MANNINGHAM

COUNCIL MEETING

MINUTES

Date:	**Tuesday, 23 July 2024**
Time:	**7:00pm**
Location:	**Council Chamber, Civic Centre** **699 Doncaster Road, Doncaster**

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MANNINGHAM CITY COUNCIL
MINUTES OF THE COUNCIL MEETING
HELD ON 23 JULY 2024 AT 7:00PM
IN COUNCIL CHAMBER, CIVIC CENTRE
699 DONCASTER ROAD, DONCASTER

The meeting commenced at 7:00pm.

PRESENT:
Councillor Carli Lange (Mayor)
Councillor Laura Mayne (Deputy Mayor)
Councillor Anna Chen
Councillor Andrew Conlon
Councillor Geoff Gough
Councillor Michelle Kleinert OAM
Councillor Tomas Lightbody (arrived at 7:01pm)
Councillor Stephen Mayne

OFFICERS PRESENT:
Acting Chief Executive Officer, Ms Kerryn Paterson
Director City Planning, Mr Andrew McMaster
Director City Services, Ms Rachelle Quattrocchi
Director Connected Communities, Ms Lee Robson
Acting Director Experience and Capability, Mr Lawrie McLaughlin
Manager Integrity, Ms Carrie Bruce

1 OPENING PRAYER AND STATEMENTS OF ACKNOWLEDGEMENT

The Mayor read the Opening Prayer & Statements of Acknowledgement.

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

An apology was received from Councillor Deirdre Diamante.

3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST

The Chairperson advised there were no written disclosures of a conflict of interest submitted prior to the meeting and invited Councillors to disclose any conflict of interest in any item listed on the Council Agenda.

There were no disclosures made.

4 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

MOVED: CR MICHELLE KLEINERT
SECONDED: CR LAURA MAYNE

That the Minutes of the Council Meeting held on 25 June 2024 be confirmed.

CARRIED UNANIMOUSLY

5 PRESENTATIONS

5.1 Victoria's School Crossing Supervisor of the Year Awards

The Mayor acknowledged Manningham staff member, Ian Hook who was named Victorian School crossing Supervisor of the Year at the School Crossing Supervisor Victoria Awards.

A supervisor for over 20 years, Ian has supported a generation of local children safely to school.

Supervisors were judged on:

- professional demeanour and presentation
- working knowledge of road rules relating to school crossings
- welcoming, caring, supportive and encouraging to all crossing users
- helpful, informative and clear correct crossing use
- involvement in the school community
- attendance
- punctuality

This is a significant award recognising Ian's committed service to the Warrandyte community and professional performance. The Mayor congratulated Ian on his award.

6 PETITIONS

There were no Petitions.

7 PUBLIC QUESTION TIME

There were no questions from the public.

8 ADMISSION OF URGENT BUSINESS

There were no items of urgent business.

9 PLANNING PERMIT APPLICATIONS

There were no planning permit applications that required a decision of Council this month.

10 CITY PLANNING

10.1 Statutory Planning Application Activity Quarter 3 (January to March 2024)

File Number: IN24/426

Responsible Director: Director City Planning

Attachments: Nil

PURPOSE OF REPORT

This report is to provide Council with a general performance overview for Quarter 3 (Q3) of Statutory Planning application activities required by Chief Executive Officer (CEO) KPI 2023-2024.

EXECUTIVE SUMMARY

This report details the performance of the Statutory Planning team in assessing and determining Planning Permit Applications for Quarter 3 (Q3) covering January to March 2024.

COUNCIL RESOLUTION

MOVED: CR GEOFF GOUGH
SECONDED: CR ANDREW CONLON

That Council note the Statutory Planning Application Activity Quarter 3 (*January-March 2024).*

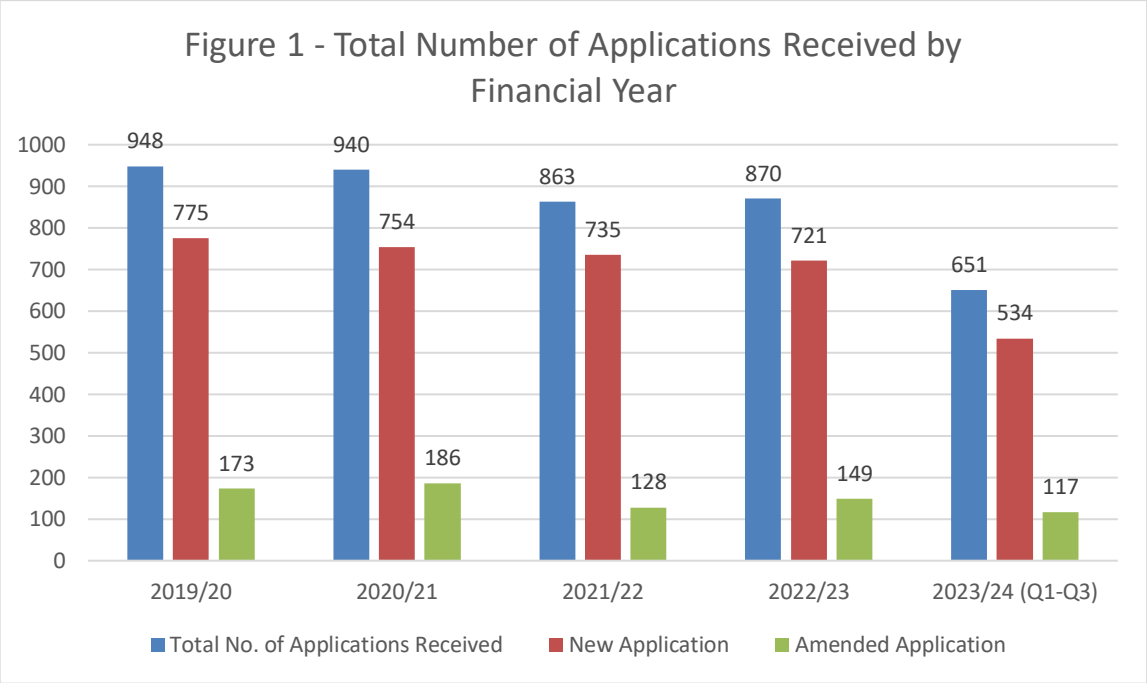
CARRIED UNANIMOUSLY

2. BACKGROUND

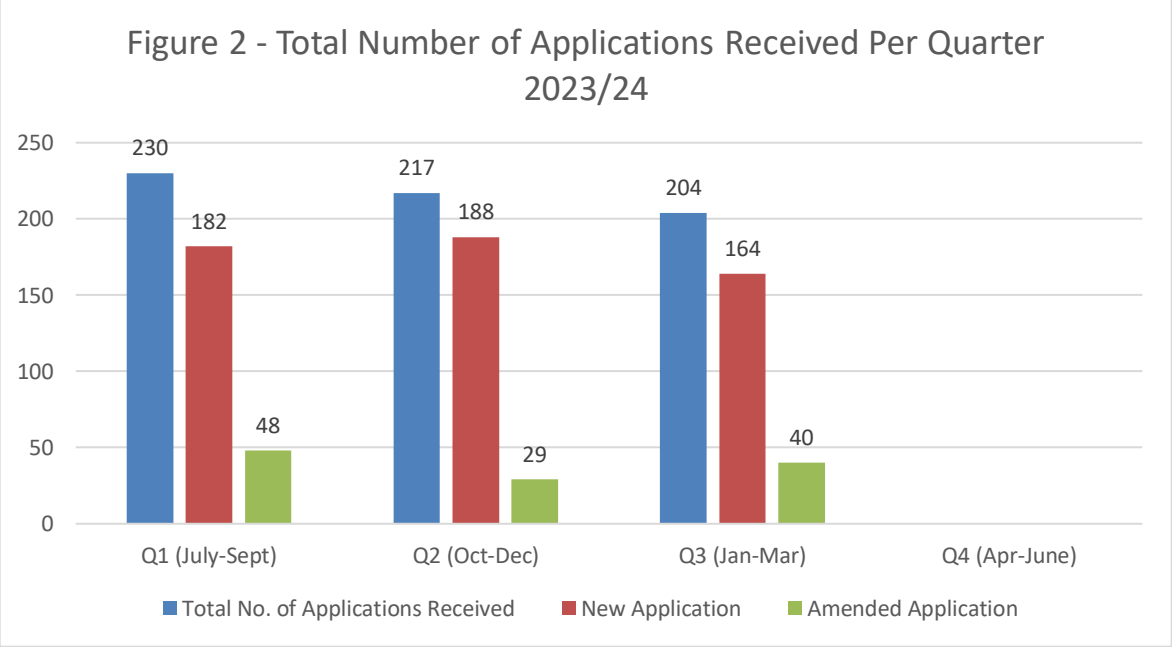
2.1 This report delivers on a CEO KPI, following Council's ongoing focus and interest in the performance of the Statutory Planning team and the assessment of planning applications.

3. DISCUSSION / ISSUE

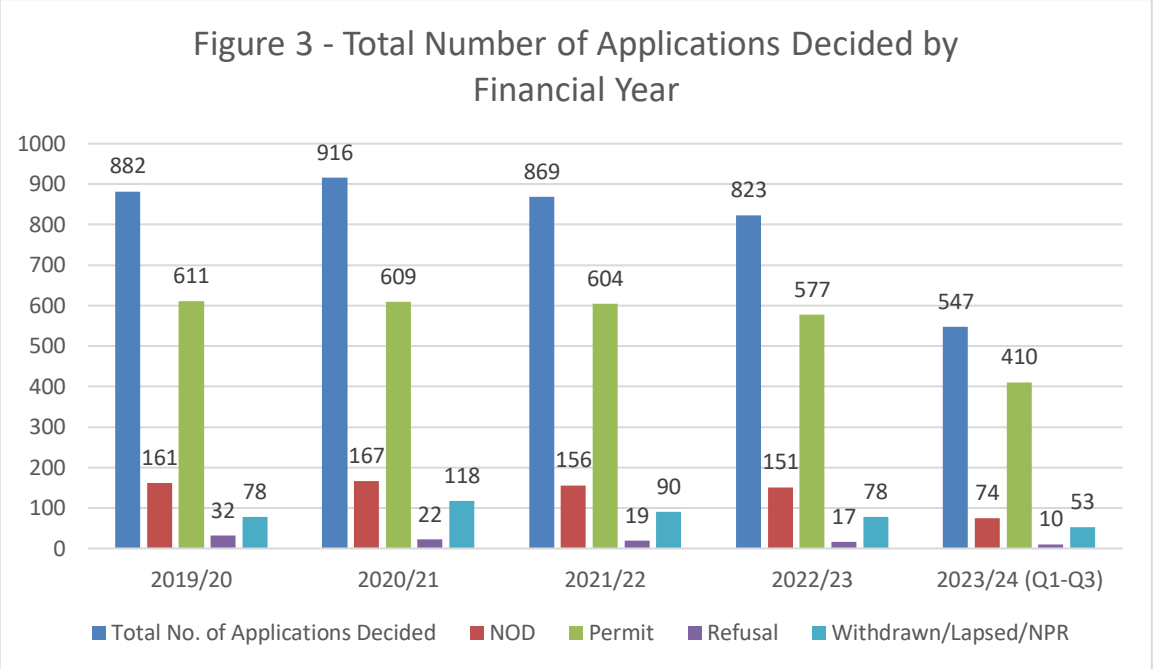
3.1 A total of 651 planning applications were received during the Q1-3 period. This figure is slightly higher than the same quarter in the 2022/23 financial year, which had a total of 622 applications (Figure 1).



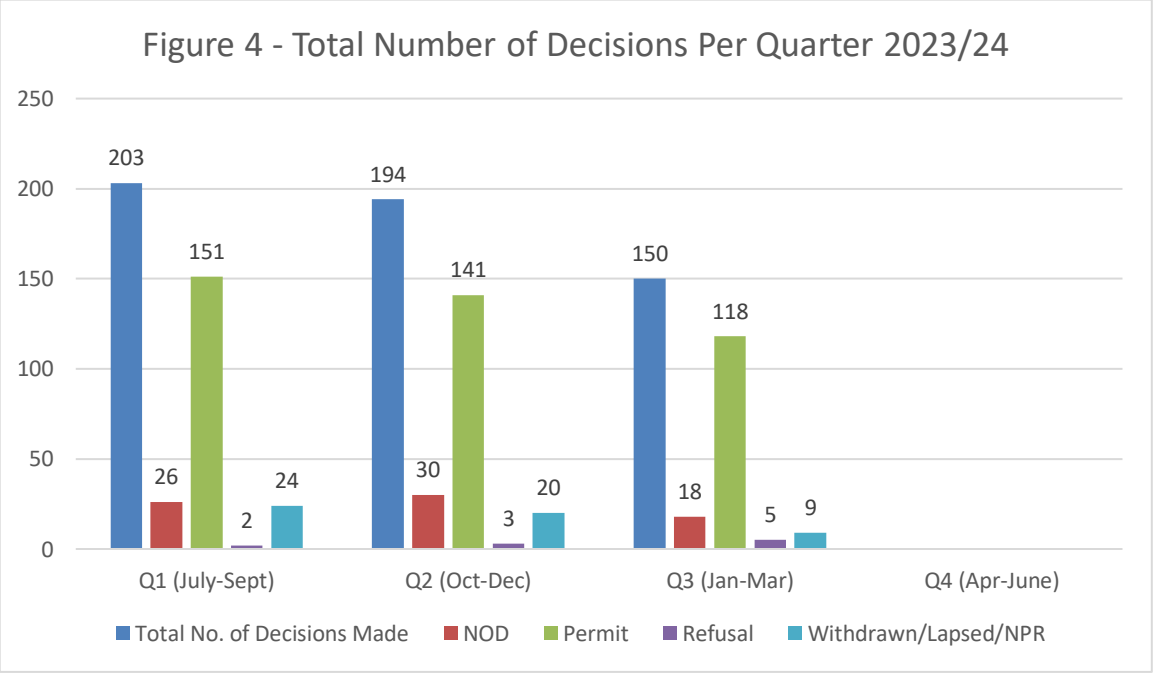
3.2 In Q3, a total of 204 planning applications were received. In comparison, 177 planning applications were submitted during the same quarter in 2022/23. A decrease in the number of planning applications received/lodged during Q3 is typical due to industry wide Christmas/New Year holiday period closures (Figure 2).



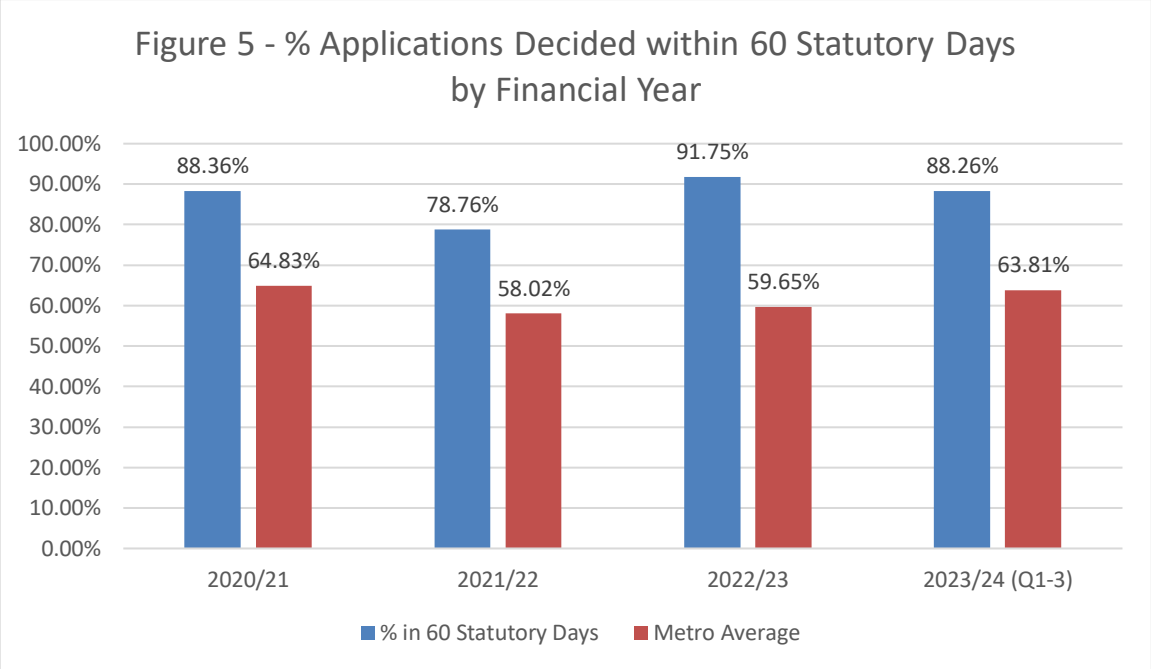
3.3 A total of 547 applications were decided in Q1-3. During this period, a total of 410 planning permits were issued, 74 Notice of Decision to Grant a Planning Permit – NOD's (applications with objections) and 10 refusals, noting that refusals equated to only 1.82% of all decisions made (Figure 3).



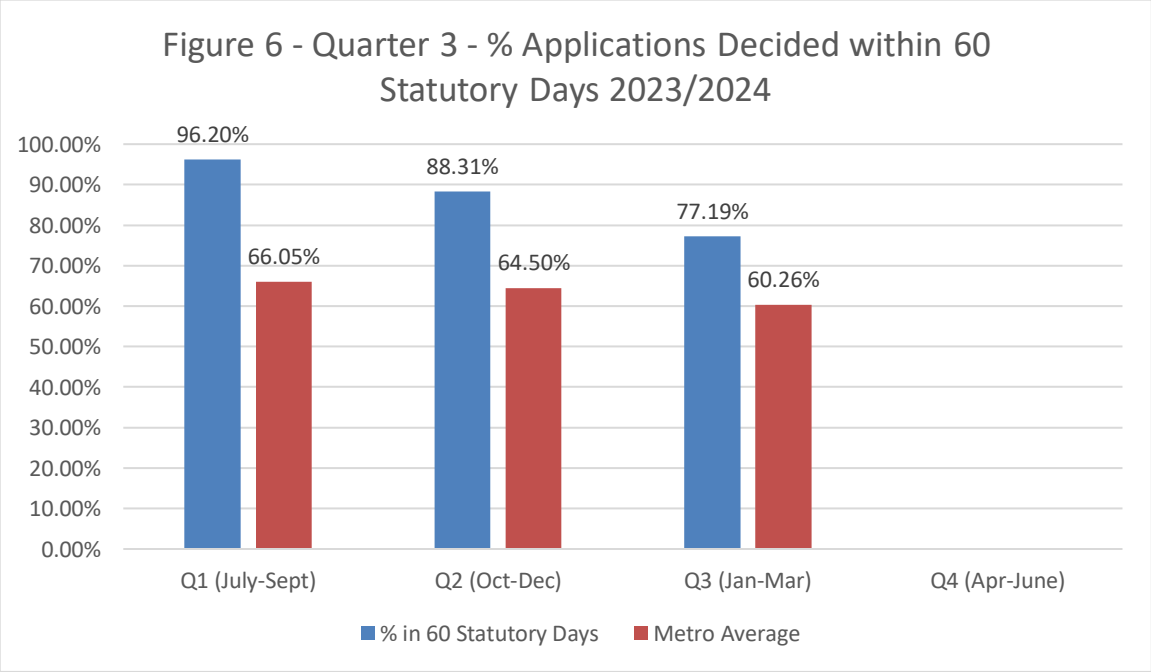
3.4 For Q3, a total of 150 applications were decided. 118 planning permits were issued, 18 Notice of Decision to Grant a Planning Permit (NOD's) and 5 refusals (Figure 4).



