

# **ATTACHMENTS**

**Under Separate Cover  
Council Meeting**

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**6.00pm Tuesday 25 August 2020**

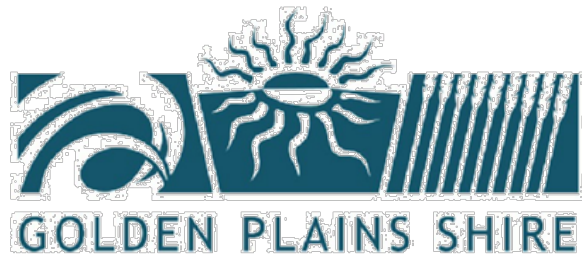


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GOVERNANCE RULES



# GOVERNANCE RULES

(Adopted by Council 25 August 2020)



## GOVERNANCE RULES

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## GOVERNANCE RULES

### PART 1 – PRELIMINARY PROVISIONS

#### 1. OBJECTIVES OF THESE GOVERNANCE RULES

The objectives of these Governance Rules are to:

- 1.1 Facilitate good governance;
- 1.2 Regulate proceedings for the election of the Mayor and Deputy Mayor;
- 1.3 Provide for the appointment of an Acting Mayor;
- 1.4 Regulate proceedings of Meetings of Council and Delegated Committees;
- 1.5 Provide for the form and availability of meeting records;
- 1.6 Provide for the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee at a meeting of the Council or a delegated committee;
- 1.7 Provide for the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a delegated committee;
- 1.8 Provide for the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
- 1.9 Provide for the consideration and making of decisions on any matter being considered by the Council fairly and on the merits;
- 1.10 Provide for the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered;
- 1.11 Promote and encourage community participation in the system of local government, by providing mechanisms within the meeting arrangements for the Council to ascertain the community's views and expectations;
- 1.12 Regulate and control the use of Council's Common Seal;
- 1.13 Provide generally for the peace, order and good government of the municipal district;
- 1.14 Provide a Public Participation in Council Meetings Policy; and
- 1.15 Provide an Election Period Policy; and
- 1.16 To repeal Local Law No. 1 of 2019 – Council Meeting Procedures & Common Seal.

#### 2. THE POWER TO MAKE THESE GOVERNANCE RULES

These Governance Rules:

- 2.1 are made under section 60, of the Act; and
- 2.2 were prepared following due consideration of the *Charter of Human Rights and Responsibilities Act 2006*.

#### 3. ROLE OF COUNCIL

- 3.1 The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Golden Plains municipal community

## GOVERNANCE RULES

- 3.2 Council will provide good governance through —
- 3.2.1 the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and
  - 3.2.2 the Councillors of the Council performing their roles in accordance with the requirements of the Act.
- 3.3 In performing its role, Council may—
- 3.3.1 perform any duties or functions or exercise any powers conferred on Council by or under the Act or any other Act; and
  - 3.3.2 perform any other functions that Council determines are necessary to enable Council to perform its role.
- 3.4 If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

### 4. OVERARCHING GOVERNANCE PRINCIPLES AND SUPPORTING PRINCIPLES

- 4.1 Council will in the performance of its role give effect to the overarching governance principles.
- 4.2 The following are the overarching governance principles—
- 4.2.1 Council decisions are to be made and actions taken in accordance with the relevant law;
  - 4.2.2 priority is to be given to achieving the best outcomes for the municipal community, including future generations;
  - 4.2.3 the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
  - 4.2.4 the municipal community is to be engaged in strategic planning and strategic decision making;
  - 4.2.5 innovation and continuous improvement is to be pursued;
  - 4.2.6 collaboration with other Councils and Governments and statutory bodies is to be sought;
  - 4.2.7 the ongoing financial viability of the Council is to be ensured;
  - 4.2.8 regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
  - 4.2.9 the transparency of Council decisions, actions and information is to be ensured.
- 4.3 In giving effect to the overarching governance principles, Council will take into account the following supporting principles—
- 4.3.1 the community engagement principles;
  - 4.3.2 the public transparency principles;
  - 4.3.3 the strategic planning principles;
  - 4.3.4 the financial management principles; and
  - 4.3.5 the service performance principles.



## GOVERNANCE RULES

**5. COUNCIL DECISION MAKING**

- 5.1 Council must consider, and make decisions on, any matter being considered by Council fairly and on the merits.
- 5.2 Any person whose rights will be directly affected by a decision of the Council is entitled to:
- 5.2.1 communicate their views by written submission; and
  - 5.2.3 have their interests considered
- in accordance with Part 5 (Public Participation in Meetings).
- 5.3 For the purposes of rules 5.1 and 5.2, a decision of Council means the following—
- 5.3.1 a resolution made at a Council meeting;
  - 5.3.2 a resolution made at a meeting of a Delegated Committee; or
  - 5.3.3 the exercise of a power or the performance of a duty or function of Council by a member of Council staff or a Community Asset Committee under delegation.

**6. COMMENCEMENT & REVIEW DATES**

- 6.1 These Governance Rules come into operation on the 26 August 2020, at which time Local Law No. 1 of 2019 – Council Meeting Procedures & Common Seal 09 will cease to have force and effect.
- 6.2 Council will review and amend these Governance Rules as required.

**7. DEFINITIONS**

In these Governance Rules, unless inconsistent with the context, the following words and phrases are defined to mean:

**‘absolute majority’** means a number of votes greater than one-half of the total number of ballot papers (excluding ballot-papers which are rejected) and if necessary includes the vote by lot;

**‘Act’** means the *Local Government Act 2020*;

**‘Acting Mayor’** Means the Councillor appointed to represent the Mayor in the event of the Mayor and Deputy Mayor’s absence or where there is a need to fill the role;

**‘agenda’** means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting;

**‘Audit and Risk Committee’** has the same meaning as in the Act;

**‘Authorised Officer’** has the same meaning as in the Act or any other Act;

**‘amendment’** means a proposed alteration to the wording of a motion without being contradictory;

**‘Chamber’** means any room where Council holds a Council Meeting;

**‘Chairperson’** means the Chairperson of the meeting and includes acting, temporary and a substitute Chairperson;

**‘Chief Executive Officer’** means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office;

**‘Committee Meeting’** means a meeting of a Delegated Committee;

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**'Common Seal'** means the Common Seal of Council;

**'Council'** means the Golden Plains Shire Council;

**'Councillor'** means a Councillor of Council;

**'Code of Conduct'** has the same meaning as in the Act;

**'Council Meeting'** means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and an unscheduled meeting;

**'day'** means a Council business day;

**'deliver'** means to hand over or mail to a recipient and includes electronic mail, transmission by facsimile or published on Council's website;

**'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 the Act;

**'Delegated Committee Meeting'** means a Meeting of a Delegated Committee

**'Deputy Mayor'** means the Deputy Mayor of Council and any person elected by Council to act as Deputy Mayor;

**'Director'** means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer;

**'digital'** means a form of electronic media or computer technology and includes digital audio, video, livestream, teleconference or other electronic means or software;

**'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;

**'division'** means a formal count of those for and those against a motion generally to remove any doubt as to whether the motion is supported or opposed;

**'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;

**'form'** a document with the approved outline and structure used to collect information in accordance with business procedures;

**'gallery'** means the members of the public sitting in the area set aside for them to view the meeting from. This may be a physical or virtual area.

**'Joint Letter'** means a formal application to Council in the form of a letter which has been signed by the required number of people determined in a policy adopted by Council from separate entities whose names and physical addresses also appear on the letter. A letter from a single entity or organisation that is signed by multiple parties from that organisation or entity will not be classed as a joint letter;

**'leave of absence'** means formal leave requested and taken by a Councillor who is not available, or unable, to perform their Council duties for a specified period of time;

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**'majority of the votes'** means the majority of Councillors meaning half plus one of the total number of Councillors; and additionally means the votes cast by a majority of the Councillors present at a meeting at the time the vote is taken;

**'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;

**'Minister'** means the Minister for Local Government;

**'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;

**'Municipal district'** means the municipal district of Council;

**'Notice of Amendment'** means a Notice of Motion to amend a resolution made by Council;

**'Notice of Motion'** means a notice in writing, including the Councillor initiative, setting out the text of a motion/item which it is proposed to be moved by the Councillor at the next relevant meeting;

**'Notice of Rescission'** means a Notice of Motion to rescind a resolution made by Council;

**'On Notice'** means held over or deferred to enable preparation of a response;

**'officer'** means an employed member of Council staff;

**'Petition'** means a formal written application to Council, typed or printed without erasure, signed by the required number of people determined in a policy adopted by Council whose names and physical addresses also appear, and on which each page of the petition bears the wording of the whole of the petition;

**'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;

**'quorum'** means the minimum number of Councillors who must be present to conduct the business of Council. A quorum is half the Council members plus one (1);

**'Resident'** means a person who has a place of residence within the Municipal District;

**'resolution'** means a formal determination by a meeting of Council or delegated committee;

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

**'Schedule'** means the Schedule attached to these Governance Rules;

**'Scheduled Meeting'** means a scheduled meeting of the Council;

**'Standing Orders'** means the provisions of these Governance Rules which govern the conduct of Meetings;

**'Suspension of Standing Orders'** means the suspension of the provisions of these Governance Rules, to facilitate full discussion but not debate, on an issue without formal Governance Rules constraints;

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**‘Urgent Business’** means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next Meeting of Council or a delegated committee;

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

**‘Visitor’** means any person (other than a Councillor or an officer) present at a Meeting; and

**‘written’** or **‘In writing’** includes duplicated, photocopied, photographed, emailed, faxed, printed and typed and extends to both hard copy and soft copy form.



## GOVERNANCE RULES

### PART 2 – ELECTION OF MAYOR & DEPUTY MAYOR

*The purpose of this Part is to regulate the proceedings for the election of Mayor and Deputy Mayor.*

#### 8. PROCEDURE FOR ELECTION OF MAYOR

- 8.1 Subject to section 167 of the Act, any Councillor is eligible for election or re-election to the office of Mayor.
- 8.2 The agenda for the meeting to elect the Mayor may include:
  - 8.2.1 The taking of the oath of office by each Councillor, under the Act;
  - 8.2.2 The fixing of the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year; and
  - 8.2.3 The appointment of Councillor representatives to various bodies.
- 8.3 The meeting to elect the Mayor shall be held in accordance with the Act.
- 8.4 All nominations to be a candidate for Mayor must be provided in writing to the Chief Executive Officer no later than a date and time to be fixed by the Chief Executive Officer.
- 8.5 The Chief Executive Officer will advise all Councillors of the names of the candidates within 24 hours of nominations closing.
- 8.6 The Chief Executive Officer will be the temporary Chairperson of the meeting at which the election of Mayor is to be conducted, but will have no voting rights.
- 8.7 Pursuant to sub-rule 8.4, the Chief Executive Officer will be responsible for reading the names of the candidates at the meeting at which the election of Mayor is to be conducted.
- 8.8 The Chief Executive Officer shall be responsible for the counting of votes.
- 8.9 The election of the Mayor shall be by a show of hands.
- 8.10 Subject to sub-rules 8.11 and 8.12, the Mayor must be elected by an absolute majority of the Councillors
- 8.11 If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
- 8.12 However, if only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- 8.13 For the purposes of this rule the following will apply:
  - 8.13.1 Pursuant to sub-rule 8.4, nominations must be moved and seconded at the meeting at which the election of Mayor is to be conducted;
  - 8.13.2 Where there are more than 2 nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected, or if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes, and that candidate shall be declared elected; and
  - 8.13.3 If for the purpose of eliminating the candidate with the least number of votes, 2 or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple

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majority vote. If there is an equality of votes with respect to the candidate to be eliminated, the candidate to be eliminated shall then be determined by lot conducted by the Chief Executive Officer in the presence of the meeting.

- 8.14 A candidate may withdraw their nomination at any time prior to the election being conducted.
- 8.15 If a candidate is nominated for both the position of Mayor and Deputy Mayor and is successfully elected as Mayor, then their nomination for Deputy Mayor is deemed to be withdrawn.

### 9. PROCEDURE FOR ELECTION OF DEPUTY MAYOR OR ACTING MAYOR

- 9.1 Where the Council has resolved to elect a Deputy all provisions in rule 5 will apply to the election of the Deputy Mayor save that the Mayor shall preside over the election.

### 10. MAYOR TO TAKE THE CHAIR

- 10.1 After the election of the Mayor is determined, the Mayor must take the chair.
- 10.2 The Mayor must take the chair at all Council meetings at which he or she is present, unless precluded from doing so because of a conflict of interest.
- 10.3 In the absence of the Mayor, the Deputy Mayor, if previously elected, shall take the chair.

