

Governance Rules

Incorporating the Election Period Policy

AS ADOPTED

Title	Governance Rules
Description	This policy constitutes the Governance Rules required by section 60 of the Local Government Act 2020 and is to be read in addition to the requirements of that Act.
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CHAPTER ONE - INTRODUCTION

Part A - Preliminary

1. Nature of rules

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

2. Date of commencement

2.1 These Governance Rules commence on 8 April 2025.

3. Contents

3.1 These Governance Rules are divided into the following Chapters:

3.1.1 Chapter 1 - Introduction

3.1.2 Chapter 2 - Council Meetings

3.1.3 Chapter 3 - Delegated Committee Meetings

3.1.4 Chapter 4 - Disclosure of Conflicts of Interest

3.1.5 Chapter 5 – Confidential Information

3.1.6 Chapter 6 – Election Period Policy

4. Definitions

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

4.1.1 'Act' means the Local Government Act 2020;

4.1.2 '*agenda*' means the notice of a meeting setting out the business to be transacted at the meeting;

4.1.3 '*applicant'* means a person who has submitted an application for permit in accordance with section 47 of the Planning and Environment Act 1987 (or their representative);

4.1.4 '*Chair*" means the chair of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the *Act*;

4.1.5 *'Chief Executive Officer'* includes an acting chief executive officer;

4.1.6 *'Community Engagement Policy'* has the same meaning as in the *Act*;

4.1.7 *'confidential information'* has the same meaning as in the *Act*;

4.1.8 *'Council meeting'* has the same meaning as in the *Act*;

4.1.9 *'Council'* means Yarra City Council;

4.1.10 *'Delegated Committee'* means a delegated committee established under section 63 of the *Act* or a joint delegated committee established under section 64 of the *Act*;

4.1.11 '*election period*' has the same meaning as in the *Act*;

4.1.12 '*electoral material*' has the same meaning as in the *Act*;

4.1.13 '*electoral matter*' has the same meaning as in the *Act*;

4.1.14 *'Extraordinary Council Meeting'* means a *Council meeting* called under Chapter Two, Rule 10 of *these Rules*;

4.1.15 *'Mayor'* means the Mayor of Council;

4.1.16 *'meeting conducted under the auspices of Council'* means a meeting of the kind described in section 131(1) of the Act and includes a meeting which:

(a) is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;

(b) is attended by a majority of Councillors;

(c) is attended by at least one member of *Council* staff; and

(d) is not a *Council meeting* or *Delegated Committee* meeting;

4.1.17 *'meeting rules'* means the rules for the conduct of *Council meetings* set out at Chapter Two of *these Rules*;

4.1.18 *'member of a Delegated Committee'* includes a Councillor;

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

4.1.20 '*notice of motion'* means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

4.1.21 '*notice of rescission*' means a *notice of motion* to rescind a resolution made by *Council*;

4.1.22 *'objector'* means a person who has submitted an objection to an application for permit in accordance with section 57 of the Planning and Environment Act 1987 (or their representative);

4.1.23 *'Ordinary Council Meeting'* means a *Council meeting* called under Chapter Two, Rule 9 of *these Rules*;

4.1.24 *'Planning Decisions Committee'* means the *Delegated Committee* by that name established by *Council* for the purpose of considering planning permits and related matters;

4.1.25 *'these Rules'* means these Governance Rules; and

4.1.26 '*written*' includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

4.2 Introductions to parts, headings and notes are explanatory notes and do not form part of *these Rules*. They are provided to assist understanding.

5. Context

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

5.1.1 the overarching governance principles specified in section 9(2) of the *Act*; and

5.1.2 any relevant policies adopted or approved by *Council*:

6. Decision making

6.1 In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:

6.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and

6.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations

6.2 *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).

CHAPTER TWO - COUNCIL MEETINGS

The purpose of this Chapter is to provide for the election of the Mayor and Deputy Mayor, provide for the appointment of any Acting Mayor; and provide for the procedures governing the conduct of Council meetings.

Part A – Election of Mayor

This Part is concerned with the annual election of the Mayor. It describes how the Mayor is to be elected.

1. Election of the Mayor

1.1 The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act*.

2. Method of voting

2.1 The election of the *Mayor* must be carried out by a show of hands or by such other means as the *Chief Executive Officer* lawfully permits.

3. Determining the election of the Mayor

3.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.

3.2 Any nominations for the office of *Mayor* must be:

3.2.1 moved by a Councillor; and

3.2.2 accepted by the nominee, either in person at the meeting or in writing.

3.3 Once nominations for the office of *Mayor* have been received, the *Chief Executive Officer* must confirm that no further nominations can be accepted. At that point, nominees become candidates for election and their candidature cannot be withdrawn.

3.4 Each nominee must then be provided up to five minutes to address *Council*, in the order in which their nominations were received.

4. When there are three or more candidates

4.1 If there are three or more candidates (or three or more remaining candidates after the completion of the process in this Rule) for the office of *Mayor*, the following provisions will govern the election of the *Mayor:*

4.1.1 The Councillors present at the meeting must vote for one of the candidates;

4.1.2 In the event of a candidate receiving an *absolute majority* of the votes, that candidate is declared to have been elected;

4.1.3 If no candidate receives an *absolute majority* of the votes, the candidate with the fewest number of votes is declared defeated; and

4.1.4 If two or more candidates have an equal lowest number of votes the defeated candidate is determined by lot in accordance with the following provisions:

(a) the name of each candidate is placed in a receptacle;

(b) the *Chief Executive Officer* draws one name from the receptacle; and

(c) the candidate whose name is drawn is declared defeated.

4.2 Following the declaration of a candidate as a defeated candidate, all previous votes are declared void, and the process returns to this Rule 4 or Rule 5 (as applicable) with all remaining candidates.

5. When there are two candidates

5.1 If there are two candidates (or two remaining candidates after the completion of the process in Rule 4) for the office of *Mayor*, the following provisions will govern the election of the *Mayor*:

5.1.1 The Councillors present at the meeting must vote for one of the candidates;

5.1.2 In the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

5.1.3 If there are two candidates remaining and neither candidate receives an absolute majority of votes, the votes are declared void and a further round of voting is conducted immediately; and

5.1.4 If, after a second round of voting, neither candidate receives an absolute majority of votes, the election is declared void and the *Council* must resolve to:

(a) conduct a further election immediately; or

(b) conduct a further election at a later time or date as soon as practicable but no later than seven days after the current meeting.