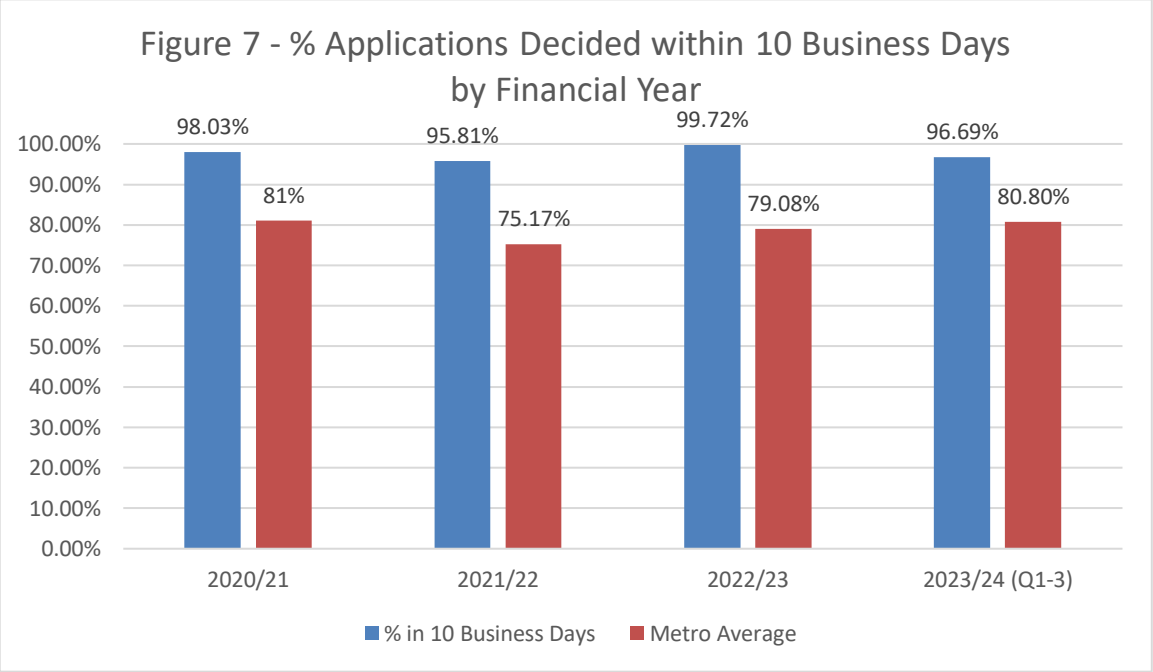
3.5 Manningham continues to process planning applications in a timely manner well above the metropolitan average. For Q1-3, 88.26% of standard stream planning applications were decided with 60 statutory days in comparison to the metropolitan average of 63.81% (Figure 5).



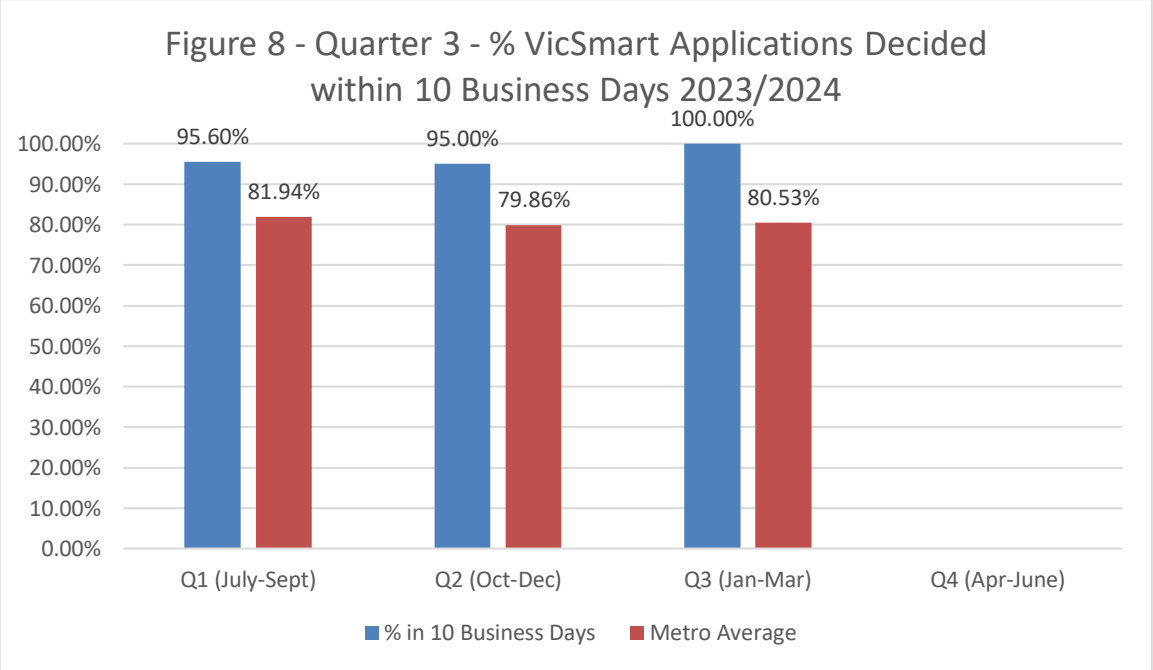
3.6 For Q3, a total of 77.19% of applications were determined within 60 statutory days. Manningham is still well above the metropolitan average of 60.26% (Figure 6).



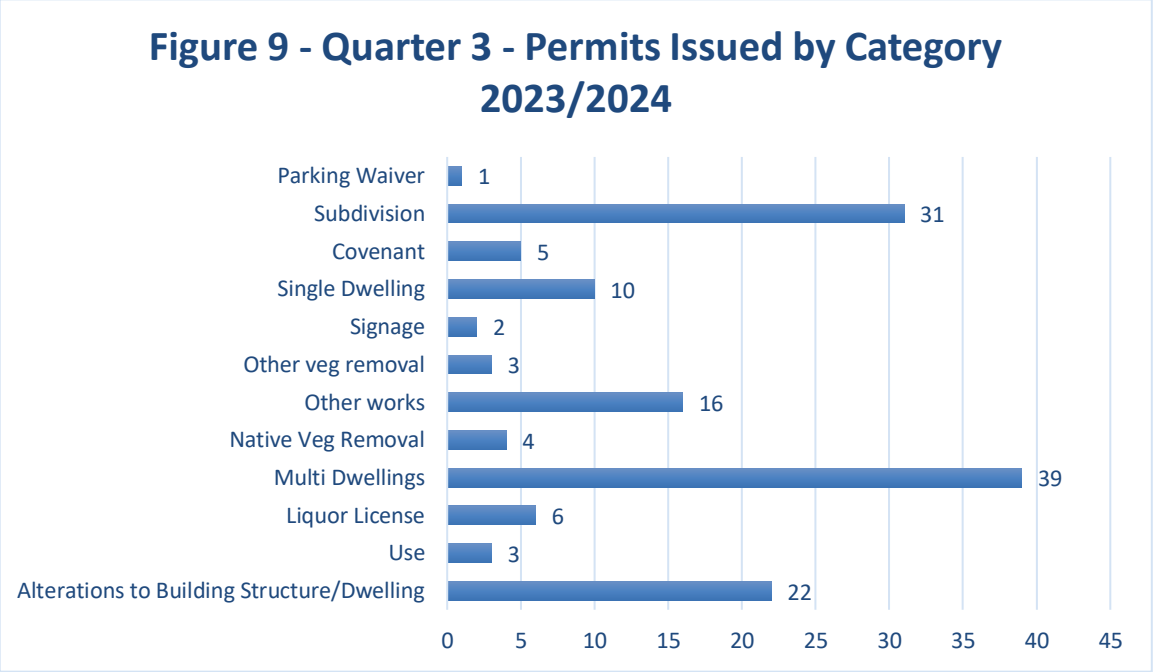
3.7 Manningham also performed well determining VicSmart applications, with 96.69% of applications determined within 10 business days during Q1-3. The metropolitan average was 80.8% (Figure 7).



3.8 For Q3, 100% of all VicSmart applications were decided with 10 business days in comparison to the metropolitan average of 80.53% (Figure 8).



3.9 Multi dwelling developments remain the predominant category of permits issued in Manningham, with subdivision and alterations to an existing building structure or dwelling following closely behind (Figure 9).



3.10 For the financial year to date (Q1-3), a total of 13 appeals have been lodged at VCAT. The majority of appeals lodged have been Section 77 appeals against a Refusal to Grant a Planning Permit (Figure 10 & 11). For Q3, a total of 3 appeals have been lodged against a Refusal to Grant a Planning Permit (Figure 10 & 11).

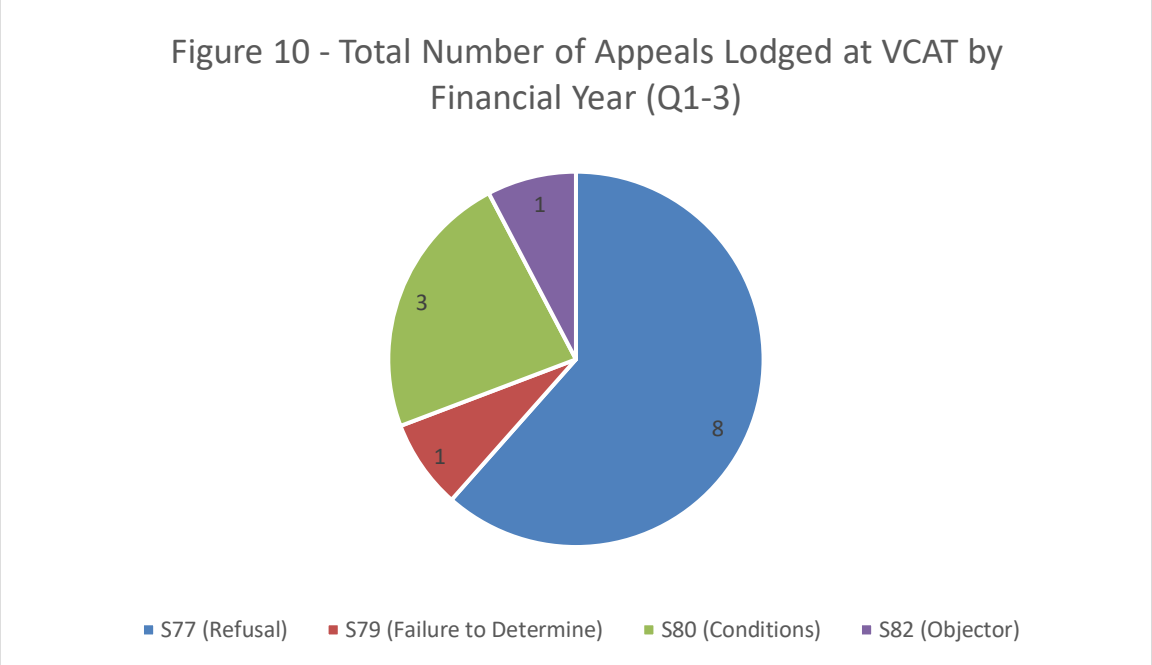
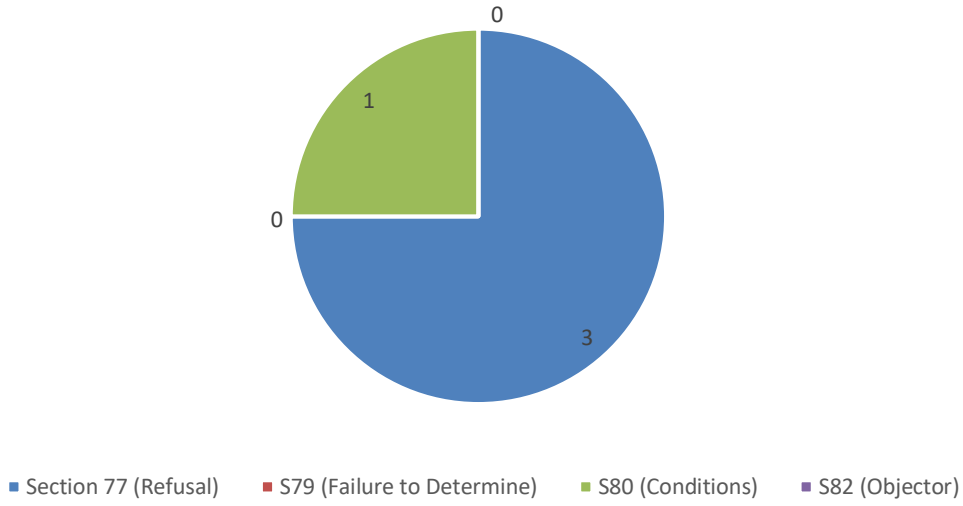
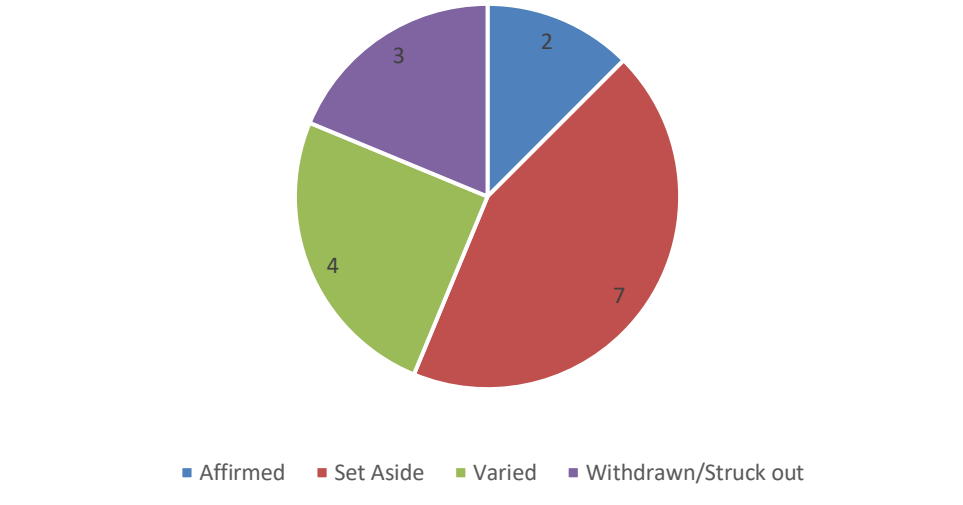


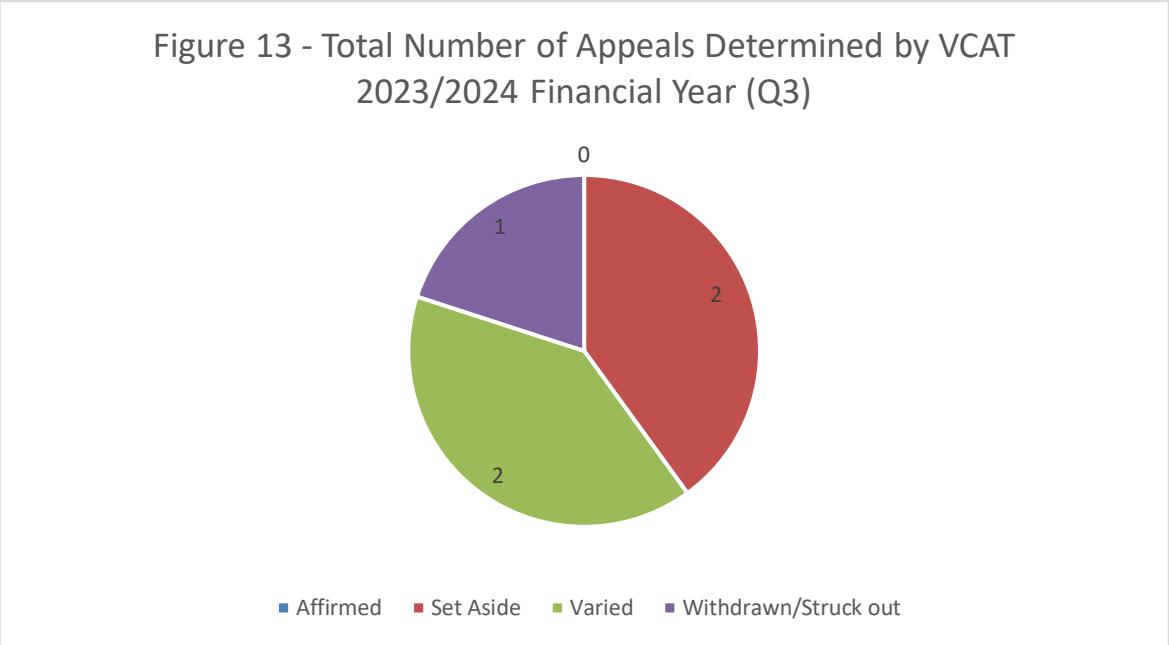
Figure 11 - Quarter 3 - Total Number of Appeals Lodged at VCAT 2023/2024



3.11 A total of 7 appeals have been set aside by VCAT for the financial year to date (Q1-3). This is generally due to significant changes being made to the application that warrant officer support of the application following the formal submission of substituted plans by the applicant. Whilst 4 appeals have been varied, the officer's decision was upheld along with some potential additional changes made by the tribunal member (Figure 12). A further breakdown for the quarter is provided in Figure 13.