### 11. ACTING MAYOR

- 11.1 Council must appoint a Councillor to be the Acting Mayor when—
- 11.1.1 Neither the Mayor nor any elected Deputy Mayor is able for any reason to attend a Council meeting or part of a Council meeting; or
  - 11.1.2 the Mayor and any elected Deputy Mayor are both incapable of performing the duties of the office of Mayor and Deputy Mayor respectively for any reason, including illness; or
  - 11.1.3 the office of Mayor and Deputy Mayor are vacant.
- 11.2 An appointment under sub-rule 11.1 must be for a period specified by Council.
- 11.3 If—
- 11.3.1 an appointment has not been made under sub-rule 11.1 or has expired; and
  - 11.3.2 any of the circumstances specified in sub-rule 11.1.1, 11.1.2 or 11.1.3 apply—
- Council must appoint a Councillor to be the Acting Mayor for a period specified by Council.
- 11.4 An Acting Mayor—
- 11.4.1 must perform the role of the Mayor; and
  - 11.4.2 may exercise any of the powers of the Mayor—
- until the circumstances specified in sub-rule 11.1 no longer apply or the period of the appointment expires, whichever first occurs.
- 11.5 If an Acting Mayor has been appointed, unless inconsistent with the context or subject matter, a reference in the Act (except in sections 20 and 23, Division 4 of Part 2 and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor.

## GOVERNANCE RULES

**PART 3 – CONDUCT OF BUSINESS & MEETINGS**

*The purpose of this Part is to regulate the conduct of all meetings of the Council.*

**12. TYPES, DATES & TIMES OF MEETINGS**

- 12.1 Council holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of Council.
- 12.2 Scheduled Meetings:
- 12.2.1 At or before the last Meeting each calendar year, Council must fix the date, time and place of all scheduled Council Meetings and any Delegated Committee Meetings for the following calendar year.
- 12.3 Unscheduled Meetings:
- 12.3.1 Council may by resolution call an unscheduled Meeting of the Council.
- 12.3.2 The Mayor, or three Councillors may by written notice call an unscheduled Meeting of the Council.
- 12.3.3 The CEO, following consultation with the Mayor, may call an unscheduled meeting.
- 12.3.4 A written notice to call an unscheduled Meeting must:
- (a) Specify the business to be transacted; and
  - (b) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with Section 15.
- 12.3.5 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; and
  - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted
- 12.3.6 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. The date and time of the unscheduled Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution was made.
- 12.3.7 The Chief Executive Officer must call an unscheduled Meeting to elect a Mayor following a Council election declaration, in accordance with the Act.
- 12.3.8 The unscheduled Meeting for the election of a Mayor following an election may also consider the election of a Deputy Mayor and any other matters as determined by the Chief Executive Officer.
- 12.3.9 Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled Meeting, unless all Councillors are present, and by unanimous resolution determine to admit another matter.

**GOVERNANCE RULES**

- 12.4 Council by resolution, may change the date, time and place of any Council meeting and must provide reasonable notice, of the change to the public.

**13. POSTPONEMENT**

- 13.1 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.
- 13.2 The Chief Executive Officer, Delegate or Senior Officer must submit a full written report of the circumstances requiring their action in respect of the emergency postponement at the next Council Meeting.

**14. MEETINGS OPEN TO THE PUBLIC**

- 14.1 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.
- 14.2 Meetings will only be closed to members of the public if:
- (a) there are clear reasons for particular matters to remain confidential; or
  - (b) a meeting is required to be closed for security reasons; or
  - (c) it is necessary to enable the meeting to proceed in an orderly manner.
- 14.3 If a meeting is closed to the public for the reasons outlined in sub-rule 14.2(b) or 14.2(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 website.

**15. NOTICE OF MEETINGS & AGENDA**

- 15.1 The Chief Executive Officer must give notice of any meeting of the Council to the public by advertising the meeting on Council's website.
- 15.2 Advertising of meetings may be done, as either:
- (a) a schedule of meetings annually; or
  - (b) at various times throughout the year; or
  - (c) prior to each meeting, unless extraordinary circumstances exist.
- 15.3 In the event of an unscheduled Council Meeting, a notice of Meeting must be delivered to every Councillor at least 2 days before the meeting. A period less than 2 days may, however, be justified if exceptional circumstances exist.
- 15.4 An electronic agenda will be delivered to Councillors at least 48 hours before a scheduled Council Meeting.
- 15.5 Despite sub-rule 15.4, the Chief Executive Officer may deliver an agenda for a unscheduled Council Meeting to Councillors in less than 48 hours, if the Chief Executive Officer considers that in view of the urgency of the matter(s) this should occur.
- 15.6 An electronic agenda (excluding any confidential items), must be available to the public on Council's website at least 24 hours before a Council Meeting, unless extraordinary circumstances exist.



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**16. CHAIRPERSON'S DUTIES & RESPONSIBILITIES**

The Chairperson's duties and responsibilities are to:

- 16.1 Formally declare the meeting open, after ascertaining that a quorum is present, conduct the Acknowledgement of Country and to welcome those in the gallery and other visitors;
- 16.2 Preside over and control the meeting, conduct it impartially and according to these Governance Rules in order to ensure the smooth passage of the business;
- 16.3 Sign minutes of meetings as correct when they have been confirmed;
- 16.4 Present any reports for which they are responsible;
- 16.5 Ensure that debate is conducted in the correct manner;
- 16.6 Declare the results of all votes;
- 16.7 Give rulings on points of order and other questions of procedure;
- 16.8 Preserve order, and, if necessary, name offending members; and
- 16.9 Adjourn (when so resolved) or formally declare the meeting closed when all business has been concluded.

**17. QUORUM**

- 17.1 A quorum is a majority of the number of Councillors entitled to be present and to vote at the meeting.
- 17.2 If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting:
  - 17.2.1 The meeting shall be deemed to have lapsed;
  - 17.2.2 The Mayor must convene another Council meeting and ensure that the agenda for such meeting is identical to the agenda for the meeting which is deemed to have lapsed; and
  - 17.2.3 The Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.
- 17.3 If a quorum fails after a Council meeting has begun, the meeting lapses.
- 17.4 If the meeting lapses, the undisposed business must be included in the agenda for the next Council Meeting.

**18. INABILITY TO MAINTAIN A QUORUM DUE TO DISCLOSED CONFLICTS OF INTEREST**

- 18.1 This rule applies if Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision in regard to a matter.
- 18.2 Council must consider whether the decision can be made by dealing with the matter in an alternative manner.
- 18.3 For the purposes of sub-rule 18.2, an **alternative manner** may include—
  - 18.3.1 resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
  - 18.3.2 making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.

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- 18.4 Subject to complying with any requirements under any other Act, if Council is unable to use an alternative manner, Council must decide to establish a Delegated Committee to make the decision in regard to the matter consisting of—
- 18.4.1 all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
  - 18.4.2 any other person or persons that Council considers suitable.
- 18.5 Section 63(2) of the Act applies to a Delegated Committee established under sub-rule 18.4 to the extent possible after excluding all the Councillors who have disclosed a conflict of interest in regard to the matter.

### 19. ADJOURNED MEETINGS

- 19.1 Council may, by resolution, adjourn any meeting to a later time on the same day, or for a period not exceeding 7 days.
- 19.2 The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

### 20. TIME LIMITS FOR COUNCIL MEETINGS

- 20.1 A Council Meeting must start within 30 minutes of the advertised start time.
- 20.2 A Council Meeting will not continue after 11pm unless a majority of Councillors present vote in favour of its continuance.
- 20.3 In the absence of such continuance, a Council meeting must stand adjourned to a time, date and place announced by the Chairperson immediately prior to the meeting standing adjourned.
- 20.4 The Chief Executive Officer must give notice to each Councillor of the date, time and venue to which the meeting stands adjourned and of the business remaining to be considered.

### 21. JOINT COUNCIL MEETINGS

- 21.1 Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While some matters that are worked on in partnership it is possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in the Act.
- 21.2 Council may resolve to participate in a Joint Council meeting to consider:
- (a) Matters subject to discussion of regional alliance;
  - (b) Collaborative projects;
  - (c) Collaborative procurement; and
  - (d) Emergency Response.
- 21.3 If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on Governance Rules with the participating Councils.
- 21.4 Where Golden Plains Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting
- 21.5 A majority of Councillors will be appointed to represent Council at a Joint Council meeting.

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21.6 Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.

21.7 A joint briefing arranged in accordance with this section may be held electronically.

### 22. LEAVE OF ABSENCE

22.1 Any Councillor seeking leave of absence from Council duties must do so at a prior Council meeting or, if this is not practicable, the Councillor must give the Chief Executive Officer written notice of an apology prior to the Council meeting.

22.2 Unless there is an emergency, a leave of absence requested during a Council meeting will only be granted at the end of a motion and not during a debate.

22.3 Pursuant to the Act, absence from 4 consecutive meetings of the Council without leave having been obtained from the Council will result in the office of the Councillor becoming vacant.

22.4 It will not be necessary for a notice of meeting, agenda or minutes to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing, to continue to give notice of any meeting to be held during the period of their absence.

### 23. CONFLICTS OF INTEREST

23.1 Obligations with regard to conflicts of interest are as set out and defined in the *Local Government Act 1989* (effective until 23 October 2020) or *Local Government Act 2020* (effective from 24 October 2020). In addition:

23.1.1 Councillors, members of Delegated Committees and Council staff are required to:

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

23.2 Councillors and Members of Delegated Committees

23.2.1 May not participate in discussion or decision-making on a matter in which they have a conflict of interest.

23.2.2 When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.

23.3 All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.

23.4 Council will maintain a Conflict of Interest Register. The Register will be kept by the Governance team. Any request for access to be made in writing and will be considered under Councils Public Transparency Policy and the *Freedom of Information Act 1982*.

23.5 Procedure at a Council or Delegated Committee Meeting

23.5.1 At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- (a) The item for which they have a conflict of interest; and
- (b) Whether their conflict of interest is general or material; and
- (c) The circumstances that give rise to the conflict of interest.

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- 23.5.2 Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- 23.5.3 A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at sub-rule 23.5.1 prior to leaving the meeting.
- 23.5.4 A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.
- 23.6 Procedure at other meetings organised, hosted or supported by Council
- 23.6.1 A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- 23.6.2 At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- 23.6.3 If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- 23.6.4 At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- 23.6.5 The existence of a conflict of interest will be recorded in the minutes of the meeting.
- 23.6.6 If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Governance team for recording in the register of Conflicts of Interest.
- 23.6.7 The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- 23.6.8 Meeting records and reports will be presented to Council for noting and inclusion on the public record.
- 23.7 Council staff
- 23.7.1 Must act in accordance with the Employee Code of Conduct.
- 23.7.2 Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- 23.7.3 May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 5.6 and the Employee Code of Conduct.
- 23.8 Procedure for disclosures of conflicts of interest by Council Staff
- 23.8.1 Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer
- 23.8.2 All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- 23.8.3 Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:



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- (a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
- (b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
- (c) The staff member's Director determines that the conflict of interest has not influenced the advice provided; and
- (d) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

### 24. ORDER & CONTENT OF BUSINESS

- 24.1 The order of business to be conducted at a Council meeting will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- 24.2 After an agenda has been sent to Councillors, the order of business for that meeting may only be altered by a resolution of the Council. This includes a request for an item to be brought forward.
- 24.3 After consulting with the Mayor, the Chief Executive Officer may include any matter on an agenda which they assess should be considered at the meeting.

### 25. NOTICE OF MOTION

- 25.1 A Notice of Motion must be:
  - 25.1.1 In writing, or sent electronically, and generally be in a form approved by the Chief Executive Officer;
  - 25.1.2 Be signed by the Councillor intending to move the motion;
  - 25.1.3 Be lodged with the Chief Executive Officer by 5pm 7 days prior to the date of the meeting to allow sufficient time for the Notice of Motion to be included in the agenda for the next Council meeting.
- 25.2 The Chief Executive Officer will give all Councillors notice of a Notice of Motion received in accordance with sub-rule 25.1.
- 25.3 A Councillor may attach any supporting documentation to their Notice of Motion for inclusion in the agenda.
- 25.4 The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion register in the order in which they were received.
- 25.5 Any Notice of Motion which in the opinion of the Chief Executive Officer or the Chairperson:
  - 25.5.1 Is defamatory; or
  - 25.5.2 Is objectionable in language or nature; or
  - 25.5.3 Is outside the powers of the Council
 must not be accepted by the Chairperson.
- 25.6 Except by resolution of Council, Notices of Motion before any Council meeting must be considered in the order in which they were recorded in the Notice of Motion register.
- 25.7 Before a Notice of Motion at a Council meeting is moved, the Councillor may introduce it by indicating, in not more than 3 minutes:

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25.7.1 Its intent; and/or

25.7.2 The desired outcome if passed.

25.8 If a Councillor who has given a Notice of Motion:

25.8.1 Is absent from the Council meeting; or

25.8.2 Fails to move the motion when called upon by the Chairperson;

any other Councillor may move the Notice of Motion.

25.9 If a Notice of Motion is not moved and seconded at the Council meeting in which it was included on the agenda, it lapses.

25.10 Before the Notice of Motion is put to the vote, it may be withdrawn by the Councillor.

**26. NOTICE OF MOTION TO RESCIND OR AMEND**

26.1 A Councillor may propose a motion to rescind or amend a previous resolution of Council. A Notice of Motion to rescind or amend must be:

26.1.1 In writing, or sent electronically, and generally be in a form approved by the Chief Executive Officer;

26.1.2 Be signed by the Councillor intending to move the motion to rescind or amend;

26.1.3 Be signed by another Councillor willing to second the motion to rescind or amend for the purpose of debate at the meeting in which it will be considered. The motion at the meeting to be dealt with in accordance with rule 33; and

26.1.4 Be lodged with the Chief Executive Officer no later than 72 hours following the meeting at which the resolution proposed to be rescinded or amended was adopted.

