time specified for the meeting in the written notice.
- (5) The Chief Executive Officer must determine the time and date for the unscheduled meeting, giving consideration to:
 - (a) the urgency of the business to be transacted
 - (b) the availability of Councillors
 - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted
- (6) The Chief Executive Officer must arrange for notice of the meeting on Council's website.
- (7) Any resolution of Council to call an unscheduled meeting must:
 - (a) specify the date and time of the unscheduled meeting; and
 - (b) the business to be transacted.
- (8) The date and time of the unscheduled meeting must not be prior to 6pm on the day following the Council meeting at which the resolution was made.
- (9) The Chief Executive Officer must call an unscheduled meeting to elect a Mayor following a Council election declaration, in accordance with the Act.
- (10) The unscheduled meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.

- (11) Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled meeting, unless all Council, by unanimous resolution determine to admit another matter.

3.4 Notice of meetings

3.4.1 Council Meetings

- (1) A notice of a meeting, that is not an unscheduled meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council meetings at least 5 days before the meeting. A period of less than 5 days may be justified if exceptional circumstances exist.
- (2) An agenda for each Council meeting, that is not an unscheduled meeting, will be made available on Council's website no less than 48 hours before the Council meeting.
- (3) A schedule of Council meetings must be prepared and published.
- (4) The Chief Executive Officer must ensure it is available to a broad section of the community at least once each year and with such greater frequency as the Chief Executive Officer determines.
- (5) The schedule of Council meetings must also be available on the Council's website and can be accessed online at Customer Service Centres and Council libraries.

3.4.2 Unscheduled meetings

- (1) Notice of an unscheduled meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.
- (2) An agenda for an unscheduled meeting must be made available electronically to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- (3) An agenda for an unscheduled meeting will be made available on Council's website no less than 24 hours before the Council meeting.

4. Quorum

Overview: No business can be transacted at a Council meeting or a delegated committee meeting unless a majority of the Councillors or members of the delegated committee (as the case may be) is present (quorum).

If there is no quorum at the commencement of a meeting or if a quorum cannot be maintained during a meeting, the meeting is to be adjourned to another date and/or time. A quorum is an absolute majority as outline in section 61(7) of the Act.

- (1) Meetings must commence within 30 minutes of the scheduled starting time.
- (2) If, after 30 minutes from the scheduled starting time of any meeting or adjournment, a quorum cannot be obtained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Senior Officer, may adjourn the meeting for a period not exceeding fourteen (14) days from the date of the adjournment.
- (3) If, during any meeting or any adjournment of the meeting, a quorum cannot be maintained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Senior Officer, may adjourn the meeting for a period not exceeding fourteen (14) days from the date of the adjournment.
- (4) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an agenda for a future Council meeting.
- (5) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, Council will:
 - (a) determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
 - (b) determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained.

- (6) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made by a delegated committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.
- (7) A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council meeting.
- (8) The Chief Executive Officer must provide written notice, including by electronic means, to each Councillor of any Council meeting adjourned to another date or time due to an inability to achieve or maintain a quorum.
- (9) Where it is not practicable because time does not permit notice in accordance with clause 8 to occur, then, provided every reasonable attempt is made to contact each Councillor either verbally, or by some other means, it will be sufficient.
- (10) Notice of an adjournment to another date or time due to another date or time must be published on Council's website as soon as practical.

For example, if Council is proposing to include items in the budget that would give rise to conflicts of interest to more than half of the number of Councillors, Council may consider whether to include these items in the budget as individual decisions prior to adopting the budget as a whole.

Table 1: Quorum Calculation

Number of Councillors / Committee members	Number required for a Quorum
11	6
10	6
9	5
8	5
7	4

5. Election of Mayor

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

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

5.1 Chief Executive Officer to set time and date for the election of the Mayor

- (1) The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor.
- (2) The election of Mayor must be held no later than one month after the date of the general election (s26(1)).
- (3) The election of the Mayor must be held in accordance with section 25 of the Act and these Governance Rules.
- (4) Where the position of Mayor has become vacant, the Chief Executive Officer will set, date and time within one month of the vacancy.
- (5) Depending on the term of office decided in Rule 5.5 the next election of the Mayor will held a close as possible to the end of the term.

5.2 Role and Election of Mayor

- (1) The Mayor will chair the Council meetings.
- (2) The Mayor will promote behaviour among Councillors that meet the standards established in the Councillor Code of Conduct.
- (3) The Mayor will lead engagement with the community.
- (4) The Mayor may direct a Councillor to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

5.3 Role and Election of Deputy Mayor

- (1) At the Council meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- (2) If the Mayor is not in attendance at a Council meeting the Deputy Mayor must take the Chair.

- (3) The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- (4) If the Council has not resolved to establish the position of Deputy Mayor, any provisions in these Governance Rules relating to the Deputy Mayor have no effect.

5.4 Method of Voting

- (1) The election of the Mayor must be carried out by a show of hands or following a resolution made in accordance with Rule 8.2(1), an electronic method that enables those observing (in attendance and those watching a livestream broadcast) to see who a Councillor has voted for at the time the vote is taken.

5.5 Determining the Election of Mayor / Deputy Mayor

- (1) The Chief Executive Officer will preside during the election of the Mayor.
- (2) Prior to the election of the Mayor and Deputy Mayor Council must determine by resolution the term of office as 1 year or 2 years.
- (3) The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- (4) Where in an election for the Mayor:
 - a) only one candidate has been nominated, that candidate must be declared elected;
 - b) two candidates have been nominated, a vote must be taken and the candidate who receives the number of votes equal to or greater than half the Councillors of the Council must be declared elected;
 - c) two candidates have been nominated and no candidate receives the number of votes equal to half the Councillors of the Council, a second vote will be conducted.
 - d) where, after a second vote, where two candidates have been nominated and no candidate receives the number of votes equal to half the Councillors of the Council the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held at 6 pm the following day;
 - e) more than two candidates have been nominated and no candidate receives a number of votes equal to or greater than half the Councillors of the Council:

- i) the candidate with the fewest number of votes cast must be eliminated;
- ii) the names of the remaining candidates must be put to the vote again; and
- iii) the procedure in i) and ii) above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in sub-rule (4)(b) of this Rule.
- iv) in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate (where there are three or more candidates with equal votes) then the election must be determined by lot;
- f) The Chief Executive Officer will conduct a vote for one candidate to be defeated.
- g) If Council resolves to have the office of Deputy Mayor, the provisions of sub-rules (3) and (4) apply to the election of the Deputy Mayor with all necessary modifications and adaptations.

5.6 Ceremonial Mayoral Speech

- (1) Upon being elected, the Mayor may make a ceremonial speech.
- (2) The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead.

5.7 Acting Mayor

- (1) Council may appoint a Councillor, for a specified period, as the Acting Mayor if the Mayor is unavailable, and no Deputy Mayor has been elected.
- (2) The Acting Mayor will perform the role of Mayor during the specified period.

6. Business of meetings

Overview: The business to be transacted at a Council meeting is contained in the agenda provided to Councillors and available to the public on Council's website. The Chief Executive Officer oversees preparation of the agenda and determines the content and order of business to facilitate open, efficient and effective processes of government.

The role of the Mayor includes providing advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings.

Council can admit an item of urgent business if it has arisen after distribution of the agenda and cannot be reasonably deferred to the next meeting.

This section also provides time limits for meetings. A Council Meeting must not continue after 3 hours unless a majority of Councillors agree.

6.1 Business at meetings

- (1) The Chief Executive Officer may include any matter on the agenda for a Council meeting which they think should be considered at the meeting to which the agenda relates.
- (2) No business can be dealt with at a meeting unless it is:
 - a) contained on the agenda; or
 - b) admitted as urgent business in accordance with Rule 6.4.

6.2 Order of business for Council meetings

- (1) The order of business for Council meetings will be determined by the Chief Executive Officer in consultation with the Mayor having regard to the principles of open, efficient and effective conduct of Council business.

6.3 Change to order of business

- (1) Once an agenda has been sent to Councillors, the order of business for that meeting may be altered by a resolution of Council.

6.4 Urgent Business

- (1) If the agenda for a meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if:
 - a) it relates to or arises out of a matter which has arisen since distribution of the agenda; and

- b) deferring the item until the next meeting will mean a decision on the item will not have any effect on the matter; or
 - c) the item involves a matter of urgency as determined by the Chief Executive Officer;
 - d) it cannot be addressed through an operational service request process; or
 - e) a decision on the matter does not:
 - i) substantially affect the levels of Council service;
 - ii) commit Council to significant expenditure not included in the adopted budget;
 - iii) establish or amend Council Policy; or
 - iv) commit Council to any contractual arrangement.
- (2) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 3 pm on the day of the meeting.
- (3) The Chief Executive Officer will advise the Mayor of any matter they determine appropriate for Council to consider admitting as urgent business.

6.5 Time Limits for Meetings

- (1) A meeting must not continue after three (3) hours from the time it commences unless a majority of Councillors/members present vote in favour of its extension.
- (2) In the absence of an agreed extension as provided for in sub-rule (1), or in the event there is further business to be transacted at the completion of the resolved extension, the meeting must stand adjourned to a time, date and place announce by the Chairperson immediately before the standing meeting is adjourned.
- (3) Notwithstanding sub-clause (2), the Chairperson may seek the agreement of Council not to adjourn the meeting to future time, if the Chairperson reasonably believes the remaining business will take less than 10 minutes to transact.

6.6 Chairperson may temporarily adjourn a meeting exceeding two hours

- (1) The Chairperson may adjourn a meeting for a 10-minute break, at an appropriate point in proceedings after two hours has elapsed.

- (2) Notwithstanding sub-rule (1), the Chairperson may seek the agreement of Council not to adjourn the meeting if the Chairperson reasonably believes the remaining business of the meeting will take less than 30 minutes to transact.

DRAFT

7. Community questions and submissions

Overview: As outlined in the purpose of these Governance Rules, Council meetings are held for Council to make its decisions.

Members of the public do not have a right to address Council, however provisions are made for Council to respond to questions from the community and for the public to make submissions to Council.

At each meeting there is an opportunity for members of the public to ask questions of the Council. Assistance will be available for any community member seeking or requiring support to write their question(s).

Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to Council.

This Rule sets out the procedures to be followed to submit a question or petition, the circumstances under which a question or petition may be disallowed and the process for addressing and responding to the question or petition at or after the meeting.

Council meetings are recorded and broadcasted to the public, this includes community questions and submissions.

7.1 Open Forum and Questions of Council Time to be held

- (1) The Council will hold open forum and questions of Council time for up to 30 minutes to allow public submissions and questions of Council, where time does not allow a question to be asked Council will resolve to take the question on notice and provide a response in the minutes.
- (2) Open forum is an opportunity for the general public to present to Council on a matter listed on the agenda or any other matter.
- (3) Questions of Council are an opportunity for the general public to submit a question prior to the meeting and receive a response from Council in the Questions of Council time.
- (4) Council meetings are recorded and broadcasted to the public, this includes community questions and submissions.

7.2 Open forum and Questions of Council guidelines

- (1) Questions of Council time and open forum will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.
- (2) Submissions as part of open forum and questions of Council may be on any matter except if it:
 - (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
 - (b) relates to confidential information as defined in section 3(1) of the Act;
 - (c) relates to the personal hardship of any resident or ratepayer; or
 - (d) relates to any other matter which the Council considers would prejudice the Council or any person.
- (3) No more than two questions will be accepted from any person at anyone meeting.
- (4) Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- (5) The Mayor reserves the right to cease a question or submission as part of open forum if they deem the question or submission inappropriate.
- (6) Copies of all submissions and questions allowed by the Chief Executive Officer will be provided in writing to all Councillors.
- (7) A submission or question submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer will be provided to any Councillor on request.

7.3 Open forum prior notice

- (1) It is preferable for any member of the public who wishes to be heard at open forum to give prior notice.
- (2) Prior notice in writing must:
 - (a) contain the name, address and email or contact telephone number of the person to be heard; or
 - (b) be in a form approved or permitted by Council; or

- (c) via a letter or email addressed to the Mayor or Chief Executive Officer; or
 - (d) hand delivered to a Council officer; and
 - (e) received 3 days prior to the meetings published commencement time.
- (3) It is preferable for any group or association that wishes to be heard at Open Forum to nominate a spokesperson for an issue upon which the group or association may wish to be heard.

7.4 Open Forum Procedure

- (1) The Chair will allocate a maximum of 5 minutes to each person who wishes to address Council.
- (2) The Chair will first invite any person who has given prior notice to present to Council.
- (3) The Chair will then invite members of the gallery who would like to present to Council.
- (4) The Chair or Chief Executive Officer have the discretion to alter the order of persons to be heard.
- (5) The person in addressing the Council:
 - (a) must confine their address to the 5-minute allocation of time;
 - (b) shall extend due courtesy and respect to the Council and the processes under which it operates; and
 - (c) shall take direction from the Chair whenever called upon to do so.
- (6) Council may suspend standing orders to hear from a community member or representative of an organisation, on matters of significance to the Council, only if prior arrangements have been made by written request to the Mayor or Chief Executive Officer.
- (7) There will be no discussion or debate with the attendees to Open Forum however Councillors may ask questions of clarification of the attendee.
- (8) Standing orders do not need to be suspended to allow discussion for the purposes of clarification.

7.5 Prior notice of Questions of Council

- (1) Council must receive prior notice of questions to be heard as part of questions of Council time.
- (2) Questions must be received exactly as intended to be read.
- (3) Questions submitted to the Council in a written form must:
 - (a) contain the name, address and email or contact telephone number of the person submitting the question;
 - (b) be in a form approved or permitted by the Council;
 - (c) addressed to the Mayor or the Chief Executive Officer; and
 - (d) submitted no less than four (4) hours before the meeting's published commencement time; or
 - (e) handed to the Council officer on duty no less than fifteen (15) minutes before the meeting's published commencement time on the day of the meeting.
- (4) Questions submitted to the Council in video must be received by the Council by midday on the day immediately prior to the published day of the meeting

7.6 Response to questions

- (1) Response to a question raised during the open forum may be provided immediately as part of the open forum time at the discretion of the Council.
- (2) The matter will be referred to the relevant Officer for investigation and response if required.
- (3) Council officers will respond acknowledging the question and providing procedural advice and/or the response within 10 working days of the Council meeting.

7.7 Petitions and joint letters

- (1) Every petition submitted to Council must:
 - (a) be legible and in permanent writing;
 - (b) be clear and on each page the matter and action sought from council is stated;
 - (c) not be derogatory, defamatory or objectionable in language or nature;
 - (d) not relate to matters outside the powers of Council;

- (e) include the names, addresses and original signatures of all petitioners; and.
 - (f) be assessed by the Chief Executive Officer as meaningful and appropriate for formal presentation.
- (2) Where a petition has been signed by less than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- (3) Any Councillor presenting a petition is responsible for ensuring that:
 - (a) they are familiar with the contents and purpose of the petition; and
 - (b) the petition is not derogatory, defamatory or objectionable in language or nature.
- (4) Unless sub-rules (5) or (6) apply, the only motions that may be considered by Council on any petition are:
 - (a) that the petition be received; and
 - (b) that the petition be referred to the Chief Executive Officer or relevant General Manager for consideration and response; or
 - (c) that the petition be referred to the Chief Executive Officer or relevant General Manager for a report to a future Council Meeting.
- (5) If a petition relates to an item listed on the agenda for the meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
- (6) If a petition relates to a planning matter or statutory matter which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the planning matter or the statutory matter, as the case may be.
- (7) The Chief Executive Officer may determine that an electronic or online petition will be submitted to a Council meeting.
- (8) The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council meeting.
- (9) An online or electronic petition will not be presented to a Council meeting if it contains signatures that are false or misleading.

7.8 Display of placards and posters

- (1) Subject to sub-rules (2) and (3), a person can display any placards or posters in the Council Chamber or in any building where a meeting is being, or is about to be, held, including outside the entrance to the building.
- (2) A placard or poster must not:
 - (a) display any offensive, indecent, insulting or objectionable item or words; or
 - (b) obstruct the entrance to the Council Chamber or a building where a meeting is being, or is about to be, held; or
 - (c) obstruct the view or physically impede any person.
- (3) The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be objectionable, disrespectful or otherwise inappropriate.