Figure 12 - Total Number of Appeals Determined by VCAT 2023/2024 Financial Year (Q1-3)





***Data Source - Planning Permit Activity Reporting (PPAR)

4. COUNCIL PLAN / STRATEGY

4.1 This report addresses theme 5.1 – *Transparency in decision making and demonstrating the success of our services, and achievement of social, environmental and economic outcomes for our community* as outlined in the Manningham Council Plan 2021-2025.

5. IMPACTS AND IMPLICATIONS

5.1 Finance / Resource Implications

Nil

6. IMPLEMENTATION

6.1 Communication and Engagement

Is engagement required?	No
Stakeholder Groups	Council and the community
Where does it sit on the IAP2 spectrum?	Inform
Approach	Report on Council website

7. DECLARATIONS OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

11 CONNECTED COMMUNITIES

11.1 Aquarena Outdoor Redevelopment Project Update

File Number: IN24/379

Responsible Director: Director Connected Communities

Attachments: 1 Proposed Aquarena Concept Design Package ⇩
2 Aquarena Cost Plan (confidential)

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of the proposed procurement strategy for the Aquarena Outdoor Redevelopment and seek support to proceed with the first phase of the procurement process, being an Expression of Interest process.

The report also notes the proposed concept plan and cost plan (confidential) which will be further refined through community consultation and detailed design processes.

EXECUTIVE SUMMARY

The design process for the redevelopment of the outdoor area at the Aquarena Aquatic and Leisure Centre commenced in early 2024, following the endorsement of the Aquarena Outdoor Master Plan in August 2023.

The design process has been guided by the agreed principles of the Master Plan and has focused on key community priorities that were identified through previous consultation processes. These priorities include 1) an improved café; 2) enhanced water play area; and 3) further space for schools and clubs.

Design consultants Co-Op Studio have prepared a concept design following a robust review of all elements of the Master Plan, whilst also considering site constraints and operational implications. Key features of the concept design are outlined below and seek to maximise use and enhance community outcomes and benefits.

- ***High profile café location** at the rear of the centre providing an elevated 'wet lounge' / seating area in the indoor pool hall, in addition to a separate indoor 'dry lounge' / café and outdoor decking to maximise opportunities for social connections.*
- ***Large family zone with enhanced water play offering** through the provision of a family and children's zone (approximately 400m2) with a zero-depth interactive water play area and large toddlers pool, providing a major draw card for families.*
- ***Modern 50m pool** incorporating a ramp to maximise accessibility and a moveable swim wall to allow for flexible 50m and / or 25m operation.*
- ***New amenities block** and marshalling area for schools and clubs.*
- ***Electrification of outdoor pool plant** to complement the new outdoor pools. This improvement will take advantage of the opportunity to future proof the plant, noting the age and condition of the existing gas boilers, and in accordance with Council's commitment to a nett zero emissions target.*

- ***Other features*** *including new shade structures, formalised / tiered spectator zone with ramp access and extensive landscaping throughout the site.*
- ***Quiet program pool****. The potential provision of this pool is subject to further investigation and is proposed to be included as a tender option. An alternative option for a quiet landscaped area will also be considered to allow this southern elevated area to be developed at a later stage.*

Officers from Council's Procurement and project delivery teams have liaised with industry experts and colleagues and recommend a two stage Expression of Interest (EOI) and Request for Tender (RFT) process as the proposed procurement methodology for the delivery of the project.

COUNCIL RESOLUTION

MOVED: **CR STEPHEN MAYNE**
SECONDED: **CR LAURA MAYNE**

That Council:

A. notes the proposed Aquarena Outdoor Redevelopment Concept Plan shown at Attachment 1 and that the final design will be presented to Council for formal endorsement in 2025.

B. notes the detailed cost estimates for the Concept Plan as outlined in confidential Attachment 2 and the associated budget implications.

C. Authorises officers to proceed with a two-stage procurement strategy for the Aquarena Outdoor Redevelopment, commencing with an Expression of Interest process, to start in August 2024.

CARRIED UNANIMOUSLY

2. BACKGROUND

2.1 The Aquarena Outdoor Master Plan was endorsed at the August 2023 Council Meeting, in which it was resolved to:

A. Approve the draft Aquarena Outdoor Master Plan;
B. Approve Option 1 for the construction timing of all components of the draft Aquarena Outdoor Master Plan at the same time as the 50m pool redevelopment occurs;
C. Note that the recommended allocated budget for the Aquarena Outdoor Master Plan is $13,200,000 and this will be listed in the capital works program with planning to commence in 2024/25.

The 50 metre outdoor pool was listed as a separate capital works project (with an indicative allocation of $10 million), bringing the total budget to $23.2m.

2.2 The central theme for the master plan is 'Your Backyard' with a focus of being welcoming, fun, accessible and safe for all facility users. The following principles were developed to guide the Master Plan and ultimate redevelopment of the outdoor area at Aquarena:

- Accessible and Inclusive
- Maximising Social and Health Benefit
- High-Quality Facilities
- Financial Viability
- Strategic Alignment

2.3 The development of the Master Plan involved extensive consultation to help determine the vision and key priorities to encourage greater use of the outdoor area. The top three priorities that were identified by the community include:

1. Improved café area for indoor and outdoor dining
2. Enhanced water play area
3. Further pool space for schools and clubs

These priorities have guided the refinement of the concept design. Other priorities included the need to upgrade the 50m pool, provide more shade, new / additional change room amenities and enhanced accessibility.

2.4 In late February 2024, Co-Op Studio was awarded the contract for design services for the redevelopment of the Aquarena outdoor area. The Project Working Group (PWG) has worked closely with Co-Op Studio to progress the concept design in alignment with community priorities and the guiding principles of the project. The original master plan consultants, Sport and Leisure Solutions have also been engaged to help inform the concept design to ensure it reflects the aspirations of the endorsed Master Plan.

2.5 Undertaken in parallel with the design process, Officers from the Procurement and Project Delivery teams have liaised with Maddocks and other industry colleagues to develop a procurement strategy for the delivery of the project. This includes a two stage Expression of Interest (EOI) and Request for Tender (RFT) process, which is detailed further in section 3.2.

3. DISCUSSION / ISSUE

Concept Design

3.1 The concept design process has sought to build on the outcomes of the Aquarena Outdoor Master Plan to maximise community benefit, whilst overcoming a range of challenges, such as the accessibility / topography of the site, and presence of stormwater and sewer easements which run along the western façade of the centre. These issues and opportunities, together with operational considerations have informed the proposed concept design which includes the following key features.

3.2 Café with three serveries / access points to service three separate seating areas including 1) a new indoor café; 2) an elevated 'wet lounge' in the indoor pool hall; and 3) a new outdoor deck overlooking the 50m pool and new family zone.

3.2.1 Improving the café for indoor and outdoor dining was identified as the number one community priority through the master plan. The existing café is small and located at the rear of the centre, with limited visibility and connectivity to the indoor centre. The new café will have a seamless integration with both the indoor pool hall and outdoor area and offer both indoor and outdoor dining to maximise opportunities for social connections.

3.2.2 The café will have a high profile at the rear of the indoor pool hall providing an elevated 'wet lounge' / seating area to overlook the indoor pools and provide a welcoming dining option for bathers / patrons and parents watching their children's swimming lessons.

3.2.3 The café and wet lounge will partially occupy the space currently occupied by the indoor toddlers pool. This small water body is underutilised and will be replaced by a large outdoor toddlers pool and water play area, which forms part of a new family and children's zone. There is also the potential to extend the existing indoor Learn-to-Swim pool as a potential future stage.

3.3 **Family and Childrens Zone with Water Play and Toddlers Pool.** Providing enhanced water play was identified as a key community priority for the Aquarena REDEVELOPMENT, to better cater for children and families. The concept design includes a 400m2 water play zone, incorporating a zero-depth area with interactive water play features, in addition to a 40cm deep toddler pool. The water play zone will be located in the open space area in front of the pavilion, with the bulk of the equipment located outside the sightline of the 50m pool from the café deck, and furthest from the residential boundary to the north.

3.4 **New modern 50m pool** with ramp access and moveable swim wall to allow for 25m and 50m operation to maximise FLEXIBILITY and use.

3.5 **New amenities block** (with showers, change rooms and toilets) and marshalling area located at the northern end of the 50m pool to cater for schools and clubs.

3.6 **Other features** include new shade structures, formalised / tiered spectator zone with ramp access and extensive LANDSCAPING treatments throughout the site.

3.7 **Electrification of the Outdoor Pool Plant** in accordance with Council's commitment to nett zero emissions.

- The concept design includes the electrification of the outdoor pool plant and spatial provisions for a later, full electrification of the entire Centre. Proposed works include an upgrade to the mains power supply, and the substitution of the existing gas boilers and hot water systems for energy efficient heat pumps. The heat pumps will provide the outdoor pool and plant room with the necessary heating requirements within a nett zero emissions environment (due primarily to Council's VECO contract).

- This option is estimated to cost approximately $2.4 million (compared to the retention of the gas boilers) however an opportunity may exist for Council to access a 2025 Federal Government grant (Community Energy Upgrade Fund or CEUF) of up to $2.5m which could make the recommended option (#2) a cost neutral exercise.

- The electrification of the outdoor plant at the same time as the outdoor pool redevelopment program provides an opportunity for future proofing the plant. It provides for better asset management and condenses all disruption to the gas boiler removal at the same time as other works.

3.8 **Quiet Pool:** The potential provision of a quiet program pool requires further consideration.

- Unlike other proposed master plan features, the quiet pool was not identified as a priority by the community. The elevated location (currently occupied by the disused children's area) presents a range of accessibility challenges and has limited connectivity to other aquatic areas.

- Based on these factors, the detailed design process will investigate two potential options for this southern elevated area to include 1) the provision of a quiet program pool (and associated access requirements) and 2) a quiet landscaped area – to preserve the opportunity for a quiet pool (or alternate use) as a future stage. The potential 'quiet pool' is proposed for inclusion as a 'tender option' as part of the procurement process. This can then be assessed at that time to consider the advantages of the extra water space and the viability of including this as part of the project going forward.

3.9 **Procurement Strategy**

3.9.1 Officers recommend a two stage Expression of Interest (EOI) and Request for Tender (RFT) process as the proposed procurement methodology for the project. The two stage EOI process is based on current successful market practices for similar projects and to enhance the delivery of a quality end product.

3.9.2 The two-stage tender process would involve:

Stage 1 – An expression interest for the project, with qualitative evaluation of the experience, capability, and capacity tenders. Shortlisted contractors would be selected to progress to stage 2.

Stage 2 – Competitive tenders would be called for the shortlisted contractors. This stage will include contract options and final opportunities for further value management.

3.9.3 On completion of the evaluation the recommendation of the preferred contractor would be presented to Council for endorsement.

4. COUNCIL PLAN / STRATEGY

4.1 This project responds to the following goals within the Council Plan 2021-25

Healthy community. Goal 1 - A healthy, safe and resilient community.

Healthy community. Goal 2 - Connected and inclusive community.

Liveable places and spaces. Goal 1 - Inviting places and spaces.

Liveable places and spaces. Goal 4 - Well utilised and maintained community infrastructure.

Resilient Environment. Goal 2 - Reduce our environmental impact and adapt to climate change.

Vibrant and prosperous economy. Goal 2 - Grow our local business, tourism and economy.

4.2 This project meets the following priority areas within Council's Active for Life Recreation Strategy 2010-25 (2019 Review):

Priority Area 1 – Provide flexible, multi-use and durable spaces for recreation to meet the needs of a growing community.

Priority Area 2 – Foster an environment of inclusion.

4.3 The project also responds to the Health and Wellbeing Strategy 2021-25

Priority 3 – Increased active lifestyle.

Priority 7 – Increased connection to and engagement in community life.

5. IMPACTS AND IMPLICATIONS

5.1 Finance / Resource Implications

5.1.1 The Master Plan included a high level cost estimate of $13.2 million for the outdoor redevelopment of Aquarena, excluding the cost of a new 50m pool, which was estimated at a further $10 million (indicative estimate only).

5.1.2 A detailed cost estimate (Cost Plan A) has been prepared by Zinc Quantity Surveyors Pty Ltd based on the proposed concept design. This is provided as a confidential attachment.

5.1.3 The project is likely to be eligible for funding of up to $2.5 million under the Federal Government's Community Energy Upgrade Fund, noting that this is a competitive process.

5.1.4 The design team, together with Officers will explore potential value management and / or staging opportunities throughout the detailed design and procurement processes (including the potential addition of the Quiet Pool which is currently excluded from Cost Plan A).

5.1.5 Consideration of the final project cost will be considered as part of the 2025/26 budget process.

5.1.6 Business interruption costs associated with the closure / construction period are excluded from Cost Plan A. These cost projections will be prepared during the detailed design process, in addition to revised projections for the operation of the Centre following the completion of the project.

6. IMPLEMENTATION

6.1 Communication and Engagement

Is engagement required?	Yes
Stakeholder Groups	1. Aquarena members and patrons 2. Aquarena stakeholder groups (swim clubs, schools) 3. Residents / general community 4. Industry stakeholders (i.e. Life Saving Victoria)
Where does it sit on the IAP2 spectrum?	Inform
Approach	Communication material (website, social media posts, signs, flyers etc.) Information displays Stakeholder meetings Drop-in sessions

6.2 **Timelines**

6.2.1 Community and stakeholder engagement is proposed to be undertaken on key aspects of the design, during the detailed design phase of the project.

6.2.2 The first phase of the procurement process being an Expression of Interest process, is proposed to commence in August 2024.

6.2.3 The final design and associated cost plan (confidential) will be presented to Council for approval in early 2025, prior to the tender / second phase of the procurement process.

6.2.4 The final project budget (confidential) will be presented to a Council Meeting at the end of the procurement phase (approximately mid 2025) to award the construction contract.

6.2.5 The construction period is estimated to commence in late 2025, subject to contractor availability. A construction period of up to 15 months is anticipated.

7. DECLARATIONS OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

ISSUE |REVISION A DATE | 07.06.2024

Aquarena Aquatic & Leisure Centre Redevelopment

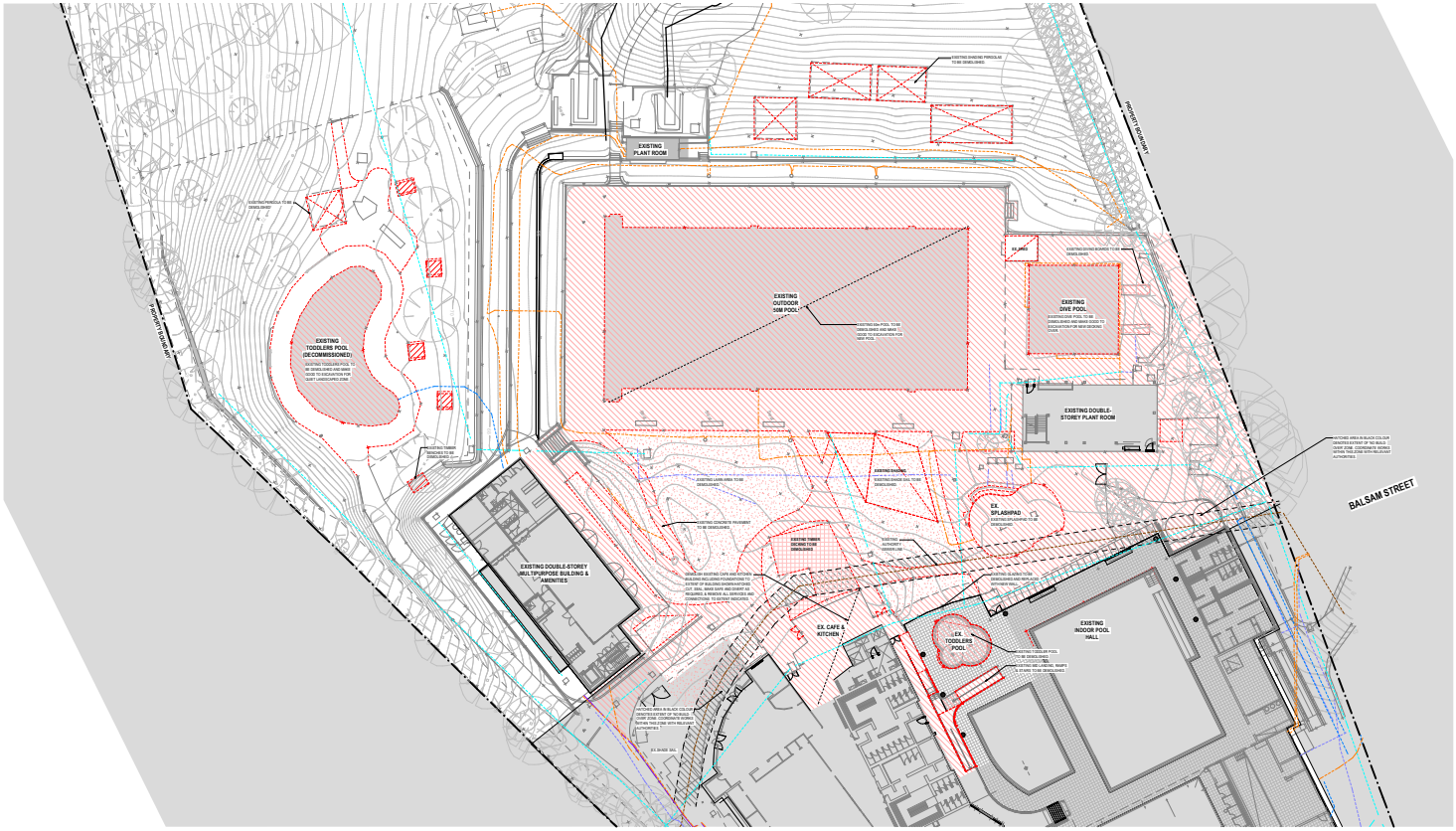
MELBOURNE
L6.54 Wellington Street
Collingwood VIC 3066
Australia

