



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

Council Meeting Agenda

Meeting to be held via Skype

Tuesday 1 September 2020, commencing at 3pm

**or join Wellington on the Web:
www.wellington.vic.gov.au**

ORDINARY MEETING OF COUNCIL – 1 SEPTEMBER 2020

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Council Meeting Information

As the COVID-19 social distancing requirements continue to remain in place, the Minister for Local Government, has issued the “Minister’s Good Practice Guideline MGPG-1: Virtual Meetings”. Pursuant to section 87 of the Local Government Act 2020, these guidelines ensure that local Government decision making can continue in line with COVID-19 requirements and further details can be found on the Local Government Victoria website.

These guidelines took effect on the 1st May 2020 and will remain in place through to the 1st November 2020.

While members of the public can no longer attend meetings in person, we have provided options for you to interact with us virtually via our Council Meetings page on the Wellington Shire Council Website. You are able to interact with Council in two ways:

- Email through a specific question or comment relating to a particular Council Agenda item no later than 1:00pm on the day of the Council Meeting; or*
- For general communication with Council, via the webcasting chat room early in the meeting to ensure that your submissions can be dealt with at the end of the meeting.*

While we face a new way of gathering, we thank you for your continued support and look forward to a new way of keeping in touch with all of Wellington Shire.



A - PROCEDURAL



ACKNOWLEDGEMENT OF COUNTRY

***“We acknowledge the traditional custodians
of this land the Gunaikurnai people,
and pay respects to their elders past and present.”***



PRAYER

***“Almighty God, we ask your blessing upon the Wellington
Shire Council, its Councillors, officers, staff and their families.***

***We pray for your guidance in our decisions so that the
true good of the Wellington Shire Council may result to
the benefit of all residents and community groups.”***

Amen



A - PROCEDURAL

A4 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

ITEM A4**ADOPTION OF MINUTES OF PREVIOUS MEETING/S**

ACTION OFFICER:

GENERAL MANAGER CORPORATE SERVICES

DATE:

1 SEPTEMBER 2020

OBJECTIVE

To adopt the minutes of the Ordinary Council Meeting of 18 August 2020.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 18 August 2020.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.



A - PROCEDURAL

A5 BUSINESS ARISING FROM PREVIOUS MEETING/S



A - PROCEDURAL

A6 ACCEPTANCE OF LATE ITEMS



A - PROCEDURAL

A7 NOTICE/S OF MOTION



A - PROCEDURAL

A8 RECEIVING OF PETITIONS OR JOINT LETTERS

ITEM A8(1)**OUTSTANDING PETITIONS**

ACTION OFFICER

GOVERNANCE

DATE:

1 SEPTEMBER 2020

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

ITEM A8(2)**RESPONSE TO PETITION: REQUEST TO SEAL COMMERCIAL STREET IN YARRAM**

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

DATE: 1 SEPTEMBER 2020

Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
✓		✓		✓				✓	

OBJECTIVE

The purpose of this report is for Council to consider a petition received at the Ordinary Council meeting of 4 August 2020 requesting sealing of Commercial Street, Yarram.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council authorise the Chief Executive Officer to write to the head petitioner advising that Council will commence engagement with property owners on Commercial Street, Yarram, to progress a street upgrade project through a special charge scheme in line with Council's Residential Road and Street Construction Plan.

BACKGROUND

At the 4 August 2020 Council meeting, Council received a petition requesting the Commercial Street, Yarram, be upgraded and sealed.

The unsealed section of Commercial Street extends for approximately 230 metres and is located between Duke Street and James Street. Commercial Street is listed in Council's Register of Public Roads and is identified as a Local Access A. This unsealed pavement, as well as the sealed sections of Commercial Street, are all currently maintained by Council in line with its Road Management Plan.

The identified section of Commercial Street predominantly services abutting residential properties. There are around 18 properties which access directly off Commercial Street, which could be considered for inclusion as part of a proposed special charge scheme. There is presently no specific traffic data available for Commercial Street. It has been identified through the petition that the road is utilised by residents accessing their properties, local school traffic, delivery trucks accessing the supermarket located to the North, and the general public.

Commercial Street, Yarram is listed in Council's Residential Road and Street Construction Plan (The Plan) for future road construction via a special charge scheme.

Under the Plan, a street upgrade on Commercial Street would be delivered via a special charge scheme where both Council and property owners contribute towards the works. Each resident would be charged a fixed fee of \$6,000 towards the street upgrade which, subject to further investigation, could include; improvements to drainage; installation of footpaths; installation of kerb and channel; a sealed road surface; and tree plantings within the nature strip.

This street upgrade project on Commercial Street is estimated to cost approximately \$350,000, with residents contributing an estimated total of \$108,000 towards this project.

OPTIONS

Council has the follow options:

1. That Council authorise the Chief Executive Officer to write to the head petitioner advising that Council will commence engagement with property owners on Commercial Street, Yarram to progress a street upgrade project through a special charge scheme in line with Council's Residential Road and Street Construction Plan.
2. That Council do not progress a street upgrade project through a special charge scheme in line with its Residential Road and Street Construction Plan and continue to maintain Commercial Street in its current condition in line with its Road Management Plan.

PROPOSAL

That Council authorise the Chief Executive Officer to write to the head petitioner advising that Council will commence engagement with property owners on Commercial Street, Yarram to progress a street upgrade project through a special charge scheme in line with Council's Residential Road and Street Construction Plan.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

A street upgrade project for the identified section of Commercial Street, between Duke Street and James Street, is estimated to cost a total of \$350,000. This figure has been determined utilising a nominal cost of \$1,500,000 per kilometre for this standard of street construction as identified in the Infrastructure Design Manual.

Under the Residential Road and Street Construction Plan, property owners would be required to contribute a fixed fee a \$6,000 per property towards the street upgrade works. As such, it is likely that property owners would contribute approximately \$108,000 towards the works.

There is currently provision in the 10-year capital works program for works associated with Council's Residential Road and Street Construction Plan. A street upgrade project on Commercial Street, Yarram, could be included within the program. Timing of works would need to be prioritised against other commitments already made towards special charge schemes.

LEGISLATIVE IMPACT

Wellington Shire Council is the responsible road authority for Commercial Street, Yarram, within the meaning of the *Road Management Act 2004*.

Wellington Shire Council undertakes all special charge scheme in line with Council's Residential Road and Street Construction Plan and the *Local Government Act 1989*.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Infrastructure and Services states the following strategic objective and related strategy:

Strategic Objective 2.4: " Continued improvement to Wellington Shire's connectivity with further developed, accessible transport networks. "

Strategy 2.4.2: " Continue to maintain and enhance Council's road assets Rural Access, Road Safety infrastructure. "

This report supports the above Council Plan strategic objective and strategy.

ENGAGEMENT IMPACT

Engagement will be undertaken in line with Council's standard engagement processes for special charge schemes.

ITEM A8(3)**RESPONSE TO PETITION: REQUEST FOR A BIKE TRACK/PUMP TRACK, GORMANDALE**

ACTION OFFICER: MANAGER NATURAL ENVIRONMENT AND PARKS

DATE: 1 SEPTEMBER 2020

Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
✓				✓		✓			

OBJECTIVE

The purpose of this report is for Council to consider a petition received at the Ordinary Council meeting of 4 August 2020 requesting the construction of a bike track/pump track in Gormandale.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION*****That Council;***

- 1. Decline the request for a bike track/pump track to be constructed in Gormandale on the basis that it does not fit Councils provision guidelines for bike tracks/pump tracks; and***
- 2. Authorise the Chief Executive Officer to write to the head petitioner to advise them of Council's decision.***

BACKGROUND

At the 4 August 2020 Council meeting, Council received a petition requesting the construction of a bike track/pump track in the township of Gormandale.