7.9 Chairperson may remove members of the public

- (1) Members of the public present at a Council meeting must not interject during the Council meeting.
- (2) If a person, other than a Councillor, interjects or gesticulating offensively during the Council meeting, the Mayor may direct:
 - (a) the person to stop interjecting or gesticulating offensively; and
 - (b) if the person continues to interject or gesticulate offensively, the removal of the person.
- (3) The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.
- (4) In causing a person's removal under sub-clause (2)(b), or the removal of an object or material under sub-rule (3), the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person, object or material.
- (5) The Chairperson may cause the removal of members of the public without the need for a Council resolution.

8. Voting

Overview: At the conclusion of debate on a matter before the meeting, the Chairperson must put the question, motion or amendment to the vote.

Each Councillor is entitled to one vote and voting must be able to be seen by those participating in the meeting and those observing the meeting. The vote is determined by a majority of the Councillors present at the meeting at the time the vote is taken voting in favour of the motion

If a vote is tied, the Chairperson has a casting vote.

Sometimes a Councillor may want their vote is recorded. This is provided for in this section, along with the procedure when a Councillor calls for a division on a vote which is when how each Councillor voted is recorded.

Provision is made for the introduction of an electronic voting system as long as Council has resolved to implement the system and all participants in the meeting and those observing a meeting are able to see which way a Councillor has voted on a matter at the time the vote is taken.

8.1 How a matter is determined

- (1) To determine a motion at a meeting, the Chairperson must first call for those in favour of the motion and then those opposed to the motion and must then declare the result to the meeting.
- (2) In the event of a tied vote, the Chairperson must, unless the Act provides otherwise, exercise the casting vote.

8.2 Voting must be seen

- (1) Voting may be by any method resolved by Council that enables those in attendance and those watching a livestream broadcast to clearly see which way a Council has voted at the time a vote is taken.
- (2) In the absence of a Council resolving an alternative method, voting on any matter is by show of hands.

8.3 When a division is permitted

- (1) A division may be requested by any Councillor on any vote.
- (2) The request must be made to the Chairperson either immediately prior to, or immediately after, the vote has been taken, and may not be made after the meeting has moved to the next item of business.
- (3) When a division is called for the Chairperson must:
 - (a) first ask each Councillor wishing to vote in favour of the motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the minutes;
 - (b) then ask each Councillor wishing to vote against the motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the minutes;
 - (c) next, ask each Councillor abstaining from voting to indicate that they are abstaining and the Chairperson must then state the names of those Councillors to be recorded in the minutes; and
 - (d) finally, declare the result of the division.
- (4) Where a division is requested after the original vote has been taken, the motion is decided on the division. The fact that there may be a difference between the result obtained when the original vote was taken, and the result obtained on the division must be disregarded.

8.4 No discussion once a vote has been declared

- (1) Once a vote on a motion has been declared carried or lost by the Chairperson, no further discussion relating to the motion is allowed, unless the discussion:
 - (a) involves a Councillor requesting that their opposition to a resolution be recorded in the minutes or calling for a division in accordance with Rule 8.3; or
 - (b) is a Councillor foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

9. Addressing the meeting

Overview: This section provides for how the meeting is to be addressed by Councillors and Members of Council Staff.

Members of the Community may only address a meeting in accordance with Section 7 of these rules.

9.1 Councillor allowed to speak uninterrupted

- (1) A Councillor who has the floor must not be interrupted unless called to order or given notice by the Chairperson their speaking time has elapsed or is about to elapse.
- (2) When a point of order is raised a Councillor, who has the floor must sit down and remain silent until the Councillor raising the point of order has been heard and the point of order dealt with.

9.2 Addressing the Meeting

- (1) If the Chairperson so determines:
 - (a) any person addressing the Chairperson must refer to the Chairperson as:
 - Mayor; or
 - Chairperson,
 - (b) all Councillors, other than the Mayor, must be addressed as Cr (surname); and
 - (c) all Council staff must be addressed by their official title.
- (2) Except for the Chairperson and Chief Executive Officer, any person who addresses the meeting must move to the designated position and direct all remarks through the Chairperson.

10. Motions and Debate

Overview: This Section describes the procedure for introducing a motion or amendment, the rules of debate, foreshadowing a motion or amendment and the duty of the Chairperson in relation to accepting motions and amendments.

It describes the process for a Councillor lodging a notice of motion for consideration and/or indicating they will raise a matter at the next Council Meeting (foreshadowing items).

A Councillor may move any motion related to an item included in the agenda. In the interest of transparency and informed decision making, motions or amendments should not introduce new matters to a debate that have not been the subject of the report or background of the motion being considered by Council. Motions are required to be submitted in writing so they can be displayed to the meeting.

As a resolution must be able to be acted upon, a motion must clearly state what is intended and what its effect will be if it becomes the decision. This provides clarity for the implementation of Council decisions.

This section also describes the circumstances and procedures under which a Council decision can be rescinded or altered. It also prescribes a procedure under which a Council policy can be altered or varied.

10.1 Moving a motion

The procedure for moving any motion is:

- (1) the mover must outline the motion without speaking in support of it;
- (2) the motion must be seconded by a Councillor other than the mover;
- (3) if a motion is not seconded, the motion lapses for want of a seconder;
- (4) if there is a seconder, then the Chairperson must call on the mover to speak to the motion;
- (5) after the mover has spoken to the motion, the seconder may also speak to the motion;

- (6) after the seconder has spoken to the motion (or after the mover has spoken to the motion if the seconder does not speak to the motion), the Chairperson must call on any Councillor who wishes to speak against the motion, then on any Councillor who wishes to speak for the motion, after waiting until all Councillors wishing to speak to the motion have spoken; and
- (7) if no Councillor wishes to speak against the motion, then the Chairperson may put the motion or call on any other member to speak.

10.2 Chairperson's duty

The Chairperson must not accept any motion which:

- (1) is defamatory; or
- (2) is objectionable in language or nature; or
- (3) is vague or unclear in its intention; or
- (4) is outside the powers of Council; or
- (5) is not relevant to an item of business on the agenda and has not been admitted as urgent business; or
- (6) purports to be an amendment but is not.

10.3 Right of reply

- (1) The mover of a motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during debate.
- (2) No new matters may be raised in the right of reply.
- (3) If no Councillor has spoken against a motion, there will be no right of reply.
- (4) After the right of reply has been exercised, the motion must immediately be put to the vote without any further discussion or debate.

10.4 Moving an amendment

- (1) A motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the motion.
- (2) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion.
- (3) If a Councillor proposes an amendment and the original mover and seconder of the motion both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote.
- (4) If a Councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:
 - (a) the amendment must be moved and seconded;
 - (b) a Councillor may speak on any amendment once, whether or not they have spoken to the motion, but debate must be confined to the terms of the amendment;
 - (c) any number of amendments may be proposed to a motion, but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on;
 - (d) if the amendment is carried, the motion as amended then becomes the motion before the meeting (known as the substantive motion); and
 - (e) the mover of an amendment does not have right of reply.

If a proposed amendment is ruled to be the negative of, or substantially contrary to, the motion, it should be treated as an alternative motion to be considered only in the event that the motion before the Chair is lost – see foreshadowing motions.

10.5 Foreshadowing motions

- (1) At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

- (2) A motion foreshadowed may be prefaced with a statement that, in the event of a particular motion before the meeting being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- (4) The minutes of the meeting will not include foreshadowed motions unless the foreshadowed motion is subsequently formally moved as a motion.

10.6 Withdrawal of motions

- (1) Before any motion is put to the vote, it may be withdrawn with the agreement of Council.

10.7 Separation of motions

- (1) Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.
- (2) The Chairperson may decide to put any motion to the vote in separate parts.

10.8 Motions moved in a block

- (1) The Chairperson may allow like motions to be moved, or request Councillors to move like items, in a block (*en bloc*), only if the motions note actions already taken and will not commit Council to further action, spending or changes to policy.

10.9 Motions in writing

- (1) All motions, except procedural motions, must be submitted in writing.
- (2) The Chairperson may adjourn a meeting while a motion is being written or may request Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

10.10 Debate must be relevant to the motion

- (1) Debate must always be relevant to the motion before the meeting, and, if not, the Chairperson must request the speaker to confine debate to the motion.
- (2) If, after being requested by the Chairperson to confine debate to the motion before the meeting, the speaker continues to debate irrelevant matters, the

Chairperson may direct the speaker to not speak further in respect of the motion before the Chairperson. The speaker must immediately comply with any such direction.

10.11 Adequate and sufficient debate

- (1) Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to participate in the debate.
- (2) A motion has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.
- (3) Once the views put are representative of the views of all Councillors or members the debate would be regarded as sufficient.

10.12 Speaking times

- (1) Unless a motion for an extension of speaking time has been carried, the maximum speaking times are:
 - (a) the mover of a motion or amendment – five (5) minutes;
 - (b) the mover of a motion when exercising his or her right of reply - three (3) minutes; and
 - (c) any other speaker – three (3) minutes.
- (2) A motion for an extension of speaking time must be proposed before the initial speaking time, for that speaker, expires.
- (3) A motion for an extension of speaking time must not be accepted by the Chairperson if another Councillor has commenced speaking.
- (4) Only one extension of speaking time is permitted for each speaker.
- (5) Any extension of speaking time must not be more than two (2) minutes.

10.13 Procedural motions

- (1) Unless otherwise prohibited, and subject to sub-rule (3), a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Procedural motions require a seconder.
- (3) The Chairperson may reject a procedural motion if they believe the motion on which it is proposed has not been adequately or sufficiently debated.
- (4) Regardless of any other provision in the Governance Rules, a procedural motion must be dealt with in accordance with the table at sub-rule (8).
- (5) A procedural motion may not be moved or seconded by the Chairperson.
- (6) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- (7) Unless otherwise provided, a procedural motion must not be amended.
- (8) Procedural motions table:

Motion	Suggested Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/ Deputy Mayor; (b) During the election of a Chairperson; or (c) When another Councillor is speaking	Consideration/ debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the motion now be put'	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a Chairperson	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the election of the Mayor/ Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No
Take a motion from the table (resume debate on a matter)	'That the motion in relation to XX be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at XX on the agenda be considered before/after the item listed as XY'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the agenda	No

Motion	Suggested Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item XX <i>is confidential as it relates to [insert reason]</i>	Any Councillor	During the election of the Mayor/ Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes
Reopen the meeting	'That the meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The meeting remains closed to the public	No

10.14 Notice of motion

- (1) A Councillor can submit to the Chief Executive Officer a notice of motion for inclusion in the agenda for a meeting.
- (2) A notice of motion must be in writing, signed by the Councillor (including by electronic means), and be lodged with the Chief Executive Officer at least five (5) business days prior to the meeting at which it is proposed to be considered.
- (3) The Chief Executive Officer must inform Councillors about the operational, legal, financial and other risks, including non-compliance with statutory obligations of any proposed notice of motion. The Chief Executive Officer may suggest revised wording to the draft notice of motion to facilitate compliance with the requirements for notices of motion under the Governance Rules.
- (4) A notice of motion must relate to the objectives, role and functions of Council as outlined in the Act.
- (5) A notice of motion must call for a Council report if the notice of motion proposes any action that:
 - (a) impacts the levels of Council service;
 - (b) commits Council to expenditure not included in the adopted Council Budget;
 - (c) proposes to establish, amend or extend Council policy;
 - (d) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - (e) commits Council to any contractual arrangement; or
 - (f) concerns any litigation in respect of which Council is a party.
- (6) The Chief Executive Officer must reject any notice of motion which:
 - (a) is too vague;
 - (b) is defamatory;
 - (c) may be prejudicial to any person or Council;
 - (d) is objectionable in language or nature;
 - (e) is outside the powers of Council;
 - (f) is submitted during election period.

- (7) The Chief Executive Officer may reject a proposed Notice of Motion that
- (a) relates to a matter that can be addressed through the operational service request process; or
 - (b) relates to a matter that has been previously resolved by Council or is acted upon.
- (8) If rejecting a notice of motion, the Chief Executive Officer must inform the Councillor who lodged it of that rejection and the reasons for the rejection no later than three (3) business days before the Meeting at which it is intended to be considered. The Councillor may submit a revised Motion within 24 hours.
- (9) The Chief Executive Officer to advise the Chairperson to consider a notice of motion in a closed meeting of Council if the content/matter of the notice of motion is confidential as defined in section 3(1) of the Act.
- (10) The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda, and outline the policy, financial and resourcing implications if the notice of motion is passed.
- (11) The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the notice of motion being published in the agenda for the relevant Council meeting.
- (12) The Chief Executive Officer must cause all notices of motion to be sequentially numbered, dated and entered in a register.
- (13) Unless Council resolves otherwise, each notice of motion must be considered in the order in which they were received.
- (14) The motion moved must not be substantially different to the motion published in the agenda, however, may be amended by resolution of the Council.
- (15) If a Councillor who has lodged a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chairperson to do so, any other Councillor may move the motion.
- (16) If a notice of motion is not moved at the Council meeting at which it is listed, it lapses.

10.15 Notice of Rescission

- (1) A notice of rescission is a form of notice of motion. Accordingly, all provisions in the Governance Rules regulating notices of motion equally apply to notices of rescission.
- (2) Motions to rescind or alter a previous resolution of Council can be made by:
 - (a) A notice of rescission delivered by a Councillor in accordance with sub-rule (4); or
 - (b) A recommendation contained in an officer's report included in the agenda.
- (3) Any three Councillors may propose a Motion to rescind or alter a previous resolution of Council provided:
 - (a) the previous resolution has not been acted on;
 - (b) the effect of rescinding the resolution will not place the Council at significant operation, legal, financial or other risk, including non-compliance with statutory obligations; and
 - (c) a notice is delivered to the Chief Executive Officer or delegate setting out:
 - i) the relevant previous resolution to be rescinded or altered; and
 - ii) the meeting and date when the relevant previous resolution was carried.
- (4) A notice of rescission must be:
 - (a) in writing;
 - (b) signed (including by electronic means) by three Councillors; and
 - (c) and be delivered to the Chief Executive Officer or a delegate by 5.00pm of the day two (2) business days after the Council meeting outlining the decision to be rescinded.
- (5) The Chief Executive Officer, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the meeting at which it was made.

- (6) A resolution of Council will be deemed to have been acted on if:
 - (a) its contents or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the unconfirmed minutes of a Council meeting on Council's website; or
 - (b) a statutory process has been commenced so as to vest enforceable rights or obligations on Council or any other person; or
 - (c) is practically incapable of being rescinded.
- (7) Notwithstanding sub-rule (6), the Chief Executive Officer or member of Council staff must defer implementing a resolution which:
 - (a) has not been acted on; and
 - (b) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-rule (4), unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the Council at legal, financial or other risk.
- (8) If a motion for rescission is lost, a similar motion may not be put before Council for at least three (3) month from the date it was last lost, unless Council resolves that the notice of rescission be re-listed at a future meeting.
- (9) If a motion for rescission is not moved at the meeting for which it is listed, it lapses.
- (10) A notice of rescission listed on an agenda may be moved by any Councillor present but be moved in the form it was listed and must not be amended.

10.16 Change of Council Policy

- (1) Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held by a particular Council.
- (2) It is good practice for Council to review significant policies at least once in each Council term (every 4 years) and such reviews may lead to change in policy position.

- (3) Subject to sub-rule (4), if Council wishes to change a Council policy, a formal notice of rescission is not required.
- (4) If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comment sought, prior to the policy being changed.

10.17 Foreshadowed items

- (1) At the time designated in the meeting agenda, a Councillor may foreshadow a notice of motion to be submitted for consideration at the next meeting by indicating, when called on to do so by the Chair, the subject matter of the foreshadowed notice of motion.
- (2) The subject matter, as indicated by the Councillor, of a foreshadowed item will be recorded in the minutes.
- (3) No discussion or debate is allowed on a foreshadowed item.
- (4) A foreshadowed item will have no further formal status at that Council meeting.
- (5) Foreshadowed items are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council meeting.
- (6) If a Councillor does not submit a notice of motion for the next Council meeting, no further action on a foreshadowed item will occur.

11. Points of Order

Overview: A point of order is taken when a Councillor draws the attention of the Chairperson to an alleged irregularity in the proceedings. Valid points of order, the process for raising and ruling on a point of order, and the procedure if there is dissent on the Chair's ruling are described in this section.