MANNINGHAM CO.OP

SYDNEY
406.46 Kippax Street
Surrey Hills NSW 2010
Australia

co-opstudio.com.au

EXISTING & DEMOLITION - GROUND FLOOR PLAN

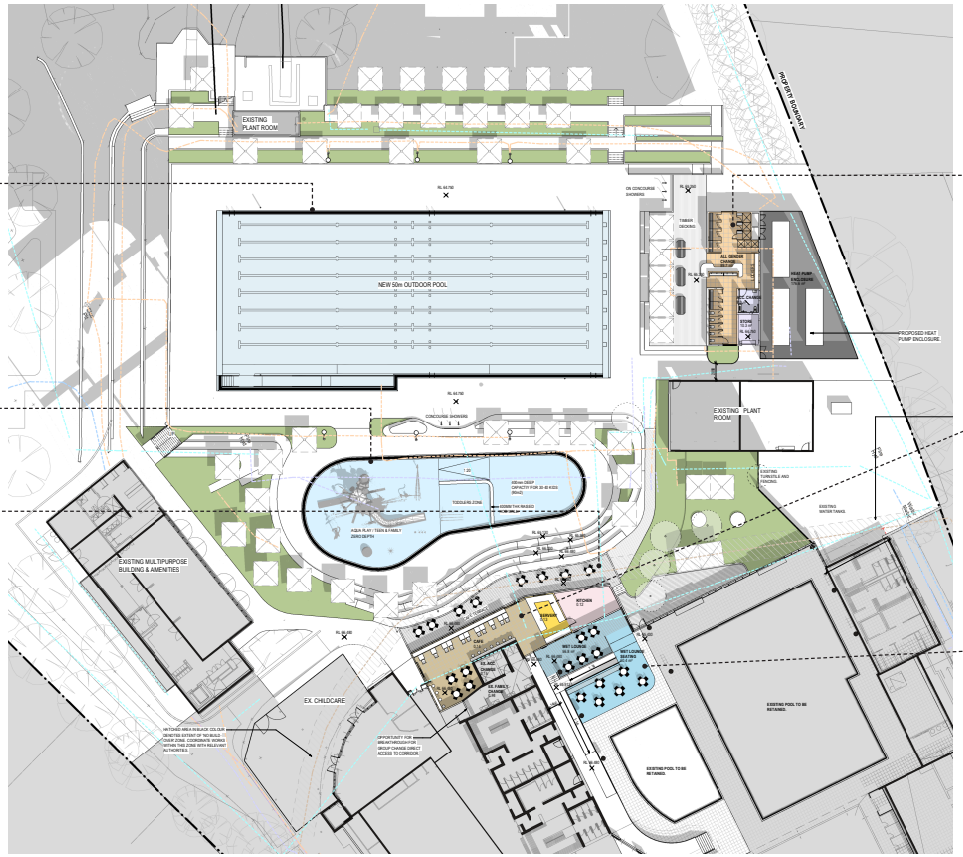


GROUND FLOOR PLAN

50 METRE POOL

WATERPLAY

CAFE TERRACE



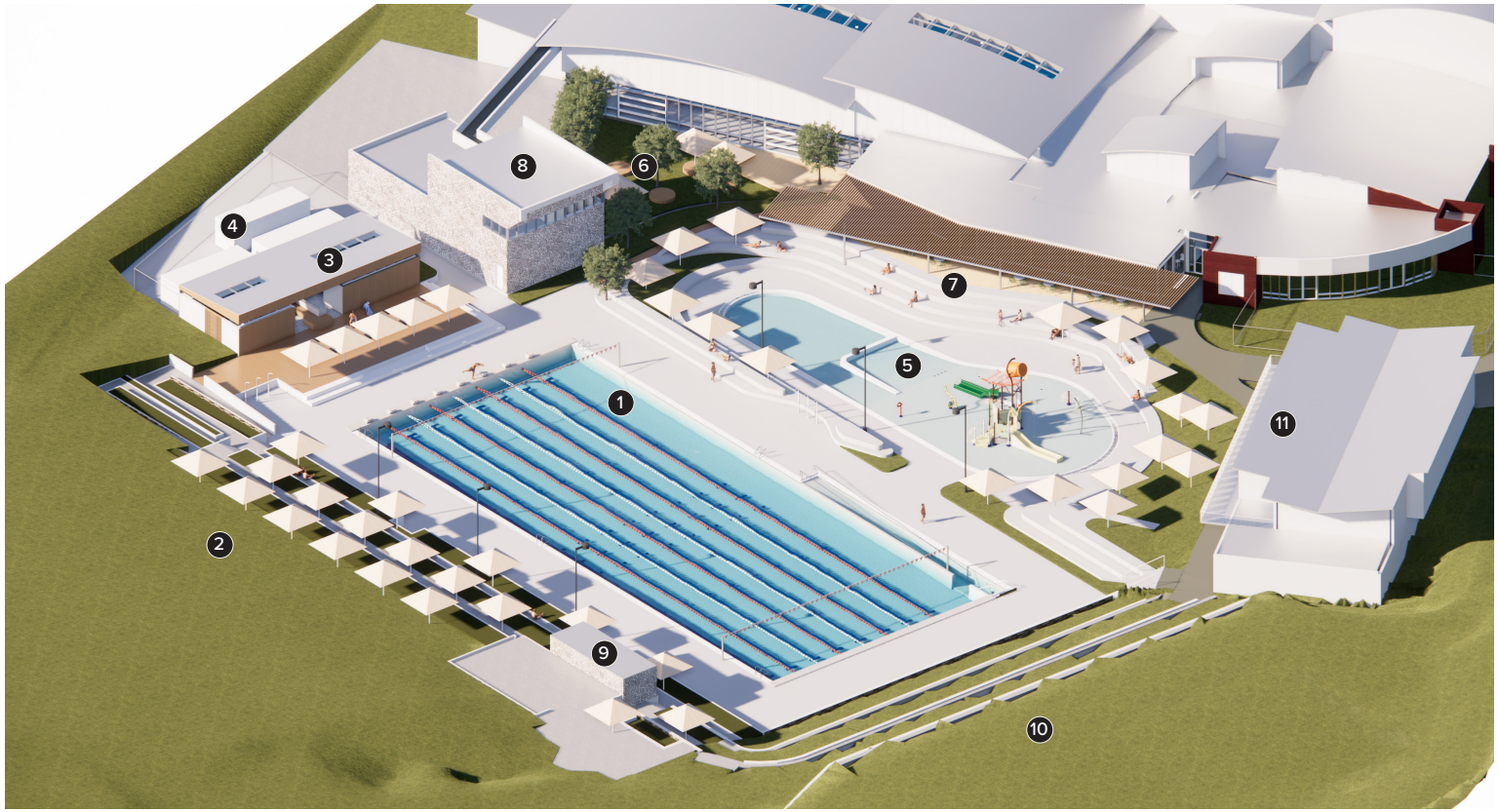
CHANGE BLOCK

CAFE

WET LOUNGE

AXO VIEW

1. 50 meter pool
2. Spectator seating
3. Change block
4. Heat pump enclosure
5. Splashpad & waterplay
6. Quiet sensory landscape
7. Cafe terrace
8. Existing plant room
9. Existing plant room
10. Existing southern terrace
11. Existing multistorey amenities



MANNINGHAM CO.OP Aquarena Aquatic & Leisure Centre Redevelopment DATE |07.06.2024 4

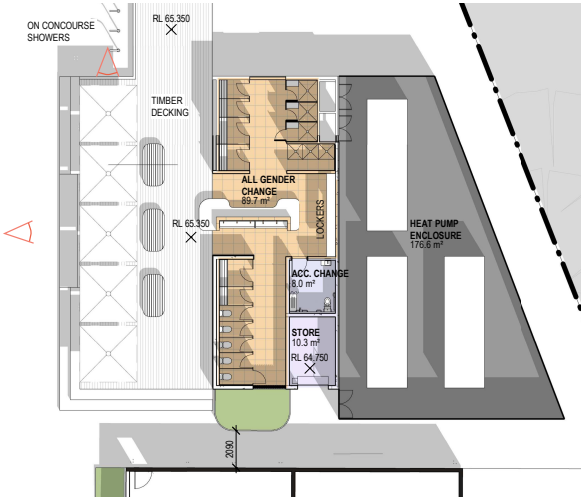
50M POOL

Key Plan - 50m Pool

View looking towards 50m pool and waterplay

View looking towards 50m pool, tiered seating and change block

CHANGE BLOCK

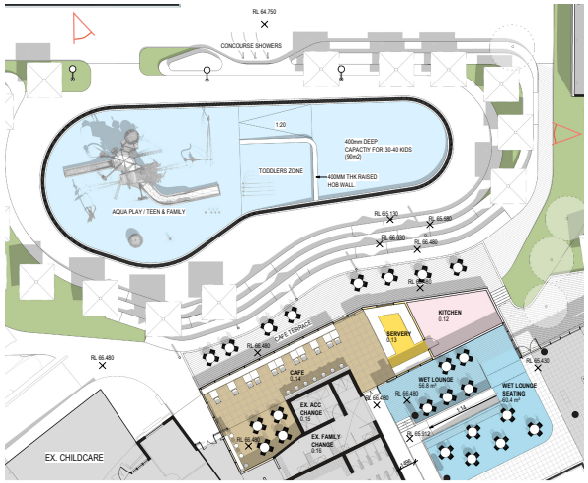


Key Plan - Change block

View looking towards change block deck and existing plant room

View looking towards change block entrance

WATERPLAY

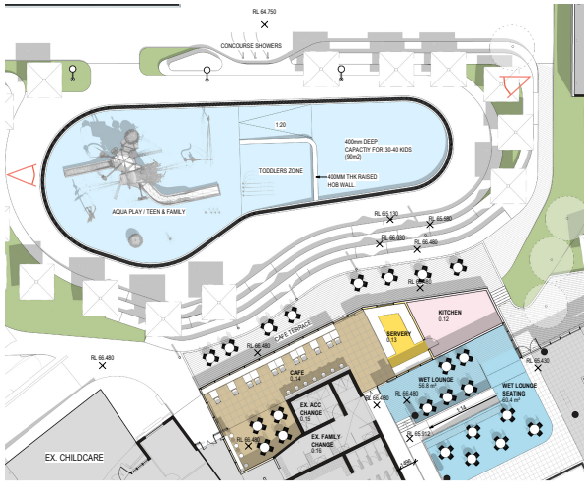


Key Plan - Waterplay

View looking towards waterplay and cafe terrace

View depicting ramp promenade to cafe terrace and waterplay/ splashpad

WATERPLAY

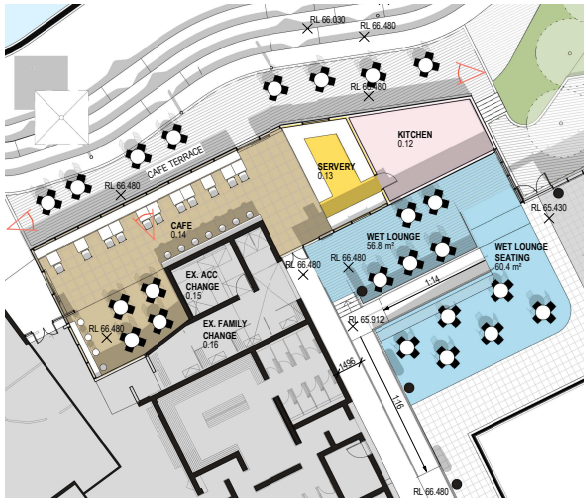


Key Plan - Waterplay

View looking towards waterplay equipment

View towards covered cafe terrace and waterplay/ splashpad

CAFE



Key Plan - Cafe

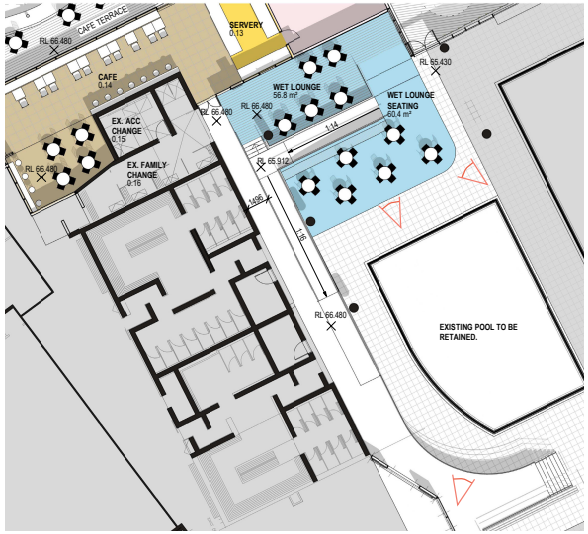
View looking towards waterplay from tiered seating

View looking toward decked cafe terrace under canopy

INTERNAL - CAFE

View towards waterplay and landscaped spectator seating from inside cafe

WET LOUNGE



Key Plan - Wet lounge

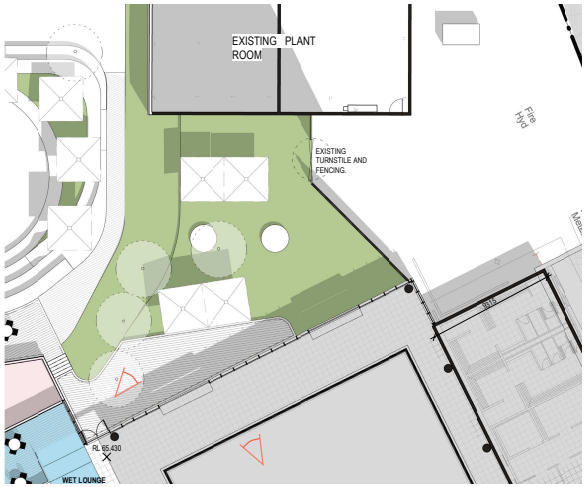
View looking towards wet lounge seating and ramp access

View looking towards wet lounge seating and stair access

INTERNAL - WET LOUNGE

View towards wet lounge seating from ramp access

QUIET LANDSCAPE



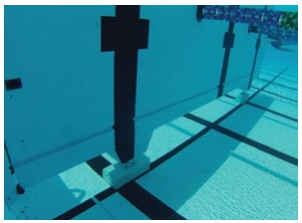
Key Plan - Quiet landscape

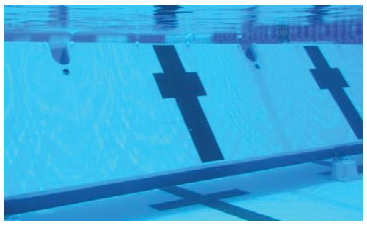
View looking towards glazed view of quiet landscape zone

View looking towards quiet landscape zone with shade and seating

SUBMERSIBLE SWIM WALLS

Submersible swim walls provide pool flexibility. A custom made wall spans the full pool width or a number of lanes to allow the separation of a 25 or 50m pool. these can be retrofitted to existing pools or incorporated into new pool designs. They come in standalone or rebated models.





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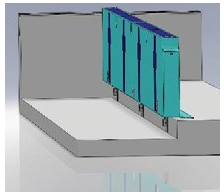
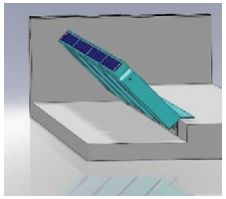
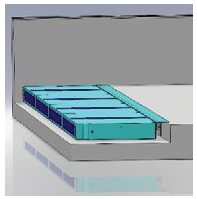
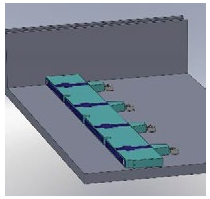
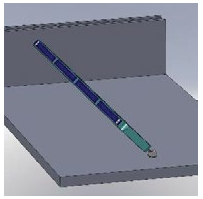


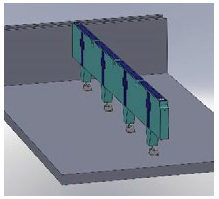




RETROFIT







12 CITY SERVICES

There were no City Services reports this month.

13 EXPERIENCE AND CAPABILITY

There were no Experience and Capability reports this month.

14 CHIEF EXECUTIVE OFFICER

14.1 Review of Manningham's Governance Rules

File Number: IN24/418

Responsible Director: Director Experience and Capability

Attachments: 1 Draft Governance Rules 2024 ⇩
2 Charter Assessment - Draft Governance Rules 2024 ⇩

PURPOSE OF REPORT

This report presents an overview of the submission received during the consultation period and outlines further proposed minor administrative amendments to the Governance Rules prior to endorsement by Council.

EXECUTIVE SUMMARY

Section 60 of the Local Government Act 2020 (the Act) requires a Council to develop, adopt and keep in force Governance Rules (the Rules) with respect to a number of matters including the conduct of its Council meetings and its Election Period Policy.

It is considered prudent to review the Election Period Policy (EPP) prior to a general election to ensure contemporary practices are in place. Reviewing the EPP triggers a formal review of the Rules more broadly.

At its meeting on 28 May 2024, Council endorsed a set of draft Governance Rules for public consultation. Submissions were open from 5 June to 1 July 2024 and one (1) submission was received. In addition, officers are proposing a number of minor administrative amendments to clarify some clauses.

COUNCIL RESOLUTION

MOVED: **CR MICHELLE KLEINERT**
SECONDED: **CR GEOFF GOUGH**

That Council:

A. adopt the Governance Rules shown at Attachment 1 to this report.

B. change the September Council meeting date from Tuesday, 17 September 2024 to Monday, 16 September 2024.

CARRIED UNANIMOUSLY

2. BACKGROUND

2.1 With the upcoming Council elections scheduled for 26 October 2024, officers have reviewed the Election Period Policy to ensure contemporary practices are in place to support Council and the organisation through the election period.

2.2 This review also provided an opportunity to identify what processes and procedures of the Rules have worked well, and what could be further refined, within the parameters of the Act.

2.3 This report presents an overview of the submission received during the consultation period and recommends that Council adopt the Governance Rules with minor amendments as outlined below.

3. DISCUSSION / ISSUE

3.1 The draft Governance Rules were placed on public exhibition from 5 June to 1 July 2024. Feedback was sought using a variety of communication methods including:

- promotion on Manningham's website and social media channels
- Your Say Manningham
- Manningham-Nillumbik Bulletin

3.2 An overview of the visits to the draft Governance Rules page on Your Say Manningham show that there were 60 visits to the page in total, with 3 separate visitors downloading the Governance Rules, and one (1) visitor downloading the FAQs.

3.3 At the conclusion of the consultation period, one (1) submission was received, and the anonymous submitter did not request to be heard in support of their submission. The submission is below with an officer recommendation.

3.4 Submission One (1):

I believe the removal of prayers and acknowledgement is not appropriate because this is one of the traditions in the council meeting.

3.5 Council Officer's Response to the submission:

3.5.1 The submitter made a comment regarding the *Order of Business* relating to "Opening Prayer, Acknowledgement of Country and Statement of Diverse Backgrounds and Cultures". The submitter believes such traditions should be retained at a Council meeting.

3.5.2 Council is proposing to rename "Opening Prayer, Acknowledgement of Country and Statement of Diverse Backgrounds and Cultures" to "Welcome". This provides a more inclusive approach and acknowledges the diversity of our community.