The provision of play is important to the health and wellbeing of our communities. Council directly manages over 53 play spaces, seven skate parks, three BMX tracks, four Exercise Station facilities, and 15 ¼ basketball courts. Council has a proactive ongoing asset management program to maintain and improve play assets across the Shire. There are an additional 26 play spaces that are managed and maintained (with the support of Council) by Committee of Managements, Kindergarten/Early Learning Centres and Caravan Parks.

Play space provision is guided by Council's Open Space Plan 2014-2024 and as a subset of this, a Youth Play Plan was developed in 2018. This Plan provides guidance for the provision of youth play opportunities such as skate parks, bike tracks and ¼ basketball courts. The Plan does not identify a need for a bike/pump track in Gormandale however has identified a need for such a facility in Yarram and Rosedale which Officers are currently planning for.

Council, as part of Black Saturday bushfire recovery funding, constructed a play space and picnic area, including a public toilet, at the Gormandale Recreation Reserve. This community asset is managed by the Department of Environment, Land, Water and Planning (DELWP) appointed Recreation Reserve Committee. Council does not own any land in Gormandale suitable for active recreational purposes and a such site assessments have not been performed at this point.

Council's Public Open Space Plan 2014-2024 carried out an audit of existing facilities in Gormandale in 2014 and identified that service standards and provisions were appropriate for a small township. In comparison, service standards in Gormandale exceeded those in other small communities such as Newry, Tinamba, Alberton and Woodside.

OPTIONS

Council has the following options available:

1. Note the petition and do nothing further at this point; or
2. Perform further needs analysis regarding the requirement for the provision of an asphalt pump bike track in Gormandale; or
3. Not proceed with the request for the construction of an asphalt pump track and advise the head petitioner of this decision.

PROPOSAL

That Council;

1. Decline the request for a bike track/pump track to be constructed in Gormandale on the basis that it does not fit Council's provision guidelines for bike tracks/pump tracks; and
2. Authorise the Chief Executive Officer to write to the head petitioner to advise them of Council's decision.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

A further needs analysis will require expenditure in the order of \$3,000 - \$5,000 to undertake the analysis. A pump track, subject to determining an appropriate site, would cost in the order of \$120,000 to \$140,000 depending on final design.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.2: *"Council assets are responsibly, socially, economically and sustainably managed."*

Strategy 2.2.1: *"Develop asset management plans in conjunction with service level plans for all council facilities and infrastructure."*

Strategy 2.2.3: *"Continue to maintain and enhance Council's built environment for public amenity and long-term sustainability."*

The Council Plan 2017-21 Theme 3 Natural Environment states the following strategic objective and related strategy:

Strategic Objective 3.1: *"Conserve and protect our natural environment through responsible and sustainable management practices."*

Strategy 3.1.3: *"Manage Council's high quality, attractive open spaces and streetscapes in accordance with agreed service levels."*

This report supports the above Council Plan strategic objective and strategy.

COMMUNITY IMPACT

This impact has been assessed and consider the impact to the community to be minimal with access to similar facilities within nearby towns being developed.



A - PROCEDURAL

A9 INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS



A - PROCEDURAL

A10 QUESTIONS ON NOTICE



B –REPORT

DELEGATES



C1 - REPORT

CHIEF EXECUTIVE OFFICER

ITEM C1.1**COUNCIL'S RESPONSE TO COVID-19 AND MUNICIPAL RECOVERY UPDATE**

DIVISION: CHIEF EXECUTIVE OFFICER

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
✓	✓				✓			✓	

OBJECTIVE

To provide Council with an update on Council's response to COVID-19, specifically the outcomes of multi-agency pandemic emergency response exercises that have been recently undertaken.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council's response to COVID-19, specifically the outcomes of multi-agency pandemic emergency response exercises that have been recently undertaken, be noted.

UPDATE

Council staff and partner agencies involved in response, relief, recovery and resilience during the COVID-19 pandemic have recently completed two key exercises to assist with our preparation if there is a COVID-19 outbreak in the Wellington Shire.

We based scenarios for the exercises on experience of other councils responding to actual outbreaks and requests for support from the Department of Health and Human Services (DHHS). Much of these learnings have been informed by online forums hosted by the Municipal Association of Victoria.

The first exercise was completed during the August 2020 meeting of our Wellington Health and Medical Emergency Planning Sub-Committee (a sub-committee of the Wellington Municipal Emergency Planning Committee).

During the meeting, a hypothetical scenario was worked through which involved supporting DHHS to respond to a significant increase in COVID-19 positive cases in the municipality.

The outcomes from this exercise include a clearer understanding of;

Process to activate Council and other partners to support DHHS in responding to a COVID-19 outbreak. As a Class 2 Emergency, the activation process is not the same as those previously followed for a bushfire, flood or other natural disaster.

Role of the health Incident Management Team (IMT) appointed to manage the outbreak.

Limits in capacity of organisations appointed in Gippsland to manage contact tracing and monitoring of people in mandatory isolation and how Council and other agencies will assist if larger capacity is required.

Roles and responsibilities of the IMT, Council and partner agencies where increased drive through testing sites are required and in public information provision, infection control and community liaison.

How vulnerable groups and organisations locally will be given additional support where an outbreak occurs.

The second exercise was completed during a meeting of Victoria Police and Council emergency management officers to discuss alternative emergency relief supports that would be available during a future flood, bushfire or other emergency while COVID-19 restrictions are in place.

It is recognised that during COVID-19 stage 3 restrictions and during other periods of restrictions, it will be difficult to provide a COVID-safe physical emergency relief centre for accommodation for multiple households.

A key outcome of this exercise is that Council will be providing information to encourage all Wellington residents to have a household emergency plan in place, that includes alternative accommodation options to that of a traditional emergency relief centre in the event that people, pets and livestock are required to evacuate their normal place of residence.

While COVID-19 restrictions are in place, Council will operate a virtual Emergency Relief Centre utilising the Wellington COVID-19 Relief Information Line (1300 137 218) to make sure that people can access the relief supports that they need in their alternative accommodation.

These two exercises have improved the readiness of Council and other emergency management and health and medical agencies for an outbreak of COVID-19 in our shire.

BACKGROUND

Since COVID-19 restrictions started in March, Wellington Shire Council has put in place various measures to support our community during this time of increased anxiety, business and trade slow down and reduced social interaction.

Measures to date include outreach 'check in' calls we have made to older Wellington Shire residents, the 'Wellington Still Delivering' online platform which promotes local businesses operating during restrictions, "Be Kind Wellington" which is a social media group connecting people to each other and the Wellington COVID-19 Relief Line for any one in our community to call for assistance accessing services during isolation.

Under the State Emergency Management Plan and relevant legislation, Wellington Shire Council also coordinates local relief and recovery activities for pandemics, as we do for other types of emergencies such as bushfires and floods. In a pandemic, this means council staff work with local providers of medical, health and wellbeing services to ensure that people can access what they need during the pandemic and to recover over time from the impacts of the pandemic.

A pandemic differs from many other emergencies in that the situation continues over a long period of time and therefore, Council and our partners are planning and coordinating relief and recovery activities at the same time as medical and health agencies are undertaking response activities.

Increasingly, in the pandemic situation, we are thinking of recovery more as resilience and living well *during* the pandemic rather than the more usual approach of recovering after the emergency.

OPTIONS

Council has the following options available:

1. That Council's response to COVID-19, specifically the outcomes of multi-agency pandemic emergency response exercises that have been recently undertaken, be noted; or
2. That Council's response to COVID-19, specifically the outcomes of multi-agency pandemic emergency response exercises that have been recently undertaken, be noted and to seek further details for provision at a future Council meeting.