26.2 No action will be taken to implement a resolution on which a notice to rescind or amend the resolution has been given pursuant to sub-rule 26.1.

26.3 The Chief Executive Officer will give all Councillors notice of a Notice of Motion to rescind or amend received in accordance with sub-rule 26.1.

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

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

26.6 When moving a Notice of Motion to rescind or amend at a Council meeting, the Councillor may introduce it by indicating, in not more than 3 minutes:

26.6.1 Its intent; and/or

26.6.2 The desired outcome if passed.

26.7 If a Councillor who has given a Notice of Motion to rescind or amend:

26.7.1 Is absent from the Council meeting; or

26.7.2 Fails to move the motion when called upon by the Chairperson;

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any other Councillor may move the Notice of Motion to rescind or amend.

- 26.8 A Notice of Motion to rescind or amend a previous resolution of Council shall be deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted.
- 26.9 If a Notice of Motion to rescind or amend is not seconded at the next meeting at which such business may be transacted, it lapses.
- 26.10 Before the Notice of Motion to rescind or amend is put to the vote, it may be withdrawn by the Councillor who moved the Notice of Motion to rescind or amend.
- 26.11 A second or subsequent notice to rescind or amend an earlier resolution must not be accepted by the Chief Executive Officer until a period of 3 months has elapsed since the date of the meeting at which the previous motion of rescission or amendment was dealt with.

**27. PROCEDURAL MOTIONS**

- 27.1 Procedural motions, unless otherwise prohibited, may be moved at any time and shall be dealt with in accordance with the Schedule.
- 27.2 Procedural motions require a seconder.
- 27.3 Debate on a procedural motion is not permitted and the mover does not have a right of reply.
- 27.4 A procedural motion cannot be amended.

**28. URGENT BUSINESS**

- 28.1 Business must not be admitted as urgent business unless:
- 28.1.1 It relates to or arises out of a matter which has arisen since distribution of the agenda;
  - 28.1.2 It cannot safely or conveniently be deferred until the next Council Meeting; and
  - 28.1.3 The Council resolves to admit an item considered to be urgent business.
- 28.2 Items of urgent business are to be supported by an officer's report.
- 28.3 Notices of Motion will not be admitted into urgent business and will be dealt with in accordance with rule 20.
- 28.4 Unless a majority of Councillors are present and resolve to deal with another matter as urgent business, no business can be transacted at a Council Meeting unless it appears on the agenda.

**29. REPORTS FROM OFFICERS**

- 29.1 Any report(s) by officers to a Council meeting must contain a recommendation and be in the appropriate report style format approved by the Chief Executive Officer.
- 29.2 When officer reports are before a Council meeting and after all Councillors have had an opportunity to ask questions in relation to the report, the Chairperson must then ask a Councillor to move an appropriate motion. If the motion is seconded the motion is to be dealt with in accordance with rule 33.

**30. REPORTS FROM DELEGATED COMMITTEES**

- 30.1 Any report(s) by a Delegated Committee to a Council meeting must contain a recommendation and must be listed on the next scheduled Council meeting agenda.
- 30.2 When the report(s) of a Delegated Committee is before a Council meeting:

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- 30.2.1 The Chairperson must ask whether any Councillor wishes to speak to any report and record the item number of any such report; and
- 30.2.2 After all Councillors have indicated the reports to which they wish to speak, the Chairperson may ask for a motion to adopt all reports to which no requests to speak have been expressed and proceed to deal with that motion.
- 30.2.3 The Chairperson of the Audit and Risk Committee may request a report be tabled at any Council meeting.

**31. CONFIDENTIAL REPORTS**

- 31.1 The Chief Executive Officer must ensure that a report is classified as confidential if the Chief Executive Officer considers it has been prepared for consideration in respect of a matter which is expected to be the subject of a resolution under section 66 of the Act to close the Council meeting to the public while that report is discussed.
- 31.2 The Chairperson must call for a motion to close the meeting to the public and this motion must be carried prior to commencing any business pertaining to confidential reports. The time of this motion must be recorded in the minutes of the meeting.
- 31.3 The motion must contain the reasons why the meeting is being closed to the public by referencing that it is pursuant to the Act and inserting the appropriate clause for each closed item. All confidential reports to be considered must be listed as part of this motion.
- 31.4 The Chairperson must advise those present in the gallery that an item is required to be considered in a closed meeting and request that they vacate the chamber while the confidential matter(s) is/are discussed and determined.
- 31.5 The Chairperson must call for a motion to re-open the meeting to the public. This motion must be carried and the time recorded in the minutes of the meeting.
- 31.6 If an item or recommendation is to be moved out of the closed part of the meeting:
  - 31.6.1 The Chairperson must call for a motion to move all or part of the item or items into open Council; and
  - 31.6.2 That report or section must be included in the minutes of the Council Meeting showing the Council decision that was made in the closed section of the meeting.
- 31.7 All items that are considered confidential pursuant to section 66 of the Act remain confidential until Council has passed a resolution that the information is no longer confidential.
- 31.8 At the time of making a determination on a confidential item, Council may also make a determination on a date, action, or event upon which the confidentiality no longer applies to the determination.

**32. KEEPING OF MINUTES**

- 32.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer) must keep minutes of each Council Meeting and those minutes must record:
  - 32.1.1 The date, place, time and nature of the meeting;
  - 32.1.2 The names of the Councillors present and those who have submitted apologies or been granted leave of absence;
  - 32.1.3 The disclosure of conflicts of interest made by a Councillor or officer in accordance with rule 18;
  - 32.1.4 Arrivals and departures (including temporary) of Councillors during the course of the meeting;



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- 32.1.5 Each motion and amendment moved and seconded;
- 32.1.6 The vote cast by each Councillor upon a division;
- 32.1.7 Questions upon notice;
- 32.1.8 The failure of a quorum;
- 32.1.9 When requested by a Councillor, a record of their opposition to any motion;
- 32.1.10 Any adjournment of the Council meeting and the reasons for that adjournment; and
- 32.1.11 Public representations;
- 32.1.12 Questions upon notice;
- 32.1.13 The time at which Standing Orders were suspended and resumed;
- 32.1.14 Closure of the meeting to members of the public and the reasons for such closure in accordance with rule 26;
- 32.1.15 Any other matter which should be recorded to clarify the intention and conduct of the meeting or the reading of the minutes.

**33. CONFIRMATION OF MINUTES**

At every meeting of Council the minutes of the preceding meeting(s) must be dealt with as set out below:

- 33.1 The Minutes as recorded by the Chief Executive Officer, or Delegate, will be made available as the proposed Minutes to:
  - 33.1.1 Councillors, by electronic means, within 7 business days of the Council Meeting they relate to;
  - 33.1.2 members of the public, by publishing them on Council's website, within 9 business days of the Council Meeting they relate to.
- 33.2 At every Council Meeting a motion must be put for the confirmation of the Minutes of the preceeding Council Meeting.
- 33.3 If the minutes have not been delivered, they must be read and a motion must be put for the confirmation of the minutes.
- 33.4 The minutes must be signed by the Chairperson of the meeting at which they have been confirmed.
- 33.5 No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- 33.6 Council may defer the confirmation of minutes until later in the Council meeting or until the next Council meeting if considered appropriate.
- 33.7 Council Meeting minutes from meetings that are open to the public will be confirmed in the open section of the agenda. Minutes from closed meetings will be confirmed in the closed section of the meeting.
- 33.8 Following the confirmation of the Minutes, they must be published on Council's wbsite.

**34. LIVESTREAM BROADCAST AND DIGITAL RECORDINGS OF PROCEEDINGS**

- 34.1 Council will livestream broadcast and/or digitally record the proceedings at each open Council meeting unless it is not possible to do so.

## GOVERNANCE RULES

- 34.2 Where Council livestream broadcasts and/or digitally records meetings, visitors will be advised by appropriate venue signage.
- 34.3 Except where Council conducts the livestream broadcast and/or digital recording itself, no other broadcast or digital recording shall be permitted by any other person or visitor without specific approval by resolution of the meeting.
- 34.4 Council will make the livestream broadcasts and/or digital recordings of open Council meetings available to the public on its website.
- 34.5 The Chair and/or the CEO, have the discretion and authority to at any time, direct the termination or interruption of the livestream broadcast and/or digital recordings. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.
- 34.6 The livestream broadcasts and/or digital recordings will stop during to the closed section of a meeting.

## GOVERNANCE RULES

**PART 4 – CONDUCT OF DEBATE & VOTING**

*The purpose of this Part is to regulate the conduct of debate and voting at all meetings of the Council.*

**35. ADDRESSING THE COUNCIL MEETING**

- 35.1 Any Councillor or person who addresses the meeting should stand and direct all remarks through the Chairperson.
- 35.2 Despite sub-rule 35.1, the Chairperson may permit any Councillor or person to remain seated whilst addressing the Chairperson, at their discretion.
- 35.3 Any person addressing the chair should refer to the Chairperson as:
- 35.3.1 Madam Mayor;
  - 35.3.2 Mr Mayor;
  - 35.3.3 Madam Chairperson; or
  - 35.3.4 Mr Chairperson;
- as the case may be.
- 35.4 All Councillors, other than the Mayor, should be addressed as Councillor (surname).
- 35.5 All officers should be addressed as Ms or Mr (surname).
- 35.6 The Councillor acknowledged by the Chairperson is to speak and must not be interrupted unless:
- 35.6.1 They are called to order;
  - 35.6.2 Their speaking time has expired;
  - 35.6.3 A point of order is raised; or
  - 35.6.4 A procedural motion is moved.

**36. PRIORITY OF ADDRESS**

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

**37. SPEAKING TIMES**

- 37.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson:
- 37.1.1 The mover of a motion or an amendment: 3 minutes;
  - 37.1.2 The seconder of motion or an amendment: 3 minutes;
  - 37.1.2 Any other Councillor: 3 minutes; and
  - 37.1.3 The mover of a motion exercising a right of reply: 2 minutes.

**GOVERNANCE RULES****38. CONDUCT OF MOTIONS, AMENDMENTS & QUESTIONS**

- 38.1 A motion, amendment or question must:
- 38.1.1 Not be defamatory;
  - 38.1.2 Not be objectionable in language or nature;
  - 38.1.3 Relate to the powers or functions of Council;
  - 38.1.4 Be in writing, if requested by the Chairperson;
  - 38.1.5 Except in the case of urgent business, be relevant to an item of business on the agenda; and
  - 38.1.6 Be moved and seconded, otherwise it lapses.
- 38.2 The Chairperson may refuse to accept any motion, amendment or question which contravenes sub-rule 38.1 or which:
- 38.2.1 Is not relevant to the item of business on the agenda and has not been admitted as urgent business; or;
  - 38.2.2 Purports to be an amendment but is not.

**39. CHAIRPERSON'S RIGHT TO SPEAK**

- 39.1 The Chairperson may address a meeting upon any matter under discussion, following presentations by all Councillors, and is not deemed to have left the chair on such occasions
- 39.2 The Chairperson may choose to vacate the chair for the duration of any item under discussion whereupon a temporary Chairperson (usually the Deputy Mayor) or other Councillor appointed by the meeting shall take the chair until the item has been disposed of.

**40. PROCEDURES WITH RESPECT TO SEEKING CLARIFICATION OR ASKING QUESTIONS OF OFFICERS**

- 40.1 Officers will support the meeting process through provision of officer reports in the agenda and Councillors should make every effort to seek clarification on information in advance of the meeting.
- 40.2 Where Councillors need to seek clarification by asking questions of officers during the meeting that were not able to be asked prior to the meeting, such questions must be:
- 40.2.1 Directed through the Chief Executive Officer;
  - 40.2.2 Relevant to an item on the agenda;
  - 40.2.3 Seeking genuine clarification of a matter that is not already addressed in the officer's report;
  - 40.2.4 Not objectionable in language, nature or tone;
  - 40.2.5 Not intended to draw officers into debating a matter or justifying a recommendation; and
  - 40.2.6 Not designed to canvass matters or disseminate information to the public.

**41. PROCEDURES WITH RESPECT TO RECOMMENDATIONS & MOTIONS**

- 41.1 The Chairperson will briefly summarise the report and recommendation or allocate this role to the Chief Executive Officer (or other officer authorised by the Chief Executive Officer).
- 41.2 The Chairperson will call for a mover and seconder of a motion.



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- 41.3 If there is no mover and/or seconder the motion lapses.
- 41.4 The Chairperson shall ask immediately after a motion is moved and seconded and after the mover has spoken to the motion (or deferred speaking), whether it is opposed. If no opposition is indicated the Chairperson may then put the motion to the vote, without debate.
- 41.5 A motion can only be withdrawn by the mover if the seconder provides their consent which must occur before the motion is put to the vote.
- 41.6 After a motion is put to the vote, the Chairperson must declare the result to the Council meeting.
- 41.7 The mover of a motion has the right of reply with respect to the debate on their motion immediately before the vote is taken, but that right of reply is lost if an amendment to the motion is carried.
- 41.8 Apart from the mover's right of reply referred to in sub-rule 41.7 a Councillor may only speak once on a motion.
- 41.9 The mover of a motion must not introduce new material when exercising any right of reply.