- (1) A Councillor raising a point of order must state:
 - (a) the point of order; and
 - (b) any section, rule, paragraph or provision relevant to the point of order.
- (2) The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point of order raised, without entering into any discussion or comment.
- (3) The Chairperson may adjourn the meeting to consider a point of order; otherwise they must rule on it as soon as it is raised.
- (4) All other matters before Council are suspended until the point of order is decided.

11.1 Dissent in Chairperson's ruling

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

11.2 Valid points of order

- (1) A point of order may be raised in relation to:
 - (a) a motion which has not be accepted by the Chairperson;
 - (b) a question of procedure;
 - (c) a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
 - (d) debate that is irrelevant to the matter under consideration;
 - (e) a matter that is outside the powers of Council; or
 - (f) any act of disorder.

11.3 Contradiction or opinion

- (1) Rising to express a mere difference of opinion or to contradict a speaker is not a point of order.

11.4 Disorderly Conduct

- (1) The conduct of Councillors and members at meetings is governed by the Act, these Governance Rules and the Councillor Code of Conduct.

11.5 Chairperson may adjourn disorderly Meeting

- (1) The Chairperson may call a break in a meeting for either a short time, or to resume another day if:
 - (a) the behaviour at the Council table or in the gallery is significantly disrupting the meeting; or
 - (b) when a meeting has been in progress for longer than 2 hours as outlined in Rule 6.6.
- (2) The break referred to in sub-rule (1) is an adjournment.
- (3) Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the meeting, and prevents the conduct of Council business:
 - (a) Council may, by resolution, suspend that Councillor from a portion of the meeting or from the balance of the meeting where the Chairperson has warned the Councillor to cease that behaviour; or

- (b) The Mayor, under section 19 of the Act, at a Council meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the meeting for a period of time or the balance of the meeting.
- (4) Where Council suspends a Councillor under sub- rule (3)(a), or the Mayor directs a Councillor to leave the meeting under sub-rule (3)(b) the Councillor will take no active part in the portion of the meeting from which they have been suspended.
- (5) If a Councillor has been suspended from a meeting or directed to leave in accordance with sub-rule (3) the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.

The Act (section 19(1)(b)) provides the power to the Mayor to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

12. Minutes

Overview: The minutes of a meeting must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and incorporate relevant reports or a summary of the relevant reports considered in the decision-making process. The minutes of a Council meeting must be submitted to the next appropriate Council Meeting for confirmation.

12.1 Keeping of Minutes

- (1) The Chief Executive Officer or delegate is responsible for the keeping of minutes on behalf of Council. Those minutes must record:
 - (a) the date, place, time and nature of the Council meeting;
 - (b) the names of Councillors and whether they are present, an apology, on leave of absence, etc.;
 - (c) the titles of the members of Council staff present who are not part of the gallery;
 - (d) the disclosure of a conflict of interest made by a Councillor in accordance with the Act and rule 18 of these Governance Rules;
 - (e) the arrivals and departures of Councillors, during the course of the meeting (including any temporary departures or arrivals);
 - (f) every motion and amendment moved (including procedural motions),
 - (g) the outcome of every motion moved;
 - (h) where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
 - (i) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any motion, noting that under s61(5) that a Councillor present at the meeting who does not vote is taken to have voted against the question;
 - (j) details of any failure to achieve or maintain a quorum;
 - (k) a summary of any question asked and the response provided as part of public question time;
 - (l) details of any petitions made to Council;
 - (m) the time and reason for any adjournment of the meeting or suspension of standing orders;
 - (n) any other matter, which the Chief Executive Officer or delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the minutes; and

- (o) the time the Council meeting was opened and closed, including any part of the Council meeting that was closed to members of the public.

12.2 Confirmation of Minutes

- (1) The minutes as recorded by the Chief Executive Officer, or delegate, will be made available as the unconfirmed minutes to:
 - (a) Councillors, within 7 business days;
 - (b) members of the public, by publishing them on Council's website, within 9 business days;of the Council meeting they relate to.
- (2) At every Council Meeting the minutes of the preceding Council meeting(s) must be dealt with as follows:
 - (a) a Motion will be moved to confirm the minutes in the following terms:
'That the minutes of the East Gippsland Shire Council meeting held on20.....be confirmed.';
 - (b) if a Councillor indicates opposition to the minutes, the Councillor must specify the particular item or items in the minutes and, after asking any questions to clarify the matter, can only move a motion to rectify the alleged error(s) in the minutes by adding the following words to the motion in sub-rule (2) (a) '...subject to the following alteration(s).....'.
- (3) no debate or discussion is permitted on the confirmation of minutes except as to their accuracy as a record of the proceedings of the Council meeting to which they relate;
- (4) once the minutes are confirmed in their original or amended form, the minutes must, if practicable, be signed by the Chairperson of the meeting at which they have been confirmed; and
- (5) the minutes must be entered in the minute book and each item in the minute book must be entered consecutively.

12.3 Recording of Proceedings

- (1) A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chairperson.
- (2) The consent of the Chairperson may be revoked at any time during the course of a meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

DRAFT

13. Suspension of Standing Orders

Overview: Standing Orders are the rules made to govern the procedure at Council meetings contained in this Governance Rules. The standing orders cover a range of matters including the order of business, rules of debate, procedural motions and election procedures.

Standing orders can be suspended to facilitate the business of a meeting.

13.1 Suspension of standing orders

- (1) To temporarily remove the constraints of formal meeting procedure and allow full discussion or clarification of an issue, Council may, by resolution, suspend standing orders in accordance with the procedural motion table at Rule 10.13 (8).
- (2) Suspension of standing orders should not be used purely to dispense with the processes and protocol of the governance of Council.
- (3) No motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, except a motion to resume standing orders.
- (4) No motion to suspend standing orders can be accepted by the Chairperson during a second extension of time for a meeting.

14. Delegated Committees

Overview: Council may establish delegated committees and advisory committees as part of its governance framework. Delegated committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Committees, their meeting procedures need to be formal.

- (1) The Governance Rules will apply to delegated committee meetings with any necessary modifications.
- (2) For the purpose of sub- rule (1):
 - (a) a Council meeting is to be read as a reference to a delegated committee meeting;
 - (b) a Councillor is to be read as a reference to a member of the delegated committee; and
 - (c) a reference to the Mayor is to be read as a reference to the Chairperson of the delegated committee.
- (3) If Council establishes a delegated committee, Council may resolve that a provision of this Governance Rules do not apply to that Committee.
- (4) A delegated committee must report to the minutes of all meetings to the next practicable Council meeting.

15. Community Asset Committees

Overview: The Act provides for Council to establish a community asset committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee and delegate to it powers, duties or functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.

- (1) The Governance Rules may apply to any community asset committee established by Council.
- (2) Council may resolve, in establishing a community asset committee which chapters of the Governance Rules apply but as a minimum must include Rule 12 - Minutes.

- (3) A community asset committee must report the minutes of all meetings to the next practicable Council meeting.
- (4) A community asset committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

16. Audit and Risk Committee

- (1) The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.
- (2) Council may resolve, in establishing an Audit and Risk Committee that the meeting procedure chapter of these Governance Rules does not apply.
- (3) An Audit and Risk Committee must provide a report to Council on all Committee meetings to the next practicable Council meeting.
- (4) An Audit and Risk Committee must act in accordance with the Charter adopted by Council.

17. Election Period Policy

- (1) Council will have in place an election period policy that:
 - (a) Governs decision making during a local government election period, including what may be considered at a Council meeting;
 - (b) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - (c) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of advisory committees established by Council;
 - (d) Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
 - (e) Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period;

- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (3) The Election Period Policy forms part of these Governance Rules in Schedule 1.
- (4) The operation of Council advisory committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- (5) Any outstanding Council reports may still be reported to a meeting of Council during this period.
- (6) Council committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

18. Conflict of interest

Overview: The Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.

The Act also provides Council must include in its Governance Rules procedures for disclosures of Conflicts of interest, including at meetings conducted under the auspices of Council that are not Council meetings.

Meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.

These Rules provide the procedures for disclosures of conflicts of interest.

18.1 Obligations with regard to conflict of interest:

- (1) Councillors, members of delegated committees and Council staff are required to:
 - (a) avoid - all situations which may give rise to conflicts of interest;
 - (b) identify - any conflicts of interest; and
 - (c) disclose – or declare all conflicts of interest;

18.2 Councillors and Members of Delegated Committees

- (1) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (2) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (3) All disclosures of conflicts of interest will be recorded in the minutes of a Council or delegated committee meeting.
- (4) Council will maintain a Conflict of Interest Register which will be made available on Council's website.

18.3 Procedure at a Council or Delegated Committee Meeting

- (1) At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:
 - (a) the item for which they have a conflict of interest; and
 - (b) whether their conflict of interest is general or material; and
 - (c) the circumstances that give rise to the conflict of interest.

- (2) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or member of a delegated committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- (3) A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at sub-rule (1) prior to leaving the meeting.
- (4) A Councillor or member of a delegated committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

18.4 Procedure at other meetings organised, hosted or supported by Council

- (1) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (2) At the time indicated on the agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (3) If there is no agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- (4) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- (5) The existence of a conflict of interest will be recorded in the minutes of the meeting.
- (6) If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Governance team for recording in the register of Conflicts of Interest.
- (7) The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- (8) Meeting records and reports will be presented to Council for noting and inclusion on the public record.

18.5 Council staff

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 18.6 and the Employee Code of Conduct.

18.6 Procedure for disclosures of conflicts of interest by Council Staff

- (1) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- (2) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- (3) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
 - (a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
 - (b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
 - (c) The staff member's General Manager determines that the conflict of interest has not influenced the advice provided; and
 - (d) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

19 Joint council meetings

Overview: Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council meetings as are provided for in the Act.

- (1) Council may resolve to participate in a Joint Council meeting to consider:
 - (a) matters subject to discussion of any existing alliance.
 - (b) collaborative projects
 - (c) collaborative procurement
 - (d) emergency response
- (2) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on Governance Rules with the participating Councils.
- (3) Where East Gippsland Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting
- (4) A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- (5) Consistent information will be provided to Councillors prior to any Joint Council meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- (6) A joint briefing arranged in accordance with sub-rule (5) may be held electronically.

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1					Developed under the <i>Local Government Act 2020</i> to replace Local Law No. 1 Procedure for Council Meetings.

DRAFT

Schedule 1

Election Period Policy

DRAFT

TABLE OF CONTENTS

<u>Purpose</u>	64
<u>Scope</u>	65
<u>Policy Statement</u>	65
1.0 Council Decisions	65
2.0 Council Resources	66
2.2 Travel/Accommodation and Professional Development	67
2.3 Councillor Expenditure	67
3.0 Council Communications and Publicity	67
3.1 Social Media and Website	68
3.2 Functions and Events / Speeches	69
3.3 Provision of Information	69
3.4 Advice to Candidates	70
4.0 Community Engagement	70
5.0 Council Spokesperson	70
<u>Roles and Responsibilities</u>	71
<u>References and Supporting Documents</u>	72
<u>Privacy and Human Rights Consideration</u>	72
<u>Definitions</u>	73
<u>Revision History and Review</u>	75

Purpose

The *Local Government Act 2020* (2020 Act) requires Council to adopt Governance Rules (s60) which incorporate an election period policy (s69). The Governance Rules stipulate the requirements for an election period policy.

An election period policy will ensure the conduct of the Local Government election is open and fair to all candidates by setting out procedures and practices to be followed during the election period.

The Policy provides guidance to Councillors, Council staff and candidates in the lead up to a Council election, known as the election period, to ensure that the election process remains free from inappropriate electioneering by existing Councillors, and to safeguard the authority of the incoming Council.

The Governance Rules require an Election Period Policy to prohibit Councils from making major policy decisions, using Council resources or publishing and/or distributing electoral matter during an election period. These provisions are intended to assist Councillors and officers to continue to conduct ordinary matters of administration that need to be addressed in the lead up to an election, while maintaining public confidence in an unbiased election process.

East Gippsland Shire Council is committed to the principle of fair and democratic elections and has adopted the practices detailed within this policy to guide the conduct of Councillors and officers throughout the election process.

This policy applies during the election period (see Definitions for explanation) and covers:

- decisions made by Council, delegated committees, community asset committees, or Council delegates;
- requirements for a Councillor or member of Council staff that nominates as a candidate
- any material that is published by East Gippsland Shire Council;
- attendance and participation in functions and events;
- use of Council resources;
- access to Council information; and
- media services.

This policy will affect you during the Election Period if you are:

- involved in making a major policy decision;
- involved in making a significant decision that may bind the incoming Council;
- intending to publish any written or electronic material that refers to a candidate (including any current Councillor or member of Council staff); or the Council election; or an issue before the voters in connection with the election; or could be seen to advantage or disadvantage any candidate for election.
- involved in the creation of any Council publication;
- involved in the planning and/or organisation of any public consultation process;
- involved in the planning and/or organisation of any public Council functions or events;
- asked to supply resources, support or information to Councillors;
- a Councillor who is standing for re-election.

Scope

This policy applies to all current Councillors, all candidates to the general election, the Chief Executive Officer and all Council officers.

Policy Statement

This Policy establishes a series of practices to ensure that actions of the current Council do not bind an incoming Council and limit its freedom of action.

The provisions operate during the election period, which commences at the close of nominations to be a candidate for the Local Government elections – 22 September 2020. The election period will conclude at 6.00 pm on election day.

1.0 Council Decisions

Council will not make any decision that significantly affects the municipality and will unreasonably bind the incoming Council. This includes decisions at Council meetings, decisions of delegated committees or decisions by Council officers as delegates.

Section 69 of the *Local Government Act 2020* requires an election period policy to prohibit a Council from making major policy decisions during the election period. Decisions made in contravention of the 2020 Act may be invalid (69(4)) and a person who suffers a loss or damage as a result of acting in good faith on a Council decision that is invalid may be entitled to compensation from the Council for the loss of damage (s69(5)).

Council will not make major decisions during the election period relative to:

- the remuneration, appointment or dismissal of a Chief Executive Officer;
- entering into any contracts worth more than 1% of the Council's revenue from rates and charges levied under section 158 of the *Local Government Act 1989* in the previous financial year; and
- the exercise of any entrepreneurial power under section 193 of the *Local Government Act 1989* if the amount assessed under section 193(5A) of the *Local Government Act 1989* in respect of the proposal exceeds whichever is greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 of the *Local Government Act 1989* in the previous financial year.

Council will not make inappropriate decisions, that may affect voting in an election or could reasonably be made after the election.

During the election period Council will not make significant decisions, i.e. decisions that may:

- have a significant effect on the municipality or the community;
- commit the Council to substantial expenditure or major actions; and/or
- otherwise unreasonably bind the incoming Council.

Election Period Statement – Council Decisions

During the election period the Chief Executive Officer will ensure that an election period statement is included in every report submitted to a Council meeting for decision.

Council will not make a decision on any matter or report that does not include a statement. This will ensure that no agenda item is included that could potentially influence voters' intentions or encourage Councillor candidates to use the item as part of their electioneering campaign.

The election period statement will be one of the following:

- *The recommended decision is not a major policy decision, or a significant decision as defined by Council's Election Period Policy.*

or

- *The recommended decision is not a major policy decision as defined by Council's Election Period Policy. The recommended decision is a significant decision within the meaning of Council's Election Period Policy, but an exception should be made for the following reasons: [\[insert reasons\]](#).*

Examples of other decisions that should be avoided during the election period include, but are not limited to:

- allocation of community grants or other direct funding to community organisations;
- allocation of funds from the Capital Quick Response Fund;
- major planning scheme amendments; and
- changes to strategic objectives and strategies in the Council Plan.

2.0 Council Resources

It is an established democratic principle that public resources must not be used in a way that would influence the way people vote in elections.

It is also an offence under section 76D of the *Local Government Act 1989* Act for a Councillor to misuse his or her position to gain or attempt to gain an advantage for themselves or others, or to cause or attempt to cause detriment to anyone. The penalty for misuse of position by a Councillor is 600 penalty units, or imprisonment for five years, or both.

While East Gippsland Shire Council is committed to this principle, it is also important that Councillors continue to have access to the resources they need to fulfil their elected roles until the end of their term of office.