PROPOSAL

That Council's response to COVID-19, specifically the outcomes of multi-agency pandemic emergency response exercises that have been recently undertaken, be noted.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

Additional Manager and Officer level staff have been allocated to Council's COVID-19 response and recovery effort. This impact has been assessed and costed in terms of financial implications and external funds will be sought to cover additional costs via emergency management and recovery funding channels, as they arise.

The usual Natural Disaster Relief and Recovery Arrangements (NDRRA) between state and federal governments, which provide for local government reimbursement of some relief and recovery costs, do not apply to pandemics as they are not considered to be natural disasters as defined under the formal arrangements.

COMMUNICATION IMPACT

Council will be utilising multiple media channels to ensure residents are aware of the different types of emergency relief supports that will be available should another emergency occur (flood, bushfire, etc) while restrictions for the COVID-19 pandemic are in place.

RESOURCES AND STAFF IMPACT

Additional manager and officer level staff have been allocated to Council's COVID-19 response and recovery effort. This impact has been assessed in terms of impacts and there is no negative effect on managers and staff to consider at this time.

ENGAGEMENT IMPACT

Community engagement is an important part of emergency management before, during and after emergency events. Currently, our community is involved in Council's response to COVID-19 and recovery planning via:

- membership of community representatives, businesses, trader associations and service sector organisations in Council's recently established Wellington COVID-19 Municipal Recovery Committee and Social and Economic Recovery Subgroups
- membership of medical, health and wellbeing service sector organisations in the Municipal Health and Medical Emergency Planning Sub-Committee of the Municipal Emergency Management Planning Committee, currently operating as a local response and relief committee
- Completion of a public survey regarding Wellington community's recovery needs and priorities. The survey was open from mid-June to end of July 2020 and just over 300 people participated. As part of the survey process, respondents were able to indicate if they would like to participate in future conversations to discuss survey results and assist in the identification of recovery priorities.



C2 - REPORT

GENERAL MANAGER CORPORATE SERVICES

ITEM C2.1**ASSEMBLY OF COUNCILLORS**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
		✓		✓					

OBJECTIVE

To report on all assembly of Councillor records received for the period 10 August 2020 to 23 August 2020.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council note and receive the attached Assembly of Councillor records for the period 10 August 2020 to 23 August 2020.

BACKGROUND

Section 80A of the *Local Government Act 1989* requires a written record be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, the matters considered, and any conflict of interest disclosures made by a Councillor. These records must be reported, as soon as practicable, at an ordinary meeting of the Council and recorded in the minutes.

Below is a summary of all assembly of Councillor records received for the period 10 August 2020 to 23 August 2020.

OPTIONS

Council has the following options:

1. Note and receive the attached assembly of Councillors records; or
2. Not receive the attached assembly of Councillors records.

PROPOSAL

That Council note and receive the attached assembly of Councillors records during the period 10 August 2020 to 23 August 2020.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

LEGISLATIVE IMPACT

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complies with Section 80A of the *Local Government Act 1989*.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3

"Maintain a well governed, transparent, high performing, ethical and accountable organisation."

Strategy 6.3.3

"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."

This report supports the above Council Plan strategic objective and strategy.

ASSEMBLY OF COUNCILLORS – 11 AUGUST 2020

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)					
STRATEGIC LAND USE PLANNING PROJECT REVIEW GROUP	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.
	Cr Ian Bye	Yes	NO	D Morcom, CEO	No	
	Cr Carolyn Crossley	No		A Skipitaris, GMCS	No	
	Cr Alan Hall	No		S Houlihan, GMC&C	No	
	Cr Malcolm Hole	No		C Hastie, GMB&NE	No	
	Cr Darren McCubbin	Yes	NO	B McAlister, GMD	Yes	ALL
	Cr Gayle Maher	Yes	NO			
	Cr Carmel Ripper	No				
	Cr Scott Rossetti	No				
	Cr Garry Stephens	No				
OTHERS IN ATTENDANCE (NAME AND POSITION)			MATTERS/ITEMS CONSIDERED AT THE MEETING			
Josh Clydesdale (Manager Land Use Planning)			Minutes of Meeting – 9 June 2020			
Dean Morahan (Manager Assets and Projects)			Strategic Planning Priorities			
Barry Hearsey (Coordinator Strategic Planning)			Incoming Correspondence			
Paul Johnson (Manager Business Development)			Rezoning Requests			
John Traa (Principal Planner)			Other Business			
Sam Pye (Coordinator Infrastructure Development)			Next Meeting			

ASSEMBLY OF COUNCILLORS – 18 AUGUST 2020

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
IT / Diary Meeting	Name	Attendance	Name	Attendance	
	Cr Bye	Yes	Cr Ripper	Yes	N/A
	Cr Crossley	Yes	Cr Rossetti	Yes	N/A
	Cr Hall	Yes	Cr Stephens	Yes	N/A
	Cr Hole	Yes	David Morcom, CEO	Yes	N/A
	Cr McCubbin	Yes	Viktoria Pope, EA CEO	Yes	N/A
	Cr Maher	Yes	Damian Norkus, ICT Operations Officer	Yes	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE VIA SKYPE (ONLINE MEETING ONLY)				CONFLICT/S OF INTEREST OR ACTION ITEMS
Workshops	Name	Attendance	Name	Attendance	
	Cr Bye	Yes	Cr Rossetti	Yes	N/A
	Cr Crossley	Yes	Cr Stephens	Yes	N/A
	Cr Hall	Yes	David Morcom, CEO	Yes	N/A
	Cr Hole	Yes	Arthur Skipitaris, GM Corporate Services	Yes	N/A
	Cr McCubbin	Yes	Sharon Houlihan, GM Community & Culture	Yes	N/A
	Cr Maher	Yes	Chris Hastie, GM Built & Natural Environment	Yes	N/A
	Cr Ripper	Yes	Brent McAlister, GM Development	Yes	N/A

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE VIA SKYPE (ONLINE MEETING ONLY)	SUMMARY & ACTION ITEMS
Workshops (cont.)	1. DRAFT SPORTING INFRASTRUCTURE PLAN	<ul style="list-style-type: none"> • Bodye Darvill, Manager Community Wellbeing • Mark Benfield, Coordinator Community Facilities Planning <i>Conflict of Interest: Nil</i>	Councillors noted updates Action: N/A
	2. DEVELOPMENT DIVISION UPDATE: PLANNING, BUILDING & BUSINESS DEVELOPMENT	<ul style="list-style-type: none"> • Joshua Clydesdale, Manager Land Use Planning • Paul Johnson, Manager Business Development • Vanessa Ebsworth, Manager Municipal Services • Barry Nicholl, Municipal Building Surveyor Coordinator • John Traa, Coordinator Statutory Planning • Daniel Gall, Coordinator Commercial Property <i>Conflict of Interest: Nil</i>	Councillors noted updates Action: N/A
	3. SEABANK CARAVAN PARK UPDATE	<ul style="list-style-type: none"> • Vanessa Ebsworth, Manager Municipal Services • Brent McAlister, GM Development <i>Conflict of Interest: Nil</i>	Councillors noted updates Action: N/A
	4. BUSINESS BOOST CREATE AGENCY PROJECT UPDATE AND CENTRAL GIPPSLAND APP AND PUSH NOTIFICATION INITIATIVE	<ul style="list-style-type: none"> • Paul Johnson, Manager Business Development • Ashley Smirl, Marketing Campaign Coordinator • Nick Heath, Director Pace Advertising (external presenter) • Sophia Blakebrough, Senior Account Manager Pace Advertising (external presenter) • Ed Jones, Account Director Pace Advertising (external presenter) <i>Conflict of Interest: Nil</i>	Councillors noted updates Action: N/A
	5. 2019/2020 CAPITAL REVIEW	<ol style="list-style-type: none"> 1. Chris Hastie, General Manager Built and Natural Environment 2. Dean Morahan, Manager Assets and Projects <i>Conflict of Interest: Nil</i>	Councillors noted updates Action: N/A
	6. CAMERON STADIUM REDEVELOPMENT UPDATE	<ol style="list-style-type: none"> 3. Sam Matthews, Senior Community Facilities Projects Officer <i>Conflict of Interest: Nil</i>	Councillors noted updates Action: N/A