6. When there is one candidate

6.1 If there is only one candidate for the office of *Mayor*, that candidate must be declared to be duly elected;

7. Election of Deputy Mayor and chairs of Delegated Committees

7.1 Any election for:

7.1.1 any office of Deputy Mayor; or

7.1.2 the chair of a *Delegated Committee*

7.2 will be regulated by Rules 1 to 6 (inclusive) of this Chapter, as if the reference to the:

7.2.1 *Chief Executive Officer* is a reference to the *Mayor*; and

7.2.2 *Mayor* is a reference to the Deputy Mayor or the *Chair* of the *Delegated Committee* (as the case may be).

8. Appointment of Acting Mayor

8.1 If it becomes necessary to appoint an Acting Mayor, *Council* can do so by:

8.1.1 resolving that a specified Councillor be so appointed; or

8.1.2 following the procedure set out in Rules 1 to 6 (inclusive) of this Chapter,

8.2 at its discretion.

Part B – Meetings procedure

This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

Division 1 – Notices of meetings and delivery of agendas

9. Ordinary Council Meetings

9.1 The dates and times of *Ordinary Council Meetings* will be fixed by *Council* from time to time.

9.2 The location of *Ordinary Council Meetings* will be fixed by the *Chief Executive Officer*.

10. Extraordinary Council Meetings

10.1 The *Mayor* or at least three Councillors may by a *written* notice call, or *Council* may by resolution call, an *Extraordinary Council meeting*.

10.2 The *Chief Executive Officer* may, by a *written* notice within 14 days of the result of a *Council* election or by-election being declared, call an *Extraordinary Council Meeting.*

10.3 The *written* notice or resolution must specify the date and time of the *Extraordinary Council meeting* and the business to be transacted.

10.4 The *Chief Executive Officer* must convene the *Extraordinary Council meeting* as specified in the *written* notice or resolution.

10.5 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the *written* notice or resolution can be transacted at the *Extraordinary Council meeting*.

11. Determination of meeting format

It is Council's view that while there is a place for the use of electronic means of communication in formal meetings, a move away from in person meetings as the primary decision-making forum would be detrimental to good governance and transparent decision-making. Further, the sole reliance on electronic meeting platforms would disenfranchise members of the public who would otherwise be able to participate.

11.1 *Council meetings* must be conducted in person except in circumstances where the *Chief Executive Officer* determines that:

11.1.1 a meeting held in person may be unable to achieve and maintain a quorum;

11.1.2 a meeting held in person presents a risk to the health and safety of Councillors, staff or the community;

11.1.3 all or part of the meeting is planned to be closed to members of the public under section 66(2) of the *Act*;

11.1.4 the orderly conduct of a meeting held in person may not be possible; or

11.1.5 suitable meeting facilities may not be available.

11.2 in which case, the *Chief Executive Officer* may determine that the meeting will be held by electronic means of communication.

12. Meetings conducted in person

12.1 At a meeting conducted in person, a Councillor may lodge a request with the *Chief Executive Officer* to participate in the meeting by electronic means of communication if:

12.1.1 they are not lawfully permitted to physically attend due to an order or direction made under the Public Health and Wellbeing Act 2008;

12.1.2 they are satisfied that they are fit to conscientiously perform the role of a Councillor; and

12.1.3 the request is lodged at least two hours before the commencement of the meeting.

12.2 The *Chief Executive Officer* must grant permission to any Councillor who has lodged a request that satisfies the requirements of sub-Rule 12.1, and make arrangements to facilitate the participation by that Councillor in the meeting by electronic means of communication.

12.3 At a meeting conducted in person, a Councillor who has been granted permission to participate by electronic means of communication:

12.3.1 will be able to participate by electronic means of communication according to arrangements facilitated by the *Chief Executive Officer*; and

12.3.2 is subject to the provisions of Rule 13 in so far as they are applicable.

12.4 At a meeting conducted in person, a Councillor who has not been granted permission to participate by electronic means of communication must:

12.4.1 be physically present in order to participate; and

12.4.2 not be recorded as having been present at the meeting if they are present only by electronic means of communication.

13. Meetings conducted by electronic means of communication

13.1 At meetings conducted by electronic means of communication, the following modifications to the application of the Rules in this Chapter are to be made:

13.1.1 references to a Councillor being present at a meeting shall be a reference to a Councillor being able to both hear and see other members in attendance and be heard and be seen by other members in attendance;

13.1.2 momentary absences (of less than one minute) will not be recorded as absences for the purposes of the meeting minutes, unless a vote or the *Chair's* request for the declaration of conflicts of interest occurs during the absence;

13.1.3 casting a vote may occur by a Councillor either raising their hand in view of their camera such that it can be seen by other members in attendance or, at the *Chair's* request, verbally stating their vote;

13.1.4 in the event of the absence of a Councillor during a vote due to an apparent technical failure, a Councillor or member of staff may bring this to the attention of the meeting *Chair*, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Should the Councillor be unable to reconnect within five minutes, the meeting may resume in the Councillor's absence; and

13.1.5 in the event of a Councillor being required to leave a meeting due to the declaration of a conflict of interest, the Councillor may leave the meeting by disconnecting from the online meeting platform.

13.2 The *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of a meeting which is conducted by electronic means of communication.

14. Notice of meeting

14.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 24 hours before the meeting.

14.2 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this by publishing details of the meeting on its website as soon as practicable after the meeting has been scheduled.

15. Rescheduling or cancelling meetings

15.1 *Council* may reschedule or cancel any *Council meeting* which has been fixed by it.

15.2 The *Chief Executive Officer* may reschedule or cancel any *Council meeting* by giving such notice by electronic means to Councillors as soon as is reasonably practicable, where the *Chief Executive Officer* is satisfied that the cancellation or postponement is warranted because:

15.2.1 of an emergency;

15.2.2 a quorum will not be achieved due to apologies received ahead of the *Council meeting*;

15.2.3 there is insufficient material in the *agenda* to justify a *Council meeting* being held;

15.2.4 holding the *Council meeting* would give rise to a risk to health and / or safety; or

15.2.5 of other circumstances having arisen which make the holding of the *Council meeting* undesirable.

15.3 If a meeting is rescheduled or cancelled, Rule 14 applies to the extent that is reasonably practicable.

Division 2 – Quorums

16. Inability to obtain a quorum

16.1 If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:

16.1.1 the meeting will be deemed to have lapsed;

16.1.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and

16.1.3 the *Chief Executive Officer* must give all Councillors *written* notice of the meeting convened by the *Mayor.*

17. Inability to maintain a quorum

17.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 16 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.

17.2 Sub-Rule 17.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

18. Adjourned meetings

18.1 *Council* may adjourn any meeting to another date, time or place.

18.2 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

18.3 If it is impracticable for the notice given under sub-Rule 18.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

19. Time limits for meetings

19.1 A *Council meeting* must not continue after 11.00pm unless a majority of Councillors present vote in favour of it continuing.