3.5.3 Further, the practice of opening the meeting will be at the discretion of each Mayor. As a minimum it will include the Acknowledgement of Country and Statement of Diverse Backgrounds and Cultures.

3.5.4 Officers propose no further changes to the order of business as outlined in the draft Governance Rules.

3.6 In addition to the submission received, a number of minor administrative refinements were identified following further consultation with Councillors. These are outlined below:

3.6.1 Rule 13.4 Notice of Meeting – this rule has been amended to remove reference to advertising the Council meeting schedule in a newspaper circulating in the municipality. Currently officers advertise in The Age. Advertising on Council's website, social media and in Manningham Matters is considered to be the best way to communicate with our local community.

3.6.2 Rule 25 Change to Order of Business – this rule has been amended to provide clarity around our practice and convention of requiring a Council resolution to change the order of business.

3.6.3 Rule 42.1 Separation of Motions – this rule has been amended to clarify that a Council resolution is required to separate motions before the meeting.

3.6.4 Rule 48.1 Notices of Motion – this rule has been clarified by providing a time (12pm) by which Notices of Motion need to be submitted to the Chief Executive Officer and enabling motions to be submitted electronically.

3.6.5 Rule 53.1 No Discussion once Declared – this is an administrative amendment to the rule to remove reference to a call for a division as the Governance Rules no longer provide for divisions to be called.

3.7 During the public consultation period, a review of the Governance Rules was undertaken in light of Council's obligations under the *Charter of Human Rights and Responsibilities Act 2006* (Charter).

3.8 Attachment 2 outlines the provisions of the Governance Rules which engage rights conferred by the Charter, and subsequently:

- whether those provisions limit the Charter rights in question; and
- if so, whether those limitations are demonstrably justifiable in line with s7(6) of the Charter, or whether Council should consider amending the wording of those provisions.

3.9 The assessment found that most of the Rules are in line with Council's obligations under the Charter. Those rules that were assessed as having the potential to be applied in a way that unlawfully infringes a right can be addressed through administrative process to ensure compatibility. No further changes are proposed as a result of the Charter assessment.

3.10 On Wednesday 19 June 2024, the *Local Government Amendment (Governance and Integrity) Bill 2024* was passed by Parliament. Royal Assent was given on 25 June 2024. As a result, the following two changes has been confirmed to the Election Period Policy:

3.10.1 Extending the election period (sometimes known as "caretaker period") from 32 days to 39 days; and

3.10.2 The introduction of a Model Councillor Code of Conduct, rather than a Code of Conduct developed by individual Councils.

3.11 As a result of the election period being extended and the restrictions placed on the conduct of Council meetings during the election period, it is recommended that the September Council meeting be brought forward by one day to Monday 16 September 2024. This will enable Council finalise any outstanding matters before it enters the election period in the lead up to the 2024 Council elections as the October Council meeting will consider routine administrative matters only.

4. COUNCIL PLAN / STRATEGY

4.1 A contemporary governance framework that supports transparent decision making is essential to ensuring Council's business is conducted efficiently, transparently and with integrity. Further, it provides an opportunity for Council to engage with the community and those people directly affected by Council's decision making. This supports the theme of being a 'Well Governed Council' within Goal 5.2 of the Council Plan.

4.2 Council has committed itself to achieving the goal of being a 'Connected and Inclusive Community' within Goal 1.2 of its Council Plan. The proposed amendments should ensure Council can better meet this goal through better communications with the community Public Question Time, as well as providing a more inclusive environment at Council meetings.

4.3 Council has also committed to valuing customers and community in all that it does under goal 5.2 of its Council Plan. In committing to this, Council seeks to welcome all genders, cultures and abilities, as well as providing opportunities for all residents to be involved in decision making. It is hoped that with the amendments to the Public Question Time and Council meeting Order of Business, that community members are better able to engage with Council, and feel Council meetings are an inclusive space for people of all backgrounds, cultures and religions.

5. IMPACTS AND IMPLICATIONS

5.1 Finance / Resource Implications

This review is being undertaken within existing resources.

5.2 A gender impact assessment (GIA) was undertaken by an internal working group of Council officers from various teams. Through the GIA, the Governance Rules were assessed for compliance against the Charter of Human Rights and Responsibilities (the Charter) during this time. A separate assessment against the Charter has now been finalised and is appended to this report.

6. IMPLEMENTATION

6.1 Communication and Engagement

Is engagement required?	No
Stakeholder Groups	Council and the community.
Where does it sit on the IAP2 spectrum?	Inform
Approach	The Governance Rules and Election Period Policy will be placed on Council's website.

7. DECLARATIONS OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

Governance Rules

Manningham City Council

July 2024

Interpreter service
9840 9355
普通话 | 廣東話 | Ελληνικά
Italiano | عربي | فارسی

MANNINGHAM

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on 24 July 2024.

3. Contents

These Governance Rules are divided into the following Chapters:

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

4. Definitions

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

Act means the *Local Government Act 2020*.

attend, attending and in attendance include attend, attending or in attendance by electronic means.

Chief Executive Officer includes an Acting Chief Executive Officer.

Community Asset Committee means a Community Asset Committee established under section 65 of the Act.

Council means Manningham City Council.

Council meeting has the same meaning as in the *Act*.

Councillor means an elected representative of *Council.*

Director means a Level 2 Senior Officer of *Council*.

Delegated Committee means a Delegated Committee established under section 63 of the Act.

Deputy Mayor means a Councillor elected by the Council to the position of *Deputy Mayor*.

Mayor means the Mayor of *Council*.

Council officer means an employee of *Council.*

these Rules means these Governance Rules.

GOVERNANCE FRAMEWORK

Chapter 1

MANNINGHAM

Chapter 1 – Governance Framework

1. Context

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

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

(b) the Councillor Code of Conduct; and

(c) the Employee Code of Conduct.

2. Decision Making

(a) 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:

(i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and

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

(b) *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).

(c) Without limiting anything in paragraph (b) of this sub-Rule:

(i) before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;

(ii) if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;

(iii) if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and

(iv) if a *Council officer* proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the *Council officer* must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

MEETING PROCEDURE FOR COUNCIL MEETINGS

Chapter 2

MANNINGHAM

Chapter 2 – Meeting Procedure for Council Meetings

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Part A – Introduction

1. Title

This Chapter will be known as the "Council Meeting Procedures".

2. Purpose of this Chapter

The purpose of this Chapter is to:

2.1 provide for the election of the *Mayor* and any *Deputy Mayor*;

2.2 provide for the appointment of any Acting *Mayor*; and

2.3 provide for the procedures governing the conduct of *Council meetings*.

3. Definitions and Notes

3.1 In this Chapter:

"*absolute majority*" means the number of *Councillors* which is greater than half the total number of *Councillors* of *Council.*

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

"amendment" means a proposal to alter a motion which is then before the meeting or an alteration or proposed alteration to the terms of the motion, designed to improve the motion without contradicting it.

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

"*minutes*" means the collective record of proceedings of *Council*;

"*municipal district*" means the municipal district of *Council*;

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

"*Notice of rescission or alteration*" means a *Notice of motion* to rescind or alter a resolution made by *Council*; and

"*temporary Chair"* means a *Councillor* elected by *Council* to temporarily chair a meeting or part of a meeting at which the *Mayor* is not in attendance.

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

3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

Part B – Election of Mayor

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

Mayoral Term

Before the election of the *Mayor*, *Council* must determine pursuant to section 26(3) of the *Act* by resolution whether the *Mayor* is to be elected for a 1 year or a 2 year term.

4. Election of the *Mayor*

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

5. Method of Voting

The election of the *Mayor* must be carried out by a show of hands or such other visual or audible means as the *Chief Executive Officer* determines.

6. Nominations for Position of *Mayor*

6.1 The *Chief Executive Officer* must invite nominations for the office of *Mayor*.

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

6.2.1 seconded by another *Councillor*;

6.2.2 with the consent of the nominee;

6.2.3 if the nominee is not in attendance, written notification of consent is required.

6.3 A candidate cannot withdraw their candidacy once nominations are declared by the *Chief Executive Officer*.

6.4 Each candidate has the right to address the *Council* on their candidature. This right is exercised at the discretion of each candidate. The *Chief Executive Officer* shall ask each candidate whether they would like to address the *Council.*

6.5 A candidate who has declined the invitation to address the *Council* cannot subsequently request to do so.

6.6 Where more than one candidate indicates a desire to address *Council*, the order of address by each candidate will be determined by lot. The *Chief Executive Officer* shall have conduct over the lot. In drawing the lot the candidate whose name is drawn first is the first speaker, the second drawn is the second speaker and so on until an order is determined for all participating candidates.

6.7 Each candidate addressing *Council* has up to three (3) minutes to make their address. No extension of time is permitted. During their address a candidate must not comment on any other candidate.

7. Election Process for Position of *Mayor*

7.1 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor:*

7.1.1 if there is only one nomination (which must be seconded), the candidate nominated must be declared elected;

7.1.2 if there is more than one nomination (each of which must be seconded), the *Councillors* in attendance at the *Council meeting* must vote for one of the candidates;

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

7.1.4 in the event that no candidate receives an *absolute majority* of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The *Councillors* in attendance at the *Council meeting* must then vote for one of the remaining candidates;

7.1.5 if one of the remaining candidates receives an *absolute majority* of the votes, that candidate shall be declared elected;

7.1.6 if none of the remaining candidates receives an *absolute majority* of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an *absolute majority* of the votes. That candidate must then be declared to have been duly elected;

7.1.7 in the event of three or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the result will be determined by lot. In the drawing of the lot, the candidate whose name is first drawn is deemed to be the defeated candidate;

7.1.8 Where there are two candidates remaining and the votes that are cast are equally divided, the result of the election must be determined by lot. In the drawing of the lot, the candidate whose name is first drawn must be declared elected;

7.1.9 The *Chief Executive Officer* shall have the conduct of the lot;

7.1.10 After the election of the *Mayor* is determined, the *Mayor* shall chair the *Council meeting*.

8. Election of *Deputy Mayor* and *Chairs* of Delegated Committees

Any election for:

8.1 any office of *Deputy Mayor*; or

8.2 *Chair* of a *Delegated Committee*

will be regulated by Rules 0-7 (inclusive) of this Chapter, as if the reference to the:

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

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

9. Appointment of Acting *Mayor*

If *Council* has not established an office of *Deputy Mayor* and it becomes required to appoint an Acting Mayor, it can do so by:

9.1 resolving that a specified *Councillor* be so appointed; or

9.2 following the procedure set out in Rules 6 and 7 (inclusive) of this Chapter,

at its discretion.

Part C – Meetings Procedure

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

Division 1 – Notices of Meetings and Delivery of Agendas

10. Dates and Times of Meetings Fixed by *Council*

Subject to Rule 12, *Council* must from time to time fix the date, time and place of all *Council meetings*.

11. Alteration of Meeting Dates

11.1 *Council*, or in cases of necessity or urgency, the *Mayor* in consultation with the *Chief Executive Officer*, may change the date, time and place of any *Council meeting.*

11.2 The *Chief Executive Officer* must provide reasonable notice of the change to *Councillors* and the public unless extraordinary circumstances arise.

12. Meetings Not Fixed by *Council*

12.1 The *Mayor* or at least 3 Councillors may by a *written* notice to the *Chief Executive Officer* call a *Council meeting*.

12.2 The notice must specify the date and time of the *Council meeting* and the business to be transacted.

12.3 The *Chief Executive Officer* must convene the *Council meeting* as specified in the notice.

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

12.5 In the absence of a properly constituted Council following a general election, despite clause 12.1, the *Chief Executive Officer* may call a *Council meeting* within 14 days after the day the election manager for a general election publicly declares the result of the election.

12.6 *Council* may by resolution call a *Council meeting.*

13. Notice of Meeting

13.1 The *Chief Executive* Officer must ensure the agenda for a *Council meeting* is delivered to every *Councillor* not less than 5 calendar days before the time fixed for the holding of the meeting unless extraordinary circumstances arise.

13.2 Notwithstanding sub-Rule 13.1, an *agenda* shall not be delivered to a *Councillor* who has been granted leave of absence unless the *Councillor* has, in *writing*, requested the *Chief Executive Officer* to continue to provide *agendas* for *Council meetings* held during the period of leave.

13.3 Subject to any resolution of *Council* the *Chief Executive Officer*, will determine the method of delivery to be used under sub-Rule 13.1.

13.4 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this by giving notice on its website and/or in each of its Customer Service Centres.~~:~~

~~13.4.1 for *Council meetings* which it has fixed by preparing a schedule of meetings annually and arranging publication of such schedule in a newspaper generally circulating in the *municipal district* prior to the first *Council meeting* of the calendar year; and~~

~~13.4.2 for any *Council meeting* by giving notice on its website and/or in each of its Customer Service Centres.~~

Division 2 – Quorums

14. Quorum at a *Council Meeting*

14.1 A quorum at a *Council meeting* is an *absolute majority.*

14.2 No business shall be conducted at any *Council meeting* unless a quorum is present.

14.3 The *Chair* must commence the *Council meeting* as soon as a quorum is achieved after the specified starting time for the meeting.

15. Inability to Obtain a Quorum

15.1 If a quorum cannot be obtained within 30 minutes of the scheduled starting time of any *Council meeting* or adjournment, those *Councillors* in attendance, or if there are no *Councillors* in attendance, the *Chief Executive Officer*, or in the absence of the *Chief Executive Officer*, an authorised *Council officer*, may adjourn the meeting for a period not exceeding seven (7) calendar days from the date of the adjournment.

15.2 If a *Council meeting* to which sub-Rule 15.1 applies is not adjourned, the meeting will be deemed to have lapsed;

15.3 Where a *Council meeting* lapses in accordance with sub-Rule 15.2 the business of the meeting shall be considered for inclusion on an *agenda* for a future *Council meeting.*

16. Inability to Maintain a Quorum

16.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 15 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.

16.2 Sub-Rule 16.1 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.

17. Inability to Achieve or Maintain a Quorum due to Disclosure of Conflict of Interest

17.1 If during any *Council meeting*, a quorum cannot be achieved or maintained because of the number of *Councillors* who have a conflict of interest in a decision in regard to a matter, the *Council* must consider whether the decision can be made by dealing with the matter in an alternative manner as defined in section 67(3) the *Act*.

17.2 If *Council* is unable to use an alternative manner to resolve the matter, *Council* must decide to establish a *Delegated Committee* to make the decision in regard to the matter pursuant to section 67(4) of the *Act*.

18. Adjourned Meetings

18.1 Once a *Council meeting* has commenced, *Council* may from time to time, by resolution, adjourn the meeting, which is in addition to the power of the Chair to adjourn a meeting under sub-Rule 64.

18.2 No discussion is allowed on any motion for adjournment of the *Council meeting*, but if on being put the motion is lost, the subject then under consideration or the next on the *agenda* or any other that may be allowed precedence must be resolved on before any subsequent motion for adjournment is made.

18.3 Except where any *Council meeting* is adjourned to a subsequent hour on the same day, notice of the adjourned meeting and the time to which the meeting has been adjourned must be given by the *Chief Executive Officer* to every *Councillor* not in attendance at the time of adjournment, as soon as is practicable.

18.4 Despite sub-Rule 18.3, this requirement does not apply in respect of any *Councillor* who has been granted leave of absence and who has not requested the *Chief Executive Officer* in *writing* to continue to give notice of *Council meetings* to be held during the period of leave of absence.

19. Time limits for Meetings

19.1 A *Council meeting* must not continue after 10:30pm unless a majority of *Councillors* who are in attendance vote in favour of it continuing.

19.2 In the absence of such continuance, the *Council meeting* must stand adjourned to a time, date and place announced by the *Chair.*

20. Cancellation or Postponement of a Meeting

20.1 The *Chief Executive Officer* may, in consultation with the *Mayor*, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.

Division 3 – Business of Meetings

21. Meetings Open to the Public

21.1 All *Council meetings* are to be open to members of the public unless *Council* resolves to close the meeting pursuant to section 66 of the *Act*.

21.2 The *Chief Executive Officer* may close the doors to the Council Chamber when in open session for reasons of comfort and practicality provided that access is available at all times.

22. Closed Meetings

22.1 *Council* may resolve to close a *Council meeting* to the public in the circumstances specified in section 66(2) of the *Act*.

22.2 *These Rules* continue to apply after *Council* has closed the *Council meeting* to members of the public.

22.3 Upon conclusion of a matter considered in a *Council meeting* closed to members of the public, *Council* shall resolve to reopen the meeting.

22.4 The *minutes* of *Council meetings* which have been closed to members of the public will be available for confidential inspection by *Councillors* and will be tabled at the next *Council meeting, where* they are to be confirmed.

23. Apologies and Requests for Leave of Absence

23.1 A *Councillor* who is intending to be absent from a *Council meeting* may notify the *Chief Executive Officer* in advance of the meeting. Any apology for non-attendance will be submitted at the meeting by the *Chief Executive Officer* and an apology will be recorded in the *minutes* of the meeting.

23.2 A *Councillor* may apply for leave of absence from *Council* by submitting a *written* request to the *Chief Executive Officer* in advance of the period of leave being sought. The *Chief Executive Officer* will place the request before the next *Council meeting*. *Council* will resolve on whether or not to grant leave of absence. *Council* cannot unreasonably refuse to grant leave of absence.

24. Agenda and the Order of Business

24.1 The *agenda and* the 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.

24.2 The order of business for *Council meetings* will generally be as follows –

(a) welcome;
(b) apologies and requests for leave of absence;
(c) prior notification of disclosures of interest and conflict of interest;
(d) confirmation of *minutes*;
(e) presentations;
(f) petitions;
(g) admission of urgent business;
(h) public question time;
(i) *Council officer* reports – planning permit applications;
(j) *Council officer* reports – other matters;
(k) rescission or alteration motions
(l) *Notices of motion*;
(m) urgent business;
(n) *Councillor* reports and question time; and
(o) confidential business (to be considered in camera).

25. Change to Order of Business

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

26. Urgent Business

26.1 *Council* may resolve, by not less than a two-thirds majority of those *Councillors* in attendance at a *Council Meeting*, to admit (without the required notice) an item considered to be urgent business under sub-Rule 26.2.

26.2 An item may be classified as urgent business if it:

(a) relates to a matter which has arisen since the distribution of the *agenda*; or

(b) involves a matter of urgent community concern; or

(c) cannot be safely or conveniently deferred until the next *Council meeting*.