**42. MOTIONS IN WRITING**

- 42.1 The Chairperson may require that a complex or detailed motion be in writing.
- 42.2 The Chairperson may adjourn the meeting while the motion is being written or may defer the matter in the order of business, until the motion has been written.

**43. PROCEDURES WITH RESPECT TO AMENDMENTS**

- 43.1 A motion having been moved and seconded may be amended by omitting, inserting or adding words.
- 43.2 No notice needs to be given of any amendment.
- 43.3 Amendments must be dealt with 1 at a time.
- 43.4 The Councillor who desires to amend the motion is the mover of the amendment which must be seconded.
- 43.5 If the amendment is not seconded the amendment lapses.
- 43.6 An amendment must be relevant to the motion upon which it is moved.
- 43.7 An amendment must not amount to a direct contradiction of the motion.
- 43.8 The mover or seconder of a motion cannot move an amendment to it.
- 43.9 A subsequent amendment cannot be moved until the immediately preceding amendment is disposed of.
- 43.10 A Councillor proposing an amendment must first state briefly the nature of the amendment and then move it, without speaking to it.
- 43.11 After the amendment has been seconded the Chairperson must call upon the mover of the amendment to speak to the amendment.
- 43.12 After the mover of the amendment has spoken the Chairperson must call upon the seconder to speak to the amendment. The seconder can reserve their right.
- 43.13 After the mover and seconder of the amendment have spoken the Chairperson must call upon any other Councillor who may wish to speak to the amendment.

**GOVERNANCE RULES**

43.13.1 An amendment can only be withdrawn by the mover if the seconder provides their consent which must occur before the amendment is put to the vote.

43.14 After all other Councillors have spoken to the amendment or if no Councillor has indicated an intention to speak, the Chairperson will put the amendment to the vote.

43.15 The mover has no right of reply when an amendment is before the Council.

43.16 If a proposed amendment effectively negates the substance of the motion, it is to be ruled a foreshadowed motion and rule 39 then applies. The foreshadowed motion shall only be considered in the event that the original motion is lost.

43.17 If an amendment is adopted it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson after all Councillors have had an opportunity to speak to the motion, or be subject to amendment.

43.18 A Councillor cannot move more than 2 amendments in succession.

43.19 With the leave of the Chairperson, another amendment or a new motion can be foreshadowed by any Councillor stating in brief terms the nature of it.

43.20 A Councillor can only speak once on an amendment.

**44. PROCEDURES WITH RESPECT TO FORESHADOWED MOTIONS**

44.1 After a motion has been moved and seconded, at any time during debate, a Councillor may foreshadow their intention to move an alternate motion.

44.2 A foreshadowed motion may be prefaced with a statement that in the event that a particular motion before the Chairperson is resolved in a certain way, a Councillor intends to move an alternative motion.

44.3 A Councillor who has foreshadowed a motion must not speak to the foreshadowed motion until such time as the original motion is disposed in accordance with rule 33.

44.4 A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting.

44.5 If the original motion is lost, the Councillor who first foreshadowed a motion must then move their motion and rule 33 then applies.

44.6 The Chief Executive Officer is not required to record foreshadowed motions in the minutes, until such time the foreshadowed motion becomes a motion if and when formally moved and seconded.

**45. INTERRUPTIONS, INTERJECTIONS, QUESTIONS & RELEVANCE**

45.1 A Councillor must not be interrupted except by the Chairperson or upon a point of order or personal explanation.

45.2 If a Councillor is interrupted by the Chairperson or upon a point of order or personal explanation, they must remain silent until the Chairperson has ceased speaking, the point of order has been determined, or the personal explanation has been given (as appropriate).

45.3 Questions are not to be asked between moving and seconding a motion except to seek clarification on the motion received.

45.4 A Councillor must not digress from the subject matter of the motion or business under discussion.

## GOVERNANCE RULES

### 46. REPEATING MOTION, AMENDMENT OR QUESTION

- 46.1 Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again.
- 46.2 The Chairperson without being so requested may direct the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) to read the question, motion or amendment to the meeting before the vote is taken.

### 47. DEBATE OF THE MOTION

- 47.1 Debate must always be relevant to the motion before the Chairperson, and if not, the Chairperson must request the speaker to confine the debate to the motion.
- 47.2 If the speaker continues to debate irrelevant matters after being requested to confine debate the Chairperson may direct the speaker to be seated and not to speak further in respect of the motion before the Chairperson.

### 48. ADJOURNMENT & RESUMPTION OF ADJOURNED DEBATE

- 48.1 The Council may by resolution adjourn a meeting to a later time on the day for which the meeting was called or for a period not exceeding 7 days.
- 48.2 When a motion to adjourn a meeting is before the Council, the Chairperson must not allow discussion on the motion to adjourn. If the Council fails to pass the motion to adjourn, the Chairperson must resume the meeting at the item of business under consideration.
- 48.3 The Chief Executive Officer must deliver written notice of an adjourned meeting to all Councillors, except when the meeting is adjourned to a later time on the same day, in which case any form of notice may be given to all Councillors.
- 48.4 If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless he or she has already spoken to the motion or amendment.

### 49. RULES FOR VOTING

- 49.1 Except where a Councillor may call for a division, Councillors must remain seated in silence while a vote is being taken.
- 49.2 Voting must be by a show of hands, in a way 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.
- 49.3 The Chairperson may direct that the vote be recounted as often as may be necessary to satisfy the Chairperson of the result.
- 49.4 A Councillor can abstain from voting however, the decision to do so should not be taken lightly. Not participating in decisions taken by Council could be seen as an abrogation of a Councillor's legislative duty and responsibility to represent the community.
- 49.5 In the event of a tied vote, the Chairperson may exercise a second vote in accordance with the Act.

### 50. DIVISION

- 50.1 Immediately after any motion, amendment or question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- 50.2 When a division is called, the Chairperson must:

## GOVERNANCE RULES

- 50.1.1 First ask each Councillor wishing to vote for the motion to stand. The Chairperson must then state, and the Chief Executive Officer (or other officer authorised by the Chief Executive) must record the names of those Councillors voting for the motion;
- 50.1.2 Then ask each Councillor wishing to vote against the motion to stand. The Chairperson must then state, and the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) must record the names of those Councillors voting against the motion;
- 50.1.3 Then if not all Councillors have declared either for or against the motion, ask each Councillor wishing to abstain to stand. The Chairperson must then state, and the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) must record the names of those Councillors abstaining from voting.

50.2 The Chairperson must declare the result of the vote or division as soon as it is taken.

### 51. RECORDING OF OPPOSITION OR SUPPORT FOR MOTION

- 51.1 Any Councillor may request that their opposition to, or support for, a motion adopted by the meeting be recorded in the minutes of the Council meeting.

### 52. NO DISCUSSION ONCE DECLARED

- 52.1 Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is a Councillor requesting, before the next item of business is considered, that their opposition to the motion be recorded in the minutes.

### 53. POINTS OF ORDER

- 53.1 A point of order is an objection that the motion, amendment or statement made is:
  - 53.1.1 Contrary to these Governance Rules;
  - 53.1.2 Defamatory;
  - 53.1.3 Irrelevant;
  - 53.1.4 Improper; or
  - 53.1.5 Outside Council's legal powers and may be made despite the fact that the Councillor or Chairperson is speaking at the time.
- 53.2 A point of order must be taken by stating:
  - 53.2.1 The matter complained of; and
  - 53.2.2 The reason constituting the point of order;
- 53.3 The Chairperson must decide all points of order.
- 53.4 The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
- 53.5 The Chairperson may raise a point of order without it having been made by a Councillor.
- 53.6 When called to order, a Councillor must remain silent until the point of order is decided unless they are requested by the Chairperson to provide an explanation.
- 53.7 The Chairperson must, when ruling on a point of order, give reasons for the ruling.



**GOVERNANCE RULES****54. DISAGREEMENT WITH CHAIRPERSON'S RULING**

- 54.1 The Chairperson's ruling on a point of order shall be final unless the majority of Councillors present at the meeting vote in favour of a motion of dissent that is moved and seconded immediately after the Chairperson's ruling is given.
- 54.2 A motion of dissent must state the provision or practice in substitution for the Chairperson's ruling.
- 54.3 A motion of dissent that is carried must be acted upon by the Chairperson.
- 54.4 The Chairperson is not required to vacate the chair.
- 54.5 Only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of reply.
- 54.6 If the dissent motion is successful, the original point of order shall be deemed to be upheld and the Chairperson must then reverse their previous ruling and uphold the point of order.
- 54.7 The defeat of the Chairperson's ruling is in no way a motion of censure or no-confidence, and must not be so regarded by the meeting.

**55. SUSPENSION OF STANDING ORDERS**

- 55.1 The provisions of these Governance Rules, except the quorum requirements applying under rule 13, may be suspended by resolution of the Council for any part of a meeting at the Chairperson's discretion.
- 55.2 The Chairperson can accept a motion to suspend standing orders where they believe the Councillors or those present in the gallery need a break due to the intensity or length of the meeting, or to seek technical advice from a person not listed as an official attendee. Such suspension would normally be for 5 minutes or less.
- 55.3 A suspension is not intended for Councillors to discuss the issue or seek to reach agreement outside a formal debate and must not be used purely to dispense with the processes and protocol of the government of the Council.
- 55.4 No motion, except one which proposes the resumption of standing orders, may be accepted by the Chairperson or be dealt with during any suspension of standing orders.
- 55.5 Resumption of standing orders should occur as soon as possible after any discussion or break is concluded and before any motions can be put.

**56. CLARIFICATION BY CHIEF EXECUTIVE OFFICER OR ANOTHER OFFICER**

- 56.1 With the prior consent of, or at the request of the Chairperson, the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) may address any item to clarify a statement made by a Councillor during the course of debate.

**57. ORDERING WITHDRAWAL OF REMARK**

- 57.1 The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.
- 57.2 A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

**58. SUSPENSIONS**

- 58.1 Council may by resolution suspend from a meeting, and for the balance of the meeting, any Councillor whose actions have disrupted the business of Council, and have impeded its orderly conduct, provided the Councillor in question has received an initial warning from the Chairperson that their conduct is, in the Chairperson's opinion, impeding the orderly conduct of the meeting.

**GOVERNANCE RULES****59. CHAIRPERSON MAY ADJOURN DISORDERLY MEETING**

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

## GOVERNANCE RULES

**PART 5 – PUBLIC PARTICIPATION IN MEETINGS**

*The purpose of this Part is to allow and regulate public participation in meetings of the Council.*

**60. PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY**

- 60.1 The Public Participation in Council Meetings Policy forms part of these Governance Rules.
- 60.2 The Chief Executive Officer will ensure that the Public Participation in Council Meetings Policy is available to the public on Council's website.

**61. PUBLIC QUESTION TIME**

- 61.1 Public question time shall be allowed at a meeting.
- 61.2 The processes and procedures for public question time are to be determined in a public participation in Council meetings policy.

**62. PUBLIC PRESENTATIONS**

- 62.1 Public presentations shall be allowed at a meeting.
- 62.2 The processes and procedures for public presentations are to be determined in a public participation in Council meetings policy.

**63. PETITIONS & JOINT LETTERS**

- 63.1 Petitions and joint letters shall be allowed at a meeting.
- 63.2 The processes and procedures for petitions and joint letters are to be determined in a public participation in Council meetings policy.

**64. PUBLIC BEHAVIOUR**

- 64.1 Members of the public will be requested to sign in before entering the meeting area.
- 64.2 Sign in sheets will be held by Council in accordance with the Information Privacy Principles as set out in the *Privacy and Data Protection Act 2014*.
- 64.3 Any member of the public addressing Council must extend courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.

**65. REMOVAL FROM MEETING**

- 65.1 The Chairperson may ask any member of Victoria Police or person appointed by Council to maintain security, to remove from the chamber or meeting room any person who acts in breach of these Governance Rules.

## GOVERNANCE RULES

**PART 6 - COMMITTEES**

*The purpose of this Part is to regulate proceedings at Committee meetings.*

**66. DELEGATED COMMITTEES**

- 66.1 Council may establish Delegated Committees as part of its governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Delegated Committees, their meeting procedures need to be formal.
- 66.2 If Council establishes a Delegated Committee, these Governance Rules will apply to the Delegated Committee Meetings with any necessary modifications.
- 66.3 For the purpose of sub-rule 66.1:
- (a) a Council meeting is to be read as a reference to a Delegated Committee Meeting;
  - (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
  - (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- 66.4 If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules do not apply to that Committee.

**67. COMMUNITY ASSET COMMITTEES**

- 67.1 The Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee.
- 67.2 The Governance Rules may apply to any Community Asset Committee established by Council.
- 67.3 Council may resolve, in establishing a Community Asset Committee which provisions of these Governance Rules apply but as a minimum must include Section 32 (Minutes).
- 67.4 A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- 67.5 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

**68. AUDIT AND RISK COMMITTEE**

- 68.1 The Act provides for Council to establish an Audit and Risk committee to provide oversight.
- 68.2 These Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Committee Charter.
- 68.3 Council may resolve, in establishing an Audit and Risk Committee that Part 4 and Part 5 of these Governance Rules do not apply.
- 68.4 An Audit and Risk Committee must report the minutes of all its Meetings to the next practicable Council meeting.
- 68.5 An Audit and Risk Committee must act in accordance with the Charter adopted by Council.