19.2 Each continuance can be up to a further 30 minutes, although there is no limit on the number of such continuances.

19.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of Sub-Rules 18.2 and 18.3 apply.

Division 3 – Business of meetings

20. Agenda and the order of business

20.1 The *agenda* and order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.

21. Change to order of business

21.1 Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered with the consent of *Council*.

22. General Business

22.1 If the *agenda* for a *Council meeting* makes provision for General Business, motions may only be admitted as General Business where they:

22.1.1 call for a report to be prepared for subsequent consideration by *Council* or a *Delegated Committee*;

22.1.2 arise from a matter considered by an Advisory Committee and are presented as part of a Delegate's Report;

22.1.3 seek *Council* to undertake advocacy in relation a matter of established *Council* policy (such as sending a letter setting out *Council's* position on a matter); or

22.1.4 are symbolic or ceremonial in nature (such as a condolence motion or motion to congratulate a member of the public upon the receipt of an award).

22.2 General Business motions cannot be considered where they:

22.2.1 would require an expenditure or commitment of *Council* resources of greater than $1,000;

22.2.2 establish *Council* policy; or

22.2.3 are beyond *Council's* powers to implement.

22.3 Where, in the opinion of the *Chief Executive Officer*, taking action on an item of General Business would be contrary to these provisions or the interests of *Council*, implementation of that resolution must be placed on hold and a further report must be brought to *Council* as soon as practicable to seek further direction.

23. Delegate's Reports

23.1 A Delegate's Report provides an opportunity for a Councillor to update *Council* and provide advice or other information in relation to the activities of:

23.1.1 an Advisory Committee;

23.1.2 an Interest Group; or

23.1.3 an external organisation

23.2 to which the Councillor has been appointed by *Council* as its delegate.

23.3 If the *agenda* for a *Council meeting* makes provision for Delegate's Reports, a Councillor may submit a report by:

23.3.1 tabling a *written* report; or

23.3.2 providing an oral report to the meeting.

23.4 The full text of any Delegate's Report tabled in *writing* must be included in the minutes of the meeting.

24. Urgent business

24.1 If the *agenda* for a *Council meeting* makes provision for urgent business, business can only be admitted as urgent business if:

24.1.1 it is proposed for admission by the *Chief Executive Officer* after the *Chief Executive Officer* has consulted the *Mayor*;

24.1.2 the *Chair* has been given *written* notice and portent of the proposed matter to be raised and has approved the admission of the item;

24.1.3 it relates to or arises out of a matter which has arisen since distribution of the *agenda;* and

24.1.4 it cannot safely or conveniently be deferred until the next *Council meeting.*

24.2 A Councillor may submit an item intended for inclusion as an item of urgent business to the *Chief Executive Officer* for consideration in accordance with this Rule 24.

25. Notices of motion

25.1 Councillors may ensure that an issue is listed on an *agenda* by lodging a *notice of motion*.

25.2 A *notice of motion* must be in *writing* signed by a Councillor, and be lodged with or sent to the *Chief Executive Officer* six clear days before the scheduled commencement of the meeting.

By way of example. If a Council Meeting were scheduled for a Tuesday evening, the latest time a notice of motion could be submitted for consideration at that meeting would be 11.59pm on the previous Tuesday. This would provide six clear days (Wednesday, Thursday, Friday, Saturday, Sunday and Monday) before the day of the meeting.

25.3 A *notice of motion* must call for a *Council* report if the *notice of motion* proposes any action that:

25.3.1 impacts the levels of *Council* service; or

25.3.2 commits *Council* to expenditure that is not included in the adopted *Council* Budget.

25.4 The *Chief Executive Officer* may reject any *notice of motion* which:

25.4.1 is vague or unclear in intention;

25.4.2 does not satisfy the requirements of sub-Rule 25.3;

25.4.3 is beyond *Council's* power to pass; or

25.4.4 if passed would result in *Council* otherwise acting unlawfully

25.5 but must, if it is practicable to do so:

25.5.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, if an amendment is, in the circumstances, practicable; and

25.5.2 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.

25.6 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.

25.7 The *Chief Executive Officer* must cause all *notices of motion* to be dated and numbered in the order in which they were received.

25.8 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were received.

25.9 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.

25.10 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses.

Division 4 – Motions and debate

26. Chair's duty

26.1 Any motion which is determined by the *Chair* to be:

26.1.1 defamatory;

26.1.2 objectionable in language or nature;

26.1.3 vague or unclear in intention;

26.1.4 outside the powers of *Council*; or

26.1.5 irrelevant to the item of business on the *agenda* and has not been admitted as Urgent Business, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

27. Introducing a motion or an amendment

27.1 The procedure for moving any motion or amendment is:

27.1.1 the mover must state the motion without speaking to it or table the wording of the motion in *writing*;

27.1.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder; and

27.1.3 if a motion or an amendment is moved and seconded and no Councillor other than the mover or seconder indicates a desire to speak to it, the *Chair* may put the motion to the vote without discussion.

27.2 The procedure for debating the motion or amendment is:

27.2.1 if a Councillor other than the mover or seconder of a motion indicates a desire to speak to it, then the *Chair* must call on the mover to address the meeting;

27.2.2 after the mover has addressed the meeting, the seconder may address the meeting; and

27.2.3 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite speakers for and against the motion alternately until this is

exhausted. Then the *Chair* may invite any Councillor who has not spoken and wishes to speak to the motion to do so.

28. Right of reply

28.1 The mover of a motion has a right of reply to matters raised during debate, except:

28.1.1 a motion where no Councillor other than the mover and seconder have spoken to the motion;

28.1.2 a motion that has been amended; and

28.1.3 an amendment.

28.2 If a right of reply exists, the mover must first be invited to speak to the motion and then the motion must immediately be put to the vote without any further comment, discussion or debate.

28.3 If no right of reply exists, the motion must immediately be put to the vote without any further comment, discussion or debate.

29. Moving an amendment

29.1 Subject to sub-Rule 29.2, a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.

29.2 A motion to confirm a previous resolution of *Council* cannot be amended.

29.3 An amendment must not be contrary to the motion.

30. Who may propose an amendment

30.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

30.2 Any one Councillor cannot move more than two amendments in succession.

31. How many amendments may be proposed

31.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.

31.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

32. An amendment once carried

32.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting.

33. Foreshadowing motions

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

34. Withdrawal of motions

34.1 Before any motion is put to the vote, it may be withdrawn by the mover or seconder.

34.2 If a motion is withdrawn, the *Chair* may invite another Councillor to move or second the motion, as the case requires.

34.3 If a Councillor moves or seconds the motion, then debate resumes.

34.4 If no Councillor moves or seconds the motion, then it lapses.

35. Separation of motions

35.1 Where a motion contains more than one part, a Councillor may request the *Chair* to put the motion to the vote in separate parts.