The following arrangements will apply during the election period:

- Council resources, including offices, support staff, hospitality, equipment, email, mobile phones and stationery will be used exclusively for normal Council business and will not be used in connection with election campaigning.
- Reimbursements of Councillors' out-of-pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with any candidate's election campaign.
- Council logos, letterhead, or other Council branding must not be used for, or linked in any way to any candidate's election campaign.
- Council owned photographs/images will not be used for any candidate's electioneering purposes.
- Council staff will not be asked or permitted to undertake any tasks connected with any candidate's election campaign.

Where it is impractical for Councillors to discontinue their use of Council funded services/ equipment (e.g. mobile phones, computers, vehicles, etc.) Councillors will reimburse East Gippsland Shire Council for any election campaign-related usage of these services during the election period. Councillors will keep logbooks for this purpose, and these will be provided, on request.

Councillors will not use their Council-supplied email account for election campaigning for themselves or any other candidate.

2.2 Travel/Accommodation and Professional Development

Councillors will not participate in any interstate or overseas travel during the election period in their capacity as a Councillor.

In circumstances where it is imperative that the Mayor (or nominee) represent the organisation on a delegation or in a forum, Council may, by resolution, approve such attendance. If consideration by Council is impractical, the Chief Executive Officer may determine the issue.

Allocations of budget for Councillor seminars/training and attendance at events directly relevant to their work as a Councillor will be allocated on a pro-rata basis between the commencement of the relevant financial year and the election date. This will ensure incoming Councillors receive a fair allocation of the budget allocated for this purpose.

No new professional development opportunities will be undertaken or commenced by Councillors during the election period.

2.3 Councillor Expenditure

Claims for the reimbursement of expenses may continue to be lodged by Councillors, provided it conforms to the requirements set out in the Councillors Support and Expenses Policy and this Policy.

3.0 Council Communications and Publicity

Council communications are a legitimate way to promote Council activities and services. It is important that all Councillors have access to the Council's communication resources to enable them to fulfil their roles. However, they will not be developed or used in any way that might influence the outcome of a Council election.

Council will not release pamphlets, notices, advertisements etc. without a written declaration being included from the Chief Executive Officer certifying that the item does not contain electioneering material.

In respect of print and electronic media, during the defined election period:

- Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer. Only the Chief Executive Officer can certify items do not contain electioneering material.

No publication or communication during the election period may be printed, published or distributed unless the following certification – over the Chief Executive Officer's signature – has been applied to the material:

Certified by the Chief Executive Officer that this document does not contain electioneering material.

Although the certification does not need to be printed on published versions, copies of all certifications and certified material must be retained on Council records.

Any publications that cannot be scheduled for before or after the election period, whether by Council or anyone acting on behalf of Council, must be certified by the Chief Executive Officer as not containing electoral material – this includes bulk letters/emails and newsletters issued during the election period.

The following outlines the approaches that will be taken for specific communication and publicity activities:

- Council publicity and communications will be restricted to promoting normal Council activities and services, and for informing residents about the conduct of the election.
- General correspondence addressed to Councillors will be managed in accordance with normal protocols. However, Councillors will sign only the necessary minimum of correspondence during the election period, and correspondence regarding significant, sensitive or controversial matters should be signed by the Chief Executive Officer. Responses will be prepared without political bias.
- Media releases will not mention or quote any Councillor(s) during the election period.
- No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- Councillors will not use their position as an elected representative, or their access to Council staff and other Council resources, to gain media attention in support of any candidate's election campaign.
- Council is required by the *Local Government Act 1989* to produce an Annual Report, which will be published during the election period. The Annual Report does not require certification. However, it will not contain any material that could be regarded as electioneering or promotion of individual Councillors. Councillor images will be kept to a minimum, and achievements of individual Councillors will not be included. A Council meeting will be conducted at an appropriate time during the election period to finalise the Annual Report process in accordance with the provisions of the *Local Government Act 1989*.

3.1 Social Media and Website

Council's website and social media sites such as Facebook, Twitter, YouTube, Linked In and blogs may continue to be a corporate voice for Council, and will not be used for any electioneering purposes by Councillors or Council officers.

Councillor profiles on the Council website will be limited to a name, portfolio title and contact details. Photographs and profiles will be removed.

Individual Councillors and/or achievements, or any material considered campaign material, will not be published on any of Council's websites.

A statement will be posted on Council website and in all social media channels informing the general public that a notice/comment posted during the election period cannot be responded to, or published, should the post be political in nature.

Council's social media sites will be monitored for electioneering material and any inappropriate posts will be removed as soon as practicable.

No new pages, documents or posts will be uploaded to any East Gippsland Shire Council social media platform during the election period without prior written certification by the Chief Executive Officer.

3.2 Functions and Events / Speeches

Wherever practicable, civic events and functions will not be conducted during the election period.

Where this is not possible, during the election period these will relate only to legitimate Council business and will not be used, or be capable of being seen as being used, to promote the campaign of any candidate.

All speeches prepared for use at events or functions will be reviewed by the Manager Customer Experience and Communication or another officer nominated by the Chief Executive Officer, to ensure the content does not breach this Policy.

Where required and consistent with normal practice, a Councillor may make a speech during an event or function. However, the speech must be approved by the Chief Executive Officer in advance and delivered as written. Speeches will not have any political reference that may be construed as providing any candidate with an advantage.

Council officers may conduct the mandatory candidate training as prescribed in regulation or assist with Council election information sessions.

3.3 Provision of Information

Council recognises that all election candidates have certain rights to information from the Council administration subject to the *Privacy and Data Protection Act 2014* (Vic) which restricts disclosure of certain information.

It is important that current Councillors continue to receive information that is necessary to fulfil their roles. However, Councillors must not request or receive information or advice from Council officers to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the election period.

Request for Information Register

During the election period a Request for Information Register will be maintained by the Chief Executive Officer. This register will be available for inspection by the public and will record all requests relating to electoral matters, and non-routine requests for information by Councillors and election candidates, as well as the responses provided.

3.4 Advice to Candidates

All candidates for the Council election will be treated equally. Any advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

All election related enquiries from candidates, whether current Councillors or not, will be directed to the Victorian Electoral Commission Election Managers, or where the matter is outside the responsibilities of the Election Managers, to the Chief Executive Officer or General Manager Business Excellence (or nominee).

4.0 Community Engagement

For the purposes of this Policy, public engagement is any process that involves inviting individuals, groups or organisations or the community generally to comment on an issue or proposed action or proposed policy. It includes discussion of those matters with members of the public.

Wherever possible, public consultations will be avoided during the election period.

Where public consultation during the election period is essential to maintain the normal day to day business of Council, it may be undertaken only with prior written approval by the responsible General Manager.

The community engagement website <http://yoursay.eastgippsland.vic.gov.au/your-say> will be disabled for the duration of the election period.

Facilitators of any consultation held during the election period must be able to justify to the community the special circumstances making the session necessary and how the risks of influencing the election will be mitigated or prevented to avoid potential electioneering.

In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the election period, Council reserves the right to postpone a matter if the issue is likely to affect voting. Council will not continue or commence consultation on any contentious or politically sensitive matter during the election period.

No Council advisory board or committee meetings will be held during the election period unless exceptional circumstances apply, and the Chief Executive Officer has approved the meeting.

5.0 Council Spokesperson

In the event that a spokesperson is required in relation to any publication or communication, the Chief Executive Officer will fulfil that role or nominate an appropriate officer to act as spokesperson.

Council employees must not make any public statement that could be construed as influencing the election. Statements of clarification may be required from time to time and these are to be approved by the Chief Executive Officer.

NOTE: The Policy is not intended as a substitute for legal advice and individuals should seek their own independent advice if they are unsure about any aspect of the Local Government Acts 1989 and 2020, associated regulations, Governance Rules and this policy in relation to the election period.

Roles and Responsibilities

These management positions are responsible for implementation and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities
Chief Executive Officer	Ensure that scheduling of significant policy or strategy decisions is made well in advance of the election period or deferred for consideration by the incoming Council. Certify that any published material does not contain electoral matter. Ensure the Election Period Statement is included on Council Reports where applicable.
General Manager Business Excellence	Policy owner. Ensure all Councillors and staff are informed of the requirements of this policy. Provide advice and guidance on the implementation of the policy. Ensure that a copy of this policy is given to each Councillor as soon as practicable after it is adopted; available for inspection by the public at all Council Service Centres; and published on Council's website.
Responsible General Managers	Approve in writing, any public consultation that is considered essential to maintain the normal day to day business of Council and must be conducted during the election period.
Manager Customer Experience and Communications	<ul style="list-style-type: none"> Review all speeches to be delivered by Councillors at Council approved events during the election period. Implement an appropriate process to ensure that no material is published without Chief Executive Officer certification.
Executive Leadership Team	Provide support and guidance to staff with implementing this policy.
Manager Governance	Maintain the Request for Information Register and ensure it is available for public inspection on request.
Governance and Compliance Unit	Assist with any day to day queries with respect to the implementation of this policy.
All Councillors and staff	Adhere to the guiding principles as outlined in this policy.

All staff have an obligation to report occurrences of non-compliance with Council policy. Incidents of non-compliance should be reported immediately to the General Manager Business Excellence or the Governance and Compliance Unit.

Where non-compliance has been identified the matter will be investigated by internal review and where applicable further action taken in accordance with Council's Disciplinary Procedures Policy.

References and Supporting Documents

Applicable Legislation:

- *Local Government Act 2020*
- *Local Government Act 1989*

Other:

- Councillor Code of Conduct
- Councillors Support and Expenses Policy
- East Gippsland Shire Council Staff Code of Conduct

Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council in connection with this policy will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of compliance with the Act. Personal information about an individual held by Council must only be used to carry out the primary or directly related purpose of collection. Furthermore, Council must not collect personal information unless the information is necessary for one or more of its functions.

Individuals have the right to make a complaint to the Victorian Commissioner for Privacy and Data Protection if they believe their privacy has been breached.

The Election Period Policy has been assessed as compliant with the obligations and objectives of the Victorian Charter of the *Human Rights Responsibilities Act 2006*.

Definitions

Term	Meaning / Responsibility
<i>Certification by Chief Executive Officer</i>	The certification by the Chief Executive Officer that material for publication or distribution does not contain electoral matter.
<i>Council Officers</i>	East Gippsland Shire Council staff
<i>Election period</i>	As defined in the Act, commences at the time nominations close on nomination day and ends at 6pm on election day.
<i>Election period statement</i>	Statement published on all reports submitted to a Council meeting for decision by the Chief Executive Officer.
<i>Electoral material</i>	Defined in the Act means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting. It includes any matter that is intended or likely to affect voting in the election.
<i>Inappropriate decision</i>	A decision made by a Council during an election period including any of the following— (a) decisions that would affect voting in an election; (b) decisions that could reasonably be made after the election.
<i>Major decision</i>	Means decisions that relate to: <ul style="list-style-type: none"> • the appointment or remuneration of the Chief Executive Officer; or • committing the Council to expenditure exceeding 1% of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or • matters that could reasonably be deferred until the next Council is in place; or • the Council considers should not be made during an election period.
<i>Publication</i>	A broad interpretation should be used to include all documents that are produced for the purpose of communicating with people in the community, including newsletters, advertisements and notices, media releases, leaflets and brochures, emails and mailouts to multiple addresses, electronic information and web based productions including Council's website and social media pages.

Term	Meaning / Responsibility
<i>Publish</i>	Means publish by any means including by publication on the internet.
<i>Significant decisions</i>	Include irrevocable decisions that commit the council to substantial expenditure or major actions, or decisions that will have a major impact on the municipality or the community and will unreasonably bind the incoming Council.
<i>The Policy</i>	Election Period Policy

DRAFT

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	07/08/2012	Council	4897306	
2	Approved	09/04/2013	Council	5167063	Redraft into new template format
3	Approved	01/03/2016	Council	6647876	Merge Policy and Procedure into one Policy document
4	Approved	21/11/2017	Council	7336118	Amended to make dates/times/content generic rather than specific to the timeframes of the previous election
5	Approved	18/02/2020	Council	8326083	Redraft into new template format, update position titles
					Updated in line with the <i>Local Government Act 2020</i> for adoption by 1 September 2020.



Public Transparency Policy

TABLE OF CONTENTS

Purpose3

Scope.....3

Policy Context.....3

Policy Statement.....3

Policy Initiatives4

Publicly available information.....4

Procedural guidelines5

Review6

Roles and Responsibilities.....6

References and Supporting Documents.....7

 Applicable Legislation:.....7

 Applicable Policy and Procedure:7

 Supporting Documents:7

Privacy and Human Rights Consideration.....7

Definitions7

Revision History and Review 10

Purpose

The Public Transparency Policy (Policy) gives effect to one of the overarching governance principles in section 9 of the *Local Government Act 2020* (the Act) and the transparency principles in section 58 of the Act. These principles require Council decisions, actions and information to be open and accountable to the community. This Policy describes the type of Council information that is publicly available and how the community can access this information.

Scope

This Policy applies to decisions, actions and information of the East Gippsland Shire Council, its Councillors and Council staff.

Policy Context

The Act assumes that all matters must be public except in very specific and limited circumstances. It establishes overarching governance principles for Council performance. At section 9 (2)(i), the Act requires *transparency of Council decisions, actions and information is to be ensured*.

Council must adopt and maintain a Public Transparency Policy under section 57 of the Act that gives effect to the following transparency principles, outlined in section 58 of the Act:

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

Policy Statement

Council is committed to the principles of public transparency established in section 58 of the Act and commits to making all Council information publicly available, except where the information is:

- *confidential information* as defined under section 3(1)¹ if the Act, unless Council has determined by resolution that the information should be made publicly available; or
- confidential by virtue of any other Act; or
- such that making it publicly available would be contrary to the public interest test².

¹ Section 3(1) is included in the definitions section of this policy.

² Examples of where the public availability of information would be contrary to the public interest are provided in the definitions section.

Policy Initiatives

1. Council will make available on its website all Council information that is publicly available and it will be regularly reviewed, updated, understandable and accessible.
2. Council will use digital media channels to share Council information that is publicly available, such as Council meetings and encourage community engagement and consultation on projects and community related matters.
3. Council will make available on the website all information outlined in the East Gippsland Shire Council Part II Statement³ required under the *Freedom of Information Act 1982*.
4. Council will facilitate the awareness of access to publicly available information through its website, social media and through community engagement opportunities.
5. Council will make publicly available information obtainable at Council's Customer Service Centres and libraries.
6. Council will apply the presumption of openness to information and adopt a proactive publication position within the parameters outlined in this Policy.
7. Council will, where possible, make publicly available information readily available.
8. Council may charge for printing large documents or large volumes of publicly available information.
9. Council will assist the community in accessing its publicly available information and will inform the community of their right to make an application under the *Freedom of Information Act 1982* for information which is not considered publicly available information.

Publicly available information

Under the Act (and in some cases the *Local Government Act 1989*) there are specific provisions for certain information to be made publicly available, these are:

- Register of delegations made by the Council
- Council and delegated committee meeting minutes
- Local laws and any documents incorporated
- Council Plan
- Strategic Resources Plan
- Council budget
- Council's annual report
- Councillor Code of Conduct
- Procurement Policy

³ Available at

https://www.eastgippsland.vic.gov.au/files/assets/public/documents/corporate_directorate/egscfreedomofinformationactpart11statement.pdf

- Register of interests
- Reappointment of the Chief Executive Officer without advertisement
- Differential rates; and
- Summary of campaign donation returns

Council will also make the following Council information publicly available to ensure the community are informed and can benefit from access to information regarding Council's functions and operations:

- All adopted Council policies, plans and strategies
- Governance Rules, including the Election Period Policy
- Agendas and minutes of Council and delegated committee meetings
- Composition, terms of reference, agendas and minutes of Council committees and groups
- Code of Conduct for Council Staff
- Register of delegations made by the Chief Executive Officer
- Register of authorised officers
- Register of interstate and overseas travel by Councillors and staff
- Register of land leases entered into by Council
- Register of donations and grants made by Council
- Register of contracts awarded by Council
- Details of any Council land proposed for sale or exchange

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

- Register of planning permits
- Register of planning applications on advertising
- Copy of planning permits and endorsed plans (by application, subject to copyright, charges will apply)
- Register of building permits, occupancy permits and temporary approvals
- Copies of building permits, plans and other documentation (by application, charges will apply)
- Register of animal registrations
- Register of public roads
- Freedom of Information Part II Statement

Procedural guidelines

10. Requests for Council information not available on Council's website are to be directed to the relevant Council staff or Governance and Compliance Coordinator or Freedom of Information Officer.