## GOVERNANCE RULES

**PART 7 – ELECTION PERIOD POLICY****69. ELECTION PERIOD POLICY**

- 69.1 Council will have in place an election period policy that:
- 69.1.1 Governs decision making during a local government election period, including what may be considered at a Council meeting;
  - 69.1.2 Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
  - 69.1.3 Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and Civic events, and activities of Delegated Committees established by Council;
  - 69.1.4 Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
  - 69.1.5 Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period; and
  - 69.1.6 Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election.
- 69.2 At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- 69.3 The Election Period Policy forms part of these Governance Rules.
- 69.4 The operation of Council Delegated Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- 69.5 Any outstanding Delegated Committee Reports may still be reported to a meeting of Council during this period.
- 69.6 Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

## GOVERNANCE RULES

**PART 8- COMMON SEAL**

*The purpose of this Part is to:*

- *regulate the use of the Common Seal, which is a device which formally records the making of a Council decision; and.*
- *prohibit the use of the Common Seal or any device resembling the Common Seal.*

**70. COMMON SEAL**

70.1 The Council must authorise the use of the Common Seal by resolution.

70.2 The Common Seal and words to be used accompanying it on any document to which it is affixed are as follows:

*The COMMON SEAL of GOLDEN PLAINS )  
SHIRE COUNCIL was affixed in the )  
presence of: )*

[Affix common seal here]

.....  
*Chief Executive Officer*

.....  
*Mayor/Deputy Mayor*

70.3 The Chief Executive Officer and, either the Mayor or Deputy Mayor, must sign every document to which the Common Seal is affixed. The Common Seal may only be used pursuant to a decision of Council.

70.4 The Chief Executive Officer must keep the Common Seal in safe custody at all times.

70.5 A register detailing the use of the Common Seal must be maintained by the Chief Executive Officer.

**GOVERNANCE RULES**

These Governance Rules were made by resolution of the Golden Plains Shire Council 25 August 2020.

*The COMMON SEAL of GOLDEN PLAINS )  
SHIRE COUNCIL was affixed in the )  
presence of: )*

[Affix common seal here]

.....  
*Chief Executive Officer*

.....  
*Mayor/Deputy Mayor*

**DOCUMENT HISTORY**

Version	Document History	Adopted by Council	Updated on website
1	New document	25 August 2020	26 August 2020

## GOVERNANCE RULES

## SCHEDULE - PROCEDURAL MOTIONS - PROCEDURE &amp; EFFECT

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Deferral of a matter (to a future meeting)</b>	'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 <i>Chairperson</i> ; 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
<b>Closure (of debate)</b>	'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 <i>Chairperson</i>	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
<b>Laying a motion on the table (pausing debate)</b>	'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
<b>Take a motion from the table (resume debate on a matter)</b>	'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

## GOVERNANCE RULES

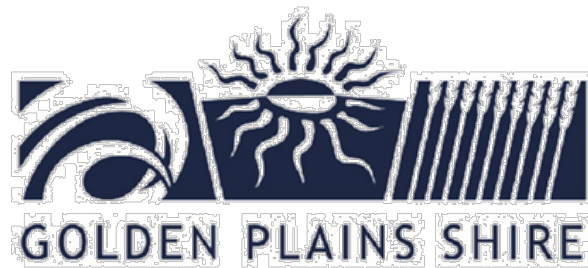
Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Alter the order of business</b>	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the <i>Agenda</i>	No
<b>Suspension of Standing Orders</b>	'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
<b>Resumption of Standing Orders</b>	'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



## GOVERNANCE RULES

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Consideration of confidential matter(s) (Close the meeting to members of the public)</b>	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx <i>is confidential as it relates to [insert reason]</i>	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes
<b>Reopen the meeting</b>	'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

PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY



## **Public Participation in Council Meetings Policy**

*(Question Time, Presentations & Submissions,  
Petitions & Joint Letters)*

**(Adopted by Council 25 August 2020)**

## PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY

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**PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY**

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**1. PURPOSE**

- 1.1 The purpose of this policy is to establish a policy for public participation in meetings of the Council.

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**2. SCOPE**

- 2.1 This policy applies to Golden Plains Shire Council Councillors, to all Council staff, (whether permanent, temporary, casual, part-time or contract) and to all members of the community and the public.

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**3. POLICY STATEMENT**

- 3.1 This policy is to be read in conjunction with:
- Council's Governance Rules; and
  - The *Local Government Act 2020* 'The Act'.

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**4. PROCEDURES****5. Public Question Time**

- 5.1 At a Council Meeting, Public Question Time will be provided at the start of the meeting to enable members of the public to submit questions to Council.
- 5.2 Thirty minutes will be allocated for Public Question Time. Time may be extended longer than thirty minutes at the discretion of the Chairperson.
- 5.3 Questions to be asked at a meeting must be submitted and must be:
- 5.3.1 in writing and generally be in a form approved by the Chief Executive Officer;
  - 5.3.2 state the name and address of the person submitting the question;
  - 5.3.3 lodged by 10am on the day of the meeting; either :
    - (a) in person at the Council offices; or
    - (b) electronically, by using an online form provided on Council's website; or
    - (c) by sending the question to the email address prescribed by Council.
- 5.4 Questions lodged in accordance with clause 5.3, will be provided electronically to the Councillors by the Chief Executive Officer, or by a person authorised by the

## PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY

Chief Executive Officer, before the meeting.

- 5.5 The Chief Executive Officer will use all reasonable endeavours to have a question submitted in a language other than English translated into English before the meeting. A question that cannot be translated prior to the commencement of the meeting will be translated prior to the next meeting and the submitter will be notified accordingly.
- 5.6 No person may submit more than 2 questions at any meeting.
- 5.7 Each person asking a question will be allocated 3 minutes to speak to that question at the meeting.
- 5.8 The question and the name and suburb of the person who asked the question shall be read out and recorded in the minutes.
- 5.9 Council will respond to a question asked at a meeting if the person, or their proxy, who asked the question is present at the meeting. The question asked and the answer given will be recorded in the Minutes of the meeting.
- 5.10 A question shall not be read out unless the person asking the question, or their proxy, is in the gallery at the time it is due to be read.
- 5.11 Where the person who has asked the question is not present at the meeting, the question(s) will not be recorded in the Minutes of the meeting, however, the Chief Executive Officer will cause a written response to be provided to the person asking the question within 7 days of the meeting.
- 5.12 A person who has submitted a question in accordance with clause 5.3, may appear via teleconference or other digital media, where logistically possible and if previously arranged and agreed with an officer, at least 48 hours in advance of the meeting.
- 5.13 All questions must be as brief as possible and no discussion shall be allowed other than for the purposes of clarification.
- 5.14 A question may be disallowed by the Chief Executive Officer or Chairperson if it is considered to:
- 5.14.1 Relate to a matter beyond the power or duties of Council;
  - 5.14.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
  - 5.14.3 Be repetitive of a question already answered (whether at the same or any earlier meeting);
  - 5.14.4 Be aimed or intended to embarrass the Mayor, a Councillor, Chief Executive Officer or other officer;
  - 5.14.5 Be directed to an individual or specific Councillor rather than to Council as a whole;
  - 5.14.6 Be confidential in nature, as in accordance with Section 3 of the *Local Government Act 2020*;
    - 5.14.6.1 Relate to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;



## PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY

- 5.14.6.2 Relate to security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- 5.14.6.3 Relate to land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- 5.14.6.4 Relate to law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- 5.14.6.5 Relate to legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- 5.14.6.7 Relate to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; and
- 5.14.6.8 Relate to private commercial information, being information provided by a business, commercial or financial undertaking that—
- (i) relates to trade secrets; or
  - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
  - (h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
  - (i) internal arbitration information, being information specified in section 145;
  - (j) Councillor Conduct Panel confidential information, being information specified in section 169;
  - (k) information prescribed by the regulations to be confidential information for the purposes of this definition;
  - (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.
- 5.15 Where a question has been disallowed, the Chief Executive Officer will provide a written response to the submitter as soon as practicable stating the reasons why.
- 5.16 A copy of any question which has been disallowed by the Chairperson must be made available to any other Councillor upon request.
- 5.17 Similar questions may be grouped together and a single answer provided by the Council.
- 5.18 The Chairperson may nominate a Councillor, Chief Executive Officer or other officer

## PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY

to briefly answer a question.

- 5.19 The nominated Councillor, Chief Executive Officer or other officer may:
- 5.19.1 Require a question to be put 'on notice' until the next Ordinary meeting of Council, at which time the question must be briefly answered by that person; or
  - 5.19.2 Elect to submit a written answer to the person asking the question within 5 days; or
  - 5.19.3 Advise Council that it is their opinion that the reply to a question should be given in a meeting closed to the public, they must state briefly the reason why the reply should be given in a closed meeting and, unless Council resolves to the contrary, the reply to such question shall be so given.
- 5.20 Public Question Time is not a substitute for formal appeal and review systems, formal business procedures, formal Council decisions and any other legal processes required for the proper conduct of Council business.
- 5.21 The Chief Executive Officer will take reasonable steps to ensure that the processes and procedures provided for question time in this policy are accessible to all members of the community.
- 5.21 The Mayor or Chief Executive Officer may suspend Question Time for any number of meetings, or otherwise implement alternate temporary procedures, where deemed absolutely necessary.

## 6. Public Presentations and Submissions

- 6.1 Where a person is given a right to make a written submission or objection under:
- 6.1.1 s.223 of the *Local Government Act 1989*; or
  - 6.1.2 the *Planning and Environment Act 1987*; or
  - 6.1.3 other legislation; or
  - 6.1.4 a Council policy -
- Council will provide a specific opportunity for the submitter, objector or applicant of a planning permit, to appear in person (or have a nominated representative appear in person) to make a presentation to Council, if they wish to do so.
- 6.2 Pursuant to clause 6.1 in regard to the *Planning and Environment Act 1987*, persons will only be able to make a presentation to Council at a Council Meeting on applications for planning permits that are before Council for determination at that meeting.
- 6.3 Pursuant to clause 6.1 time will be allocated at a Council Meeting prior to the meeting for determination.
- 6.4 Pursuant to clause 6.1, the person must register to speak at the meeting and the registration must:
- 6.4.1 state the name and address of the person and the matter they wish to

## PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY

present to;

6.4.2 be lodged by 10am on the day of the meeting; either by

(a) phoning Council offices; or

(b) electronically, by using an online form provided on Council's website;  
or

(c) by sending the details to the email address prescribed by Council.

- 6.5 Where clause 6.1 does not apply, Council will receive written submissions on all other matters listed on the agenda and clause 6.7 applies. Time will not be allocated for the submitter, or a nominated representative, to appear in person to make a presentation to Council.
- 6.6 The presenter will be allocated a maximum of 5 minutes to present to the Council, unless granted an extension by the Chairperson.
- 6.7 The written submission will be provided electronically to the Councillors by the Chief Executive Officer, or by a person authorised by the Chief Executive Officer, before the meeting.
- 6.8 The content of a presentation should not be simply a verbatim repetition of the written submission, but should instead seek to provide further supporting information and comment in a manner that expands upon issues raised in the submission or enables this to be conveyed in a more personalised manner.
- 6.9 Where a submitter is to be represented by a nominated person, then the following shall apply:
- 6.9.1 The representative assumes the opportunity to speak on behalf of, and in place of, the submitter.
- 6.9.2 The representative must speak to the specific issues raised in the submission of the submitter who they represent and may read-out a written statement prepared by the submitter.
- 6.9.3 Unless a lawyer appointed by the submitter or person empowered under a Power of Attorney, despite clause 6.13, the representative cannot answer questions from the Council, or give or express opinions on behalf of the submitter.
- 6.10 A PowerPoint presentation or other form of digital media presentation is permitted, if previously arranged with an officer, where arrangements are agreed at least 24 hours in advance of the meeting.
- 6.11 Supporting documentation may be tabled at the meeting.
- 6.12 A presenter's comments will not be recorded in the minutes of the meeting.
- 6.13 Councillors may ask questions of the presenter at the end of each presentation. Two minutes will be allocated for Councillors to ask questions of the presenter, unless granted an extension by the Chairperson. The presenter's responses to questions are to be brief and to the point.
- 6.14 Questions by Councillors and corresponding responses will not be recorded in the minutes of the meeting.
- 6.15 No presenter has a right of reply unless the Chairperson asks questions or

**PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY**

expressly invites further comment. Such answers or comments are to be brief and to the point.

- 6.16 Council reserves the right to deal with presentations as it sees fit. This may be at any time during the meeting, at the discretion of the Chairperson.
- 6.17 A presenter may 'appear' via teleconference or other digital media, where logistically possible and if previously arranged and agreed with an officer, at least 48 hours in advance of the meeting.
- 6.18 The Chief Executive Officer will take reasonable steps to ensure that the processes and procedures provided for public presentations in this policy are accessible to all members of the community.
- 6.19 The Mayor or Chief Executive Officer may suspend Public Presentations and Submissions for any number of meetings, or otherwise implement alternate temporary procedures, where deemed absolutely necessary.