36. Chair may separate motions

36.1 The *Chair* may decide to put any motion to the vote in several parts.

37. Priority of address

37.1 In the case of competition for the right of speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

38. Motions in writing

38.1 For clarity and to enable electronic display, the *Chair* may require that any motion be submitted in *writing*.

38.2 *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

39. Repeating motion and/or amendment

39.1 The *Chair* may request the person taking the minutes of the *Council meeting* to read the motion or amendment to the meeting before the vote is taken.

40. Debate must be relevant to the motion

40.1 Debate must always be relevant to the motion before the *Chair*, and, if not, the *Chair* must request the speaker to confine debate to the motion.

40.2 If after being requested to confine debate to the motion before the *Chair*, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker not to speak further in respect of the motion then before the *Chair*.

41. Speaking times

41.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chair*:

41.1.1	the mover of a motion or an amendment:	three minutes;
41.1.2	any other Councillor:	three minutes; and
41.1.3	the mover of a motion exercising a right of reply:	two minutes.

42. Mode of addressing

42.1 If the *Chair* so determines:

42.1.1 any person addressing the *Chair* must refer to the *Chair* as:

(a) Mayor; or

(b) Deputy Mayor; or

(c) Acting Mayor; or

(d) Chair,

42.1.2 as the case may be;

42.2 all Councillors, other than the *Mayor and Deputy Mayor*, must be addressed as:

42.2.1 Cr .....(name); and

42.3 all members of *Council* staff, must be addressed by name as appropriate or by their official title.

43. Right to ask questions

43.1 At any time before the debate has commenced, a Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the *Chair*.

43.2 The debate has commenced when a Councillor addresses the meeting under sub-Rule 27.2 in relation to a motion or an amendment (as the case may be).

43.3 The *Chair* has the right to limit questions and direct that debate be commenced.

Division 5 – Procedural motions

44. Procedural motions

44.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.

44.2 Procedural motions require a seconder.

44.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

Procedural motion	Adjournment of debate to later hour and/or date	Adjournment of debate indefinitely	The closure
Form	That this matter be adjourned to *am/pm and/or *date	That this matter be adjourned until further notice	That the motion be now put
Mover and seconder	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion
When motion prohibited	(a) During the election of a *Chair*; (b) When another Councillor is speaking	(a) During the election of a *Chair*; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing *Council* to be in breach of a legislative requirement	During nominations for a *Chair*
Effect if carried	Motion and amendment is postponed to the stated time and/or date	Motion and any amendment postponed but may be resumed at any later meeting if on the *agenda*	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising the right to ask any question concerning or arising out of the motion
Effect if lost	Debate continues unaffected	Debate continues unaffected	Debate continues unaffected
Debate permitted on motion	Yes	Yes	No

Division 6 – Rescission motions

45. Notice of rescission

It should be remembered that a notice of rescission is a form of notice of motion. Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission

45.1 A Councillor may propose a *notice of rescission* provided the *notice of rescission*:

45.1.1 has been signed and dated;

45.1.2 is delivered to the *Chief Executive Officer* by 11.00am on the day after the meeting at which the resolution sought to be rescinded was made;

45.1.3 identifies the meeting and date when the resolution was made;

45.1.4 identifies the resolution sought to be rescinded; and

45.1.5 sets out the reasons for the *notice of rescission*.

45.2 The *Chief Executive Officer* is not required to accept a notice of rescission and must reject it if the resolution proposed to be rescinded has been acted on;

45.3 A resolution will be deemed to have been acted on if:

45.3.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or

45.3.2 a statutory process has been commenced

so as to vest enforceable rights in or obligations on *Council* or any other person.

45.4 The *Chief Executive Officer* or an appropriate member of *Council* staff must defer implementing a resolution which:

45.4.1 has not been acted on; and

45.4.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 45.1.1,

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In

other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Sub-Rule 45.4 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

45.5 Following receipt of a notice of rescission, the *Chief Executive Officer* must provide a copy to all Councillors and ask that they indicate whether they support the notice of rescission.

45.6 If, after a period of 24 hours has elapsed since the notification of Councillors under sub-Rule 45.5, less than three Councillors (including the Councillor who submitted the notice, whose support is to be presumed) have indicated to the *Chief Executive Officer* that they support it, the notice of rescission lapses and must not be placed on the *agenda* for the next meeting.

46. If not moved

46.1 If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

47. May not be amended

47.1 A motion for rescission listed on an *agenda* may be moved by any Councillor present but may not be amended.

48. When not required

48.1 A motion for rescission is not required where *Council* wishes to change policy.

Division 7 – Points of order

49. Valid points of order

Expressing a difference of opinion or to contradict a speaker is not a point of order

49.1 A point of order may be raised in relation to a statement or behaviour which is:

49.1.1 irrelevant, meaning it does not relate to the matter under consideration or is outside the powers of *Council*;

49.1.2 improper, meaning it constitutes improper behaviour or is offensive;

49.1.3 misleading, meaning it is an untrue or false assertion or statement;

49.1.4 disorderly, being an act that disrupts or distracts from the orderly operation of the meeting; or

49.1.5 contrary to *these Rules*, meaning it is contrary to the provisions set out in this Chapter.

50. Procedure for point of order

50.1 A Councillor raising a point of order must state that the statement or behaviour is:

50.1.1 irrelevant;

50.1.2 improper;

50.1.3 misleading;

50.1.4 disorderly; or

50.1.5 contrary to *these Rules* (in which case the Councillor must identify the Rule that is being contravened).

50.2 A Councillor raising a point of order under this clause is not deemed to be speaking to the motion or amendment before the meeting.

51. Chair to decide

51.1 The *Chair* must decide all points of order without entering into any discussion or comment.

51.2 In deciding a point of order, the *Chair* is to have regard to their obligation under section 18(1)(e) of the *Act* to "promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct".

51.3 The *Chair's* ruling on a point of order is final.

52. Chair may adjourn to consider

52.1 The *Chair* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

52.2 All other questions before the meeting are suspended until the point of order is decided.

Division 8 – Public participation in Council meetings

It is Council's view that public participation in Council decision making processes makes a significant and positive contribution to the process of democratic governance.

53. Question Time

53.1 Unless *Council* resolves to the contrary, there must be a Question Time at every *Ordinary Council Meeting* to enable members of the public to ask questions of *Council*.

53.2 If the person lodging the question is present at the meeting:

53.2.1 the *Chair* must offer the person lodging the question the opportunity to ask their question.

53.2.2 the time permitted for asking a question will be three minutes; and

53.2.3 the *Chair*, or a person nominated by the *Chair* must provide a succinct response to the question.