11. The Freedom of Information Officer will endeavour to provide as much information as possible free of charge within the parameters of this Policy.
12. Requests for information that include exempt information under the *Freedom of Information Act* 1982 will be processed by application under that Act.
13. Requests for publicly available information that requires Council to redirect resources to the sourcing and preparing large volumes of information may incur a processing charge.

Review

14. The Policy will be reviewed within twelve months of approval to ensure compliance with any additional provisions of the *Local Government Act* 2020 as they come into force.
15. The Policy will thereafter be reviewed within 12 months following a general election unless the Council determines an earlier review is required.
16. The Policy will also be reviewed in accordance with the Council's Community Engagement Policy.

Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the Policy in their work areas:

Party / Parties	Roles and Responsibilities
Council	Champion the commitment and principles for public transparency in decisions, actions and information.
Chief Executive Officer	Champion the behaviours that foster transparency and drive the principles in the <i>Local Government Act</i> 2020 through policy, process and leadership. Monitor the implementation of the policy.
General Managers	Manage areas of responsibility to ensure consistency with the public transparency principles and this policy.
All staff	Public transparency is the responsibility of all Council staff as appropriate in their role and function. All staff will respond to requests for information and facilitate the provision of information in alignment with this Policy and in consultation with their manager, and where required, the Governance and Compliance Coordinator and the Freedom of Information Officer.

Party / Parties	Roles and Responsibilities
Manager Governance	<p>To monitor the implementation of this Policy and to conduct reviews to drive continuous improvement in the application of the public transparency principles.</p> <p>To provide advice to Council and staff on the application of public transparency principles and this Policy in Council decisions and actions and to ensure information is publicly available where appropriate.</p>
Freedom of Information Officer	To provide advice to Council staff on when a request for information should be made and assessed under the <i>Freedom of Information Act 1982</i> .

References and Supporting Documents

Applicable Legislation:

Local Government Act 2020
Local Government Act 1989
Privacy and Data Protection Act 2014
Health Records Act 2001
Freedom of Information Act 1982
Charter of Human Rights and Responsibilities Act 2006
Equal Opportunity Act 2010

Applicable Policy and Procedure:

Access to Information (Records) Policy
 Information Privacy Policy
 Community Engagement Policy
 Complaints Management Policy

Supporting Documents:

East Gippsland Shire Council Part II Statement the Freedom of Information Act 1982
 Documents for Public inspection

Privacy and Human Rights Consideration

Council will provide access to personal information where legislation permits and where circumstances are appropriate, as outlined in Council's Information Privacy Policy.

This Policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this Policy aligns with and provides for the protection of an individual's right to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs.

Definitions

Term	Meaning
Closed meeting	A meeting of Council under section 66(2) of the <i>Local Government Act 2020</i> not open to the public.
Confidential information	<p>As defined by in section 3(1) of the <i>Local Government Act 2020</i> confidential information means:</p> <ul style="list-style-type: none"> (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; (b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person; (c) land use planning information, being information that if prematurely released is like to encourage speculation in land values; (d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person; (e) legal privileged information, being information to which legal professional privilege or client legal privilege applies; (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; (g) private commercial information, being information provided by a business, commercial or financial undertaking that – <ul style="list-style-type: none"> i. relates to trade secrets; or ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; (h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a); (i) internal arbitration information, being information specified in section 145 of the Act; (j) Councillor Conduct Panel confidential information, being information specified in section 169 of the Act; (k) information prescribed by the regulations to be confidential information for the purposes of this definition; (l) information that was confidential for the purposes of section 77 of

Term	Meaning
	the <i>Local Government Act 1989</i> ;
Contrary to the Public Interest Test	<p>The Act provides no definition as to when the public availability of information would be contrary to the public interest. Council staff will determine this on a case by case basis. A limited set of examples of where the public availability of information would be contrary to the public interest include:</p> <ul style="list-style-type: none"> (a) where disclosure of the information would divulge any information or matter communicated in confidence by or on behalf of a person or a government and be reasonably likely to impair the ability of Council to obtain similar information in the future; or (b) where disclosure of the information would be reasonably likely to have a substantial adverse effect on the economy of the municipal district, including but not limited to, revealing consideration of a contemplated movement in rates, fees, charges, interest charges or other levies, the sale or acquisition of land or property by the Council, urban re-zoning, the formulation of land use and planning controls and formation of imposts; or (c) where it would disclose instructions issued to, or provided for the guidance of, Council officers on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts, in the defence, prosecution and settlement of cases, and in similar activities relating to the financial property and personnel management of Council; or (d) where the information is subject to a secrecy provision in another Act; or (e) where disclosure of the information would impede the administration of justice generally, including procedural fairness; or (f) where disclosure of the information would prejudice inter-governmental relations or otherwise affect relations with other governments; or (g) where disclosure of the information would prejudice or otherwise affect the conduct of investigations, audits or reviews by Council or integrity bodies; or (h) where disclosure of the information would prejudice the effectiveness of testing or auditing procedures, or (i) where disclosure of the information would prejudice the deliberative process of government. <p>These are examples only and not exhaustive of the circumstances in</p>

Term	Meaning
	which the public availability of information would be contrary to the public interest.
Community	People who live in East Gippsland; People and organisations who are ratepayers in East Gippsland; and People and organisations who conduct activities in East Gippsland.
Council	East Gippsland Shire Council
Councillor	Person who has been elected to the office of Councillor of East Gippsland Shire Council.
Information	Is defined in section 57(4) of the <i>Local Government Act 2020</i> .
Shire	The geographic area of East Gippsland Shire Council.
Staff	All staff engaged by East Gippsland Shire Council, including all full-time, part-time and casual employees, labour hire agency staff, contractors and volunteers.
Transparency	Means openness that enables accountability in Council decision making, actions and information.

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes

Version number:
Authorised by:



Councillors Support and Expenses Policy

TABLE OF CONTENTS

Purpose	3
Scope.....	3
Policy Context	3
Policy Statement	3
Mayor, Deputy Mayor and Councillor allowances	3
Support for the Mayor, Deputy Mayor, Councillor and members of delegated committees.....	4
Office Accommodation	4
Building Access	4
Name badge and business cards	4
Administrative Support.....	4
Insurance	5
Legal support.....	5
Information and communications Technology.....	6
Motor Vehicles	6
Remote Travel Allowance	7
Representative Memberships	8
Professional Development.....	8
Conferences and Seminars	8
Hospitality	9
Meals and Refreshments	9
Reporting of expenses	10
Care related expenses	10
All Abilities Access	10
Standard of Accommodation and Meals.....	10
Exclusions	11
Roles and Responsibilities.....	12
References and Supporting Documents.....	12
Applicable Legislation:	12
Supporting Documents:.....	12
Privacy and Human Rights Consideration	12
Definitions	13
Revision History and Review	13

Purpose

The purpose of this Policy is to outline:

- allowances for the Mayor, Deputy Mayor and Councillors;
- the reimbursement of out-of-pocket expenses incurred in the performance of official duties for the Mayor, Deputy Mayor, Councillors and members of delegated committees; and
- Councillor support to enable the performance of their official duties.

Scope

This policy applies to the Mayor, Deputy Mayor, Councillors and members of delegated committees of the East Gippsland Shire Council.

Policy Context

Council must adopt and maintain a Councillor Expenses Policy under section 41 of the Act that must:

- (a) specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and
- (b) comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses; and
- (c) provide for the reimbursement of childcare costs where the provision of childcare is reasonably required for a Councillor or member of a delegated committee to perform their role; and
- (d) have particular regard to expenses incurred by a Councillor who is carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*.

Policy Statement

Council will pay allowances to the Mayor, Deputy Mayor and Councillors in accordance with the requirements of the *Local Government Act 2020*.

Council will reimburse Councillors and members of delegated committees for out-of-pocket expenses incurred in the performance of their official duties.

Mayor, Deputy Mayor and Councillor allowances

The Mayor, Deputy Mayor and Councillors are entitled to receive an allowance pursuant of section 39 of the *Local Government Act 2020* in accordance with the determination of the Victorian Independent Remuneration Tribunal. Allowances paid to the Mayor, Deputy Mayor or Councillor cannot exceed the amount specified in the relevant determination by the Victorian Independent Remuneration Tribunal.

The Mayor and Deputy Mayor are not entitled to receive an allowance as a Councillor while receiving the allowance as the Mayor or Deputy Mayor.

A Mayor, Deputy Mayor or Councillor may elect to receive:

- (a) the entire allowance to which they are entitled; or
- (b) a specified part of the allowance to which they are entitled; or
- (c) no allowance.

Until such time as the Victorian Independent Remuneration Tribunal makes a determination the allowances payable to the Mayor, Deputy Mayor and Councillors are to be established in accordance with sections 73B and 74 to 74B of the *Local Government Act 1989*.

Allowances are taxable income and are paid fortnightly in arrears. Personal taxation implications are the responsibility of individual Councillors.

Support for the Mayor, Deputy Mayor, Councillor and members of delegated committees

Council will provide support to the Mayor, Deputy Mayor, Councillors and members of delegated committees to undertake their official duties.

In this Policy, official Council duties are defined as:

- meetings of the Council, a delegated committee, its advisory boards, advisory or consultative committees;
- meetings, briefing sessions and civic or ceremonial functions convened by the Mayor or Council or delegated committee;
- meetings of community groups, organisations and statutory authorities to which a Councillor has been appointed as Council representative or is authorised by Council;
- meetings, functions or other official role as a representative of the Mayor or Council or delegated committee;
- other meetings, inspections, community forums or events attended by a Councillor in the course of their duties as a Councillor; and.
- conferences, seminars, events and professional development being undertaken by a Councillor.

Office Accommodation

A Mayoral office is at the Corporate Centre at 273 Main Street, Bairnsdale.

Councillors may use the Nicholson Room for purposes directly related to their official duties.

Building Access

Each Councillor will receive a swipe card allowing 24-hour access to the Nicholson Room and public area at the East Gippsland Shire Corporate Centre at 273 Main Street, Bairnsdale.

Name badge and business cards

Each Councillor will be provided with a name badge and business cards.

Administrative Support

Administrative support will be made available by Chief Executive Officer to assist the Mayor in performing their official duties and to assist Councillors with diary management and response to correspondence, enquiries and requests for service as part of their official duties as a Councillor.

Council's letterhead stationery is only available for official Council business and may be used by Councillors only when approved by the Chief Executive Officer.

Council business papers, personal mail and other Council information will be forwarded by electronically. If and when circumstances render it necessary, documents may also be placed in Councillors' lockers.

Insurance

Councillors are covered under the following Council insurance policies on a 24-hour basis while discharging the duties of office of Councillor, including attendance at meetings of external bodies as Council's representative:

- Public Liability;
- Professional Indemnity;
- Councillors and Officers Liability; and
- Personal Accident (accompanying partners are also covered).
- Corporate Travel

These policies will apply to claims that arise from an occurrence in connection with Council business.

The Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not. Councillors will pay the excess on the vehicle policy, if they are found to have not taken due care.

Items of Council equipment provided to Councillors to assist in performing their role, including motor vehicles, are covered for damage or theft under Council's insurance policies. Councillors are expected to exercise due care in protecting the equipment from damage or theft. Personal items and effects left in Council vehicles are not covered by Council's insurance policies.

Legal support

Where legal proceedings are brought against a Councillor in connection with an act or omission in their functions as a Councillor, a Councillor may be entitled to have legal costs up to \$2,500 reimbursed. However, legal costs will not be reimbursed for any defamation action brought by a Councillor.

A Councillor may seek reimbursement up to \$2,500 per request, no more than 2 requests per financial year can be made by an individual Councillor. The Councillor must provide a declaration that the matter for which reimbursement of legal costs is sought is related to their role as a Councillor and that they have acted in good faith and not unlawfully or improperly. The Councillor must engage a lawyer from a legal firm on the Municipal Association of Victoria panel or otherwise as approved by the Chief Executive Officer prior to any expense being incurred.

The Chief Executive Officer must refuse reimbursement in the following circumstances:

- a) to the extent the costs are unreasonable;
- b) the lawyer is not on the Municipal Association of Victoria panel, for any costs that were incurred prior to the Chief Executive Officer approval;
- c) if the Chief Executive Officer considers the matter outside the functions or duties of the Councillor in the role as a Councillor; or
- d) if the Chief Executive Officer considers the Councillor has not acted in good faith or lawfully or properly.

A Councillor will repay any reimbursed costs where there is a finding by a court, tribunal or regulatory authority in relation to the matter that the Councillor has not acted in good faith or has acted unlawfully or improperly.

Information and communications Technology

Councillors will be provided a computer with access to email and internet services and a mobile telephone for Council business. Councillors will be provided with access to a printer located at the Corporate Centre.

Where the Chief Executive Officer deems it necessary, support for internet connectivity will be provided.

All equipment provided by Council is to be used only for the purpose of performing official Council duties and remains the property of Council. All equipment must be returned at the end of a Councillor's term of office or upon retirement/resignation of the Councillor.

Motor Vehicles

All Councillors will be provided with a fully maintained Council vehicle to assist in performing their official Council duties. Vehicles shall be purchased as soon as possible after the election of a new Council and shall be kept for the full Council term.

Vehicle options

Councillors are entitled to a vehicle in accordance with Council's Vehicle Policy and Procedure.

Annual contribution towards running costs

It is accepted that use of Council vehicles for private purposes will occasionally occur. For safety and reasons of practicality, a member of the Councillor's immediate family/ nominated alternate driver is also entitled to drive the vehicle if necessary and should hold a full licence.

A copy of the drivers' licence for the Councillor and their nominated alternate driver should be provided to Council.

A nominal contribution of \$2,000 per annum will be deducted from the Councillor's allowance on a pro-rata basis per fortnight in recognition of the private use component. Vehicle contributions shall be indexed annually on the basis of movement in the Transport CPI.

Councillors will be required to keep a logbook of business and private usage for a three-month period during the first 12 months of the Council term. The annual contribution will be revised and adjusted if necessary.

Vehicle breakdown

All vehicle related matters including breakdowns and accidents should be reported to the Councillor Support Officer.

Procedures relating to breakdowns and accidents are provided in the glove box of the vehicle.

Other Conditions that Apply to all Vehicles

The vehicle is to be accommodated off street when at the Councillor's residence.

The Councillor will maintain the vehicle, inside and out, in a clean and tidy condition and ensure that servicing is carried out in accordance with the manufacturer's guidelines. The Councillor shall reimburse East Gippsland Shire Council for any costs incurred by it in cleaning the vehicle or in repairing any damage to or deterioration in the condition of the vehicle as a result of the Councillor's actions, in excess of East Gippsland Shire Council's reasonable assessment of normal wear and tear and deterioration that would be expected if the vehicle had been used and cared for as outlined above.

It is the Councillor's responsibility to ensure that the vehicle is maintained in a roadworthy condition. This responsibility is limited to ensuring that regular fluid and tyre pressure checks are carried out, vehicle servicing is current, and any obvious tyre, windscreen or other wear or abnormal noises are reported to the Councillor Support Officer.

Smoking is not permitted in the vehicle.

East Gippsland Shire Council vehicles are not available for use by members of the public.

Councillors will contribute (in each case) up to \$400 to the cost of damage to East Gippsland Shire Council vehicles caused by careless or negligent operation of the vehicle. For drivers under the age of 25, the contribution will additionally include any excess that applies above the standard excess nominated in East Gippsland Shire Council's vehicle insurance policy.

Under no circumstances will East Gippsland Shire Council be liable to pay any fine or costs incurred by the driver of an East Gippsland Shire Council vehicle if that person infringes against road traffic regulations, local laws of any local government with respect to parking restrictions, or any other regulation that relates to the use of vehicles. The onus for the payment of a fine or other cost resides with the offender. In the instance of parking or traffic infringements, if the actual driver cannot be determined, the Councillor may be held liable for the penalties involved.

Remote Travel Allowance

A remote travel allowance will be paid to compensate for the time spent by Councillors who reside more than 50 km by the shortest possible practicable road distance from the location or locations specified for the conduct of:

- meetings of Council;
- meetings of delegated committees, Council advisory boards, consultative, advisory and other committees to which Council has formally appointed the Councillor as its representative;
- meetings and other formal events of organisations to which Council has formally appointed the Councillor as its delegate; or
- any municipal or community functions that have been authorised by the Mayor or Chief Executive Officer for the Councillor to attend.