**7. Petitions and Joint Letters**

- 7.1 A petition or joint letter must be presented to the next available Ordinary meeting of Council.
- 7.2 A petition or joint letter shall not be presented at a meeting of Council or received by Council unless:
  - 7.2.1 The petition or joint letter contains at least five signatures;
  - 7.2.2 Each page of the petition or joint letter bears the whole of the wording of the petition or joint letter; and
  - 7.2.3 In addition to the signature(s) of the petitioners the name(s) and physical address(es) of all persons who signed the petition are detailed in the petition, letter or document.
- 7.3 If Council receives a petition or joint letter which does not comply with clause 7.2 and the origin of the petition or joint letter is not disclosed, then the Chief Executive Officer shall examine the petition or joint letter and determine whether or not it is appropriate to present the petition to Council as soon as practicable.
- 7.4 Pursuant to clause 7.3, the Council may, by resolution, resolve to receive the petition or joint letter which does not comply with clause and clause 7.2.
- 7.5 Online or electronic petitions may be admitted by resolution of Council, where these are addressed direct to Council.
- 7.6 When a petition or joint letter presented to a meeting of the Council relates to an item of business on the agenda, the petition or joint letter is to be considered by Council as part of its deliberations on such item.
- 7.7 Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition or joint letter



## PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY

until the next Meeting of Council.

- 7.8 The Chairperson may disallow any petition or joint letter which is considered to:
- 7.8.1 Relate to a matter beyond the power or duties of Council;
  - 7.8.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
  - 7.8.3 Be repetitive of a question already answered (whether at the same or any earlier meeting);
  - 7.8.4 Be aimed or intended to embarrass the Mayor, a Councillor, Chief Executive Officer or other officer;
  - 7.8.5 Be directed to an individual or specific Councillor rather than to Council as a whole;
  - 7.8.6 Relate to a matter which has already been acted on;
  - 7.8.7 Relate to a matter for which there is already a primary avenue of redress such as planning permits or amendments which will be addressed through the planning submissions process;
  - 7.8.8 Be confidential in nature, as in accordance with Section 3 of the *Local Government Act 2020*;
    - 7.8.8.1 Relate to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
    - 7.8.8.2 Relate to security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
    - 7.8.8.3 Relate to land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
    - 7.8.8.4 Relate to law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
    - 7.8.8.5 Relate to legal privileged information, being information to which legal professional privilege or client legal privilege applies;
    - 7.8.8.7 Relate to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; and
    - 7.8.8.8 Relate to private commercial information, being information provided by a business, commercial or financial undertaking that—
      - (i) relates to trade secrets; or
      - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;



## PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY

- (h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
- (i) internal arbitration information, being information specified in section 145;
- (j) Councillor Conduct Panel confidential information, being information specified in section 169;
- (k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

- 7.9 The Chief Executive Officer shall not be obliged to present a petition or joint letter that is derogatory or defamatory.
- 7.10 In the case of a petition or joint letter lodged on behalf of a large number of people, Council shall notify in writing the first person who signed the petition, letter or document of Council's decision and the reasons for its decision.
- 7.11 An officer report pertaining to any petition or joint letter may be required at the next Meeting of Council (if the petition or joint letter has not been dealt with in accordance with the provisions of clauses 7.6 and 7.7).
- 7.12 The Chief Executive Officer will take reasonable steps to ensure that the processes and procedures provided for petitions and joint letters in this policy are accessible to all members of the community.

## 8. RESPONSIBILITIES

### 8.1 Compliance, monitoring and review

The policy owner is responsible for ensuring the policy:

- aligns with relevant legislation, government policy and Council's requirements/strategies/values;
- is implemented and monitored (i.e. the policy is followed, reflects the changing policy environment, and emerging issues are identified); and
- is reviewed to evaluate its continuing effectiveness (e.g. achieving its purpose, remains relevant/current.)

### 8.2 Reporting

The policy owner is responsible for reporting, where required by the policy.

### 8.3 Records Management

Council must maintain all records relevant to administering this policy in accordance with the *Public Records Act 1973*.

## PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY

**9. DEFINITIONS OF TERMS OR ABBREVIATIONS USED**

- 9.1 The definitions of words and phrases are as defined in Council's Governance Rules, unless inconsistent with the context.

**10. RELATED LEGISLATION AND DOCUMENTS****10.1 Legislation**

*Local Government Act 2020*

**10.2 Strategic Documents, Policies or Procedures**

*Governance Rules*

**11. HUMAN RIGHTS STATEMENT OF COMPATABILITY**

- 11.1 It is considered that this policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.


**12. POLICY OWNER**

- 12.1 The Coordinator Governance & Risk is the policy owner.
- 12.2 The policy owner is the individual who is given the responsibility to review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy.

**13. FEEDBACK**

- 13.1 You may provide feedback about this document by emailing [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)

**14. DOCUMENT INFORMATION**

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## PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY

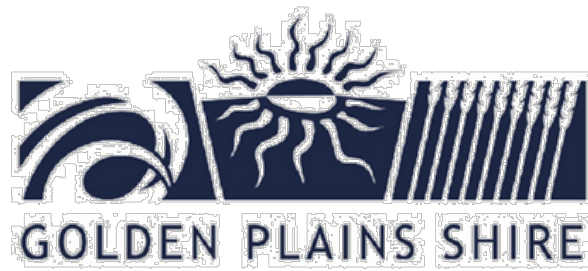
## NOTES:

Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date.

Available at:

<https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies>

ELECTION PERIOD POLICY



## Election Period Policy

(Adopted by Council 25 August 2020)

ELECTION PERIOD POLICY

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## ELECTION PERIOD POLICY

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### 1. PURPOSE

- 1.1 The purpose of this policy is to ensure that:
- All general elections for Golden Plains Shire Council are conducted in a manner that is fair and equitable;
  - Procedures are in place to prevent the Council from using resources inappropriately during the election period;
  - Community engagement and the scheduling of Council events is limited and controlled;
  - Information held by Golden Plains Shire Council is made equally available and accessible to all candidates during the election;
  - The community is informed about how Golden Plains Shire Council will conduct business during the election period; and
  - The community's trust is upheld by the transparency of the Council election process.

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### 2. SCOPE

- 2.1 This policy applies to Golden Plains Shire Council Councillors, to all Council staff (whether permanent, temporary, casual, part-time or contract), to all candidates for the Council election and to all members of the community and the public.
- 2.2 This policy applies to all general elections, and where stated, to by-elections, of the Council.

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### 3. POLICY STATEMENT

- 3.1 The intent of this policy is to acknowledge that during the election period, the business of Council still needs to continue and ordinary matters of administration still need to be addressed.
- 3.2 Golden Plains Shire Council is committed to fair and democratic elections and therefore adopts and endorses the following practices and legislative requirements.

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### 4. PROCEDURES

#### 4.1 Election Period

The Election Period commences at 12noon on Tuesday 22 September 2020 (the time that nominations close on nomination day) and continues until 6pm on Saturday 24 October 2020 (election day).

#### 4.2 Role of Chief Executive Officer

## ELECTION PERIOD POLICY

In addition to the Chief Executive Officer's (CEO) statutory responsibilities, the CEO or their delegate will ensure as far as possible, that:

- All Councillors and Council staff are informed of the application of this policy prior to the commencement of the election period; and
- Matters of Council business prohibiting decisions during the election period are scheduled for Council to enable resolution prior to the commencement of the election period or deferred, where appropriate, for determination by the incoming Council

### 4.3 Council Decision Making

Under the Local Government Act 2020 (the Act), Council is prohibited from making any Council decision:

- (a) during the election period for a general election that:
  - (i) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
  - (ii) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
  - (iii) the Council considers could be reasonably deferred until the next Council is in place; or
  - (iv) the Council considers should not be made during an election period; or
- (b) during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

### 4.4 What is a Council decision?

For the purposes of clause 4.3 of this policy, **Council decision** means the following:

- (a) a resolution made at a Council meeting;
- (b) a resolution made at a meeting of a delegated committee; or
- (c) the exercise of a power or the performance of a duty or function of Council by a member of Council staff (which includes the Chief Executive Officer) or a Community Asset Committee under delegation.

### 4.5 Council Meeting Reports

In order to facilitate compliance with its commitment to ensuring good governance during elections, the following procedures apply:

## ELECTION PERIOD POLICY

### 4.6 Election Period Statement

During the election period, the CEO will ensure that an 'Election Period Statement' is included in reports submitted to Council for a decision.

The 'Election Period Statement' should specify:

- 'The recommended decision is not a *'Prohibited Decision'*, as defined in the Election Period Policy.'

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

### 4.7 Public Question Time

If a Council Meeting is held during the Election Period, public question will be suspended.

### 4.8 Council Publications

Printing, publishing or distributing any advertisement, handbill, pamphlet or notice during the election period is prohibited unless the advertisement, handbill, pamphlet or notice has been certified in writing by the CEO.

The CEO must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff.

A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, Golden Plains Shire Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the CEO under this clause.

#### 4.8.1 Certification of Publications

Publications to be printed, published or distributed during the election period must first be certified by the CEO.

The certification by the CEO will be in writing on or affixed to a copy of the publication and be in the following form:

*"Certified by the Chief Executive Officer in accordance with Council's Election Period Policy.*

Copies of all certified documents will be retained in a register maintained by the Executive Assistant to the CEO.

Publications requiring certification include:

- Brochures, pamphlets, handbills, flyers, magazines and books;
- Reports (other than agenda papers and minutes which do not require certification by the CEO unless they are printed or published for a wider distribution than normal).
- Advertisements and notices
- New website material

## ELECTION PERIOD POLICY

- Social media publications (which includes Facebook and Twitter posts)
- Emails with multiple addresses, used for broad communication with the community
- Mass mail outs or identical letters sent to a large number of people by or on behalf of Council
- Media releases
- Material to publicise a function or event
- Any publication or distribution of Councillors' speeches

### 4.8.2 Website

Material published on Golden Plains Shire Council's website in advance of the election period is not subject to certification, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.

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

Any material published on Golden Plains Shire Council's website during the election period must be certified by the CEO.

### 4.8.3 Social Media

Any publication on social media sites, including Facebook, Twitter, blogs, wiki pages and Podcasts during the election period, must be certified by the CEO.

Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted.

### 4.8.4 Annual Report

Golden Plains Shire Council is required by the *Local Government Act 2020* to produce and put on public display a copy of its Annual Report. The Annual Report will be published during the election period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

The Annual Report does not require certification by the CEO, however any publication of an extract or summary of the Annual Report will require certification.

## 4.9 Media Services

No media advice or assistance will be provided by Council staff in relation to election campaign matters or electioneering.

Media services, including media releases, will not be provided for Councillors during the election period.

Any media releases will be certified and issued in the name of the Chief Executive Officer.

## 4.10 Spokesperson



## ELECTION PERIOD POLICY

During the Election Period, only the person occupying the office of Chief Executive Officer of Council, which includes a person acting in that office, is permitted to be the spokesperson for Council.

### 4.11 Use of Council Resources

It is an established democratic principle that public resources must not be used in a way that would influence the way people vote in elections, except in regard to supporting the actual election process. Golden Plains Shire Council therefore commits to the principle that Council resources will not be used inappropriately during a Council election.

All Council resources must be used exclusively for normal Council business during the election period and must not be used in connection with any election campaign or issue.

Council's resources are not to be used inappropriately in ways that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human and materiel resources.

In addition, equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for campaigning purposes. This includes the Mayors vehicle which must not be used for campaigning purposes or campaigning travel.

Where Councillors have Council funded services, such as mobile phones, land lines, internet connections and where it is impractical for Councillors to discontinue their use of these during the election, Councillors will reimburse Council for usage of those services during the election period that exceeds normal usage levels. The CEO will issue an invoice to any Councillor who exceeds normal usage levels or it is shown that the services were used for campaigning purposes.

Golden Plains Shire Council logos, letterheads, photographs and images are not to be used, or linked in any way to a candidate's election campaign.

Council staff, including the CEO, will not perform any tasks connected directly or indirectly to electioneering.

### 4.12 Public Consultation

Some public consultation activities may be necessary during the election period to facilitate the day to day business of Golden Plains Shire Council and ensure matters continue to be proactively managed.

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

Golden Plains Shire Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the election period.

The above requirements under Public Consultation do not apply to public consultation required under the *Planning and Environment Act 1987*, s.223 of the *Local Government Act 1989*, the *Local Government Act 2020*, or Council's Community Engagement Policy.

### 4.13 Functions and Events

## ELECTION PERIOD POLICY

Council functions and events will not take place during the election period unless the CEO can justify to the community the special circumstance making it necessary to hold the function or event. Any function or event held during the election period shall related only to legitimate Council business and shall not be used, or be able to be constructed to be used, in connection with any election activity.

Councillors may attend public events during the election period, but they are not to use their appearance at a public event during the election period for electioneering.