53.2.4 if required, the *Chair* must offer the person asking the question a further one minute to ask a question of clarification that relates to the prior question asked.

53.2.5 the *Chair*, or a person nominated by the *Chair* shall provide a further response to the question of clarification.

53.2.6 A person asking a question will be asked to provide their contact details for the purpose of any necessary follow-up response to the matter raised.

53.3 Aside from the follow up question described at sub-Rule 53.2.4, no person may ask more than one question at any one meeting.

53.4 If the *Chair* is of the opinion that the number of questions on the same subject makes it desirable to group like questions together for a combined response, they may make such reasonable adjustments to the process as may be necessary.

53.5 A question may be disallowed by the *Chair* if the *Chair* determines that it:

53.5.1 relates to a matter to be considered by *Council* at the meeting at which the question is proposed to be asked;

53.5.2 relates to a matter outside the duties, functions and powers of *Council*;

53.5.3 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

53.5.4 deals with a subject matter already answered;

53.5.5 is aimed at embarrassing a Councillor or a member of *Council* staff;

53.5.6 includes or relates to *confidential information*; or

53.5.7 relates to a matter that is subject (or, in the opinion of the *Chair*, potentially subject) to legal proceedings.

53.6 The *Chair* has the discretion to allow such statements or questions of clarification as are necessary to facilitate the orderly and effective operation of Question Time.

53.7 No discussion may be allowed other than provided for at sub-Rules 53.2 and 53.6

54. Addressing Council meetings

54.1 There must be an opportunity for members of the public to address *Council* in relation to every matter included on the *agenda* at an *Ordinary Council Meeting*, with the exception of matters:

54.1.1 that are subject to a statutory process that provides a right to make a submission or otherwise be heard (such as, but not limited to section 223 of the Local Government Act 1989);

54.1.2 that are subject to an alternative process that provides an opportunity to make a submission or otherwise be heard (such as, but not limited to arrangements put in place in accordance with *Council's Community Engagement Policy*);

54.1.3 being re-presented to the *Council* after having been deferred where the opportunity to address *Council* has already been provided, unless *Council* resolves otherwise; or

54.1.4 considered at a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

54.2 Persons wishing to address *Council* must:

54.2.1 register in *writing*;

54.2.2 identify the item on the *agenda* about which they wish to address *Council*;

54.2.3 register at least 24 hours prior to the scheduled commencement of the meeting at which the item is to be presented;

54.2.4 provide their name and contact details to *Council*.

54.3 If the person registering to address *Council* is present at the meeting:

54.3.1 the *Chair* must offer the person registering to address *Council* the opportunity to make a statement in relation to the matter to be considered; and

54.3.2 the time permitted for each address will be three minutes or, where 10 or more people have registered to address *Council* in relation to that item, two minutes.

54.4 If the *Chair* is of the opinion that the number of registrations makes it desirable to limit the number of persons afforded the opportunity to address *Council* and invite a representative group to address *Council*, they may make such reasonable adjustments to the process as may be necessary.

54.5 An address may be disallowed by the *Chair* if the *Chair* determines that it:

54.5.1 relates to a matter other than the matter being considered by *Council* at the time the address is being made;

54.5.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

54.5.3 is aimed at embarrassing a Councillor or a member of *Council* staff;

54.5.4 includes or relates to *confidential information*; or

54.5.5 relates to a matter that is subject (or, in the opinion of the *Chair*, potentially subject) to legal proceedings.

54.6 Notwithstanding the exclusions in sub-Rule 54.1, *Council* may resolve to permit persons to address *Council* in relation to any matter to be considered at a *Council meeting*, subject to whatever process *Council* determines.

55. Petitions and joint letters

55.1 Every petition or joint letter presented to *Council* must:

55.1.1 be in *writing* (other than pencil), typing or printing;

55.1.2 contain the request of the petitioners or signatories;

55.1.3 not be derogatory, defamatory, indecent, abusive or objectionable in language or substance; and

55.1.4 be signed by at least 12 people.

55.2 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

55.3 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.

55.4 Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.

55.5 Petitions compiled using an online petition platform will not be received at a *Council meeting*, but, once lodged by the petition organiser, will be referred directly to the *Chief Executive Officer* for consideration.

55.6 If the petition or joint letter relates to any item already on the *agenda* for the *Council meeting* at which the petition or joint letter is lodged, the petition or joint letter will be treated as an address in relation to that *agenda* item.

55.7 Unless it is treated as an address under sub-Rule 55.6, a petition may be presented to a *Council meeting* by a Councillor.

55.8 It is incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful of *Council*.

55.9 Every Councillor presenting a petition or joint letter to *Council* must confine themself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the request.

55.10 A petition tabled by a Councillor at a *Council meeting* may be dealt with by a motion to accept and note the petition and refer it to the *Chief Executive Officer* for consideration and response.

Division 9 – Voting

56. How motion determined

56.1 To determine a motion before a meeting, the *Chair* must call for those in favour of the motion and then declare the result to the meeting.

57. Silence

57.1 Voting must take place in silence.

58. Recount

58.1 The *Chair* may direct that a vote be recounted to satisfy themself of the result.

59. Casting vote

59.1 In the event of a tied vote, the *Chair* must, unless the *Act* provides otherwise, exercise a casting vote.

60. Method of voting

60.1 Voting on any matter is by show of hands or such other means as the *Chair* lawfully permits.

61. Procedure for a division

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

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

61.3 When a division is called for, the *Chair* must:

61.3.1 ask each Councillor wishing to vote in the affirmative to raise a hand or otherwise signify their support;

61.3.2 state, and the *Chief Executive Officer* or any *member of staff authorised by the Chief Executive Officer* must record, the names of those Councillors voting in the affirmative; and

61.3.3 declare the result.

61.4 The *Chief Executive Officer* or any member of staff authorised by the *Chief Executive Officer* must record the names of those Councillors present at the meeting during a division who, by virtue of section 61(5)(f) of *the Act*, are taken to have voted against the question.

62. No discussion once declared

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

62.2 a Councillor requesting, before the next item of business is considered, that their opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or

62.3 foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

By way of example, Rule 62 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 62 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in Sub-rule 62.3, to discussion about a positive motion were a resolution has just been rescinded.

Division 10 – Minutes

63. Confirmation of minutes

63.1 A copy of the minutes of the previous meeting must be delivered to each Councillor no later than 24 hours before the meeting.

63.2 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.

63.3 If no Councillor indicates opposition, *Council* may consider a motion to confirm the minutes.

63.4 If one Councillor indicates opposition, they must specify the amendments required to those minutes and move a motion to confirm the minutes subject to those amendments.

63.5 If more than one Councillor indicates opposition, the necessary amendments may be considered one at a time with such amendments incorporated by successive resolutions and then a final resolution to confirm the amended minutes.