	7. LOCAL GOVERNMENT ACT 2020 AND ELECTION CARETAKER PERIOD	<ul style="list-style-type: none"> • Arthur Skipitaris, General Manager Corporate Services • Denise Teo, Governance Officer <i>Conflict of Interest: Nil</i>	Councillors noted updates Action: N/A
	8. JUNE 2020 QUARTERLY PERFORMANCE UPDATE	4. Ian Carroll, Manager Corporate Finance <i>Conflict of Interest: Nil</i>	Councillors noted & agreed with updates Action: N/A
	9. GIPPSLAND REGIONAL LIVESTOCK EXCHANGE 6 MONTHLY UPDATE - JANUARY TO JUNE 2020	5. Paul Johnson, Manager Business Development 6. Daniel Gall, Coordinator Commercial Property 7. Rebecca Shaw, GRLE Team Leader <i>Conflict of Interest: Nil</i>	Councillors updates Action: N/A

ASSEMBLY OF COUNCILLORS – 19 AUGUST 2020

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)					
Coopers Crescent Objection	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.
	Cr Ian Bye	No		Dean Morahan	YES	
	Cr Carolyn Crossley	Yes		Samantha Maxfield	YES	
	Cr Alan Hall	No				
	Cr Malcolm Hole	Yes				
	Cr Darren McCubbin	No				
	Cr Gayle Maher	No				
	Cr Carmel Ripper	Yes				
	Cr Scott Rossetti	No				
	Cr Garry Stephens	No				
OTHERS IN ATTENDANCE (NAME AND POSITION)			MATTERS/ITEMS CONSIDERED AT THE MEETING			
Mrs Wait/ Mrs Tilley			Objections Coopers Crescent Special Charge Scheme			

ASSEMBLY OF COUNCILLORS – 19 AUGUST 2020

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)					
Port Albert Objection Special Charge Scheme	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.
	Cr Ian Bye	NO		C Hastie, GMB&NE	YES	
	Cr Carolyn Crossley	NO		Dean Morahan	YES	
	Cr Alan Hall	YES		Tilo Junge	YES	
	Cr Malcolm Hole	NO		Samantha Maxfield	YES	
	Cr Darren McCubbin	NO				
	Cr Gayle Maher	YES				
	Cr Carmel Ripper	YES				
	Cr Scott Rossetti	NO				
	Cr Garry Stephens	YES				
OTHERS IN ATTENDANCE (NAME AND POSITION)			MATTERS/ITEMS CONSIDERED AT THE MEETING			
Mrs Thomson			Objections Port Albert Special Charge Scheme			
Mr Balhorn			Objections Port Albert Special Charge Scheme			
Mr Derham			Objections Port Albert Special Charge Scheme			
Mr Hill			Objections Port Albert Special Charge Scheme			
Mr Southwell			Objections Port Albert Special Charge Scheme			

ASSEMBLY OF COUNCILLORS – 20 AUGUST 2020

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)					
NEW GOVERNANCE RULES REVIEW	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.
	Cr Ian Bye	No		D Morcom, CEO	No	
	Cr Carolyn Crossley	Yes	NO	A Skipitaris, GMCS	Yes	ALL
	Cr Alan Hall	Yes	NO	S Houlihan, GMC&C	No	
	Cr Malcolm Hole	Yes	NO	C Hastie, GMB&NE	No	
	Cr Darren McCubbin	Yes	NO	B McAlister, GMD	No	
	Cr Gayle Maher	No				
	Cr Carmel Ripper	No				
	Cr Scott Rossetti	Yes	NO			
	Cr Garry Stephens	Yes	NO			
OTHERS IN ATTENDANCE (NAME AND POSITION)			MATTERS/ITEMS CONSIDERED AT THE MEETING			
Denise Teo (Governance Officer)			Revision of new Governance Rules			

ITEM C2.2**REMUNERATION COMMITTEE MINUTES**

DIVISION: CORPORATE SERVICES
 ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
			✓	✓					

OBJECTIVE

For Council to note and receive the minutes and endorse the actions of the Remuneration Committee meeting held on 4 August 2020.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That:

- 1. Council note and receive the minutes from the Remuneration Committee meeting held on 4 August 2020 as attached; and***
- 2. Council endorse the actions from the Remuneration Committee meeting held on 4 August 2020 as detailed in the attached minutes.***

OPTIONS

Council has the following options available:

1. Note and receive the minutes from the Remuneration Committee meeting held on 4 August 2020 and endorse the actions from the meeting; or
2. Not note and receive the minutes from the Remuneration Committee meeting held on 4 August 2020 or endorse the actions from the meeting and seek further information for consideration at a future Council meeting.

PROPOSAL

It is proposed that Council:

1. Note and receive the minutes from the Remuneration Committee meeting held on 4 August 2020 as attached; and
2. Endorse the actions from the Remuneration Committee meeting held on 4 August 2020 as detailed in the attached minutes.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

COUNCIL POLICY IMPACT

The Remuneration Committee reviews Councillor entitlements, expenses, reimbursements and gifts and ensures alignment with Council policy direction and governance in relation to Councillor benefits.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."*

This report supports the above Council Plan strategic objective and strategy.



REMUNERATION COMMITTEE MINUTES

Tuesday 4 August 2020 – 8.30am via Skype

MINUTES

PRESENT: Councillor Malcolm Hole (Chair)
Councillor Garry Stephens
Councillor Carolyn Crossley
David Morcom (Chief Executive Officer)
Arthur Skipitaris (General Manager Corporate Services)

APOLOGIES: Nil

1. Declaration of Conflicts of Interest:
No Conflicts of Interest were declared.

2. Minutes of Previous Meeting:

The minutes of the previous meeting on 5 May 2020 were accepted.

3. Actions from previous minutes

Nil

4. Councillor Costs and Reimbursements

Councillor Costs and Reimbursements spreadsheets were reviewed, discussed and accepted.

- Councillor Expense Summary Report YTD – 30 June 2020 (Attachment 1)

5. General Business

A question was asked regarding the timing for existing Councillor allowances heading into the election. Arthur undertook to provide a response either prior to or at the next meeting.

It was agreed that the Councillor Budget for 2020/21 would be reviewed at the next meeting.

It was noted that phone charges were slightly higher for this period as a result of Councillors needing to hot spot via their phones in the early stages of the COVID-19 restrictions.