Where deemed appropriate by the CEO, Councillors may make speeches during functions or events however, the speech must not have any political reference which may be constructed as giving a sitting Councillor any advantage during the election period. Any speeches prepared for Councillors must be approved by the CEO.

### 4.14 Travel and Accommodation

During the election period Councillors shall not undertake any interstate or overseas travel in their capacity as a Councillor. In circumstances where it is imperative that the Mayor (or nominee) represent Council on a delegation or forum, Council may by resolution approve such attendance. If consideration by Council is impracticable, the CEO may determine.

### 4.15 Access To Information

All election candidates have equal rights to information relevant to their election campaigns from the Council administration. While it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing roles, neither Councillors nor candidates will receive information or advice from Council staff that may improperly advantage candidates in the elections.

There will be complete transparency in the provision of all information and advice during the election period.

A process will be instigated whereby information requested by any candidate will be made available to all candidates in a timely manner, having regard to the reasonableness of the request. This will be achieved via a dedicated candidate information page on Councils website or a group email, as appropriate.

#### 4.15.1 Information Request Register

The Executive Assistant to the CEO will maintain an Information Request Register during the election period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates and the response given to those requests.

#### 4.15.2 Advice to Candidates

All candidates for the Council election will be treated equally. Towards this outcome:

- Any advice to be provided to candidates as part of the conduct of the Council election should be provided equally to all candidates.



## ELECTION PERIOD POLICY

- All election related enquires from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the CEO (or appropriate senior management).

### 4.16 Improper Use of Position

The *Local Government Act 1989* prohibits Councillors from misusing or inappropriately making use of their position under ss.76D and 76E. A breach of s.76D attracts serious penalties, including possible imprisonment.

### 4.17 Council Committees

The operation of Council Delegated Committees shall be suspended upon the commencement of the election period ahead of a general Council election.

Any outstanding Delegated Committee Reports may still be reported to a meeting of Council during this period.

Delegated Committees shall resume meeting following the election and the appointment by the incoming Council to each committee.

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## 5. SUPPORTING INFORMATION

- 5.1 The *Local Government Act 1989* and the *Local Government Act 2020* are applicable to this policy.

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## 6. RESPONSIBILITIES

### 6.1 Compliance, monitoring and review

The policy owner is responsible for ensuring the policy:

- aligns with relevant legislation, government policy and Council's requirements/strategies/values;
- is implemented and monitored (i.e. the policy is followed, reflects the changing policy environment, and emerging issues are identified); and
- is reviewed to evaluate its continuing effectiveness (e.g. achieving its purpose, remains relevant/current.)

Any issues or items requiring clarification will be referred to the CEO, who will make a determination with respect to matters of policy interpretation or implementation.

### 6.2 Reporting

The policy owner is responsible for reporting, where required by the policy.

## ELECTION PERIOD POLICY

**6.3 Records Management**

Council must maintain all records relevant to administering this policy in accordance with the *Public Records Act 1973*.

**7. DEFINITIONS OF TERMS OR ABBREVIATIONS USED**

Term	Definition
<i>Council</i>	<i>Golden Plains Shire Council</i>
<i>Electioneering</i>	<i>Means any action, statement and or publication that contains material directly related to, or likely to influence, a Councillor's re-election or a candidate's election.</i>
<i>Election Period</i>	<i>The period that starts on the last day on which nominations for that election can be received; and ends at 6pm on Election Day.</i>
<i>Election Day</i>	<i>On the fourth Saturday in October in the fourth year after the last general election of Councillors for all councils was held.</i>
<i>Publication</i>	<i>Includes any means of publication, including letters and information on the Internet.</i>
<i>Community engagement</i>	<i>Means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy and includes discussion of that matter with the public.</i>
<i>Council Resources</i>	<i>Includes – offices, vehicles, staff, hospitality, services, property, equipment (phones, computers etc.) and stationery</i>

**8. RELATED LEGISLATION AND DOCUMENTS****8.1 Legislation**

*Local Government Act 1989*

*Local Government Act 2020*

**8.2 Strategic Documents, Policies or Procedures**

*Councillor Code of Conduct*

*Code of Conduct (Staff)*

*Councillor Reimbursement Policy*

*CEO Protocol*

**9. HUMAN RIGHTS STATEMENT OF COMPATABILITY**

9.1 It is considered that this policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

## ELECTION PERIOD POLICY


**10. POLICY OWNER**

- 10.1 The Coordinator Governance & Risk is the policy owner.
- 10.2 The policy owner is the individual who is given the responsibility to review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy.

**11. FEEDBACK**

- 11.1 You may provide feedback about this document by emailing [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)

**12. DOCUMENT INFORMATION**

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FILE LOCATION:	INT20/4840126A
NOTES:	<p>Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date.</p> <p>Available at:  <a href="https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies">https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies</a> </p>

PUBLIC TRANSPARENCY POLICY



# Public Transparency Policy

(Adopted by Council 25 August 2020)

PUBLIC TRANSPARENCY POLICY

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## PUBLIC TRANSPARENCY POLICY

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### 1. PURPOSE

#### 1.1 The Public Transparency Policy:

- 1.1.1 is a requirement of section 57 of the *Local Government Act 2020* (the Act);
- 1.1.2 has been developed to ensure Golden Plains Shire Council gives effect to the public transparency principles outlined in section 58 of the Act; and
- 1.1.3 describes what, and how, Council information is publicly and freely available to the community.

#### 1.2 This policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct and sets out how Council information is to be made publicly available.

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### 2. SCOPE

#### 2.1 This policy applies to Councillors, Council members of staff, contracted service providers, volunteers and those on work experience.

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### 3. POLICY STATEMENT

#### 3.1 Council is committed to the principles of public transparency and commits to making all Council information publicly available, except where the information is:

- 3.1.1 'Confidential Information' as defined under section 3(1) of the *Local Government Act 2020* (the Act), unless Council has determined by resolution that the information should be made publicly available;
- 3.1.2 Confidential by virtue of any other Act; or
- 3.1.3 Such that making it publicly available would be contrary to the public Interest.

A definition of 'Confidential Information' under the Act and examples of where the public availability of information would be contrary to the public interest are provided at clause 4.3.2 (Confidential Information Table) and in clause 6 (Definitions Table) of this policy.

---

### 4. PROCEDURES

#### 4.1 Decision making at Council Meetings:

- 4.1.1 Will be undertaken in accordance with the *Local Government Act 2020* (the Act), and the Governance Rules;
- 4.1.2 Will be conducted in an open and transparent forum, subject to the provisions of the Act and Governance Rules;



## PUBLIC TRANSPARENCY POLICY

- 4.1.3 Will be informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy; and
- 4.1.4 Will be made fairly and on the merits, and where any person whose rights will be directly affected by a decision of Council, that person will be entitled to communicate their views and have their interests considered.

#### 4.2 Council Information

Council information includes but is not limited to:

**Documents** such as:

- Plans and Reports adopted by Council;
- Policies;
- Project and service plans;
- Grant application, tenders and tender evaluation material;
- Service agreements, contracts, leases and licences;
- Council leases, permits and notices of building and occupancy; and
- Relevant technical reports and / or research that informs decision making.

**Process information** such as:

- Practice notes and operating procedures;
- Application processes for approvals, permits, grants, access to Council services;
- Decision making processes; and
- Guidelines and manuals.

#### 4.3 Council Information Not Available

- 4.3.1 Some Council information may not be made publicly available. This will only occur if the information is confidential information or if its release would be contrary to the public interest or not in compliance with the *Privacy and Data Protection Act 2014*.
- 4.3.2 "Confidential information" is defined in section 3 of the *Local Government Act 2020* (the Act). It includes the types of information listed in the following table:

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.

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Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the Councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>

- 4.3.3 Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act. However, this will not happen if release is contrary to law, in breach of contractual requirements, or if releasing the information is likely to cause harm to any person, or is not in the public interest to do so.

#### 4.4 Public Interest Test

- 4.4.1 When considering possible harm from releasing information, Council will focus on harm to the community or members of the community. Potential harm to Council will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents Council from performing its functions.

Information that might be withheld because it is contrary to the public interest may include:

- internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public;
- directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage Council's capacity to negotiate the best outcome for the community,
- correspondence with members of the community, where release may inappropriately expose a person's private dealings.

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**4.5 Other ways to Access this information**

- 4.5.1 Community requests for Council information not available on Council's website are to be directed to the relevant Council officer or Council's Freedom of Information Officer.
- 4.5.2 The *Freedom of Information Act 1982* provides an individual's right of access to documents that Council holds. Council is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner. Read more at [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au).
- 4.5.3 A list of available information is provided in the Part II Statement (**Statement**) published on Council's website in accordance with the *Freedom of Information Act 1982*. The Statement requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds.

If you can't find the information you require, please contact Council's Customer Service team for assistance by phone: (03) 5220 7111 or by email: [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au).

**5. RESPONSIBILITIES****Roles and Responsibilities**

- 5.1 Golden Plains Shire Council Councillors and Staff are required to promote and facilitate access to Council information in accordance with this policy:

Party/parties	Roles and responsibilities	Timelines
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.	Ongoing
Senior Management Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this policy.	Ongoing
Full Management Team	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.	Ongoing
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the policy.	Ongoing
Coordinator Governance	To oversee implementation of this policy.	Ongoing
Governance & Legal Services Officer	To implement this policy and conduct periodic reviews to drive continuous improvement.	Ongoing

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**Compliance, monitoring and review**

- 5.2 A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner ensuring the policy:
- aligns with relevant legislation, government policy and Council's requirements/strategies/values;
  - is implemented and monitored; and
  - is reviewed to evaluate its continuing effectiveness.

**Records Management**

- 5.3 Council must maintain all records relevant to administering this policy in accordance with the *Public Records Act 1973*.

**6. DEFINITIONS OF TERMS OR ABBREVIATIONS USED****Terms and definitions**

Term	Definition
<i>Council</i>	<i>Golden Plains Shire Council</i>
<i>Complaint</i>	<p><i>An expression of dissatisfaction with:</i></p> <ul style="list-style-type: none"> <li>• <i>the quality of a service provided, an action taken, or decision made by Council or its contractor</i></li> <li>• <i>a delay or failure in providing service, taking an action, or making a decision by Council or its contractor</i></li> </ul>
<i>Closed Meetings</i>	<i>When Council resolves to close the meeting to the general public, in order to consider a confidential matter regarding issues of a legal, contractual or personnel nature and other issues deemed not in the public interest.</i>
<i>Transparency</i>	<i>A lack of hidden agendas or conditions, and the availability of all information needed in order to collaborate, cooperate and make decisions effectively. Importantly, "transparency" is also human rights issue: the right to have the opportunity, without discrimination, to participate in public affairs (s.58 of the Local Government Act 2020).</i>
<i>Confidential Information</i>	<i>Confidential information is defined in the Local Government Act 2020 (the Act) as meaning the following:</i>



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	<ul style="list-style-type: none"> <li>• <i>Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;</i></li> <li>• <i>security information, being information that if released is likely to endanger the security of Council property or the safety of any person;</i></li> <li>• <i>land use planning information, being information that if prematurely released is likely to encourage speculation in land values;</i></li> <li>• <i>law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;</i></li> <li>• <i>legal privileged information, being information to which legal professional privilege or client legal privilege applies;</i></li> <li>• <i>personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;</i></li> <li>• <i>private commercial information, being information provided by a business, commercial or financial undertaking that—</i> <ul style="list-style-type: none"> <li>○ <i>relates to trade secrets; or</i></li> <li>○ <i>if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;</i></li> </ul> </li> <li>• <i>confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) of the Act;</i></li> <li>• <i>internal arbitration information, being information specified in section 145 of the Act;</i></li> <li>• <i>Councillor Conduct Panel confidential information, being information specified in section 169 of the Act;</i></li> <li>• <i>information prescribed by the regulations to be confidential information for the purposes of this definition;</i></li> </ul>
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	<ul style="list-style-type: none"> <li>information that was confidential information for the purposes of section 77 of the Local Government Act 1989.</li> </ul>
<i>Contrary to the Public Interest</i>	<p><i>There is no definition in the Local Government Act 2020 as to when the public availability of information would be contrary to the public interest. Council will determine this on a case by case basis.</i></p> <p><i>Some examples of where the public availability of information would be contrary to the public interest are as follows:</i></p> <ul style="list-style-type: none"> <li><i>where disclosure of the information would divulge any information or matter communicated in confidence by or on behalf of a person or a government and be reasonably likely to impair the ability of Council to obtain similar information in the future; or</i></li> <li><i>where its disclosure would be reasonably likely to have a substantial adverse effect on the economy of the municipal district, including but not limited to, revealing consideration of a contemplated movement in rates, fees, charges, interest charges or other levies, the sale or acquisition of land or property by the council, urban re-zoning, the formulation of land use and planning controls and the formation of imposts; or</i></li> <li><i>where it would disclose instructions issued to, or provided for the use of guidance of, Council officers on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts, in the defence, prosecution and settlement of cases, and in similar activities relating to the financial property or personnel management and assessment interests of Council; or</i></li> <li><i>where the information is subject to a secrecy provision in another Act; or</i></li> <li><i>where its disclosure would impede the administration of justice generally, including procedural fairness; or</i></li> <li><i>where its disclosure would prejudice intergovernmental relations or otherwise affect relations with other governments; or</i></li> </ul>

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	<ul style="list-style-type: none"> <li>• where its disclosure would prejudice or otherwise affect the conduct of investigations, audits or reviews by Council or integrity bodies; or</li> <li>• where its disclosure would prejudice the deliberative process of government; or</li> <li>• where its disclosure would prejudice the effectiveness of testing or auditing procedures.</li> </ul> <p><i>These are examples only and not exhaustive of the circumstances in which the public availability of information would be contrary to the public interest.</i></p>
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## 7. RELATED LEGISLATION AND DOCUMENTS

### 7.1 Strategic Documents, Policies or Procedures

*Community Engagement Policy (To be adopted)*

*Governance Rules*

*Freedom of Information Procedure*

*Freedom of Information Part II Statement*

*Information Privacy Policy*

*Information Privacy Procedure*

#### **Legislation**

*Freedom of Information Act 1982*

*Health Records Act 2001*

*Local Government Act 1989*

*Local Government Act 2020*

*Privacy and Data Protection Act 2014*

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## 8. HUMAN RIGHTS STATEMENT OF COMPATABILITY

- 8.1 This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a

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person's right to participate in the conduct of public affairs.