63.6 Once any agreed amendments are included and any necessary clerical corrections made, the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed

64. No debate on confirmation of minutes

64.1 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.

65. Deferral of confirmation of minutes

65.1 *Council* may defer the confirmation of minutes until later in the *Council meeting* or until the next meeting if considered appropriate.

66. Form and availability of minutes

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

66.1.1 the date, place, time and nature of the meeting;

66.1.2 the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;

66.1.3 the names of the members of *Council* staff present;

66.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5;

66.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;

66.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);

66.1.7 the vote cast by each Councillor upon a division and the names of all Councillors present during the division

66.1.8 the vote cast by any Councillor who has requested that their vote be recorded in the minutes;

66.1.9 questions upon notice;

66.1.10 the failure of a quorum;

66.1.11 any adjournment of the meeting and the reasons for that adjournment;

66.1.12 the time at which standing orders were suspended and resumed; and

66.1.13 the proceedings of any vote for *Mayor*, Deputy Mayor or Acting Mayor, being:

(a) the name of each Councillor nominated as a candidate and the name of the Councillor nominating them;

(b) the name of each candidate eligible for election in each round of voting;

(c) the vote of each Councillor in each round of voting;

(d) the outcome of any drawing of lots conducted during the election;

(e) the outcome of the election.

66.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are published on *Council's* website.

66.3 Nothing in sub-Rule 66.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

Division 11 – Behaviour

67. Right of address

67.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.

67.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.

67.3 A member of the public present at a *Council meeting* must not disrupt the meeting.

68. Chair may remove

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens the Chair's authority in chairing the meeting.

68.1 The *Chair* may order the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 67.2.

69. Chair may close a meeting

69.1 If the *Chair* considers it necessary to close the meeting to the public for security reasons or considers it is necessary to do so to enable the meeting to proceed in an orderly manner and *Council* or the *Delegated Committee* has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held, they may close the meeting to the public and may order and cause the removal of any person, other than a Councillor.

70. Chair may adjourn a meeting

70.1 If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, they may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of Sub-rules 18.2 and 18.3 apply.

71. Removal from chamber

71.1 The *Chair* may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 68.1.

Division 12 – Additional duties of chair

72. The chair's duties and discretions

72.1 In addition to the duties and discretions provided in this Chapter, the *Chair*:

72.1.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of *Council* staff or member of the community; and

72.1.2 must call to order any person who is disruptive or unruly during any meeting.

Division 13 – Suspension of standing orders

73. Suspension of standing orders

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

73.1 To expedite the business of a meeting, *Council* may suspend standing orders.

73.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That standing order be suspended to enable discussion on……"

73.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

73.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

Division 15 – Miscellaneous

74. Reasonable adjustments

74.1 To the extent practicable, the *Chair* must make reasonable adjustments to *these Rules* to accommodate the participation in meeting proceedings by persons with special needs or in exceptional circumstances. Such adjustments may include:

74.1.1 increasing the time available to address the meeting to enable the use of a translator or other assistance; and

74.1.2 facilitating a question or address to *Council* in an alternative format by a person who cannot be present at the meeting due to a disability

74.2 To the extent practicable, the *Chief Executive Officer* must ensure that support is available to persons wishing to attend *Council meeting*s who would, without this support, find it difficult to access the meeting on an equitable basis. Such support may include, but not be limited to:

74.2.1 operation of a hearing loop in the meeting venue;

74.2.2 provision of translation services;

74.2.3 provision of a sign language interpreter;

74.2.4 accommodation for access to meeting facilities by persons with a wheelchair or other mobility equipment ; and

74.2.5 provision of disability accessible toilet facilities.

75. Criticism of members of Council staff

75.1 The *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a Councillor made at the *Council meeting* criticising them or any member of *Council* staff.

75.2 A statement under sub-Rule 75.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has completed speaking.

76. Procedure not provided in this chapter

76.1 In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to *Council* proceedings).

CHAPTER THREE – PLANNING DECISIONS COMMITTEE MEETINGS

1. Meeting procedure generally

1.1 All of the provisions of Chapter Two apply to meetings of the *Planning Decisions Committee*, with the exception of:

1.1.1 Rule 22 (General Business);

1.1.2 Rule 23 (Delegate's Reports);

1.1.3 Rule 24 (Urgent Business);

1.1.4 Rule 25 (Notices of Motion);

1.1.5 Rule 53 (Question Time);

1.1.6 Rule 54 (Addressing Council); and

1.1.7 Rule 55 (Petitions and joint letters).

1.2 At meetings of the *Planning Decisions Committee*, any reference in Chapter Two to:

1.2.1 a *Council meeting* is to be read as a reference to the *Planning Decisions Committee* meeting;

1.2.2 a Councillor is to be read as a reference to a member of the *Planning Decisions Committee*; and

1.2.3 the *Mayor* is to be read as a reference to the *Chair* of the *Planning Decisions Committee*.

2. Addressing the Planning Decisions Committee

2.1 There must be an opportunity for parties to address the *Planning Decisions Committee* in relation to every application for planning permit presented for consideration at a meeting of the *Planning Decisions Committee*, with the exception of:

2.1.1 matters being re-presented to the *Planning Decisions Committee* after having been deferred where the opportunity to address the Committee has already been provided, unless the *Planning Decisions Committee* resolves otherwise; and

2.1.2 matters considered at a meeting of the *Planning Decisions Committee* or part of a meeting of the *Planning Decisions Committee* closed to members of the public in accordance with section 66 of the *Act*.

2.2 Persons wishing to address the *Planning Decisions Committee* must:

2.2.1 be either the *applicant* or an *objector*;

2.2.2 register in writing;

2.2.3 identify the item on the *agenda* about which they wish to address the *Planning Decisions Committee*;

2.2.4 register at least 24 hours prior to the scheduled commencement of the meeting at which the item is to be presented; and

2.2.5 provide their name and contact details to *Council*.

2.3 If the *applicant* registering to address the *Planning Decisions Committee* is present at the meeting:

2.3.1 the *Chair* must offer the *applicant* the opportunity to address the *Planning Decisions Committee* in relation to the matter to be considered; and

2.3.2 the time permitted for the address will be five minutes.

2.4 If the *objector* registering to address the *Planning Decisions Committee* is present in the gallery:

2.4.1 the *Chair* must offer the *objector* the opportunity to address the *Planning Decisions Committee* in relation to the matter to be considered; and

2.4.2 the time permitted for each address will be five minutes.

2.5 If the *Chair* is of the opinion that the number of registrations makes it desirable to limit the number of persons afforded the opportunity to address the *Planning Decisions Committee* and invite a representative group to address the *Planning Decisions Committee*, they may make such reasonable adjustments to the process as may be necessary.