The meeting closed at 8.55am

Attachment 1 - Councillor Expense Summary Report YTD – 30 June 2020

Councillor Expenses and Reimbursements - Period 1 July 2019 to 30 June 2020					
	YTD Actuals (incl oncosts)	Commitments	Left to spend/ receive after commitments	2019/20 Adopted Budget	2019/20 Adjusted Budget
Councillor and Mayoral Allowances	228,414.39	-	1,095.61	229,510.00	229,510.00
Other Councillor expenses	151,836.59	2,309.00	47,657.41	201,803.00	201,803.00
Grand Total	380,250.98	2,309.00	48,753.02	431,313.00	431,313.00

ITEM C2.3**MAV MICROSOFT ENTERPRISE AGREEMENT - 3 YEAR RENEWAL**

DIVISION: CORPORATE SERVICES
 ACTION OFFICER: MANAGER INFORMATION SERVICES
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
✓			✓	✓					

OBJECTIVE

The purpose of this report is for Council to consider the renewal of our Microsoft Enterprise Agreement for a period of (3) three years, as per the Municipal Association of Victoria's (MAV) Microsoft Arrangement Tender and Procurement contract NPN 2.17-3.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION*****That Council:***

- 1. Adopt recommendations contained in confidential attachment Item F1.1 Municipal Association of Victoria's (MAV) Microsoft Arrangement Tender Evaluation Recommendation Report - Contract NPN 2.17-3;***
- 2. Approve the renewal of our Microsoft Enterprise Agreement for a period of (3) three years; and***
- 3. Note the information contained in confidential attachment Item F1.1 MAV Microsoft Arrangement Tender Evaluation Recommendation Report - Contract NPN 2.17-3 and particularly the reports designated under Section 66 Clause (2)(a) of the Local Government Act 2020 which is deemed confidential by the General Manager Corporate Services, on the following grounds under Section 3(1) g) ii) of the Local Government Act 2020, as it contains private commercial information which, if released, would unreasonably expose the business to disadvantage by disclosing financial information to competitors, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

BACKGROUND

Organisations with Microsoft software products are required by law to adhere to and maintain up to date licensing for all their products. For organisations with more than 250 users, Microsoft provides enterprise agreements that are designed to provide opportunity to stay up to date with locked in pricing over a three-year period. This arrangement provides best value when compared to the alternate method of retail purchase.

Wellington Shire Council's business administration and operations environment is underpinned by Microsoft technologies and software products. Council's core finance, property and rating, and office

software requires Microsoft server technologies and products to facilitate its business requirements. Without an enterprise agreement, the cost of software, application licenses, server management and service fees and upgrades will be significantly higher for Council.

Council's current Microsoft Enterprise Agreement is set to expire 30 September 2020.

In April 2020 MAV Procurement, on behalf of councils in Victoria, issued a Request for Tender (RFT) for NPN 2.17-3, the refresh of NPN 2.17-2.

After a thorough process, involving a qualitative assessment of tender submissions, pricing analysis and comparison and ongoing risk assessment, the panel recommended a list of preferred Microsoft Licensing Solution providers for this contract.

OPTIONS

Council has the following options available:

1. Accept the Microsoft Enterprise Agreement as proposed.

Key considerations for this option;

- Commits Council to (3) three-year agreement.
- Provides flexibility to change license and product requirements as technology landscape changes.
- Provides all necessary license and compliance requirements for Council operations.
- The costs associated with this option are allocated in accordance with Council's current adopted budget.

This option is recommended.

2. Not accept the Microsoft Enterprise Agreement.

Without an Enterprise Agreement, Council will be required to apply the retail price of Microsoft software per user which is substantially higher in cost and does not offer any flexibility to modify or add services as our technology landscape changes over the three-year period.

Key considerations for this option;

- No flexibility or ability to manage license and product requirements as technology landscape changes.
- No agreement for price fluctuation management - this will result in additional license costs, service fees and product upgrades to maintain existing business requirements.

PROPOSAL

To seek Council approval to award Contract No. NPN 2.17-3 through the MAV Procurement arrangement in order to renew the Microsoft Enterprise Licensing Agreement for another three (3) year period.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

The costs associated with renewing the Microsoft Enterprise Agreement are allowed for within existing operating budgets.

COUNCIL POLICY IMPACT

The procurement was undertaken through the Municipal Association of Victoria (MAV) Panel Contract NPN 2.17-3 for Microsoft Licensing Solution Providers, satisfying the requirements of section 108 of the *Local Government Act 2020*.

It also complies with the requirements contained within Council's adopted Procurement Policy.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.1: *"Maintain processes and systems to ensure sound financial management."*

This report supports the above Council Plan strategic objective and strategy.

ITEM C2.4**ADOPTION OF GOVERNANCE RULES AND LOCAL LAW NO 1**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
		✓	✓	✓		✓		✓	

OBJECTIVE

That Council approve the amended Local Law No 1 and new Governance Rules which include Council's Election Period Policy, as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council approve the amended Local Law No 1 and new Governance Rules, which include Council's Election Period Policy as attached.

BACKGROUND

At the 21 July 2020 Ordinary Council meeting, Council resolved to advertise the Draft Amended Local Law No 1 and Draft Governance Rules which include Council's Election Period Policy and seek comment and feedback, due to transitional requirements resulting from the introduction of the *Local Government Act 2020*.

Under section 60(4) of the *Local Government Act 2020* and section 233(1)(a)(iii) of the *Local Government Act 1989*, part of the process for making the Governance Rules and amending Local Law No 1, is to conduct a 28-day public consultation period for the community to provide feedback. Council undertook a 28-day public feedback period from 22 July 2020 to 19 August 2020, including publishing notices in the Victorian Government Gazette and the Gippsland Times and received nil community submissions and three Councillor submissions. As a result, the amended Local Law No 1 and Governance Rules which include Council's Election Period Policy as attached, are the final version for approval.

OPTIONS

Council has the following options available:

1. Approve amended Local Law No 1 and the new Governance Rules, which include Council's Election Period Policy as attached; or
2. Not approve amended Local Law No 1 and the new Governance Rules, which include Council's Election Period Policy as attached and seek further information.

PROPOSAL

Approve the amended Local Law No 1 and the new Governance Rules, which include Council's Election Period Policy as attached.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

LEGISLATIVE IMPACT

The process for making Governance Rules and amending Local Law No 1 both require community feedback and engagement. Under the *Local Government Act 2020*, s60(4) states that "*Subject to subsection (5), a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules*". S233(1)(a)(iii) of the *Local Government Act 1989* applies to the amendment of Local Law No 1 in conjunction with s27 of the *Interpretation of Legislation Act 1984*, "*The following provisions apply if a person is given a right to make a submission to the Council under this section (whether under this or any other Act) – the Council must publish a public notice – specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published*".

COUNCIL POLICY IMPACT

Council's Election Period Policy and Conflict of Interest Policy are both directly referenced within the Governance Rules. These policies are subject to annual review and any changes to these policies may require an amendment of the Governance Rules and therefore a community engagement period.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: "*Maintain a well governed, transparent, high performing, ethical and accountable organisation.*"

Strategy 6.3.3: "*Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making.*"

This report supports the above Council Plan strategic objective and strategy.

COMMUNITY IMPACT

Both the making of the Governance Rules and amendments to Local Law No 1 require a period of 28 days for community engagement and feedback. This provides the community with the opportunity to provide their views and suggestions in relation to these two pieces of work with a focus on public transparency.

ENGAGEMENT IMPACT

A key part of the new Governance Rules is a focus on Council's engagement with the community and to ensure processes of public consultation to foster an environment of transparency.



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

Governance Rules

Adopted 1 September 2020

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1. PRELIMINARY

1.1 Title

These Governance Rules are the Wellington Shire Council's processes of municipal government and provide for the Council to consider and make decisions on any matter fairly and on merit. It also provides for a person whose rights are directly affected by a decision to have their views heard and interests considered in the process.

1.2 Objectives of Governance Rules

A Council must develop, adopt and keep in force Governance Rules for or with respect to the following under the *Local Government Act 2020*:

- (a) the conduct of Council meetings;
- (b) the conduct of meetings of Delegated Committees;
- (c) the form and availability of meeting records;
- (d) the election of the Mayor and the Deputy Mayor, including the appointment of an Acting Mayor;
- (e) an election period policy in accordance with section 69;
- (f) the procedures for the disclosure of a conflict of interest by a Councillor or a Member of a Delegated Committee under section 130;
- (g) the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
- (h) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);
- (i) any other matters prescribed by the regulations.