Councillors and members of delegated committees must submit a completed *Remote Area Travel Allowance* form by the last day in each month providing details of the date, location, purpose and kilometres travelled on each occasion.

All claims for the remote travel allowance pertaining to travel undertaken within a particular financial year must be accounted for within that financial year. A one-month grace period to 31 July in each year will be given to allow claim forms for the previous financial year to be lodged. At the expiry of the one-month grace period claims will no longer be accepted.

Travel for business purposes must be undertaken as efficiently and by the shortest route possible.

Where travel is by air, economy class will be the standard.

Where travel between Bairnsdale and Melbourne and return is by train, first class will be the standard, in recognition of potential safety issues. The standard of any other train travel will be determined by the Chief Executive Officer on a case-by-case basis.

Travel claims will be made only on the basis of the actual form of transport used and in the form of a reasonable allowance towards, or reimbursement of, necessary out of pocket expenses.

All interstate travel proposed to be undertaken by a Councillor during the course of their duties requires prior approval by the Chief Executive Officer.

Approval for overseas travel requires a formal resolution of Council.

Representative Memberships

Council will organise and pay for collective Council or individual Councillor membership to peak Australian Local Government industry bodies.

Professional Development

Professional development for Councillors and members of delegated committees is encouraged.

Attendance at relevant conferences and seminars is considered necessary for effective representation and advocacy for the Shire and the development of Councillors in their role.

Councillors may attend seminars and conferences that:

- relate directly to performing duties as a Councillor; or
- are organised by a Local Government peak body/association; and
- have a demonstrable benefit for the East Gippsland Shire community.

Councillors are encouraged to discuss proposed attendance at conferences and seminars with the Chief Executive Officer.

All arrangements associated with Councillor professional development (including registration, air or train travel and accommodation/meals) will be organised through Councillor Support Officer.

Where a conference or seminar involves interstate or overseas travel (with the exception of interstate travel by land for less than three days) Councillors must complete a *Record of Interstate or Overseas Travel* form providing details of the date, destination, purpose and total cost of the travel.

After attending a conference, Councillors are required to provide a brief written or oral summary to the next Council meeting. The summary should outline the benefits of the conference to themselves personally and to Council operations.

Conferences and Seminars

The cost of attending approved conferences and seminars, including reasonable out-of-pocket expenses substantiated by related receipts, is met from the Council budget. Where a conference or seminar involves interstate or overseas travel, Councillors must complete a *Record of Interstate or Overseas Travel* form.

Each year Council's Budget includes provision for the costs associated with Councillor attendance at Council approved conferences and seminars (including registration fees, accommodation and meals for the duration of the event). This amount is apportioned as follows:

- allocation of a lump sum amount to meet the costs associated with all conferences, seminars and other events attended by the Mayor and Councillors in order to meet their responsibilities as elected representatives and where appropriate, as Council's formally appointed delegate or nominee;
- a specific sum is allocated to the Mayor and each individual Councillor from which the costs associated with attendance at conferences, seminars or other events that are not directly related to their role as a formally appointed delegate or nominee (e.g. a professional development opportunity not being pursued by other Councillors) will be met.

Were the Mayor or a Councillor has expended the individual sum allocated to them in any year and who wishes to attend a further conference, seminar or other event as described in this clause, they will need to discuss their proposed attendance with the Chief Executive Officer so that the appropriateness of funding their attendance from another Council budget can be assessed against the following criteria:

- relevance to Council business and/or Councillor's personal development requirements;
- benefits expected to flow from attendance;
- estimated cost including conference material, travel and accommodation for the Councillor; and
- appropriateness of funding from other Council budgets.

After attending a conference or seminar, Councillors are required to provide a brief written or oral summary to the next Council meeting. The summary should outline the benefits of the conference to themselves personally and to Council operations.

Hospitality

There are occasions where it is appropriate for the Mayor or Council to provide hospitality to groups or individuals who are regarded as key stakeholders in the Shire and with whom the Shire seeks to develop a closer or more effective working relationship.

These events may include meetings with key community groups or leaders, discussions with parliamentarians, business people and others whose interests are consistent with the Shire's objectives.

The common element which underpins hospitality extended by the Mayor or Council is that such hospitality is judged to be of assistance to East Gippsland Shire in furthering the Shire's interests and objectives.

Meals and Refreshments

Where Council or Committee meetings are held at times which extend through normal mealtimes, Council will provide suitable meals served on the premises. Alcohol will not be provided.

Expenses to be reimbursed Council will reimburse the expenses of Councillors and members of delegated committees as required in section 40 of the *Local Government Act 2020* for expenses that are:

- (a) bone fide; and
- (b) have been reasonably incurred in the performance of their role; and
- (c) are reasonably necessary to perform their role.

The basic test to be applied to determine whether or not an expense is lawfully incurred is whether the expense is necessary because it is either supplemental to, incidental to, or consequential to the exercise of Council functions. When these criteria are satisfied and a Councillor or a member of a delegated committee has incurred an out-of-pocket expense, the expense will be paid or reimbursed by Council. Councillors and members of delegated committees will not be reimbursed for purchases of alcohol. Alcohol cannot be charged back to Council for payment.

Claims for the reimbursement of costs must be submitted on the appropriate claim form. Tax receipts are required to be submitted with the claim form as proof of purchase for reimbursement.

Reimbursements will be paid by accounts payable into the Councillor's or member of delegated committee's nominated bank account.

All claims for reimbursement of expenses must be finalised at least one month prior to a Council election. A one-month grace period will apply post-election for Councillors seeking re-election who are not successful. At the expiry of the one-month grace period claims will no longer be accepted.

Reporting of expenses

The Audit and Risk Committee Charter requires the Committee to review a summary of Councillor expenses twice per year. Section 40 of the Act requires Council to provide details of all reimbursements to Councillor and members of delegated committees to the Audit and Risk Committee. This shall be provided twice yearly with the summary of Councillor expenses.

Care related expenses

Council will reimburse the cost of expenses incurred by Councillors and members of a delegated committee who are the primary care giver, in providing care for their immediate family members who are elderly, infirm or sick and for children up to 15 years, when the Councillor is engaged in discharging their duties as a Councillor.

Council will reimburse the cost of the expenses incurred by Councillors and members of delegated committees who are in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*. A person is in a care relationship if he or she provides another person, or received from another person care because one of the persons in the relationship has a disability, is older, has mental illness or has an ongoing medical condition. A care relationship also includes where an individual provides care to a child in relation to a permanent care order, child-care agreement of protection under made under the *Child, Youth and Families Act 2005*.

Council will reimburse Councillors or members of a delegated committee for carer expenses paid to:

- An accredited care provider; or
- A person providing care who does not:
 - (a) have a familial or like relationship with the Councillor or member of a delegated committee; or
 - (b) reside either permanently or temporarily with the Councillor or member of a delegated committee; or
 - (c) have a relationship with the Councillor or member of a delegated committee or their partner such that it would be inappropriate for Council to reimburse monies paid to the care provider.

Care expenses include hourly fees as paid by the Councillor or member of delegated committee to a care provider and/or agency booking fees if applicable.

Subject to prior approval by the Mayor and Chief Executive Officer, a Councillor or member of delegated committee with dependent children who is attending a conference or seminar at which a designated children's program is provided may enrol their dependent children in that program at Council's expense.

All Abilities Access

Council will resolve to meet reasonable additional expenses to assist a Councillor or member of delegated committee with a disability to perform his or her official Council duties.

Standard of Accommodation and Meals

Standards and availability of accommodation vary markedly in both urban and regional areas. Councillors and members of delegated committees are encouraged to select accommodation that

is modern, safe, hygienic and positioned mid-range (i.e. neither budget nor 'top of the range' accommodation). All bookings for accommodation are to be made by the Councillor Support Officer

In accord with Occupational Health and Safety principles, Councillors who reside in the more remote areas of the Shire are encouraged to stay overnight following Council meetings, events and functions that conclude well after normal business hours.

Where meals are not included in the package price of conferences, seminars and professional development events, it is suggested that Councillors and members of delegated committees have regard to the amounts provided by the Australian Taxation Office as reasonable. Actual food and beverage expenses only will be reimbursed. Councillors and members of delegated committees will not be reimbursed for the purchase of any alcohol. The amounts below are a guide and are indicative of the upper limits:

- Breakfast \$ 27.00 (only reimbursable for the day following an overnight stay)
- Lunch \$ 30.45 (only reimbursable for the day following an overnight stay)
- Dinner \$ 51.85 (only reimbursable for the night of an overnight stay)

As a general rule, it is anticipated that *a la carte* meal purchased by Councillors would comprise of two courses or less. The purchase of any alcohol must be done so at Councillor's personal expense.

Council is a family-friendly organisation and as such, does not discourage family members from joining Councillors at conferences and events. However, when accompanied by a family member (other than a Councillor's partner at a conference or seminar where the presence of their partner is necessary to support the business or representational needs of Council) any additional costs incurred (e.g. room upgrade, additional meals, etc.) are required to be reimbursed by the Councillor.

Exclusions

Council will not be responsible for reimbursing the following expenses incurred by Councillors or members of a delegated committee:

1. Any costs arising from a breach of road, traffic, parking or other regulations or laws will not be reimbursed or funded in any way by Council.
2. If a Councillor does not claim a particular expense, this cannot be offset against a claim for any additional amount of another expense.
3. Expenses incurred which are not directly related to the official Council duties of a Councillor cannot be included in the calculation of a claim for reimbursement.
4. The cost of the purchase of any alcohol will not be reimbursed.
5. Council will not provide reimbursements for immediate family members/associates in relation to attendance at conferences, seminars, training or planning sessions (other than in the case of attendance of a Councillor's partner at a conference or seminar where the presence of their partner is necessary to support the business or representational needs of Council).

Reimbursement of any expense not included in the policy will require approval by the Chief Executive Officer.

Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities
Chief Executive Officer	Ensure all Councillors and members of delegated committees are aware of their responsibilities and comply with the policy and supporting guideline document.
General Manager Business Excellence	Ensure all Councillors and members of delegated committees are aware of their responsibilities and comply with the policy and supporting guideline document.
Councillor Support Officer	Ensure all Councillors and members of delegated committees comply with the Councillor Support and Expense Policy and to advise General Manager Business Excellence of any discrepancy that may occur.
Finance Department	The processing of reimbursement of Councillor and member of delegated committee expenses.
Manager Governance	Ensure a report on Councillor and member of delegated committee expenses and reimbursements is provided to the Audit and Risk Committee twice yearly.

References and Supporting Documents

Applicable Legislation:

- *Local Government Act 2020*
- *Local Government Act 1989*
- *Carers Recognition Act 2012*

Supporting Documents:

- Reimbursement of expenses claim form
- Councillor remote area travel allowance claim form
- Councillor request/record – Interstate or overseas travel undertaken in an official capacity form

Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council in connection with this policy will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of investigating any discrepancies.

Personal information about an individual held by Council must be only used to carry out the primary or directly related purpose of collection. Furthermore, Council must not collect personal information unless the information is necessary for one or more of its functions.

Individuals have the right to make a complaint to the Victorian Information Commissioner if they believe their privacy has been breached.

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as the Policy aligns with and provides for the protection of an individual's rights to have their privacy unlawfully and arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs.

Definitions

Term	Meaning
EGSC	East Gippsland Shire Council
Officer	Member of East Gippsland Shire Council (EGSC) staff
The Act	<i>Local Government Act 2020</i>

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	27/9/2005	Council		Clause 4.2
2	Approved	July 2006	Council		Update of staff titles and meeting rooms
Update	Approved	1/11/2007	J Websdale		Staff Titles updated
3	Approved	10/11/2009	Council	3721038	Comprehensive review
4	Approved	04/03/2014	Council	5675760	
5	Approved	08/07/16 03/08/16	G Gaffney C Waites		Update of staff titles and expenses Update of Vehicle provisions
6	Approved	07/03/17	Council	7132299	
					Update to comply with <i>Local Government Act 2020</i> and update information relevant to actual practice, including removal of forms in appendix.



Audit and Risk Committee Charter

TABLE OF CONTENTS

Purpose	1
Scope	1
Policy Context	1
Policy Statement	1
1.1 Authority	1
1.2 Objectives	2
1.3 Membership	2
1.4 Chair	3
1.5 Charter and Duties	4
1.6 Meetings	6
1.7 Internal Control and Internal Audit	7
1.8 General and Legal Advice	7
Roles and Responsibilities	7
References and Supporting Documents	10
Applicable Legislation:	10
Supporting Documents:	10
Privacy and Human Rights Consideration	10
Definitions	10
Revision History and Review	12

Purpose

The Audit and Risk Committee Charter (the Charter) outlines the functions and responsibilities of the Audit and Risk Committee (the Committee) in assisting the East Gippsland Shire Council (the Council) fulfil its oversight and corporate governance responsibilities. The Charter provides for the structure and operation of the Committee.

Scope

This policy applies to all Audit and Risk Committee members, Councillors, the Internal and External auditors and relevant Council officers as defined in Roles and Responsibilities section.

Policy Context

The Committee has been established pursuant to section 53 of the *Local Government Act 2020* (the Act). The Council is required, under section 54 of the Act, to adopt a Charter that specifies the functions and responsibilities of the Committee as including:

- a) monitoring compliance of Council policies and procedures with the overarching governance principles¹, the Act and regulations and any Ministerial directions;
- b) monitoring Council financial and performance reporting;
- c) monitoring and providing advice on risk management and fraud prevention systems and controls; and
- d) overseeing internal and external audit functions.

Policy Statement

1.1 Authority

The Committee is directly responsible to the Council for discharging its responsibilities as set out in this Charter.

The Committee has the authority to:

- endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements;
- monitor policies and procedures compliance with the overarching governance principles in the Act, the Act and regulations and any ministerial directions;
- approve internal and external audit plans, including internal audit plans with an outlook of greater than one year;
- provide advice and make recommendations to Council on matters within its areas of responsibility;
- retain counsel of relevant independent experts where it considers that it is necessary in order to execute its responsibilities, subject to prior agreement with the Chief Executive Officer;
- seek any relevant information it requires from Council, Council officers (who are expected to co-operate with the Committee's requests) and external parties;
- meet with Council Officers, internal and external auditors and other parties as required to discharge its responsibilities.

¹ Section 9 of the *Local Government Act 2020* included in the definitions.

In accordance with section 53(2), the Committee is not a delegated committee. The Audit and Risk Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Audit and Risk Committee does not have any management functions and is therefore independent of management.

The Audit and Risk Committee that will operate as far as reasonably practicable in accordance with the Local Government Victoria publication, *Audit Committees – A Guide to Good Practice for Local Government January 2011*.

1.2 Objectives

The Audit and Risk Committee's primary role is to provide independent assurance and advice to Council in the following areas:

- issues relevant to the integrity of Council's financial reporting;
- financial and non-financial performance reporting;
- risk management, including enterprise risk management, Occupational Health and Safety, fraud and corruption prevention, business continuity planning and disaster recovery;
- internal and external audit;
- internal control framework including policies and procedures as they apply to:
 - financial reporting;
 - management policies, for example entertainment expenses, use of corporate credit cards, etc; and
 - administrative policies, for example information management, data integrity and privacy, project management, risk management, etc;
- compliance of Council policies and procedures with the overarching governance principles, the Act, the regulations, any Ministerial directions and other relevant legislation and regulations.

It will do this through the provision of independent advice and recommendations on matters relevant to its Charter, to facilitate decision-making by Council.

1.3 Membership

- (a) The Committee will comprise seven members: four independent members - one of whom will be Chair²; the Mayor of the day; and two other councillors appointed by Council. The Committee must not include any person who is a member of East Gippsland Shire Council's staff.³
- (b) Independent external members will be sought by way of public advertisement. Appointment of external independent members will be by Council resolution following receipt of a recommendation from a panel comprising the Audit and Risk Committee Chair, the Mayor and the Chief Executive Officer. The Panel will evaluate candidates on the basis of their experience and likely ability to apply appropriate analytical and strategic management skills, as well as the 'fit' of their skills within the overall skillset of the Committee.