2.6 An address may be disallowed by the *Chair* if the *Chair* determines that it:

2.6.1 relates to a matter other than the matter being considered by the *Planning Decisions Committee* at the time the address is being made;

2.6.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

2.6.3 is aimed at embarrassing a Councillor or a member of *Council* staff;

2.6.4 includes or relates to *confidential information*; or

2.6.5 relates to a matter that is subject (or, in the opinion of the *Chair*, potentially subject) to legal proceedings.

CHAPTER FOUR - DELEGATED COMMITTEE MEETINGS

1. Meeting procedure generally

1.1 If *Council* establishes a *Delegated Committee*, it may determine which of the provisions of Chapter Two apply to meetings of the *Delegated Committee*.

1.2 In the absence of a resolution under sub-Rule 1.1, all of the provisions of Chapter Two apply to meetings of the *Delegated Committee*.

1.3 If *Council* establishes a *Delegated Committee*, any reference in Chapter Two to:

1.3.1 a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;

1.3.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and

1.3.3 the *Mayor* is to be read as a reference to the chair of the *Delegated Committee*.

2. Meeting procedure can be varied

2.1 Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee*:

2.1.1 *Council* may; or

2.1.2 the *Delegated Committee* may, with the approval of *Council*

2.2 resolve which of the provisions of Chapter Two are to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.

3. Planning Decisions Committee

3.1 Nothing in this Chapter applies to the *Planning Decisions Committee.*

CHAPTER FIVE - DISCLOSURE OF CONFLICTS OF INTEREST

1. Disclosure at a Council meeting or meeting of a Delegated Committee

1.1 A Councillor or member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Council meeting* or meeting of a *Delegated Committee* at which they are present must, before the matter is considered at the meeting:

1.1.1 disclose that conflict of interest by providing to the *Chief Executive Officer* a *written* notice in a form provided by or on behalf of the *Chief Executive Officer*:

(a) advising of the conflict of interest; and

(b) explaining the nature of the conflict of interest;

1.1.2 announce to those present that they have a conflict of interest and that a *written* notice has been given to the *Chief Executive Officer* under this Rule; and

1.1.3 leave the *Council meeting* or meeting of a *Delegated Committee* and not return to the meeting until after the matter has been disposed of.

2. Disclosure at a meeting conducted under the auspices of Council

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

2.1.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting before the matter is considered;

2.1.2 absent themself from any discussion of the matter; and

2.1.3 as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a *written* notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

3. Disclosure by a member of Council staff preparing reports for meetings

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

3.1.1 *Council meeting*;

3.1.2 *Delegated Committee* meeting;

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

3.3 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of *Council* staff disclosed a conflict of interest in the subject-matter of the Report.

3.4 If the member of *Council* staff referred to in sub-Rule 3.1 is the *Chief Executive Officer*:

3.4.1 the *written* notice referred to in sub-Rule 3.1 must be given to the *Mayor*; and

3.4.2 the obligation imposed by sub-Rule 3.3 may be discharged by any other member of *Council* staff responsible for the preparation of the Report.

4. Disclosure by a member of Council staff in the exercise of delegated power

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

4.2 If the member of *Council* staff referred to in sub-Rule 4.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

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

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

5.2 If the member of *Council* staff referred to in sub-Rule 5.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

6. Retention of written notices

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

CHAPTER SIX – CONFIDENTIAL INFORMATION

1. Confidential information

1.1 If the *Chief Executive Officer* is of the opinion that information relating to a meeting is *confidential information* within the meaning of the *Act*, they may designate the information as confidential and advise Councillors and/or members of *Council* staff in *writing* accordingly.

1.2 Information which has been designated by the *Chief Executive Officer* as *confidential information* within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of *Council* staff in *writing* accordingly, will be presumed to be *confidential information*.

CHAPTER SEVEN – ELECTION PERIOD POLICY

Part A – Preliminary

1. Policy objectives

1.1 The objectives of the Election Period Policy are to:

1.1.1 ensure the highest standard of good governance is achieved by the incumbent Councillors and all members of *Council* staff; and

1.1.2 ensure that *Council* elections are conducted in an environment that is open and fair to all candidates by outlining the use of *Council* resources, *Council* publications, functions and events, requests for information, liaisons with the media and Councillor expenditure in the lead up to an election; and

1.1.3 supplement the requirements of the *Act* with additional measures to ensure that best practice is achieved in transparency and independence.

2. Definitions

2.1 For the avoidance of doubt, the *election period* in respect of:

2.1.1 the 2024 *Council* Election commences at 12 noon on Tuesday 24 September and concludes at 6.00pm on Saturday 26 October 2024; and

2.1.2 the 2028 *Council* Election commences at 12 noon on Tuesday 26 September and concludes at 6.00pm on Saturday 28 October 2028.

Part B – Application

3. Candidates for election

3.1 Councillors are expected to comply with this Policy, regardless of whether or not they have nominated as candidates for election.

3.2 Members of *Council* committees and advisory groups (other than Councillors) who are candidates for election are expected to comply with this Policy and in addition:

3.2.1 submit apologies for any committee meetings or other committee activities held during the *election period*;

3.2.2 return any *Council* equipment, documents or information which is not available to the public for the duration of the *election period*; and

3.2.3 immediately resign from the committee upon election.

3.3 Members of *Council* staff who are candidates for election are expected to comply with this Policy and in addition:

3.3.1 take leave from their duties for the duration of the *election period* (if not enough paid leave is accrued, unpaid leave will be available for this purpose);

3.3.2 return any *Council* equipment (including, but not limited to, motor vehicles, telephones, computers, swipe cards and keys), documents or information which is not available to the public for the duration of the *election period*; and

3.3.3 immediately resign upon election.

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

4. Other persons

4.1 All Councillors, members of *Council* committees and members of *Council* staff are bound by this Policy in so far as it relates to the provision of support for candidates for election.

5. Application of the Staff Code of Conduct

5.1 For the avoidance of doubt, the establishment of this Policy does not abrogate from the obligation of members of *Council* staff to adhere to the Staff Code of Conduct with respect to electoral activities. The Code of Conduct states that "a conflict of interest occurs where your personal, financial or other interest conflicts with the performance of your Council duties". The provision of support to a candidate at the Yarra City Council election would constitute a conflict of interest under this Policy and is therefore prohibited.

5.2 Such support includes, but is not limited to:

5.2.1 providing advice to a candidate;

5.2.2 distributing or preparing campaign material;

5.2.3 fundraising;

5.2.4 making a cash or in kind campaign donation; and

5.2.5 permitting or placing electoral signage on their property.