## 9. POLICY OWNER

- 9.1 The Governance and Legal Services Officer is the policy owner
- 9.2 The policy owner is the individual who is given the responsibility to review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy.

## 10. FEEDBACK & NON COMPLIANCE WITH THIS POLICY

- 10.1 You may provide feedback about this document by emailing [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)
- 10.2 If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If still not satisfied and would like to contest the decision, this can be reported by contacting Council's Freedom of Information Officer in one of the following ways:
- FOI Officer**  
Golden Plains Shire Council  
Post: PO Box 111 Bannockburn VIC 3331  
Email: [governanceadministration@gplains.vic.gov.au](mailto:governanceadministration@gplains.vic.gov.au); or  
[enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)  
Ph: 5220 7111  
Website: <https://www.goldenplains.vic.gov.au/residents/my-council/about-council/freedom-information>
- 10.3 If Council's response is not satisfactory, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222. Or via the website - [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au).

## 11. DOCUMENT INFORMATION

DOCUMENT TYPE:	Council Policy document
DOCUMENT STATUS:	Draft
DOCUMENT OWNER POSITION:	Governance & Legal Services Officer
APPROVED BY:	Council
DATE ADOPTED:	25 August 2020
VERSION NUMBER:	1
REVIEW DATE:	25 August 2024
DATE RESCINDED:	N/A
EVIDENCE OF APPROVAL:	 Signed by Chief Executive Officer
FILE LOCATION:	INT20/452BDA3A

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	<a href="\\Banfil01\\groups\\CorporateServices\\Local Government Act 2020\\DRAFT Public Transparency Policy.DOCX">\\Banfil01\\groups\\CorporateServices\\Local Government Act 2020\\DRAFT Public Transparency Policy.DOCX</a>
NOTES:	<p>Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date. Available at:</p> <p><a href="https://www.goldenplains.vic.gov.au/identities/my-council/about-council/council-policies">https://www.goldenplains.vic.gov.au/identities/my-council/about-council/council-policies</a></p>



# GOVERNANCE RULES (INCL. PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY & ELECTION PERIOD POLICY) AND PUBLIC TRANSPARENCY POLICY

## Summary of Submissions Received and Officer Response

NO.	SUBMITTER	DOCUMENT	SUMMARY OF SUBMISSION	OFFICER RESPONSE TO ITEM RAISED BY SUBMITTER
1	Individual (Resident)	Public Transparency Policy	Various comments made in relation to the handling of privacy matters.	No change recommended. The Public Transparency Policy is consistent with requirements of the <i>Privacy and Data Protection Act 2014</i> . In addition to the Public Transparency Policy, Council also have an Information Privacy Policy and Information Privacy Procedure which further explain Council's commitment, procedures and practices in relation to privacy matters.
2	Individual (Resident)	Public Transparency Policy	Various comments made in relation to redacted planning documents included in Council Meeting agendas and objections / submissions being provided to Councillors under separate cover.	No change recommended. Personal information is redacted from documents included in Council Meeting agendas in accordance with the <i>Privacy and Data Protection Act 2014</i> . Where a council collects, holds, uses or discloses personal information, it must comply with the Information Privacy Principles. Further information is available on the Office of the Victorian Commissioners (OVIC) website: <a href="https://ovic.vic.gov.au/privacy/">https://ovic.vic.gov.au/privacy/</a> . To meet legislative requirements and protect an individual's privacy, Council redacts documents that contain personal information where they are made publically available. In regard to submissions and objections, there is no legal requirement for Council's to make these documents publically available in Council Meeting agendas. Council does not publically publish objections and submissions to ensure a person's privacy is protected in accordance with privacy laws. To ensure Councillors are provided with information to assist in the decision making process, Councillors are however, provided with un-redacted versions of objections and submissions as part of Councillor Briefing agendas.



		Governance Rules	Various comments made in relation to decisions made at Council Briefings. Suggestion to develop a policy document dealing with Council Briefings.	<p>No changes recommended.</p> <p>No decisions on Council Reports are made at Councillor Briefings. In accordance with Section 59 of the <i>Local Government Act 2020</i>, 'where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council' and 'resolution of the Council means the following - (a) a resolution made at a Council meeting'.</p> <p>The Governance Rules purposefully do not provide procedures for Councillor Briefings. The development of Council Briefing Policy will be a consideration for the new Council following the October 2020 Council Elections. The Governance Rules have been reviewed against the Local Government Victoria (LGV) Governance Rules Template and have also been independently reviewed by an external lawyer.</p>
		Public Participation in Council Meetings Policy	<p>Suggestion to include a clause that where a question has been disallowed, the reasons be articulated in a written response to the submitter.</p> <p>Request for public questions and responses to be displayed on a dedicated page of the Council website.</p> <p>Identification of incorrect references - references in subclause in 5.4 and 5.12 should read 5.3.</p>	<p>Minor change recommended.</p> <p>This suggestion reflects Council's current practice. A new clause has been included in the Policy: <i>'5.15 Where a question has been disallowed, the Chief Executive Officer will provide a written response to the submitter as soon as practicable stating the reasons why.'</i></p> <p>No change recommended.</p> <p>Public questions and answers are included in Council minutes which are accessible on Councils website. Council does not consider further publishing information to be appropriate under the <i>Privacy and Data Protection Act 2014</i>. A person does however, have the right under the <i>Freedom of Information Act 1982</i> to apply for access to documents that are created by the agency or supplied to the agency by an external organisation or individual</p> <p>Minor change recommended.</p> <p>The incorrect references identified in the policy have now been updated.</p>
3	Individual (Resident)	Governance Rules	<p>Comments that Clause 7 Definitions 'gallery' does not reflect COVID-19 virtual gallery via Zoom or similar online platform.</p> <p>Further comments that definition 'joint letters' requires clarification of intent and</p>	<p>Minor change recommended.</p> <p>Gallery definition amended to read <i>"gallery" means the members of the public sitting in the area set aside for them to view the meeting from. This may be a physical or virtual area.'</i></p> <p>The definition of 'joint letter' remains unchanged from Local Law No. 1 of</p>

			<p>statement that it creates 'red tape'.</p> <p>Comment that conflict of interest is not defined in clause 23.1 and that clause 23.4 does not state where the Conflict of Interest Register is kept and how it can be publically accessed.</p> <p>Comment that the Governance Rules do not address minutes kept from meetings with key government agencies or other stakeholders e.g. property developers and query as to how such minutes can be accessed.</p> <p>Comment that Clause 34 (Live Stream Broadcasts) does not reflect COVID-19 arrangements. Further comment that Part 5 also does not address long term prospect of Zoom or Virtual meetings.</p> <p>Comment around the suspension of question time during the Election Period and suggestion to delete this Clause (4.7).</p> <p>Suggestion that Clause 4.8.3 include Podcasts.</p> <p>Request for clarification on clause 4.11 and if it includes the Mayors vehicle.</p> <p>Request for clarification on clause 4.13 specifically, if Councillors be required to fill in a register of events attended by them.</p>	<p>2019. A joint letter is an alternate option to a petition.</p> <p>Minor changes recommended. Clause 23.1 now states that obligations with regard to conflicts of interest are as set out and defined in the <i>Local Government Act</i>. Clause 23.4 now states the register will be kept by the Governance team and any request for access to be made in writing and will be considered under Councils Public Transparency Policy and the <i>Freedom of Information Act 1982</i>.</p> <p>No change recommended. The Governance Rules apply to Council, Delegated Committees, Community Asset Committees and the Audit and Risk Committee. Requests for access to other minutes to be made in writing and will be considered under Councils Public Transparency Policy and the <i>Freedom of Information Act 1982</i>.</p> <p>No change recommended. The Victorian Parliament emergency COVID-19 legislation (COVID-19 Omnibus (Emergency Measures) Act 2020) only enables 'virtual' council meetings to be held between 1 May 2020 and 2 November 2020.</p> <p>Minor change recommended. Sentence updated for clarification to now read '<i>If a Council Meeting is held during the Election Period, public question will be suspended.</i>' Public question time suspended to ensure avoidance or electioneering and/or inappropriate promotion of individual Councillors or Candidates. The current Council do not plan to hold a Council meeting during the upcoming 2020 Election Period.</p> <p>Minor change recommended. Clause updated to include Podcasts.</p> <p>Minor change recommended. New sentence added '<i>This includes the Mayors vehicle which must not be used for campaigning purposes or campaigning travel.</i>'</p> <p>No change recommended. This is not a legal requirement and considered to be unnecessary. An individual Councillor may choose to keep their own register, if they wish to do so.</p>
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Public Participation in Council Meeting Policy	Comments in relation to Clause 5.12 (public questions via teleconference) and suggestion to reduce requirement for 48 hours' notice to 10am on the day of the meeting.	No change recommended. The 48 hours timeframe remains unchanged from the previous policy and provides Council officers with adequate time to make contact with the person, make necessary arrangements and test those arrangements prior to the meeting.
	Comments in relation to Clause 5.14 (reasons a public question may be disallowed) and Clause 7.8 (reasons a petition or joint letter may be disallowed) and suggestion to amend or delete specific reasons.	Minor changes recommended. Reasons previously included those stated in Section 89 of the <i>Local Government Act 1989</i> . Policy updated to remove those reasons and instead include new reasons (see clauses 5.14.6.1 – 5.14.6.8) for preclusion where confidential in nature, as in accordance with Section 3 of the <i>Local Government Act 2020</i> . Same changes reflected in section 7.8.
	Suggestion to add words 'compliance with LG Act' to Clause 5.19.	No change recommended. Not deemed necessary.
	Request for clarification on meaning of 'not safe' in Clause 5.21.	Minor change recommended. Reference to 'not safe' deleted from clause to eliminate confusion. Clause now reads <i>'The Mayor or Chief Executive Officer may suspend Question Time for any number of meetings, or otherwise implement alternate temporary procedures, where deemed absolutely necessary.'</i> Same change reflected in clause 6.19.
	Comment in relation to clause 6.5 (written submissions on all other Agenda Items) and suggestion to provide examples.	No change recommended. Members of the public can contact Council's Governance team for guidance.
	Suggestion to add 'lawyer' or 'power of attorney' to Clause 6.9.3 (answering questions on behalf of a representative).	Minor change recommended. Clause now reads <i>'Unless a lawyer appointed by the submitter or person empowered under a Power of Attorney, despite clause 6.13, the representative cannot answer questions from the Council, or give or express opinions on behalf of the submitter.'</i>
	Suggestion to amend various clauses (e.g. 5.12) that require 48 hours' to reflect Clause 6.10 and 24 hours' notice.	No change recommended. 48 hours' notice required to make arrangements for appearance by teleconference, once such arrangements have been made, 24 hours' notice considered ample time for submission of PowerPoint.

		Public Transparency Policy	<p>Various comments that the Policy does not reflect rights of all residents and ratepayers under the <i>Freedom of Information Act 1982</i>, that it is inconsistent with requirements of the act and/or in some instances, doesn't detail processes related to the administration.</p> <p>Comment that some sections do not reference which Act is referred to.</p> <p>Comment that residents should not be obliged to go through the FOI and pay FOI fees.</p>	<p>No changes recommended. The Policy is consistent with the <i>Freedom of Information Act 1982 (FOI Act)</i>, <i>Privacy and Data Protection Act 2014</i> and <i>Local Government Act 2020</i>. The Policy is further supported by Council's Freedom of Information Part II Statement, Freedom of Information Procedure, Information Privacy Policy and Information Privacy Procedure. The Policy has been developed in accordance with the Local Government Victoria (LGV) Public Transparency Policy Template and has also, been independently reviewed by an external lawyer.</p> <p>Minor changes recommended. Policy reviewed and various updates made thought to ensure it is clear what Act is being referred to.</p> <p>No change recommended. Section 4.5 of the Policy details other ways to access information. If information is deemed available outside of the FOI Act, it will be released without the requirement for a FOI application or payment of FOI fees.</p>
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