26.3 Notwithstanding anything to the contrary in *these* meeting procedures, a *Councillor* may not propose an item of urgent business if the matter relates to business which:

(a) substantially affects the levels of *Council* service; or

(b) commits *Council* to expenditure not included in the adopted budget; or

(c) establishes or amends a *Council* policy; or

(d) commits *Council* to any contractual arrangement; or

(e) requires, pursuant to other *Council* policy, the giving of prior notice.

Division 4 – Conduct of Debate

27. Addressing the Meeting

27.1 *Councillors* and *Council officers* may sit or stand when speaking.

27.2 *Councillors* and *Council officers*, when speaking, shall designate each other by their respective titles of *Mayor*, *Councillor* or the relevant title of the *Council officer* as the case may be.

27.3 A *Councillor* when speaking shall not be interrupted unless a point of order is called.

28. Points of Order

28.1 A point of order must be taken by stating the matter complained of and the reason constituting the point of order.

28.2 The *Chair* may raise a point of order without it having been made by a *Councillor*.

28.3 When called to order, a *Councillor* must remain silent until the point of order is decided unless they are requested by the *Chair* to provide an explanation.

28.4 The *Chair* may adjourn the *Council meeting* to consider a point of order but must otherwise rule upon it as soon as it is taken.

28.5 The *Chair* must, when ruling on a point of order, give reasons for the ruling.

28.6 A *Councillor* may move to disagree with the *Chair's* ruling on a point of order, by moving:

"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".

28.7 When a motion in accordance with this Rule is moved and seconded, the *Chair* must leave the *Chair* and the *Deputy Mayor* (or if the *Deputy Mayor* is not in attendance, a temporary *Chair* elected by the *Council meeting*) must take his or her place.

28.8 The *Deputy Mayor* or temporary *Chair* must invite the mover to state the reasons for his or her dissent and the *Chair* may then reply.

28.9 The *Deputy Mayor* or temporary *Chair* must put the motion in the following form:

"That the *Chair's* ruling be dissented from."

28.10 If the vote is in the negative, the *Chair* resumes the *Chair* and the *Council meeting* proceeds.

28.11 If the vote is in the affirmative, the *Chair* must then resume the *Chair*, reverse or vary (as the case may be) his or her previous ruling and proceed.

28.12 The defeat of the *Chair's* ruling is in no way a motion of censure or no confidence in the *Chair*, and should not be so regarded by the *Council meeting*.

28.13 A point of order may be taken on the grounds that the matter is –

(a) contrary to this Local Law;

(b) defamatory;

(c) irrelevant;

(d) outside *Council*'s power;

(e) improper;

(f) frivolous or vexatious; or

(g) misleading.

29. Contradiction or Opinion

29.1 A point of order may not be raised to express a mere difference of opinion or to contradict a speaker.

30. Personal Reflection

30.1 All imputations of improper motives and all personal reflections on *Councillors* and *Council officers* and disobedience of the ruling of the *Chair* on any matter shall be deemed disorderly.

31. Disorderly or Offensive Behaviour

31.1 If a *Councillor* uses an expression or makes any imputation or reflection which, in the opinion of the *Chair*, is disorderly or capable of being applied offensively to any other *Councillor* or *Council officer*, the *Councillor* shall be required by the *Chair* to withdraw the expression, and make a satisfactory apology to *Council*.

31.2 If a *Councillor* uses offensive or disorderly language or otherwise behaves in a manner which in the opinion of the *Chair* is offensive, disorderly or disturbing to the debate or proceedings of *Council*, the *Councillor* shall be required by the *Chair* to withdraw the expression and to apologise for such conduct.

31.3 If, after having been twice called to order or to withdraw an expression and to apologise for such conduct, the *Councillor* fails or refuses to do so or whenever any *Councillor* fails or refuses to obey the ruling or order of the *Chair* on any matter, the *Chair* may refuse to hear the *Councillor* further upon the matter then under discussion and call upon the next speaker, or adjourn the sitting of *Council*.

Division 5 – Rules on Speaking

32. Order of Speaking

32.1 If two or more *Councillors* rise to speak at the same time, the *Chair* shall decide the order of speaking.

33. Chair May Speak

33.1 The *Chair* may address the *Council meeting* upon any matter under discussion.

34. Limitations on Speaking

34.1 Subject to sub-Rule 34.2, a *Councillor* may speak once on the motion except for the mover of a motion who can speak once to that motion, once to each amendment and can exercise a right of reply or make closing remarks on that motion.

34.2 The mover of a motion –

(a) has a right of reply on the motion where an amendment to the motion has been carried;

(b) has the right of reply where the mover has, in accordance with sub-Rule 44.12, changed the wording of a motion provided that no amendment has been carried;

(c) can only exercise a right of reply immediately prior to the motion being put;

(d) has no right of reply in relation to any amendment prior to such amendment being put; and

(e) may make closing remarks of no more than 2 minutes where there is no speaker against the motion.

34.3 The mover of an amendment can speak once to the motion and once to their own or any other amendment.

34.4 The mover of an amendment has no right of reply.

34.5 No *Councillor* may speak longer than the time set out below, unless granted an extension by the *Council meeting*:

(a) five minutes, if the *Councillor* is the mover of a motion;

(b) three minutes, for any other *Councillor* speaking to a motion or amendment; and

(c) two minutes, for the mover of a motion exercising either a right of reply or making closing remarks.

34.6 A motion for an extension of time once carried, shall allow a *Councillor* a further two minutes to speak and no further extension shall be permitted.

35. Personal Explanation

35.1 A *Councillor* or *Council officer* may, at a *Council meeting* at a time permitted by the *Chair*, make a personal explanation for a period not exceeding two minutes on any statement made by a *Councillor* or *Council officer* at that meeting reflecting on that *Councillor* or *Council officer*.

35.2 A personal explanation shall not be debated.

36. Right to Ask Questions

36.1 A *Councillor* may, when no other *Councillor* is speaking, ask any question concerning or arising out of the motion or amendment before the *Chair*.

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

Division 6 – Standing Orders

37. Enforcement of Standing Orders

37.1 A *Councillor* may require compliance with the provisions of *these Rules* by the *Council meeting* by directing the attention of the *Chair* to a non-compliance.

38. Suspension of Standing Orders

38.1 The provisions of *these Rules* may be suspended for any particular purpose, by resolution of the *Council*, with the exception of :-

(a) quorum of *Council*;

(b) election of *Mayor*;

(c) motions to rescind resolutions;

(d) suspension of Standing Orders;

(e) conflicts of interest;

(f) procedural motions;

(g) urgent business; and

(h) confidential information.

38.2 The suspension of such provisions (standing orders) should be used to enable full discussion of an issue without the constraints of formal meeting procedure.

38.3 Suspension of standing orders must not be used purely to dispense with the processes and protocol of the government of the *Council*.

38.4 Once the discussion has taken place and before any motions can be put, standing orders must be resumed.

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

Division 7 – Motions, Amendments and Voting

39. Motions and Amendments

39.1 A motion or amendment:

(a) must relate to the powers or functions of *Council*;

(b) be clearly expressed and unambiguous;

(c) except in the case of urgent business, must be relevant to an item of business on the agenda; and

(d) must not be defamatory or objectionable in language or nature.

39.2 The *Chair* may refuse to accept any motion or amendment which contravenes this or any other clause.

40. Motions in Writing

40.1 Any motions should preferably be in *writing* and received in advance of the *Council meeting.*

40.2 A *Councillor* should seek advice from the *Chief Executive Officer*, or their delegate, on any legal implications of a proposed motion.

40.3 Where motions are raised and considered during a *Council meeting* without having been provided in *writing* and in advance of the meeting, the *Chair* should seek the advice of the *Chief Executive Officer* regarding any legal or other implications of the proposed motion.

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

41. Clarifying a Motion

41.1 Before any matter is put to the vote, a *Councillor* may request that the question, motion or amendment be read again.

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

42. Separation of Motions

42.1 Where a motion contains more than one (1) part, the *Council* may, by resolution, decide ~~a *Councillor* may request the *Chair*~~ to put the motion to the vote in separate parts.

~~42.2 The *Chair* may decide to put any motion to the vote in separate parts.~~

43. Debate Must be Relevant to the Motion

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

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

44. Procedure for Moving a Motion

44.1 A *Councillor* who proposes a motion must state the motion without speaking to it.

44.2 The *Chair* must call for a seconder.

44.3 If there is no seconder, the motion lapses.

44.4 If there is a seconder, the *Chair* will call upon the mover to address the *Council meeting*. The mover may exercise this right, decline the opportunity to speak or defer speaking.

44.5 After the mover has addressed the *Council meeting* (or reserved their right to speak) the seconder may address the meeting. The seconder may exercise this right, decline the opportunity to speak or reserve their right to speak prior to the mover closing the debate.

44.6 After the seconder has addressed the *Council meeting* (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must call upon any *Councillor* who wishes to speak against the motion.

44.7 Where the mover of the motion elects to defer and there is a speaker against the motion the *Chair* will offer the mover the opportunity to speak to the motion prior to hearing the *Councillor* speak against the motion.

44.8 In circumstances where the mover has chosen to defer speaking to the motion and an amendment is moved and seconded, the mover of the motion may exercise the right to speak to the amendment subject to sub-Rule 34.2, however the mover no longer has the right to speak to the motion pursuant to sub-Rule 44.7. Where an amendment is lost the mover of the motion retains the right of reply on the motion pursuant to sub-Rule 34.2.

44.9 The *Chair* will then call for speakers for and against the motion in alternate sequence.

44.10 When the sequence of alternate speakers is exhausted, notwithstanding that there are further speakers wishing to be heard on one side of the motion, the *Chair* may put the motion provided they are satisfied that debate has been fully exhausted.

44.11 Where debate has not been fully exhausted, further speakers may be heard in accordance with sub-Rule 32 prior to the motion being put.

44.12 The mover of a motion or amendment may, with the consent of the seconder, change the wording of the motion or amendment unless any *Councillor* opposes the change.

44.13 A *Councillor* calling the attention of the *Chair* to a point of order is not regarded as speaking to the motion or the amendment.

44.14 No motion may be withdrawn without the consent of the *Council meeting*.

44.15 The mover of a motion must not introduce new material when exercising any right of reply or making any closing remarks.

45. Moving an Amendment

45.1 No notice need be given of any amendment to a motion.

45.2 Any *Councillor*, except for the mover or seconder of the original motion, may move or second an amendment.

45.3 The *Chair* shall take speakers for and against an amendment in alternate sequence in the same manner as for motions.

45.4 Amendments must be dealt with one at a time.

45.5 An amendment must be relevant to the motion upon which it is moved and not negate the original motion.

45.6 If a proposed amendment effectively negates the substance of the substantive motion, it shall be disallowed and ruled to be a foreshadowed motion and shall only be considered in the event that the motion is lost.

45.7 A second or subsequent amendment cannot be moved until the immediately preceding amendment is decided upon.

45.8 If an amendment is carried it becomes the substantive motion. The mover and seconder of the amendment become the mover and seconder of the substantive motion. Debate recommences as for a new motion.

45.9 No right of reply or closing remarks are available to any amendment.

45.10 An amendment can only be withdrawn by the mover.

46. Foreshadowed Motions

46.1 At any time during debate any *Councillor* may foreshadow a motion or amendment so as to inform the *Council meeting* of their intention to move a motion or amendment at a later stage in the meeting. This does not extend any special right to the foreshadowed motion.

46.2 A motion foreshadowed may be prefaced with a statement that in the event a particular motion before the meeting being resolved in a certain way, a *Councillor* intends to move a subsequent motion.

46.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting. Therefore, *Council* is not required to have foreshadowed motions recorded in the *minutes* until the foreshadowed motion is formally moved.

46.4 Any foreshadowed motion or amendment must relate to the matter under discussion.

46.5 The *Chair* is not obliged to accept foreshadowed motions.

47. Councillors May Propose *Notices of Motion*

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

48. Notices of Motion

48.1 A *Notice of motion* must be in *writing* (including by email), signed or supported by two *Councillors* and lodged with the *Chief Executive Officer* by midday at least eight (8) calendar days prior to the date fixed for holding the *Council meeting* to allow sufficient time to include the *notice of motion* in the *agenda* papers.

48.2 The *Chief Executive Officer* must date and number all *Notices of notion* in the order received.

48.3 The *Councillors* proposing the *Notice of motion* must circulate the draft *Notice of motion* to all *Councillors* for information before lodging it with the *Chief Executive Officer*.

48.4 The *Chief Executive Officer*, or their delegate, must inform *Councillors* of any legal implications of any proposed *Notice of motion*. This advice must be provided to all

Councillors without fear or favour and prior to the *Notice of motion* being made publicly available.

48.5 The *Notice of motion* must relate to the objectives, role and functions of *Council* as outlined in the *Act*.

48.6 A *Notice of motion* must call for a *Council* report if the *Notice of motion*:

(a) affects the levels of *Council* services;

(b) if it is inconsistent with the strategic objectives of the *Council* as outlined in the Council Plan;

(c) commits *Council* to expenditure not included in the adopted budget;

(d) establishes or amends *Council* policy;

(e) commits *Council* to any contractual arrangement; or

(f) concerns any litigation in respect of which *Council* is a party.

48.7 The *Chief Executive Officer* may reject any *Notice of motion* which:

(a) is vague or unclear in intention; or

(b) is defamatory or objectionable in language or nature; or

(c) may be prejudicial to any person or *Council*; or

(d) is outside the powers of *Council*.

48.8 If rejecting a *Notice of motion*, the *Chief Executive Officer* must:

(a) give the *Councillors* who lodged the *Notice of motion* an opportunity to amend it prior to rejection, if it is practicable to do so; and

(b) if the *Notice of motion* cannot be amended to the satisfaction of the *Chief Executive Officer*, notify, in writing, the *Councillors* who lodged the *Notice of motion* of the rejection and the reasons for the rejection.

48.9 The *Chief Executive Officer* may designate a *Notice of motion* to be confidential in accordance with the relevant grounds contained in the *Act*. A confidential *Notice of motion* will be considered in a *Council meeting* that is closed to members of the public.

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

48.11 A *Councillor* may by *written* notification to the *Chief Executive Officer* request their *Notice of motion* to be withdrawn at any time.

49. Moving a *Notice of motion*

49.1 If a *Councillor* who has lodged a *Notice of motion* is absent from the *Council meeting* or fails to move the motion when called upon by the *Chair*, any other *Councillor* in attendance may move the motion.

49.2 If a *Notice of motion* is not moved in accordance with sub-Rule 44.1, the *Notice of motion* shall be deemed to have lapsed.

49.3 A *Notice of motion* may be varied if leave of the *Council meeting* is granted.

49.4 A second or subsequent *Notice of motion* to revoke or amend an earlier resolution must not be considered by *Council* until a period of three (3) months has elapsed after the date of the *Council meeting* at which the first or last motion of revocation was dealt with.

49.5 Further motions are only permissible in relation to a *Notice of motion* that is carried, and not permissible in relation to a *Notice of motion* that is lost.

49.6 A *Notice of motion* cannot be considered in relation to a matter that is the subject of a rescission motion within three (3) calendar months of the rescission motion having been dealt with, unless a notice signed by a majority of all *Councillors* is submitted to the *Chief Executive Officer*.

50. *Notice of rescission or alteration* of Resolutions

50.1 A *Councillor* may propose a motion to rescind or alter a resolution of *Council* provided:

50.1.1 it has been signed and dated by at least two *Councillors*;

50.1.2 the resolution proposed to be rescinded has not been acted on; and

50.1.3 the *Notice of rescission or alteration* is delivered to the *Chief Executive Officer* within 24 hours of the resolution having been made setting out -

(a) the resolution to be rescinded or altered; and

(b) the meeting and date when the resolution was carried.

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

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

50.2.2 a statutory process has been commenced

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

50.3 The *Chief Executive Officer* or an appropriate *Council officer* must defer implementing a resolution which:

50.3.1 has not been acted on; and

50.3.2 is the subject of *a Notice of rescission or alteration* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 50.1.3,

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

50.4 Rescission or alteration motions are to be lodged on a form provided for this purpose as appearing in Schedule 2 of this Chapter.

50.5 A rescission or alteration of a previous resolution must be passed by an *absolute majority.*

50.6 Rescission or alteration motions are not permissible in respect of planning permit resolutions, planning scheme amendment resolutions or contract/tender acceptance resolutions.

50.7 A rescission or alteration motion is not permissible in respect of a rescission or alteration motion that has been carried.

50.8 In the event that a rescission motion is carried, a further motion is permissible in respect of that matter.

It should be remembered that a notice of rescission or alteration is a form of notice of motion.

Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission or alteration.

51. Voting

51.1 When called upon by the *Chair*, the *Councillors* in attendance must vote by a show of hands or as *Council* otherwise determines.

51.2 For the purposes of voting at a *Council meeting*, the *Chair* must put the motion or amendment first in the affirmative, then in the negative.

51.3 The question is determined in the affirmative by a majority of the *Councillors* in attendance at a *Council meeting* at the time the vote is taken voting in favour of the question.

51.4 A *Councillor* has the right to abstain from voting. A *Councillor* who abstains from voting and remains in the meeting will be deemed to have voted against the motion. Abstaining from voting does not constitute cause for debate. Any abstention from voting will be recorded in the *minutes*.

51.5 The *Chair* may require a recount to be taken and shall declare the result.

52. Second Vote

52.1 In the event of an equality of votes, subject to the *Act* and *these Rules*, the *Chair* has a second vote.

52.2 Sub-Rule 52.1 does not apply in the event of an equality of votes in respect of the election of *Mayor*, *Deputy Mayor*, *Chairs* of *Delegated Committees*, a rescission or alteration motion, or in cases where the *Act* provides that a matter or amendment is to be determined by lot.

53. No Discussion once Declared

53.1 Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless a *Councillor* requests that their opposition to the motion be recorded in the *minutes*.

~~a *Councillor* requests that their opposition to the motion be recorded in the *minutes*; or~~

~~(a) there is a call for a division.~~

54. Vote to be Taken in Silence

54.1 Except that a *Councillor* may call a division, *Councillors* must remain seated in silence while a vote is being taken.

Division 8 – Procedural Motions

55. Procedural Motions

55.1 A procedural motion, unless otherwise prohibited, may be moved at any time and shall be dealt with immediately by the *Chair*.

55.2 A procedural motion is required to be seconded.

55.3 The *Chair* cannot move a procedural motion.

55.4 Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.