5.3 The Staff Code of Conduct does not limit the ability of a member of *Council* staff to support the candidature of a person in a different municipal election or in State or Federal elections.

5.4 A member of *Council* staff may not support or participate in any campaign activity for any candidate standing for election at the Yarra City Council election.

Part C – Policy

6. Council resources

6.1 In accordance with section 69 of the *Act*, *Council* will ensure that probity is observed in the use of all *Council* resources during the *election period*, and members of *Council* staff are required to exercise appropriate discretion in that regard. In any circumstances where the use of *Council* resources might be construed as being related to a candidate's election campaign, advice will be sought from the *Chief Executive Officer*.

6.2 In determining whether the use of *Council* resources during the *election period* is appropriate, candidates will have regard to whether these same resources are available to other candidates at the election. These restrictions apply regardless of whether such use comes at no cost to *Council* and include, but are not limited to the use:

6.2.1 by a candidate of a *Council* provided computer for the preparation of campaign material, which is not permitted apart from a publicly provided computer in a library or community facility;

6.2.2 of a *Council* provided mobile telephone for making campaign related calls, messages, emails, photographs or social media, which is not permitted. While it is acknowledged that the receipt of communications cannot be controlled, candidates shall not encourage campaign related communication by this means;

6.2.3 of a photograph in campaign materials that was taken by a member of *Council* staff or a photographer engaged by *Council*, which is not permitted; and

6.2.4 of *Council* administrative facilities such as offices, meeting rooms, support staff, hospitality services, equipment and stationery in connection with any election campaign, which is not permitted.

6.3 Reimbursements of candidates' out-of-pocket expenses during the *election period* will only apply to costs that have been incurred in the performance of normal *Council* duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

6.4 No *Council* livery, including logos, publications, letterheads, or other Yarra City *Council* branding will be used for, or linked in any way to, a candidate's election campaign.

6.5 *Council* telephone numbers and email addresses are not to be used in candidate election material.

6.6 Members of *Council* staff will not assist in preparing candidate election material.

6.7 Members of *Council* staff will not provide candidates with access to databases, contact lists, property counts, email addresses or any other information that would assist in mailing or other distribution of election material. Any such *Council* information already in the possession of candidates is subject to the provisions of the *Privacy and Data Protection Act 2014* and cannot be used for electoral purposes.

7. Information

7.1 *Council* recognises that all candidates have certain rights to information from the *Council* administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from members of *Council* staff that might be perceived to support an election campaign.

7.2 Information and briefing material prepared by staff or the Victorian Electoral Commission during the *election period* will relate only to factual matters or to existing *Council* services. Such information will not relate to policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign.

7.3 Public consultation of a limited kind, normally associated with the routine administration of planning, building, traffic, parking or other matters, will continue through the *election period*. However significant community or ward-wide consultation on major strategy or policy issues will not occur, or, if already commenced, will be suspended during the *election period*.

8. Council publications

8.1 *Council* must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any *electoral material* during the *election period*.

8.2 *Council* will suspend the publication and distribution of *Yarra News* or any similar publication during the *election period*.

8.3 During the *election period*, *Council* will restrict Councillor details on the *Council* website to Councillor names, the ward they represent and their contact details.

8.4 For the avoidance of doubt, this Policy does not prevent candidates from publishing their own campaign material from their own funds outside *Council*, and not bearing any reference or inference that such material is from *Council*, or supported or endorsed by *Council* and nor bearing any *Council* identification (such as logos or similar). Candidates must ensure that such publications comply with the requirements of the *Act*.

9. Publicity

9.1 It is recognised that *Council* publicity is intended to promote *Council* activities and services. *Council* publicity will not be used in any way that might influence the outcome of an election.

9.2 During the *election period,* no member of *Council* staff may make any public statement as a spokesperson for *Council* that could be construed as influencing the election. This does not include statements of clarification that are approved by the *Chief Executive Officer*.

9.3 During the *election period*, publicity campaigns, other than for the purpose of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a *Council* service or function, it must be approved by the *Chief Executive Officer*. In any event, *Council* publicity during the *election period* will be restricted to promoting normal *Council* activities.

9.4 Any requests for media advice or assistance from Councillors during the *election period* will be channelled through the *Chief Executive Officer*, or the *Chief Executive Officer*'s designated delegate. In any event, no media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves specific Councillors.

9.5 Councillors will not use their position as an elected representative or their access to members of *Council* staff and other *Council* resources to gain media attention in support of an election campaign.

10. Decisions

10.1 *Council* must not make any decision during the *election period* for a general election that:

10.1.1 relates to the appointment or remuneration of the *Chief Executive Officer* but not to the appointment or remuneration of an acting chief executive officer;

10.1.2 commits *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

10.1.3 *Council* considers could be reasonably deferred until the next *Council* is in place; or

10.1.4 *Council* considers should not be made during an *election period*.

10.1.5 *Council* must not make any decision during the *election period* for a general election or a by-election that would enable the use of *Council's* resources in a way that is intended to influence, or is likely to influence, voting at the election.

10.2 *Council* notes that the restriction on the making of decisions is not intended to delay the routine making of administrative and operational decisions by members of *Council* staff under delegation.

11. Conduct of Council meetings

11.1 The following modifications will be made to the conduct of *Council meetings* during the *election period*:

11.1.1 Question Time will be suspended.

11.1.2 Members of the public wishing to address *Council* in relation to a matter listed on the *agenda* must provide the text of their address to *Council* in writing at least 24 hours before the commencement of the meeting. Persons registering to address *Council* will be invited to address *Council* provided their address does not contain *electoral matter* and they do not stray from the previously provided wording.

11.1.3 Councillors will limit their discussion during debate to the topic under consideration and will avoid raising *electoral matter* where possible.

11.1.4 Councillors will not raise items of general business or questions without notice that contain or relate to *electoral matter*.

11.2 No officer report will be presented to *Council* during the *election period* unless it contains an express statement by the *Chief Executive Officer* that a decision on that matter would not be contrary to this Chapter.

12. Events and functions

12.1 *Council* will suspend its program of ward meetings during the *election period*.

12.2 Councillors are able to continue to attend meetings, events and functions during the *election period* which are relevant to *Council* and the community.

12.3 *Council's* annual program of events will continue during the *election period* however speeches will be limited to a short welcome, and should not contain any express or implied reference to the election. Any publicity will be mindful of the controls on *electoral material* outlined in this Policy.

12.4 Councillors are able to attend events or functions conducted by external bodies during the *election period*, however when attending as a representative of *Council*, Councillors must be mindful that they do not use that opportunity to promote their election campaign.

13. Assistance to candidates

13.1 *Council* affirms that all candidates for the Yarra City Council election will be treated equally.

13.2 All election related inquiries from candidates will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the *Chief Executive Officer*.