1.3 Scope of Governance Rules

These Governance Rules apply to Council meetings and meetings of Delegated Committees and Community Asset Committees. They also apply to other Council meetings, such as Audit and Risk Committee meetings, as outlined in the relevant charters and/or terms of reference relevant to the committee.

1.4 Power to make Governance Rules

These Governance Rules replace Local Law No 1 Processes of Municipal Government except for the handling of Council's Common Seal and Infringements and Penalties which will continue in an amended Local Law No 1, operating alongside the Governance Rules. Council may amend its Governance Rules following a process of community engagement however, under section 60(5) of the *Local Government Act 2020*, a community engagement process is not required if Council is adopting a good practice guideline issued by the Minister for Local Government.

1.5 Operational Date of these Governance Rules

These Governance Rules commence on the day following the day on which notice of the making of these rules, including the amended Local Law No 1, are published in the Victoria Government Gazette, and operate throughout the municipal district.

1.6 Date the Governance Rules Cease Operation

These Governance Rules have no cessation date however, in line with Council's good governance framework, will be reviewed once every four year Council period or as required.

1.7 Definitions

1.7.1 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 of the 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 s53

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 office of Chief Executive Officer of Council, and includes a person acting in that office

Council means Wellington Shire Council

Councillor means a Councillor of Council

Code of Conduct has the same meaning as in s139 of the Act

Council Meeting means a meeting of the Council convened in accordance with s61 of the Act and these Governance Rules and includes scheduled and unscheduled meetings

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 s63 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

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

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

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

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

Late Item 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

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

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 s59 of the Act

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

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

1.8 Virtual Council Meetings

There may be times, as a result of pandemic, natural disaster or emergency or geographical requirements, where it may be considered appropriate for Council meetings to be held virtually. The Mayor or CEO reserves the right to identify such circumstances and nominate the Council Meeting process to be adopted for a nominated period of time. In these circumstances, the Governance Rules will continue to apply.

2. MEETING PROCEDURE

2.1 Recording and Livestreaming of Council Meetings

Council records and broadcasts all Council meetings via livestream to the public, including community questions and submissions. Recordings are also made available via Council's YouTube channel which can also be found on Council's website.

2.2 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 Act, 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 6 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 orderly manner.
- (4) If a meeting is closed to the public for the reasons outlined in sub-rule 3(b) or 3(c), the meeting will continue to be livestreamed. In the event a livestream is not available the meeting may be adjourned, or a recording of the proceedings may be available on Council's website.

2.3 Meeting Roles

Overview: In accordance with sections 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 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.

The way in which Council and Delegated 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 and members of Delegated Committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.

The Chairperson is an independent leader of meetings and generally does not participate in debate or move or second motions. Specific duties and discretions of the Chairperson are outlined throughout these Governance Rules.

2.3.1 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;
 - (g) decisions should be made on the merits of the matter.

2.3.2 Mayor to Take the Chair

- (1) The Mayor must take the Chair at all Council Meetings at which the Mayor is present under section 61(3)(a) of the Act.

- (2) If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair under section 61(3)(b) of the Act.
- (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 under section 61(3)(d) of the Act.

2.3.3 Delegated Committee Chairperson

- (1) At the Meeting at which Council establishes a Delegated Committee it must also appoint a Chairperson under section 63(2) of the Act;
- (2) The Chair of a Delegated Committee must be a Councillor under section 63(2)(a) of the Act;
- (3) For the avoidance of doubt, Sub-Rule (1) does not intend to limit the powers of the Mayor provided in the Act.

2.3.4 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) is not relevant to the current agenda item and has not been admitted as a Late Item;
 - (d) intended to be an amendment but is not; or
 - (e) outside the powers of Council;
- (2) must allow the Chief Executive Officer 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 under section 19(1)(b) and section 318 of the Act;
- (4) may direct that a vote be recounted to be satisfied of the result; and
- (5) must decide on all points of order.

2.3.5 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, financial, legal or risk implications arising from a proposed resolution;
- (c) help clarify the intent of any unclear resolution to facilitate implementation;
- (d) on request, assist with procedural issues that may arise.

2.3.6 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.

2.3.7 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 Meetings.

2.3.8 Apologies and Absences

- (1) Councillors and Members of Delegated Committees who are unable to attend a Meeting are required to notify the Chairperson or CEO as to the reason for the absence so that the reason can be noted .
- (2) An apology submitted to a meeting will be recorded in the Minutes.
- (3) Council will not unreasonably withhold its approval of a leave of absence request.
- (4) 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.

2.4 Matters Not Provided For

- (1) Where a procedure or any situation has not been provided for or cannot be dealt with under the Governance Rules, the Council may have regard to the rules, forms and usages of the Victorian Parliament insofar as they are applicable to the proceedings of the Council.

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 watch 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 at Customer Service Centres upon request.

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) The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes 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 Council Meeting that is not an Unscheduled Meeting.

3.3 Unscheduled Meetings

- (1) Council may, by resolution, call an Unscheduled Meeting of Council.
- (2) The Mayor, or three Councillors, may by written notice call an Unscheduled Meeting of 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 of the Unscheduled Meeting;
 - (c) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with Rule 3.4.
 - (d) provide three days' notice of each Unscheduled Meeting to the public or such public notice as practicable given the circumstances.
- (5) The Chief Executive Officer must determine the time and date for the 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 Unscheduled Meeting on Council's website.
- (7) Any resolution of Council to call an Unscheduled Meeting must specify the date and time of the Unscheduled Meeting and the business to be transacted.
- (8) The date and time of the Unscheduled Meeting must not be prior to 6:00pm on the day following the Council Meeting at which the resolution was made.
- (9) 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 seven days before the Meeting. A period of less than seven 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 at least seven days before the Council Meeting.
- (3) A schedule of Council Meetings must be prepared and published that ensures it is available to a broad section of the community, including on Council's website at least once each year and with such greater frequency as the Chief Executive Officer determines.

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 three days before the meeting. A period of less than three days 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 three days 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 thus forming a 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. Under section 61(7) of the Act, a quorum is an absolute majority meaning the number of Councillors which is greater than half the total number of the Councillors of Council.

Table 1: Calculation for Formation of a Quorum

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

- (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 seven 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 seven 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 a quorum can be maintained, before making a decision on the whole matter at a meeting for which a 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:
- (a) by the Chief Executive Officer; or
 - (b) 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 Rule 4(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 must be published on Council's website as soon as practical.

5. ELECTION OF MAYOR

***Overview:** The role and functions of the Mayor are provided for under sections 25 and 26 of 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, a Deputy Mayor and Acting Mayor are to be elected.*

5.1 Chief Executive Officer to set time and date for election of 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 (section 26(1)), except that the election of the Mayor must be held in accordance with any provisions contained in the Act.
- (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 a 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 be held as close as possible to the end of the term.

5.2 Role of the Mayor

- (1) The Mayor will chair the Council meetings.
- (2) The Mayor will promote behaviour among Councillors that meets 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 of the 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

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 one year or two 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 the 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 procedure outlined in Sub-Rule (4)(b).
 - (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), the Chief Executive Officer will conduct a vote for one candidate to be defeated.
- (f) where there is an equal division of votes between two candidates, the election will be determined by lot for exclusion and the candidate remaining undrawn will be declared successful.
- (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 based on the adopted Council Plan.

5.7 Election of Acting Mayor

- (1) If Council resolves at any time to appoint an Acting Mayor in accordance with section 20B of the Act, the provisions of Rules 5.5(3) and (4) apply to the appointment of the Acting Mayor with all necessary modifications and adaptations.

5. 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 three hours unless a majority of Councillors agree, when up to two extensions of 30 minutes can be made.

6.1 Business at Meetings

- (1) The Chief Executive Officer may include any matter on the Agenda for a Council Meeting which he or she thinks 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) Accepted as a Late Item in accordance with Rule 6.4.