55.5 Unless otherwise provided a procedural motion cannot be amended.

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

PROCEDURAL MOTIONS TABLE

Procedural motion	Form	Who can move or second	Is a seconder Required?	Matters in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost
Adjournment of debate to later hour/date	That this matter be adjourned until …..	Any *Councillor*	Yes	Any matter	(a) During the election of the *Chair* (b) When another *Councillor* is speaking	Motion and amendments postponed to the stated time/date	Debate continues unaffected
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any *Councillor*	Yes	Any matter	(a) During the election of the *Chair* (b) When another *Councillor* is speaking	Motion and amendments postponed but may be resumed: (a) At the same meeting upon motion to resume (b) At any later meeting if on the *agenda*	Debate continues unaffected
Adjournment of meeting to later hour/date	That this meeting be adjourned until …..	Any *Councillor*	Yes	Any matter	(a) During the election of the *Chair* (b) When another *Councillor* is speaking	Meeting adjourns immediately until the stated time/date	Debate continues unaffected
Adjournment of meeting indefinitely	That this meeting be adjourned until further notice	Any *Councillor*	Yes	Any matter	(a) During the election of the *Chair* (b) When another *Councillor* is speaking	Meeting adjourns until further notice	Debate continues unaffected

Procedural motion	Form	Who can move or second	Is a seconder Required?	Matters in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost
Deferral of matter/item	That this matter be deferred until …..	Any *Councillor*	Yes	Any matter	(a) During the election of the *Chair* (b) When another *Councillor* is speaking	Matter/item deferred to the stated time/date Consideration starts afresh	Debate continues unaffected
Withdrawal of item	That this matter be withdrawn	Any *Councillor*	Yes	Any matter	(a) During the election of the *Chair* (b) When another *Councillor* is speaking	Matter/item withdrawn from consideration	Debate continues unaffected
The Closure	That the question be now put	A *Councillor* who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter	During nominations for *Chair* (A closure motion shall not be accepted by the *Chair* unless the *Chair* considers that there has been sufficient debate for and against the motion or amendment)	Motion or amendment in respect of which the closure is carried is put to the vote immediately	Debate continues unaffected
Laying the matter on the table	That the matter lie on the table	A *Councillor* who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter	(a) During the election of the *Chair*	Motion and amendments not further discussed or voted on until: (a) *Council* resolves to take the question from the table at the same meeting (b) Matter is placed on a future *agenda* and the *Council* resolves to take the question from the table	Debate continues unaffected

Procedural motion	Form	Who can move or second	Is a seconder Required?	Matters in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost
Proceeding to the next business	That the meeting proceed to the next business	A *Councillor* who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter	(a) During the election of the *Chair*	(a) If carried in respect to a motion, its effect is to remove that motion from consideration (b) If carried in respect to an amendment, its effect is to dispose of the amendment and debate resumes upon the substantive motion	Debate resumed at point of interruption

Division 9 – Question Time

56. Public Question Time

56.1 Unless *Council* resolves to the contrary, there shall be a Public Question Time at every *Council meeting* to allow members of the public to submit questions to *Council.*

56.2 Members of the public are permitted to prepare and submit up to two (2) questions on any *Council* matter.

56.3 The number of questions that may be asked on any one issue shall be limited to four (4). It is at the discretion of the *Chair* which four (4) questions will be asked where there are more than four (4) submitted. Like questions may be grouped together and a single answer provided.

56.4 Members of the public will be required to submit their questions in *writing* on the designated Public Question Time form as provided in Schedule 1 of this Chapter, indicating their name, address and question.

56.5 Questions should be received by *Council* by 5.00pm on the business day prior to the *Council meeting* to receive a verbal response at the meeting.

56.6 Questions not received by 5.00pm on the business day prior to the *Council meeting* must be placed in the public question time box in the Council Chamber by the commencement of the *Council meeting*. A verbal response will be provided if possible, however, where a meaningful response to a question cannot be provided, or a detailed or researched response is required, the question may be taken on notice.

56.7 The *Chair* will have the right to refuse to receive or answer any question, or to take the question on notice.

56.8 Questions taken on notice will be subject to a written response within 10 business days of the Council meeting.

56.9 The procedure and sequence for dealing with a question shall be:

(a) the *Chair* shall invite the questioner forward to read their question and make a brief introductory statement of no more than 2 minutes.

(b) if the questioner is not in attendance at the Council meeting, the *Chief Executive Officer* when they read out the question(s) may provide brief a preamble to provide context for the question. This will be derived from the Public Question Time form submitted with the question(s)

(c) the *Chair* may invite the questioner to address the *Council* on points of clarification or elaboration, the duration of which is at the *Chair*'s discretion;

(d) the *Chair* may answer the question or direct the question as they deem appropriate; and

(e) a *Councillor* wishing to provide an individual response to a question will be permitted to do so after the *Chair* has had the opportunity to respond.

56.10 All questions and answers shall be as brief as possible and no discussion shall be permitted on any question.

56.11 If providing a question in *writing* and or in English unreasonably prevents or hinders participation in public question time, assistance with submitting questions is available from *Council* via an interpreter service provided the questions are received by 5.00pm on the business day prior to the *Council meeting*.

56.12 A time limit of 30 minutes will apply to Public Question Time but may be extended by resolution of *Council*.

56.13 A question may be disallowed by the *Chair* on the ground that it:

(a) relates to a matter outside the duties, functions and powers of *Council*; or

(b) is confidential in nature and/or is of legal significance; or

(c) may reasonably be considered to be defamatory, indecent, abusive, offensive or objectionable in language or substance; or

(d) is repetitive of a question already answered; or

(e) is asked to embarrass the *Council*, a *Councillor* or a *Council officer*; or

(f) is different to the written question submitted to Council prior to the Council meeting.

56.14 Public Question Time will be conducted in a respectful manner. Disorderly conduct will be managed in accordance with Division 12 of this Chapter.

57. Councillor Reports and Question Time

57.1 *Councillor* Reports and Question Time provides *Councillors* with an opportunity to update the *Council* on matters of interest which have occurred within the municipality and to address questions to *Council officers*.

57.2 Questions may be asked with or without notice and are limited to a maximum of two (2) questions per *Councillor*.

57.3 A question upon notice must be delivered to the *Chief Executive Officer* not later than 5.00pm on the business day prior to the *Council meeting.*

57.4 A *Council officer* is not obliged to answer a question without notice.

57.5 Where a question is asked without notice, the *Council officer* may answer the question or reply that notice is required.

57.6 If a *Council officer* does not answer a question asked without notice, a *written* response is to be provided to all *Councillors* no later than the second Friday after the *Council meeting.*

57.7 All questions and answers must be as brief as possible and no discussion is allowed.

57.8 A question may be disallowed by the *Chair* if it:

(a) relates to a matter other than *Council* business; or

(b) is defamatory, indirect, obscure, abusive or objectionable in language or substance; or

(c) is repetitive of a question already answered (whether at that same *Council meeting* or at a previous *Council meeting*); or

(d) is confidential in nature and/or is of legal significance; or

(e) is asked to embarrass *Council*, a *Councillor* or a *Council officer*.

57.9 *Councillor* reports are limited to a maximum of two (2) minutes per *Councillor.*

Division 10 – Petitions and Submissions

58. Petitions

58.1 Petitions are to be presented by *Councillors* at the *Council meeting* in accordance with any *Council* policy.

58.2 A petition must:

(a) contain a minimum number of 5 signatories for a paper petition, and 10 signatories for an electronic petition;

(b) be in a legible and permanent form of *writing*, typing or printing;

(c) not be defamatory, indecent, abusive or objectionable in language or substance;

(d) not relate to a matter beyond the powers of *Council*; and

(e) with the exception of online petitions which have been printed by *Council officers*, every page of the petition must bear the wording of the whole of the petition and include the name, address and signature of petitioners.

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

58.4 Every page of a petition 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.

58.5 If the requirements of sub-Rules 58.1 and 58.2 unreasonably prevents or hinders the capacity of any person to prepare a petition, assistance is available from *Council* via an interpreter or translation service.

58.6 *Council* will hear submitters afforded statutory rights of address and other submitters in accordance with any *Council* policy.

58.7 If a petition relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* or their delegate for consideration.

58.8 Once a petition has been tabled at a Council meeting, a written response will be provided to the lead petitioner.

58.9 Once a written response has been issued to the lead petitioner it will be tabled at the next Council meeting for noting.

58.10 Petitions that don't meet the minimum requirements outlined in 58.2 (a) will be referred to the Chief Executive Officer or their delegate for consideration and response.

Division 11 – *Minutes*

59. Minutes

59.1 The *minutes* shall record the business transacted at each *Council meeting* including:-

(a) the date, place, time and nature of the *Council meeting*;

(b) the names of the *Councillors*:

(i) in attendance; and

(ii) who have submitted apologies or who have been granted leave of absence;

(c) the names of the *Council officers* in attendance and their organisational title;

(d) any disclosures of conflict of interest;

(e) each motion and amendment moved (including motions that lapse for the want of a seconder) and motions and amendments withdrawn by resolution or by leave of the *Council meeting*;

(f) whether motions or amendments were carried or lost;

(g) the vote cast by each *Councillor* either FOR, AGAINST or any *Councillor* who has ABSTAINED;

(h) the failure of a quorum;

(i) closure of a *Council meeting* to members of the public in accordance with the provisions of the *Act*;

(j) when requested by a *Councillor*, a record of their support or opposition to any resolution; and

(k) any other matter which the *Chief Executive Officer* thinks should be recorded to clarify the intention of the *Council meeting* or the reading of the *minutes*.

60. Confirmation of *Minutes*

60.1 At every *Council meeting*, the *minutes* of the preceding *Council meeting* must be dealt with as follows:

(a) if the *minutes* have been distributed to each *Councillor* at least 48 hours before the *Council meeting*, a motion must be passed for the confirmation of the *minutes*; or

(b) if the *minutes* have not been so distributed, the *minutes* must be held over for confirmation at the next *Council meeting*.

60.2 *Minutes* of a *Council meeting* not fixed by *Council* will be listed for confirmation at an appropriate *Council meeting*.

60.3 No discussion or amendment is permitted on the *minutes* except as to their accuracy as a record of the proceedings.

60.4 If a *Councillor* is dissatisfied with the accuracy of the *minutes*, then the *Councillor* must:

(a) state the item or items with which they are dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

60.5 Once the *minutes* are confirmed, with or without amendment, they must be signed by the *Chair* of the *Council meeting* at which they were confirmed.

60.6 Unless otherwise resolved or required by law, *minutes* of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

61. Form and Availability of Minutes

61.1 The *Chief Executive Officer* must ensure that the *minutes* of any *Council meeting* are:

61.1.1 published on *Council's* website; and

61.1.2 available for inspection at *Council's* office during normal business hours.

61.2 Nothing in sub-Rule 61.1 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 12 – Behaviour

62. Public Addressing the Meeting

62.1 Except as provided for in sub-Rule 56 a person other than a *Councillor* or *Council officer* must not address the *Council meeting* until a resolution approving such has been carried by a majority of *Councillors* in attendance at the *Council meeting*.

62.2 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.

62.3 A member of the public in attendance at a *Council meeting* must not disrupt the meeting.

63. *Chair* May Remove

The *Chair* may order and cause the removal of any person, other than a *Councillor*, who disrupts any *Council meeting* or fails to comply with a direction given under sub-Rule 62.2.

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 his or her authority in chairing the meeting.

64. *Chair* may Adjourn Disorderly Meeting

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 *Council 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-Rule 18 apply.

65. Removal from Chamber

The *Chair* may ask the *Chief Executive Officer,* an *Authorised Council 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 this Rule.

Division 13 – Additional Duties of the Chair

66. The *Chair's* Duties and Discretions

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

(a) must not accept or entertain any motion, question or statement which is derogatory, defamatory, objectionable in language or embarrassing to any *Councillor*, *Council officer*, ratepayer or member of the public;

(b) the *Chair* must call to order any person including, any *Councillor,* who is disruptive or unruly during any *Council meeting*;

(c) the *Chair* may remain seated during all or any part of any *Council meeting*.

Division 14 – Physical and Remote Attendance

67. Mode of Attendance

67.1 *Council*'s preferred mode of attendance at *Council meetings* is in-person unless circumstances necessitate attendance remotely by electronic means.

67.2 If a *Council meeting* is to be conducted wholly in person a *Councillor* may nonetheless request to attend by electronic means.

67.3 Any request made under sub-rule 67.2 must:

67.3.1 be in *writing*;

67.3.2 be given to the *Chief Executive Officer* no later than 24 hours prior to the commencement of the relevant *Council meeting*; and

67.3.3 specify the reasons why the *Councillor* is unable or does not wish to attend the *Council meeting* in person.

67.4 The *Chief Executive Officer* has the discretion to dispense with the requirements of sub-rule 67.3.2 in exceptional circumstances.

67.5 The *Chief Executive Officer* must ensure that any request received in accordance with sub-rule 67.3 any other request received from a *Councillor* to attend by electronic means is made known at the commencement of the relevant *Council meeting*.

67.6 A *Councillor* who is attending a *Council meeting* by electronic means is responsible for ensuring that they are able to access such equipment and in such an environment that facilitates participation in the *Council meeting*.

67.7 Without detracting from anything said in sub-rule 67.6, a *Councillor* who is attending a *Council meeting* by electronic means must be able to:

67.7.1 hear the proceedings;

67.7.2 see all *Councillors* and *Council officers* attending the *Council meeting*, at least while a *Councillor* or *Council officer* is speaking.

67.7.3 be seen by all *Councillors*, *Council officers* and members of the public who are physically present at the *Council meeting*; and

67.7.4 be heard when they speak.

67.8 If the conditions of sub-rule 67.7 cannot be met by one or more *Councillors* attending a *Council meeting*, whether because of technical difficulties or otherwise:

67.8.1 the *Council meeting* will nonetheless proceed as long as a quorum is present; and

67.8.2 the relevant *Councillor* (or *Councillors*) will be treated as being absent from the *Council meeting* or that part of the *Council meeting*

unless the *Council meeting* has been adjourned in accordance with *these Rules*.

Nothing in Rule 67 prevents a *Councillor* from joining (or re-joining) a *Council meeting* at a time that they achieve compliance with sub-rule 67.7 even if the *Council meeting* has already commenced or has continued in their absence.

68. Meetings Conducted Remotely

If a *Council meeting* is conducted wholly or partially by electronic means, 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 the meeting.

Division 15 – Miscellaneous

69. Absence of the *Mayor* at *Council meetings*

If the *Mayor* is unable to attend a *Council meeting* for any reason, or is not in attendance at the commencement of a *Council meeting*:

69.1 The *Deputy Mayor* will act as *Chair*; or if not in attendance;

69.2 A *Councillor* in attendance at the *Council meeting* will be appointed by resolution to *Chair* the meeting;

for the duration of the M*ayor's* absence.

70. Recording Proceedings

70.1 Any person must not, without the prior approval of the *Chair*, operate any audio or visual recording equipment at any *Council meeting*.

70.2 Nothing in sub-Rule 68.1 applies to any *Council officer* operating any cameras or recording device for the purpose of any presentations or keeping a record of the *Council meeting*.

70.3 Where the *Council meeting* is to be recorded pursuant to sub-Rules 70.1 and 70.2, the *Chair* must as soon as practicable after the opening of the *Council meeting*, advise those who are in attendance that their image and/or voices are likely to be recorded during the course of the *Council meeting*.

71. Appointment of Councillors to Committees and External Bodies

71.1 The appointment of *Councillors* to positions on committees and external bodies will be subject to the voting procedures in Rules 4-7 inclusive where the number of candidates exceeds the number of vacant positions.

71.2 Despite the restrictions contained in sub-Rules 7.1.7 and 7.1.8, the *Chair* has a second vote where there is an equality of votes between candidates under this clause.

72. Procedure not provided in this Chapter

72.1 Where a circumstance has not been provided for in this Chapter or is unclear, the *Chair* may elect to have the matter determined by resolution of *Council.*

72.2 The ruling of the *Chair* upon all questions of order and of matters arising in debate shall be final unless otherwise provided for in *these Rules*.

72.3 The *Council* may by resolution, adopt policies which complement *these Rules* and which facilitate the efficient and effective conduct of *Council meetings.*

SCHEDULE 1

Public Question Time Form

This form is required to be completed and submitted to Council by 5.00pm on the business day prior to the Council meeting in order to receive a verbal response at the meeting. Alternatively, the form can be placed in the question box located in the gallery by the commencement of the meeting.

NAME: _____

ADDRESS: _____

_____

BACKGROUND INFORMATION: _____

(IF REQUIRED) _____

_____

_____

_____

_____

QUESTION 1: _____

_____

_____

_____

QUESTION 2: _____

_____

_____

_____

GUIDELINES FOR PUBLIC QUESTION TIME

1. Public question time shall be taken in the normal order of business listed on the agenda.
2. The Chair shall invite the questioner forward to read their question(s) and make a brief introductory statement of no more than 2 minutes.
3. If the questioner is not in attendance in the gallery, the Chief Executive Officer may read the question(s) and provide a brief preamble to provide context to the question(s).
4. The Chair may answer the question(s) or direct the question(s) as they deem appropriate.
5. Once a question has been answered there will be no further discussion.
6. The number of questions that any one person may ask shall be limited to two.
7. The number of questions that may be asked on any one issue shall be limited to four. It is at the discretion of the Chair which four questions will be asked. Like questions may be grouped together and a single answer provided. Should a large number of persons be in attendance in relation to an issue, it may be advantageous to appoint a spokesperson on behalf of the group to present the questions.
8. The Chair has the right to refuse to receive or answer any question, or to take a question on notice. Questions taken on notice will be responded to in writing within 10 business days of the Council meeting.

9. Public Question Time is to be conducted in an orderly and respectful manner and participants are asked to keep this in mind when making statements.

Privacy Statement
"Manningham City Council is committed to full compliance with its obligations under the Privacy and Data Protection 2014 (Vic). The personal information requested on this form is being collected by Council for the purposes of hearing public questions at a Council meeting and to allow subsequent communication with questioners as required. The information will be used by Council for these purposes and for other permitted purposes. Council will disclose the question and personal information to the general public during the meeting. The question and questioner's first name initial, surname and suburb will also be published in the public minutes of the meeting and associated audio/visual recordings. Requests for access to and/or correction of the information provided may be made to Council's Privacy Officer. A copy of Council's Privacy Policy is available on our website at www.manningham.vic.gov.au/privacy"

SCHEDULE 2

Rescission or Alteration Motion

The following guidelines apply for the lodgement of a notice of intention to move that a resolution passed by Council be rescinded or altered:

1. Notices of rescission or alteration must be in the correct format, viz:

It is my intention to move at the Council meeting to be held on
/ /

2. Such notices are to be signed by at least two Councillors and lodged with the Chief Executive Officer or nominee by 5 pm on the business day following the Council meeting.