² The chairperson of an Audit and Risk Committee must not be a Councillor of the Council (s53(4) of the *Local Government Act 2020*)

³ Section 53(3)(c) of the *Local Government Act 2020*

- (c) Terms for independent members will be a maximum of three years; however, members may re-apply at the end of their term and may be re-appointed for further terms up to a maximum of two (2), three-year terms (i.e. no more than six years in total). The position must be advertised after an independent member has completed two consecutive terms. The member may apply as part of the competitive process.
- (d) Terms of appointment will be arranged to ensure an orderly rotation and continuity of membership and will be made despite changes to Council's elected representatives.
- (e) Collectively, external independent members must have:
 - (i) expertise in financial management and risk; and
 - (ii) experience in public sector management⁴.

Individually, independent external members will have senior business or financial management knowledge and experience, be conversant with financial and other reporting requirements and possess high levels of personal integrity and ethics.

- (f) Members of the Committee will be covered by Council's insurance when engaged on or attending to Audit and Risk Committee duties.
- (g) The four external independent members of the Audit and Risk Committee will be remunerated for the performance of their duties in accordance with the rate determined by Council from time to time, indexed annually.
- (h) Provisions relating to Misuse of Position (section 123) Confidential Information (section 125) and Conflict of Interest (sections 126-131) apply to external independent members as if they were a member of a delegated committee.⁵
- (i) Council may resolve to remove a member of the Committee if they fail to attend three (3) consecutive meetings without leave of the Committee, or on the recommendation of the Committee.

1.4 Chair

- (a) The Chair is appointed annually at the Committee's February meeting. At that meeting the Chief Executive Officer will open the meeting, assume the Chair and ask for nominations from among the four independent members. If there is only one nomination, that member will be declared elected. If there is more than one nomination the Chief Executive Officer will ask for a show of hands, with a simple majority of members present determining the result. The member newly elected as Chair will assume the Chair immediately.
- (b) An independent member may be appointed to serve as Chair:
 - for no more than four, 12-month terms; and/or
 - for no more than two consecutive 12-month terms in a three-year period.
- (c) In the absence of the Chair, the Committee will elect another independent member in attendance as Acting Chair.

⁴ Section 53(2)(b) *Local Government Act 2020*

⁵ Section 53(5) of the *Local Government Act 2020*

1.5 Charter and Duties

The Committee is required to adopt an annual work program⁶. The work program will include activities that will assist the Committee to achieve its objectives and as a minimum, fulfil the responsibilities documented in this clause.

- (a) Review Council's draft financial report and performance statement on an annual basis and:
 - in consultation with the external auditor, consider whether they are complete and consistent with information known to Committee members, and reflect appropriate accounting principles; and
 - if appropriate, recommend approval *in principle* to Council.
- (b) Review the external auditor's Final Management Letter (annual audit report) with the external auditor and management and if appropriate, frame recommendations for Council's consideration.
- (c) Review annually, the framework in place to ensure Council's risk exposure is managed appropriately. As a minimum, this will include:
 - a review of Council's risk management policies and procedures; and
 - review of Council's risk registers in accordance with the reporting regimen documented in the Risk Management Policy, and consideration of the adequacy of actions taken to mitigate Council's risk.
- (d) Review Council's Fraud Prevention policies and controls, including the Fraud Control Plan and fraud awareness programmes at least every two years, this will include:
 - receiving reports from management about actual or suspected instances of fraud or corruption including analysis of the underlying control failures and action taken to address each event; and
 - reviewing reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.
- (e) Review Council's reporting against the Local Government Performance Reporting Framework. The Audit and Risk Committee is responsible to:
 - receive and consider performance reports;
 - annually review draft service performance indicators and other performance information disclosures and consider the results in the context of the reports received throughout the year, challenging any unusual or unexpected results;
 - review the internal control framework and level of assurance received around the accuracy and completeness of the information reported; and
 - provide a recommendation to Council.⁷

⁶ Section 54(3) of the *Local Government Act 2020*

⁷ Included as per Audit Committee Minutes Dec 17: The Roles and Responsibilities of the East Gippsland Shire Council Audit Committee referenced at p4-5 of the draft Local Government Performance Reporting Framework Policy and derived from p 11 of the extract (provided as Attachment 3) of the Local Government Better Practice Guide 2016-17 Performance Statement be incorporated in the next iteration of the Audit Committee Terms of Reference.

- (f) In respect of Council policies and procedures:
- review annually, the systems and processes in place to ensure Council policies and procedures comply with the overarching governance principles, the Act and regulations and Ministerial directions (e.g. in respect of risk, finance, business continuity, delegation, equal employment opportunity, workplace health and safety, privacy, etc.); and
 - receive reports from the Chief Executive Officer and other Council officers relevant to Council's compliance with relevant legislation, policies and procedures and if appropriate, make recommendations for Council's consideration.
- (g) In consultation with the internal auditor and management:
- through a process of mapping against Council's risk registers, prepare a draft three to five-year Internal Audit Plan for consideration by Council;
 - annually review the delivery of the Internal Audit Plan and if required, make a recommendation to Council on any amendments; and
 - review internal audit reports and monitor progress on actions required to achieve rectification of any identified issues.
- (h) Review written reports on significant insurance and legal claims that may impact on Council's financial performance or otherwise expose Council to a high or extreme degree of risk, and mitigation action being taken in response. Reports will be provided in respect of new claims, and subsequently if developments occur in respect of reported risks that are considered likely to increase Council's exposure significantly.
- (i) Where such matters fall within the Committee's Charter:
- receive reports on specific projects and investigations deemed necessary by the Chief Executive Officer and/or Council, including suspected or actual cases of fraud or any corrupt activity by Council officers or others having business with Council, and if deemed appropriate make recommendations for Council's consideration; and
 - address issues referred for the attention of the Committee, including requests from Council for advice.
- (j) Conduct annually, an evaluation of the performance of the Audit and Risk Committee against the Audit and Risk Committee Charter⁸ and provide an assessment to the Chief Executive Officer for tabling at the next Council meeting.⁹
- (k) Review management's responses to any findings identified in the investigation reports of regulatory agencies (e.g. Independent Broad-Based Anti-Corruption Commission (IBAC), Local Government Inspectorate, Victorian Auditor-General's Office, Victorian Ombudsman's Office) and monitor any management actions arising from those reports.

⁸ Section 54(4)(a) of the *Local Government Act 2020*

⁹ Section 54(4)(b) of the *Local Government Act 2020*

- (l) Annually review reports prepared by Council officers on the operation of Council's Corporate and Public Space Closed Circuit Television and Drone Programs to assess user compliance with legislation, policy and procedure.
- (m) Review biannually, a management report detailing the expenses and reimbursement of out-of-pocket expenses of Councillors and members of delegated committees¹⁰ and if appropriate, make recommendations for Council's consideration.
- (n) Review and assess the adequacy of the Audit and Risk Committee Charter and if appropriate, present recommendations to Council for amendment. As a minimum, this review to occur once every four years, within 12-months after a general municipal election or otherwise is required.
- (o) Prepare a report to Council on the Committee's activities twice per annum. One of these report will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption, such a report indicating how the Committee has discharged its responsibilities as set out in the Charter for the previous year.

1.6 Meetings

- (a) The Council's Governance Rules will apply to the conduct of meetings unless alternate procedures are stipulated in this Charter.
- (b) The Committee will hold an ordinary meeting once each quarter.
- (c) A joint meeting with East Gippsland Shire Councillors will be held in September each year to discuss Council's audited draft financial report and performance statement; the Committee's performance evaluation for the previous financial year and any other matters identified by the Mayor and/or Committee Chair.
- (d) Additional meetings may be convened at the discretion of the Chief Executive Officer or at the written request of any member of the Committee, the external auditor, or the internal auditor.
- (e) A quorum will exist if four or more Committee members are present and the number of external independent members present is equal to or greater than the number of internal members present.
- (f) The Committee will make every effort to arrive at its decisions by consensus. If consensus is not possible, matters will be resolved by a majority of votes cast by members in attendance. The Chair will have the casting vote if the votes are equal.
- (g) In accordance with section 130 of the Act (Disclosure of Conflict of Interest) and Council's Governance Rules, Committee members must make a full disclosure of all conflicts of interest prior to discussion of the matter for which the conflict of interest has arisen. Further, having declared such a conflict, the Committee member must leave the room and remain outside the room or other area in view or hearing of the room until the matter has been concluded. Further guidance is

¹⁰ Section 40(2) of the *Local Government Act 2020*

available through the Victorian government's publication, *Conflict of Interest – A Guide for Members of Council Committees*, October 2012.

- (h) Councillors who are not members of the Committee may attend meetings of the Committee as observers. Through the Chair, non-member Councillors may ask questions in relation to matters listed on the agenda but may not participate in discussion.
- (i) The external auditor, internal auditor, General Manager Business Excellence and Chief Executive Officer will, when practicable and appropriate, attend all meetings of the Committee. Other members of Council staff may be invited to attend at the discretion of the Committee to provide advice and information when required.
- (j) As the Audit and Risk Committee is an advisory committee of Council meetings are not open to the public.

1.7 Internal Control and Internal Audit

Where appropriate, the Audit and Risk Committee and Council will actively support the work of the contract internal auditor. Line managers are responsible for managing the internal control processes in their respective departments, as recommended by the internal auditor, and will report to the Chief Executive Officer about compliance with internal control measures.

1.8 General and Legal Advice

Through the Chief Executive Officer, the Committee may obtain information and advice on any Council matter that falls within the Committee's Charter or is otherwise consistent with the intent and purpose of the Victorian Government's publication, *Audit Committees - A Guide to Good Practice for Local Government*.

Roles and Responsibilities

Roles and responsibilities with respect to Committee function, as well as the implementation, communication and compliance monitoring of this Charter, are as follows:

Party / Parties:	Roles and responsibilities:
Chief Executive Officer	<p>Overall responsibility for policy implementation and compliance. Ensure compliance with the Policy by all Audit and Risk Committee members.</p> <p>While not a member of the Committee, when practicable and appropriate will attend all meetings of the Committee and provide guidance and advice.</p> <p>Will also:</p> <ul style="list-style-type: none">• ensure that an appropriate agenda is formulated for scheduled Committee meetings and circulated to members in a timely fashion;• facilitate meetings by arranging for members of management, auditors or others to attend to provide pertinent information, as necessary;• provide secretariat services in respect of matters before the Audit and Risk Committee;• after meetings of the Committee, ensure that a report describing the activities of the Committee and explaining any recommendations or key findings is tabled at the next

Party / Parties:	Roles and responsibilities:
	<p>Council meeting</p> <ul style="list-style-type: none"> • table other reports of the Audit and Risk Committee at meetings of the Council when required by the Act and when requested by the chairperson of the Audit and Risk Committee; • ensure that accurate minutes of scheduled Committee meetings are taken, circulated to Committee members, Councillors and others in a timely fashion and once confirmed, stored securely in Council's electronic document record management system; • coordinate the selection process for independent external Committee members and together with the Committee Chair and the Mayor, comprise the interview panel for these positions; and • together with the Audit and Risk Committee Chair, address any matters of concern arising in respect of a Committee member's performance or conduct.
General Manager Business Excellence.	Responsible for review, updating and implementing policy.
Chair	<p>Conduct meetings efficiently to ensure all matters listed for consideration are afforded appropriate time and attention. Exercise a casting vote where:</p> <ul style="list-style-type: none"> (a) consensus cannot be reached; and (b) a formal vote is required to resolve the matter and (c) voting numbers are equal. <p>Approve the unconfirmed minutes of each meeting for circulation to Committee members, Councillors and others as determined by the Committee.</p> <p>Together with the Audit and Risk Committee Chair and the CEO, participate in the selection process for independent external Committee members.</p> <p>Together with the Chief Executive Officer, address any matters of concern arising in respect of a Committee member's performance or conduct.</p>
Committee Members	<p>Actively participate in and contribute to the work of the Committee as outlined in clause 1.5.</p> <p>Complete a self-assessment survey and contribute actively to the annual evaluation of the performance of the Audit and Risk Committee against the Audit and Risk Committee Charter.</p> <p>Make every effort to attend scheduled meetings of the Committee.</p> <p>In accordance with section 130 of the Act (Disclosure of Conflict of Interest), make a full disclosure of all conflicts of interest prior to discussion of the matter for which the conflict of interest has arisen. Further, having declared such a conflict, leave the room and remain outside the room and any gallery or other area in view or hearing of the room until the matter has been concluded.</p> <p>As prescribed by section 123 of the Act, members must not misuse their position on the Committee to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or cause, or attempt to cause, detriment to Council or any person.</p> <p>Complete the Personal Interest return twice yearly. These will not form part of the Summary of Personal Interests in section 135 of the Act.</p>

Party / Parties:	Roles and responsibilities:
	<p>In accordance with section 125 of the Act (Confidential Information) members must not intentionally or recklessly disclose information that the person knows or should reasonably know to be confidential.</p>
Internal Auditor	<p>Under contract to Council, the internal auditor reports to the Audit and Risk Committee on a quarterly basis on the outcomes of a range of audits of Council's operations including:</p> <ul style="list-style-type: none"> • internal control systems, policies and procedures and their effectiveness; • compliance with Council policies and procedures and any relevant government legislation; • financial systems and processes; • areas of risk exposure and the way in which these are managed; and • special investigations or assignments as requested by the Committee. <p>The focus of audits undertaken will be documented in a three to five-year internal Audit Plan adopted by Council. The plan will be formulated through a consultative process involving (as a minimum) the internal auditor, the Committee and management. The internal auditor will meet with Audit and Risk Committee at least once a year without management being present, to discuss any issues arising from internal audits carried out during the year. Unless determined otherwise by the Committee, this will occur at the meeting at which the Committee reviews the Internal Audit Plan for the coming year (April).</p> <p>The role of the internal auditor is independent of and separate to that of the external auditor.</p>
External Auditor	<p>As an agent of the Victorian Government Auditor-General, the external auditor forms an opinion on Council's financial report and performance statement and provides a copy of their Final Management Letter (audit report) to Council and the responsible Minister.</p> <p>The external auditor reports to a joint meeting of Council and Audit and Risk Committee annually on the completed draft financial report and performance statements for that year. At this meeting the findings of the external audit are discussed with the external auditor, focusing on issues such as:</p> <ul style="list-style-type: none"> • any major issues that arose during the audit; • any accounting and audit judgements; and • levels of errors identified during the audit. <p>At least annually, an opportunity will be provided for the external auditor to meet with Audit and Risk Committee without management being present, to discuss their remit and any other relevant issues.</p> <p>Audit and Risk Committee may request a meeting with the external auditor at any other time during the year, as/if required. From time to time the external auditor may request and will be provided with copies of final reports prepared by the internal auditor.</p>
Mayor	<p>Together with the Audit and Risk Committee Chair and the Chief Executive Officer, participate in the selection process for</p>

Party / Parties:	Roles and responsibilities:
	independent external Committee members.
Officers in Attendance	General manager and/or manager responsible for corporate governance, manager responsible for finance and manager responsible for risk will attend all meetings of the Committee where practicable and appropriate. Other members of Council's staff will attend Committee meetings from time to time to present a range of recurring and one-off reports and when requested to do so by the Chair, provide advice and information.

References and Supporting Documents

Applicable Legislation:

- *Local Government Act 2020*
- *Local Government Amendment (Performance and Reporting Accountability) Act 2014 and Local Government (Planning and Reporting) Regulations 2014* – prescribes financial and non-financial reporting required of Local Government.

Supporting Documents:

Audit Committees - A Guide to Good Practice for Local Government, January 2011

Conflict of Interest - A Guide for Members of Council Committees, October 2012

Public Sector Audit Committees – Better Practice Guide, March 2015 (Australian National Audit Office)

Audit Committee Governance, August 2016 (Victorian Auditor-General's Office Report)

Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council relating to the work of the Audit and Risk Committee will be handled in accordance with all applicable privacy legislation and will be used only for investigating audit matters.

The Audit and Risk Committee Charter has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Definitions

Term:	Meaning:
Chief Executive Officer	Person appointed by Council to the position of Chief Executive Officer.
Committee Member	Member of East Gippsland Shire Council Audit and Risk Committee
Conflict of Interest	As defined in Part 6 Division 2 of the <i>Local Government Act 2020</i> (sections 126-131).
Councillor	Person who has been elected to the office of Councillor of East Gippsland Shire Council.
Council officer	A current member of East Gippsland Shire Council staff with the authority to engage in activities on behalf of Council.