6.2 Order of Business for Council Meetings

- (1) The order of business will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- (2) The order of business for Council meetings may proceed in the following manner:
 - (a) Acknowledgement of Country and Prayer
 - (b) Apologies
 - (c) Declaration of Conflicts of Interest
 - (d) Confirmation of Minutes of previous Council Meeting/s
 - (e) Business arising from previous Council Meeting/s
 - (f) Acceptance of Late or Urgent Items
 - (g) Notices of Motion
 - (h) Receiving of Petitions or Joint Letters
 - (i) Invited Addresses, Presentations or Acknowledgements
 - (j) Questions on Notice
 - (k) Mayor and Councillors Report

- (l) Reports of Delegates
- (m) Officers' Reports
- (n) Further Gallery and Online Comments
- (o) In Closed Session

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 Late or Urgent Items

- (1) If the agenda for a Meeting makes provision for Late or Urgent Items, business cannot be admitted as a Late or Urgent Item 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; and
 - (d) it cannot be addressed through an operational service request process; and
 - (e) provided 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 a Late or Urgent Item must lodge it in writing to the Chief Executive Officer no later than 12:00pm on the day of the Meeting.
- (3) The Chief Executive Officer will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as a Late or Urgent Item.

6.5 Time Limits for Meetings

- (1) A Meeting must not continue after three hours from the time it commences unless a majority of Councillors/Members present vote in favour of its extension in accordance with this Rule.

- (2) Extensions of a Meeting will be in block periods of 30 minutes.
- (3) After the initial 30 minute extension the Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.
- (4) A Meeting may only be continued for a maximum of two 30 minute extensions.
- (5) In the absence of such extensions as provided for in Sub-Rules (1), (2) and (3), or in the event there is further business to be transacted at the completion of two extensions, the Meeting must stand adjourned to 6:00pm on the following day.
- (6) Notwithstanding Sub-Rule (5), the Chairperson may seek the agreement of Council not to adjourn the Meeting to the following day, 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.

7. PUBLIC QUESTIONS, COMMENTS AND SUBMISSIONS

Overview: As outlined in the purpose of these Governance Rules, Council Meetings are held for Council to make its decisions. Gallery comments are an opportunity for members of the public to raise any matter. This allows those in the gallery to speak directly to Councillors but is not a forum designed for open discussion or debate. Council will listen respectfully to what is said and makes the commitment that if required a written response will be provided to the individual that raised the matter and a copy of that response will be circulated to all Councillors.

Where the community do not have the opportunity to attend the Council Meeting but still wish to be heard, this can be done via Council's online chat room during the course of the Council Meeting or via the online Questions and Comments form prior to 1:00pm on the day of the Council Meeting. Assistance will be available for any community member seeking or requiring support to write their question(s) where required.

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. Rule 7 sets out the procedures to be followed to submit a question, comment or petition, the circumstances under which a question, comment or petition may be disallowed and the process for addressing and responding to the question, comment or petition at or after the Meeting.

Council Meetings are recorded and broadcasted to the public via livestream and also made available for future viewing on Council's YouTube channel which can also be found on Council's website. This includes questions and submissions from members of the public.

7.1 Public Questions and Comments for Agenda Items

- (1) The announcement of each agenda item as it occurs in the order of business is an opportunity for the general public to present to Council on a matter listed on the Agenda. This applies to Petitions, Notices of Motion and Officer Reports.

7.2 Further Gallery and Online Comments to be Held

- (1) The Council will provide an opportunity during the Further Gallery and Online Comments section of the Council Meeting to allow public submissions, questions of and comments to Council for a time period of three minutes per person however this may be extended at the determination of the Chairperson. Where appropriate, the Chairperson or Chief Executive Officer may elect to respond to the submission, question or comment in writing.
- (2) The announcement of each agenda item as it occurs in the order of business is another opportunity for the general public to present to Council on a matter listed on the Agenda.
- (3) The Council may decide to defer the discussion to a later date
- (4) Council Meetings are recorded and broadcasted to the public via livestream and also made available for future viewing on Council's YouTube channel which can also be found on Council's website. This includes questions and submissions from members of the public.

7.3 Further Gallery and Online Comments Guidelines

- (1) Rules 7.2(2) 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) Further Gallery and Online Comments is not a forum for members of the public to lodge complaints against individuals, including councillors and staff, particularly as that individual gets no public right of reply to any matter raised. Any specific complaint against an individual must be put in writing and will be properly dealt with while ensuring fairness to all parties concerned.
- (3) Council Minutes will record all members of the public that have spoken to Council and the subject spoken to Council about but will not be a hansard recording.
- (4) Submissions as part of Further Gallery and Online Comments 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 under 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.

- (5) No more than two questions will be accepted from any person at any one Meeting.
- (6) 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.
- (7) The Chairperson reserves the right to cease a submission as part of Further Gallery and Online Comments if he or she deems the submission inappropriate.
- (8) Copies of all submissions, questions or comments submitted in writing by a member of the public allowed by the Chief Executive Officer will be provided to all Councillors.
- (9) A submission, question or comment submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer, will be provided to any Councillor but will not be read out by the Chief Executive Officer during the Further Gallery and Online Comments section.

7.4 Further Gallery and Online Procedure

- (1) Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
- (2) The Chairperson will allocate a maximum of three minutes to each person who wishes to address Council, however this may be extended at the determination of the Chairperson.
- (3) The Chairperson or Chief Executive Officer will first invite any person who has given prior notice to present to Council.
- (4) The Chairperson or Chief Executive Officer will then invite members of the public gallery who would like to present to Council.
- (5) The Chairperson or Chief Executive Officer have the discretion to alter the order of persons to be heard.
- (6) The person, in addressing the Council:
 - (a) must confine their address to the three minute allocation of time;
 - (b) shall extend due courtesy and respect to the Council and the processes under which it operates;
 - (c) shall take direction from the Chairperson whenever called upon to do.
 - (d) there will be no discussion or debate with the attendees in the public gallery however Councillors may ask questions of clarification of the attendee; and
 - (e) Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.
- (7) A response to a submission, question or comment raised during the Further Gallery and Online Comments section of the Council Meeting may be provided immediately at the discretion of the Chairperson or Chief Executive Officer.

- (8) If the matter requires further investigation or comment, the submission, question or comment will be referred to the relevant Council Officer for investigation and response if required.
- (9) Council Officers will respond acknowledging the question and providing procedural advice and/or the response within 10 working days of the Council Meeting.

7.5 Petitions and Joint Letters

- (1) A petition or joint letter presented to Council must be received within the appropriate timeframe for the publishing of the Council agenda. Failure to meet the deadline will result in the petition or joint letter being included in the next Council agenda.
 - (a) Where the petition or joint letter relates to a complex or serious matter, it may be presented at the Council meeting as a Late or Urgent Item for receipt.
- (2) A petition or joint letter presented to the Council must lay on the table for a period determined by the Council but not exceeding the next two Council Meetings. No motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council unanimously agrees to deal with it earlier.
- (3) Every petition submitted to Council must:
 - (a) be in 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; and
 - (e) include the names, addresses and original signatures of 10 or more people and identify a head petitioner with whom Council will communicate any directions or acknowledgements.
- (4) 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.
- (5) Any Councillor presenting a petition is responsible for ensuring that:
 - (a) he or she is familiar with the contents and purpose of the petition; and
 - (b) the petition is not derogatory, defamatory or objectionable in language or nature.
- (6) Unless Sub-Rules (6) or (7) 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.
- (7) 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.
 - (8) 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).
 - (9) The Chief Executive Officer may determine that an electronic or online petition will be submitted to a Council Meeting.
 - (10) 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.
 - (11) An online or electronic petition will not be presented to a Council meeting if it contains signatures that are false or misleading or fails to meet the minimum 10 signatures to constitute a petition.

7.6 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;
 - (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 of 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.

7.7 Chairperson May Remove

- (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 gesticulates 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-Rule (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 of Council or a member of Victoria Police to remove the person, object and/or material.
- (5) Any person who has been called to order, including any Councillor, who fails to comply with the Chairperson's direction will be liable to be removed from the meeting.
- (6) The Chairperson has a discretion to cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction.

9. 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 generally has a casting vote.

Sometimes a Councillor may want his or her vote 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 Councillor 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, the Chairperson must:
 - (a) 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) 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) 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) 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 and 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 his or her 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 Rule 7 of these Governance Rules.*

9.1 Councillor allowed to Speak Uninterrupted

- (1) A Councillor who has the floor must not be interrupted unless:
 - (a) called to order by the Chairperson, when he or she must sit down and remain silent until the Councillor raising the Point of Order has been heard and the Point of Order dealt with; or
 - (b) given notice by the Chairperson his or her speaking time has elapsed or is about to elapse.

9.2 Addressing the Meeting

- (1) If the Chairperson so determines:
 - (a) any person addressing the Chairperson must refer to the Chairperson as:
 - (i) Mayor; or
 - (ii) Chairperson,as the case may be;
 - (b) all Councillors, other than the Mayor, must be addressed as Councillor (surname); and
 - (c) all Council staff must be addressed by their official title.
- (2) Except for the Chairperson, any Councillor or person who addresses the Council meeting must stand and direct all remarks through the Chairperson.
- (3) At all other meetings persons may remain seated but must direct remarks through the Chairperson.
- (4) The Chairperson may permit any Councillor or person to remain seated whilst addressing the Chair, for reasons of sickness, infirmity or disability or for any other reason as determined by 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 also 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 any motion is-

- (a) The mover must state the motion without speaking to it;
- (b) It must be seconded by a Councillor other than the mover;

- (c) If a motion is not seconded, the motion will lapse for want of a seconder;
- (d) If the motion is seconded, the Chairperson must ask: "Is the motion opposed?";
- (e) If the motion is not opposed the mover of the motion may address the Council on the motion.
- (f) If no Councillor indicates opposition, the motion must be declared to be carried without being voted on and will be treated as being passed unanimously;
- (g) If a Councillor indicates opposition, then the Chairperson must request-
 - (i) the mover to address the Council on the motion;
 - (ii) the seconder to address the Council on the motion;
 - (iii) any Councillor opposed to debate the motion;
 - (iv) any other Councillors for and against the motion to debate in turn; and
 - (v) that the debate continues until one side has been exhausted at which time the Chairperson may conclude the debate and will ask the mover for the right of reply.

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 a Late Item; or
- (6) intends 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) After the right of reply has been exercised, the Motion must immediately be put to the vote without any further discussion or debate.
- (3) No new matters may be raised in the right of reply.
- (4) If no Councillor has spoken against a Motion, there will be no right of reply.

10.4 Moving an Amendment

- (1) A motion having been moved and seconded (but before being opposed or carried) may be amended by leaving out, inserting or adding words which must be relevant to the original motion and do not substantively alter the original intent 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 he or she has 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.

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 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.

10.9 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 be seated and not speak further in respect of the Motion before the Chairperson. The speaker must immediately comply with any such direction.

10.10 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 the debate would be regarded as sufficient.

10.11 Speaking times

- (1) The Chairperson has the right to extend the speaking time where they determine that the current issue being spoken to is considered complex or serious and where the extension will add substantial value to understanding.
- (2) Unless an extension of speaking time has been approved, the maximum speaking times are:
 - (a) the mover of a Motion or amendment - three minutes;
 - (b) the mover of a Motion when exercising his or her right of reply - three minutes; and
 - (c) any other speaker - three minutes.

10.12 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 he or she believes 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	Recommended Form	Mover/Seconder	When Prohibited	Effect If Carried	Effect If Lost	Debate Permitted
<i>Deferral of a matter (to a future meeting)</i>	'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
<i>Closure (of debate)</i>	'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 his or her right to ask any question concerning or arising out of the Motion	Debate continues unaffected	No
<i>Laying a motion on the table (pausing debate)</i>	'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
<i>Take a motion from the table (resume debate on a matter)</i>	'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
<i>Alter the order of business</i>	'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

<i>Suspension of Standing Orders</i>	'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
<i>Resumption of Standing Orders</i>	'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
<i>Consideration of confidential matter(s)</i> <i>(close the meeting to members of the public)</i>	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 is confidential as it relates to [insert reason]	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
<i>Reopen the meeting</i>	'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

10.13 Notices of Motion

- (1) A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.
- (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 no later than close of business 10 days before the Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.
- (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) proposes to establish, amend or extend Council policy;
 - (b) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - (c) commits Council to any contractual arrangement; or
 - (d) 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 nine 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 may 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 considered to be 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 the notice specifies a particular meeting date or Council resolves otherwise, the Chief Executive Officer will list the notice of motion and if more than one, in the order they were received, on the next appropriate meeting agenda.
- (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 to confirm a previous resolution of the Council cannot be carried in its original form, it will be lost.
- (17) If a Notice of Motion is lost, a similar Motion cannot again be put before the Council for at least three months from the date it was last lost, unless the Council resolves for the Motion to be re-listed at a future meeting.
- (18) If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

10.14 Notices of Rescission

- (1) A Councillor may propose a Motion to rescind or alter a previous resolution of Council provided:
 - (a) the previous resolution has not been acted on; and
 - (b) 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.

- (2) A Notice of Rescission must be in writing, signed (including by electronic means) by a Councillor and be delivered to the Chief Executive Officer by close of business at least 10 days prior to the next Meeting.
- (3) 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. 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 proposed 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.
- (4) Notwithstanding Sub-Rule (3), 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 operational, legal, financial or other risk.
- (5) If a Motion for rescission is lost, a similar Motion may not be put before Council for at least three months from the date it was last lost, unless Council resolves that the Notice of Rescission be re-listed at a future Meeting.
- (6) If a Motion for rescission is not moved at the Meeting for which it is listed, it lapses.
- (7) 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.
- (8) The Chief Executive Officer must cause all rescissions to be sequentially numbered, dated and entered in a register.

10.15 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 Council.
- (2) It is good practice for Council to review significant policies at least once in each Council term (every four 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.

10.16 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 Chairperson, 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 Chairperson's ruling are described in this section.

11.1 Raising Points of Order

- (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 he or she considers 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 he or she 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.

11.2 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.

11.3 Valid Points of Order

- (1) A Point of Order may be raised in relation to:
 - (a) a Motion which has not been accepted by the Chairperson;
 - (b) a procedural matter;
 - (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.

11.4 Contradiction or Opinion

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

11.5 Disorderly Conduct

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

11.6 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 two hours.
- (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 he or she has 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 of Council or a member of Victoria Police to remove the Councillor.

11.7 Final Ruling on a Point of Order

- (1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive.

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;
 - (e) the arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals);
 - (f) every Motion and amendment moved (including procedural Motions);
 - (g) the outcome of every Motion moved;
 - (h) where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
 - (i) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any Motion, noting that under section 61(5) of

the Act that a Councillor present at the meeting who does not vote is taken to have voted against the question;

- (j) details of any failure to achieve or maintain a quorum;
- (k) 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 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 proposed Minutes to:
 - (a) Councillors, within seven days;
 - (b) members of the public, by publishing them on Council's website within seven 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 Council adopt the Minutes and resolutions of the Ordinary Council Meeting of(day).....(month).....';
 - (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).....';
 - (c) 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;
 - (d) 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
 - (e) the Minutes must be entered in the minute book and each item in the minute book must be entered consecutively.