Term:	Meaning:
External Auditor	Audit professional appointed by the Victorian Auditor-General who performs an audit in accordance with specific laws or rules on the financial statements of a company, government entity, other legal entity or organisation, and who is independent of the entity being audited.
Internal Auditor	A company (or its representative) charged with providing independent and objective evaluations of Council's financial and operational business activities, including its corporate governance.
Mayor	Councillor elected by Councillors to the role of Mayor.
Officers in Attendance	Council officers attending Audit and Risk Committee meetings to provide information or respond to queries. Officers do not hold membership of the Committee.
Overarching governance principles	<p>Overarching governance principles outlined in section 9(2) of the <i>Local Government Act 2020</i> are:</p> <ul style="list-style-type: none"> a) Council decisions are to be made and actions taken in accordance with the relevant law; b) priority is to be given to achieving the best outcomes for the municipal community, including future generations; c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risk, is to be promoted; d) the municipal community is to be engaged in strategic planning and strategic decision making; e) innovation and continuous improvement is to be pursued; f) collaboration with other Councils and Governments and statutory bodies is to be sought; g) the ongoing financial viability of the Council is to be ensured; h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; i) the transparency of Council decisions, actions and information is to be ensured. <p>Section 9(3) requires in giving effect to the overarching governance principles Councils must take into account the following supporting principles:</p> <ul style="list-style-type: none"> a) the community engagement principles; b) the public transparency principles; c) the strategic planning principles; d) the financial management principles; e) the service performance principles.
Personal of Interest	As outlined in Division 3 of Part 6 of the <i>Local Government Act 2020</i> .
Responsible Officer	An officer of East Gippsland Shire Council who has responsibility for the general area/subject matter to which a record pertains.
Risk Management	The culture, process and structures that are directed towards realising potential opportunities while managing adverse effects. (AS/NZS ISO 31000:2009, 20/11/2009)

Term:	Meaning:
Shire	The geographic area of East Gippsland Shire Council.
Staff	All staff engaged by East Gippsland Shire Council, including all full-time, part-time and casual employees, labour hire agency staff.

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	12/11/2003	Council		
2	Approved	02/11/2007	Management		
3	Approved	03/2011	Audit Committee, Council		
4	Approved	07/2011	Audit Committee, Council		
5	Approved	07/2013	Audit Committee, Council	5523080	
6	Approved	05/05/2015	Council (endorsed by Audit Committee 28/04/15)	6288081	
7	Approved	10/05/2016	Council (endorsed by Audit Committee 26/04/16)	6752661	
8	Approved	05/06/2018	Council Audit and Risk Committee	7648150	
9	Approved	18/02/2020	Council (endorsed Audit and Risk Committee 22/10/19)	8404863	Converted to new template. Inclusion of provisions for election of Chair, maximum terms for Chair and independent members; recognition of specific obligations proposed by Local Government Bill 2018 Exposure Draft; administrative updates for clarity and readability.

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
					Updated to reflect the requirements of the <i>Local Government Act 2020</i> . Under the Act the Charter has to be adopted by Council prior to 1 September 2020. Included a change to two consecutive terms as a member.

DRAFT

Response to Governance Rule community submission

Comment	Response	Action
<p>Sub-Rule 1. (3) (c): This statement requires elaboration as its meaning is not apparent. Why would it be necessary ever to close a meeting to enable it to proceed in an ordinary manner? I recommend that 1.3.c is removed.</p>	<p>Under the <i>Local Government Act 2020</i> section 66 (2) meetings can be closed to the public for 3 reasons: 1) to discuss confidential matters; 2) security reasons and 3) necessary to do so to allow the meeting to proceed in an orderly manner.</p> <p>For reasons 2 and 3 the meetings must continue to be livestreamed.</p> <p>This is a requirement of the <i>Local Government Act 2020</i>.</p>	<p>No action to be taken</p>
<p>Sub-Rule 2.4 (1) (c): Is this statement meant to be two separate issues? If not, then is it saying that urgent business can be admitted even though it is not relevant to the item of business of the agenda? I recommend that this be clarified.</p>	<p>Urgent business can be admitted to the agenda regardless of whether it relates to an item on the business of the agenda. That is the nature of urgent business.</p> <p>Council should not be discussing any motion, question or statement which is not an item of business or urgent business.</p> <p>This is consistent with current practice and it is not proposed to change this.</p>	<p>No action to be taken</p>
<p>Sub-Rule 2.6 (1): These behaviours should be a requirement of our Councillors, and I recommend that the wording be amended so that it is not merely advice but is a requirement.</p>	<p>This section is discussing the roles of different participants in a meeting.</p> <p>Sub Rule 2.6(1) outlines the expectations for Councillors and member of delegated committees.</p>	<p>No action to be taken</p>

Comment	Response	Action
	This rule is clear regarding the expectation of Councillors and members of delegated committees when participating in meetings. It is not advice as it outlines the role of Councillors and members of delegated Committees	
<p>Sub-Rule 2.7: Community should be entitled to engage actively in discussion about agenda items. This is a democracy, and debate should be supported and encouraged. These rules prohibit active engagement by community members, and tightly control how community members can express their opinions and provide their informed advice. They prevent open discussion and debate within the Council Chambers at Council meetings.</p> <p>I recommend that Rule 7 be debated, community input and advice sought, and the Rule then reviewed with transformation in mind to strengthen Community Democracy.</p>	<p>Rule 7 does not preclude participation in Council meetings of the community. It outlines how the community may be involved and encourages this. There are more ways to be involved in Council decision-making process than during Council meetings.</p> <p>Rules are required for the participation of all parties in Council meetings, not just the community, to enable efficient and effective governance.</p> <p>This rule establishes opportunities for community members to be involved in Council decision-making.</p>	No action to be taken
<p>Rule 3: There are members of the East Gippsland community who do not go online to access the Council's website. There are members who find the website complex to navigate.</p> <p>I recommend that the agenda is made available through local newspapers as well as online.</p>	<p>Due to the size of the agenda it is not possible to make it available in the newspapers.</p> <p>Community who are unable to access the agenda online may view a copy at the Corporate Centre or seek assistance at Customer Service Centres and libraries.</p>	No action to be taken
<p>Sub-Rule 3.3: This rule as written, requires the CEO to determine the time and date of an unscheduled meeting proposed by the Mayor or 3 Councillors despite the fact that the meeting</p>	<p>It is not the intention of this Rule for the Chief Executive Officer to override the proposed date and time of an unscheduled meeting called by the Mayor or 3 Councillors. If it was not practical to hold the unscheduled meeting at the</p>	No action to be taken

Comment	Response	Action
<p>called by the Councillors or Mayor must specify the time and date in a written notice.</p> <p>I recommend that this requirement of the CEO apply to those unscheduled meetings called by the CEO and Mayor, and not to those meetings called by the Mayor or three Councillors by written notice which must set out the time and date of the proposed meeting.</p> <p>In the instance when the unscheduled meeting is called by the Mayor or three Councillors for a time and date that is not practical for the reasons set out in 3.3 (5), then the CEO should change the time and date after discussion and negotiation with those who requested the meeting.</p> <p>The CEO should not be permitted to delay a meeting without good reason.</p>	<p>proposed date and time, then the Chief Executive Officer would discuss alternative date and time with the Mayor or the Councillors proposing the unscheduled meeting.</p>	
<p>Sub-Rule 4 (6) (a): This requires the CEO to make Council decisions in the event that a quorum cannot be achieved or maintained due to declarations of conflicts of interest by the majority of Councillors.</p> <p>I recommend that this clause be deleted. It is not the CEO's role to make policy or governance decisions. I support the delegation of the decision to a delegated committee.</p>	<p>Section 67 of the <i>Local Government Act 2020</i> says that when a Council cannot maintain a quorum due to conflict of interest than a delegated committee must be formed; consisting of Councillors with not declare conflict of interest and any other person the Council deems suitable.</p> <p>The <i>Local Government Act 2020</i> does not allow for the Chief Executive Officer to make the decision; the is to be made by a delegated committee.</p>	<p>The Chief Executive Officer is not a decision maker when a quorum cannot be maintained due to conflict of interests, in line with the Local Government Act 2020.</p>

Comment	Response	Action
Sub-Rule 6.2 (1): I recommend that the order of the business for Council meetings be amended so that Urgent Business be dealt with in an urgent manner, and that is earlier in the meeting before Petitions, so that the Councillors are not fatigued and able to pay appropriate attention to the matter presented.	The order of business should be determined by the Chief Executive Officer and the Mayor to reflect the business to be managed at a Council meeting. There should be scope to order business accordingly. Urgent business is likely to be addressed in relation to a specific agenda item in conjunction with that item.	The order of business list is removed from the Governance Rules to enable Chief Executive Officer and Mayor to be responsive to the business of the meeting. Other Councils have not specified an order of business list as this will enable Council to be responsive to the Council business of the meeting.
Rule 7: “Members of the public do not have a right to address Council”: this is not a democratic process. The provisions for an open forum as stated are restrictive, and do not provide opportunity for open debate and discussion. Whilst it is essential to be able to run an orderly and efficient meeting, it is also essential for the Councillors to be able to hear and respond to the community they purport to represent. Rule 7 requires rigorous debate, review of options for running Council meetings so that they are genuinely open for community input and engagement, and implementation of an entirely new way to make decisions that invite community input. Please refer to my recommendation for Sub-rule 2.7.	This rule means that the public has no right to interject in the discussions of Council. This is not to say that the community is excluded from engaging with Council on agenda item through various other opportunities such as contacting Councillors direct, writing to Council, seeking to speak in Open Forum, seeking to pose questions to Council meetings, petitions etc This statement is consistent across other Councils.	No action to be taken
Sub-Rule 7.2 (2) (c): There is no reason given for this rule. It is not apparent why members of the community are barred from raising issues of personal hardship, particularly when it pertains to policies and decisions being made by Council	Due to the privacy of a persons’ personal situation it is not appropriate to raise matters in the open meetings of Council. The matters should be raised with a Councillor or Council in the appropriate manner.	No action to be taken

Comment	Response	Action
<p>that might cause or contribute to personal hardship. In fact it should be known to Councillors as well as to the CEO and Council staff if any Council decisions or actions might cause personal hardship.</p> <p>I recommend that this clause be removed completely.</p>		
<p>Sub-Rule 7.2 (2) (d): This clause is too vague and requires elaboration and example. Matters that might “prejudice the Council or any person” needs to be defined precisely.</p> <p>If a matter is raised that specifically aims to identify the conflict of interest that has not been declared by a Councillor for example, it must be heard.</p> <p>Also the sub-rule does not identify who can make this judgement, whether it is the Mayor, the CEO or a member of Council staff.</p> <p>I recommend that this rule be amended so that matters that may prejudice the Council or a person, are defined precisely.</p>	<p>The Mayor will decide if a submission as part of open forum or question of Council is covered by the matters outlined in 7.2(2).</p> <p>7.2 (2)(d) would ensure that matters subject to decision processes of Council are not discussed outside the process such as a s223 hearing.</p> <p>Open forum is probably not the appropriate forum for raising conflicts of interest concerns.</p>	<p>No action to be taken</p>
<p>Sub-Rule 7.2 (4): The CEO should not be able to make a decision to not accept a question except in defined circumstances. Rule 7 does not define those circumstances.</p> <p>I recommend that this rule be revised so that the CEO must operate within agreed criteria for not accepting a question.</p>	<p>Rule 7 defines the circumstances in which the Chief Executive Officer should not accept a question. It is the Chief Executive Officer’s role to provide administrative support to Council including making decisions as outlined in the Governance Rules regarding whether a question complies with the Rules.</p>	<p>No action to be taken.</p>

Comment	Response	Action
<p>Sub-Rule 7.4 (6): There may be exceptional circumstances that require urgent consideration and suspension of standing orders that do not allow arrangements for this to be made prior to the meeting. In these exceptional circumstances, the Mayor should be able to make the decision to have the matter heard.</p> <p>I recommend that this rule contain the capacity to hear a matter requiring suspension of standing orders in exceptional circumstances where it has not been possible to make prior arrangements, and that the Mayor makes this decision.</p>	<p>All community presentations (questions and submission) require prior approval. However, Councillors may move to suspend standing orders at any time.</p>	<p>No action to be taken</p>
<p>Sub-Rule 7 (7): This sub-rule is anti-democratic. I recommend this rule be over-turned, and ways found to run an orderly efficient meeting that permit debate and discussion in the Open Forum.</p>	<p>Not clear which rule is being referred to here</p>	<p>No action to be taken</p>
<p>Sub-Rule 7.7 (4) (b): This sub-rule assumes that the petitioner has not already approached the CEO and/or Council staff for a response, or for the matter to be addressed. It seems to be disrespectful for a petition to Council to be devolved to Council staff without further consideration by Councillors.</p> <p>Therefore I recommend that this rule be amended to include the requirement that any response to a petitioner where a petition has been referred to the CEO or relevant General Manager be included in the Councillors' agenda papers for the following meeting.</p>	<p>This sub-rule outlines how Council will deal with a petition when presented to Council. Before deciding on the petition Council will seek advice from the Chief Executive Officer or relevant General Manager. A matter that is operational can be addressed by Council staff without a further decision of Council. If further decision-making is required by Council a report will be presented to Council for this.</p>	<p>No action to be taken</p>

Comment	Response	Action
<p>Sub-Rule 7.7 (7): This sub-rule as written enables the CEO to decide that an electronic or online petition will NOT be submitted to a Council meeting.</p> <p>No reason has been given for why this process for submitting a petition is any different to any other method.</p> <p>I recommend that this sub-rule is deleted.</p>	<p>The process for determining the appropriateness of a petition are outlined in the Rules for petitions.</p>	<p>No action to be taken</p>
<p>Sub-Rule 7.7 (9): This sub-rule requires elaboration and clear criteria for determining that signatures are false or misleading.</p> <p>I recommend that it is reviewed and includes the precise criteria for determining if signatures are false or misleading.</p>	<p>The process for determining the appropriateness of a petition are outlined in the Rules for petitions.</p>	<p>No action to be taken</p>
<p>Sub-Rule 9.1 (1): his or her</p>		<p>their</p>
<p>Sub-Rule 10.14 (6): The CEO may choose to reject a motion that he or she thinks is too vague, but which might not be at all vague.</p> <p>Therefore I recommend that this sub-rule include criteria to define “too vague”.</p>	<p>The vagueness will depend on whether the motion is understandable or can be actioned.</p> <p>The Chief Executive Officer is likely to seek further input from the Councillor on a motion that is too vague. This is consistent with the Local Law No. 1 Procedures for Council Meetings</p>	<p>No action to be taken</p>
<p>Sub-Rule 10.14 (7) (a): The “operational service request process” needs to be explained, or included, or annotated, either here, or under “Definitions”.</p>	<p>Operational services are the day-to-day tasks of the Council.</p>	<p>Definition included in the Governance Rules:</p> <p><i>Operational services</i> are the day-to-day tasks of Council. Council has a process in place that captures requests from the community. Council</p>

Comment	Response	Action
		Officers consider, assess, prioritise and action the requests.
<p>Rule 14: I recommend that Delegated Committees should be allowed and in fact encouraged to include persons with relevant expertise as well as community representatives.</p>	<p>Council will determine the membership of a delegated committee based on the purpose of the committee and in line with the section 63 of the <i>Local Government Act 2020</i>.</p> <p>A delegated committee must at least 2 Councillors and other people who are entitled to vote in an election (ie enrolled on the electoral roll for the Council)</p>	No action to be taken
<p>Sub-Rule 18.6 (3) (a), (b) and (c): Council staff with a conflict of interest should not be permitted to have any input to preparation of reports, information, or decision-making under any circumstances. They should be required to abide by the same rules, laws and conditions as the Councillors are with respect to Conflict of Interest.</p> <p>If there are not staff with relevant expertise on Council who do not have a conflict of interest about a matter, then the Council should seek independent expert opinion from elsewhere.</p> <p>I recommend that all of these sub-rules be amended so that staff must abide by the same rules and laws and the Councillors. That is, any staff person with a conflict of interest is not permitted to have any input to those matters for which they have a conflict of interest.</p>	<p>The Governance Rules provide controls for managing conflict of interest, including declaring in the Council Report and procedures for supervisors /managers to implement controls.</p>	No action to be taken