Cr ..... (print name) Cr ..... (print name)

..... (signature) ..... (signature)

Received by ..... (officer's name) at ..... (time) on ..... (date)

MANNINGHAM

MEETING PROCEDURE FOR DELEGATED COMMITTEES

Chapter 3

MANNINGHAM

Chapter 3 – Meeting Procedure for Delegated Committees

1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

1.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and

1.2 any reference in Chapter 2 to:

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

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

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

2. Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee* that is not composed solely of *Councillors*:

2.1 *Council* may; or

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

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

MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES

Chapter 4

MANNINGHAM

Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the *Chief Executive Officer* under section 47(1)(b) of the *Act*.

2. Meeting Procedure

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

DISCLOSURE OF CONFLICTS OF INTEREST

Chapter 5

MANNINGHAM

Chapter 5 – Disclosure of Conflicts of Interest

1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.*

2. Definition

In this Chapter:

2.1 "meeting conducted under the auspices of *Council*" means a meeting of the kind described in section 131(1) of the *Act*, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a 'Councillor Briefing' or by some other name); and

2.2 a member of a *Delegated Committee* includes a *Councillor.*

3. Disclosure of a Conflict of Interest at a *Council Meeting*

A *Councillor* who has a conflict of interest in a matter being considered at a *Council meeting* at which they:

3.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the *Council meeting* immediately before the matter is considered; or

3.2 intends to be in attendance must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a *written* notice:

3.2.1 advising of the conflict of interest;

3.2.2 explaining the nature of the conflict of interest; and

3.2.3 detailing, if the nature of the conflict of interest involves a *Councillor's* relationship with or a gift from another person, the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those in attendance that they have a conflict of interest and that a *written* notice has been given to the *Chief Executive Officer* under this sub-Rule.

The *Councillor* must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

* At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.

4. Disclosure of Conflict of Interest at a *Delegated Committee* Meeting

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which they:

4.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the *Delegated Committee* meeting immediately before the matter is considered; or

4.2 intends to be in attendance must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a *written* notice:

4.2.1 advising of the conflict of interest;

4.2.2 explaining the nature of the conflict of interest; and

4.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those in attendance that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

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

A *Councillor* who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which they:

5.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or

5.2 intends to be in attendance must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a *written* notice:

5.2.1 advising of the conflict of interest;

5.2.2 explaining the nature of the conflict of interest; and

5.2.3 detailing, if the nature of the conflict of interest involves a member of a *Councillor's* relationship with or a gift from another person the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those in attendance that they have a conflict of interest and that a *written* notice has been given to the *Chief Executive Officer* under this sub-Rule.

The *Councillor* must, in either event, leave the *Community Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

6. Disclosure at a Meeting Conducted Under the Auspices of Council

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

6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the meeting immediately before the matter is considered;

6.2 absent himself or herself from any discussion of the matter; and

6.3 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 in attendance at the meeting.

7. Disclosure by Members of Council Staff Preparing Reports for Meetings

7.1 A *Council officer* 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:

7.1.1 *Council meeting*;

7.1.2 *Delegated Committee* meeting;

7.1.3 *Community Asset Committee* meeting

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

7.2 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.

7.3 If the *Council officer* referred to in sub-Rule 7.1 is the *Chief Executive Officer*:

7.3.1 the *written* notice referred to in sub-Rule 7.1 must be given to the *Mayor*; and

7.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other *Council officer* responsible for the preparation of the Report.

8. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

8.1 A *Council officer* who has a conflict of interest in a matter requiring them to make a decision 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.

8.2 If the *Council officer* referred to in sub-Rule 8.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

9. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

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

9.2 If the *Council officer* referred to in sub-Rule 9.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

10. Retention of Written Notices

The *Chief Executive Officer* must retain all *written* notices received under this Chapter for a period of three (3) years.

MISCELLANEOUS

Chapter 6

MANNINGHAM

Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of *Councillors* that:

1.1 is a scheduled or planned meeting of all *Councillors* (irrespective of how many *Councillors* attend) with the *Chief Executive Officer* for the purpose of discussing the business of *Council* or briefing *Councillors*; or

1.2 is a scheduled or planned meeting of all *Councillors* (irrespective of how many *Councillors* attend) with the Executive Management Team for the purpose of discussing the business of *Council* or briefing *Councillors*; or

1.3 is a scheduled or planned advisory committee meeting attended by at least one *Councillor* and one *Council officer* ; and

1.4 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

(a) tabled at the next convenient *Council meeting*; and

(b) recorded in the *minutes* of that *Council meeting*.

2. Confidential Information

2.1 Following the repeal of section 77(2)(c) of the *Local Government Act 1989*, 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.

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

ELECTION PERIOD POLICY

Chapter 7

ELECTION PERIOD POLICY

Policy Classification	-	**Governance**
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Authorised by	-	**Council**
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1. PURPOSE

The *Local Government Act 2020* ('the Act') provides that immediately prior to municipal general elections all Victorian councils enter an election period (sometimes called a 'caretaker period'). At this time certain legislative prohibitions apply to the general functions and powers of the Council among which Councils are prohibited from publishing or distributing electoral matter. The Act also mandates that Council must prepare, adopt and maintain an election period policy.

The election period extends from the last day nominations for the election can be received, until 6pm on election day. During this lead up period to the general elections, Council needs to avoid actions and decisions which could be perceived as intended to affect the results of an election, give Councillor candidates an advantage or have a significant impact on or unnecessarily bind the incoming Council.

The purpose of this Policy therefore is to explain to the local community and candidates for election to Council how Manningham City Council will conduct its business over the election period to ensure that:-

- Council is able to continue to deliver normal works and services to the local community;
- Council avoids making decisions that may be interpreted as influencing voters;
- the elections are not compromised by inappropriate electioneering by Councillors; and
- to safeguard the authority of the incoming council.

This Policy has been developed in order to ensure that the general elections are conducted in a manner that is fair and equitable to all candidates, and are publicly perceived as such.

The principles contained within this Policy will ensure transparent and accountable governance practices are in place in the lead up to and throughout the election period.

2. POLICY STATEMENT

Manningham City Council, in stating its commitment to the principle of fair and democratic elections, adopts and endorses the practices detailed within this policy statement in addition to the legislative requirements within the Act.

2.1 Prohibited decisions

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.

2.2 What is a Council decision?

For the purposes of clause 2.1 of this Policy, ***Council decision*** means the following:

(a) a resolution made at a Council meeting; or

(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.

2.3 Council Meetings during the Election Period

2.3.1 Council acknowledges that in the lead up to its general elections, it will not make any decision that would, or could be perceived to, inappropriately bind an incoming Council or affect the outcome of the elections.

2.3.2 Council acknowledges that Councillors have been elected to represent the local community and this obligation continues during the Election period. Councillors must avoid any conflict, or appearance of conflict, between their role as Councillor and their role as a candidate or prospective candidate.

2.3.3 To ensure the general day-to-day administration of Council is not held up for an excessive time period, Council will hold a Council meeting in October to consider routine administrative matters and the Annual Report.

2.3.4 The Chief Executive Officer will ensure that no matters that would be contrary to this Policy are presented to Council for discussion, consideration or decision.

2.3.5 The Chief Executive Officer will also ensure that none of the following matters will be presented to the October Council meeting:-

- Adoption of a new policy, strategy or significant planning amendment;
- Adoption of a new rate or charge;
- The purchase or sale of land;
- The approval of community grants;
- The spending of unbudgeted monies;
- The conduct of any public consultation on significant issues;
- Changes to the annual budget or capital works program; or
- Any other matter that the Chief Executive Officer deems could affect voting in an election, significantly affects the municipality, local community or will unreasonably bind the incoming Council.

2.3.6 The following activities, normally held at a Council meeting, will not be permitted during the Election period:

- Public Question Time;
- Petitions;

- Presentations;
- Councillor Reports and Question Time;
- Rescission or alteration motions; or
- Notices of Motion.

2.3.7 No meetings of Delegated Committees, Advisory Committees, or Strategic Briefing Sessions will be held during the Election period.

2.3.8 The Chief Executive Officer will, where possible, ensure that any matters requiring a Council decision are scheduled to go to a Council Meeting prior to the commencement of the Election period or deferred for determination by the incoming Council. The determination as to whether any matter is to go to a Council meeting will be made by the Chief Executive Officer.

2.4 Community Engagement and Consultation

2.4.1 Community engagement is about involving stakeholders (those people affected by a decision) and the community in a decision-making process. A sound engagement process offers opportunities for residents and key stakeholders to contribute to and influence decisions that directly affect their community.

2.4.2 After the commencement of the Election period, Council will not commence public consultation on any matter which, in the opinion of the Chief Executive Officer, is a matter which is likely to affect voting at the elections. If public consultation on such a matter commenced prior to the beginning of the Election period, it shall be held in abeyance until after the election.

2.4.3 Other public consultations, including public submissions and hearings pursuant to section 223 of the *Local Government Act 1989*, during the election period are to be avoided.

2.4.4 The requirements of clause 2.4.3 may not apply to statutorily required consultation under the *Planning and Environment Act 1987* or matters of a special or emergency nature. In such circumstances, the Chief Executive Officer must justify the special circumstances requiring the public consultation to the local community and ensure that the public consultation session is managed and chaired by a Director or the Chief Executive Officer and not the Mayor or a Councillor.

2.4.5 The Mayor and Councillors are entitled to attend any public consultation session held within the Election period. If attending in an official capacity, Councillors must not use their attendance as an opportunity for electioneering.

2.4.6 Consultations will avoid any express or implied links to the election.

2.5 Council Events

2.5.1 No Council events, either sponsored or under the auspices of or run by Council, are to take place during the Election period. This includes Council sponsored events such as launches, festivals and any other public forum outside of the normal Council meeting cycle.

2.5.2 An event will only be conducted if it is unexpected or unavoidable (such as Seniors Week) and with the express permission of the Chief Executive Officer. If an event is to be undertaken, the Chief Executive Officer must justify to the local community why it is being held and how risks over influencing the election will be mitigated or prevented.

2.5.3 At any such event conducted pursuant to 2.5.2, Councillors are able to attend, as is any candidate, but are not to have any official role at the event and the event is to be managed and chaired by a Director or the Chief Executive Officer and not the Mayor or a Councillor.

2.5.4 Publicity of Council events (if any during the period) will be restricted to the communication of factual material only and will not feature, mention, quote or contain any photo of any Councillor.

2.5.5 No Councillor participation at Council sponsored events (if any during the Election period) will be permitted, except for the Mayor, pursuant to clause 2.5.7.

2.5.6 No election material or active campaigning is to be conducted at any Council events (if any during the election period) and no Council event is to be used for, or linked in any way, to a candidate's election campaign.

2.5.7 Any citizenship ceremonies should be planned to be held outside the Election period, but if this is unavoidable, the participation of the Mayor at such a ceremonial event is permitted as the participants will not be voters at the general elections. Any speech by the Mayor at a citizenship ceremony must be written by Council Staff and approved by the Chief Executive Officer and read by the Mayor as prepared.

2.6 Candidates' Access to Information

2.6.1 While it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing elected roles, it is also important that candidates at the elections have equal rights to Council held information relevant to their election campaigns.

2.6.2 Any requests for information from Councillors or candidates during the Election period should be directed in the first instance to the Chief Executive Officer or their delegate.

2.6.3 Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns. Only information that can be reasonably accessed will be released.

2.6.4 Information and briefing material prepared for Councillors during the Election period will relate only to factual matters or to existing Council services to assist Councillors in conducting normal day to day activities. Any information or briefing material to be provided is only to be sent by the appropriate Director or the Chief Executive Officer or their delegate.

2.6.5 To ensure complete transparency in the provision of all information and advice during the election period, an Information Request Register will be established. This register will record all requests for information including those under 2.6.3 made by all candidates (including existing Councillors) relating to electoral and other matters and the responses given to those requests. The register will be a public document available for public inspection and displayed on Council's website. This is to ensure that this information is available to all candidates in the election. It will be managed and maintained by the Governance Team commencing on the opening of nominations.

2.6.6 Section 123 of the *Local Government Act 2020* concerns the misuse of position by a Councillor and prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in their role as a Councillor, to gain an advantage for themselves or any other person.

2.7 Council Publications and Electoral Matter

It is prohibited under section 304 of the Act for a Councillor or member of Council staff to print, publish or distribute, or to cause, permit or authorise others to print, publish or distribute on behalf of the Council, any advertisement, handbill, pamphlet or notice that contains electoral matter during the election period. This is to ensure that Council does not use public funds that may influence or be seen to influence people's voting intentions. Electoral matter is any matter that is "intended or likely to affect voting in an election" and includes (but is not limited to) material that deals with the election, candidates or issues of contention in the election.

2.7.1 **Material is electoral matter if it:**

- Publicises the strengths or weaknesses of a candidate;
- Advocates the policies of the Council or of a candidate;
- Responds to claims made by a candidate;
- Publicises the achievements of the elected Council;
- Publicises matters that have already been the subject of public debate;
- Relates to matters that are known to be contentious in the local community and likely to be the subject of election debate;
- Deals with election candidates statements; or
- Refers to Councillors or candidates by name or by implicit reference.

2.7.2 **Considerations of Chief Executive Officer in granting publication approval**

In considering whether to grant approval for the publication of material during the Election period the Chief Executive Officer:

(a) **Must not permit** any materials to be published which include reference to the following:
  (i) the election;
  (ii) a candidate in the election;
  (iii) a current Councillor; or

(iv) an issue before the voters in connection with the election.

(b) **May approve the** publication of material which only contains factual information about:
(i) the election process itself; or
(ii) Council information that does not include any reference to a current Councillor otherwise precluded by this policy.

2.7.3 **Council Agendas and Reports**

During the Election period, the Chief Executive Officer will ensure that an "**Election Period Statement**" is included in every report submitted to any Council meeting for a decision.

The "Election Period Statement" will advise that Council may make a decision regarding the subject of the report in compliance with Council's Election Period Policy.

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

2.7.4 **Annual Report**

The Annual Report is an exempt document from the requirements of this Election Period Policy. However, Council will ensure that the Annual Report produced in any Election period will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

Information referring to specific Councillors will be limited to names, titles, contact details, membership of committees and other bodies to which they have been appointed by Council. A Mayor's message will be included and will be restricted to general Council business and not the specific achievements of elected representatives. The Chief Executive Officer will determine the appropriate content for an Annual Report produced in an Election period.

2.7.5 **Councillor- Issued Materials**

Councillors may publish campaign material on their own behalf, but cannot claim or imply that the material originated from, or was authorised by, Manningham City Council. For example, the use of Council logos, photographs, Council images etc. is not permitted.

Councillors must also ensure that they comply with the Individual Councillor Communications Protocol when publishing campaign materials.

2.8 Websites

2.8.1 No Electoral matter will be placed on Council websites during the Election period.

2.8.2 The Chief Executive Officer will ensure that during the Election period the only new publications on Council websites will be those that do not breach this Policy, are essential for the conduct of Council operations and are apolitical in nature.

2.8.3 For the avoidance of doubt, Council agendas, minutes and the Annual Report can be published on Council's websites.

2.8.4 For the duration of the Election period a statement will be placed on Council's Websites advising that Council will not be regularly updating or adding new information during the election period other than necessary operational information.

2.8.5 Material published on Council's website in advance of the Election period is permitted, 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.

2.8.6 Profiles of the Mayor and Councillors will be removed from Council's websites during the Election period but their contact details i.e. names, photos and mobile numbers will remain to assist with their day-to-day role as a Councillor.

2.9 Social Media

2.9.1 No Electoral matter will be posted on Council's social media sites during the Election period. Any publication on Council's social media sites during the Election period must be approved by the Chief Executive Officer or their delegate.

2.9.2 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.

2.9.3 Social media activity during the Election period is to conform with the following:-

- Social media posts to be kept to a minimum, necessary operational information only;
- No launches or announcements of any new projects, policy initiatives, or programs;
- On all social media pages the 'post comments' from all facilities to be disabled;
- YouTube videos to be removed and suspended during the period;
- No matter is permitted that may be construed as Electoral matter – accounts should be reviewed to ensure there is none;

- No posting of or responding to political content is permitted;
- During this time ensure moderation of all social media accounts; and
- Keep all updates to a minimum.

2.9.4 For the duration of the Election period a statement will be placed on social media sites advising that Council will not be regularly updating or adding new information during the Election period other than necessary operational information.

2.10 Media Services

2.10.1 During the Election period Council's Communications Unit's services must not be used in any way that might promote or be perceived as promoting a Councillor as an election candidate.

2.10.2 Council publicity and media releases during the Election period will be restricted to communicating normal Council activities and initiatives and any such publicity will be subject to approval by the Chief Executive Officer or their delegate.

2.10.3 Media releases will exclude references to individual Councillors.

2.10.4 The Chief Executive Officer or their delegate will be the media spokesperson on any media releases.

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

2.10.6 **Council Employees**
During the Election period no Council employee may make any public statement that relates to an election issue unless prior approval has been obtained from the Chief Executive Officer.

2.11 Use of Council Resources

2.11.1 It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. Council commits to this principle in that it will ensure Council resources are not used inappropriately during the Election period while recognising that Councillors are entitled to continue to have access to those resources necessary for them to fulfil their elected roles and normal day-to-day duties to the local community.

2.11.2 Council resources include, but are not limited to vehicles, equipment, computers, printers, mobile and landline phones, stationery, images, printing/copy services, meeting rooms, hospitality services, Council staff and support staff.

2.11.3 In order to ensure the proper use of Council resources during the Election period the following will apply:-

- Councillors may **continue to use any Council resources** provided to them to facilitate their performance of **normal Councillor duties**, subject to existing protocols and terms of use. Councillors standing for re-election must not use such Council resources to assist with their election campaign;
- Reimbursements of Councillors' **out-of-pocket expenses** during the Election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign;

- **Equipment** provided to Councillors for the purpose of conducting normal Council business, such as **mobile phones, land lines and internet connections,** laptop or tablet will not be used for campaigning purposes;
- No Council **logos, letterheads, or other Council branding** should be used for, or linked in any way to, a candidate's election campaign;
- **Photos or images** taken by or provided by Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign. This applies equally to images on Council websites that may be able to be copied;
- Any **email account** provided by Council to a Councillor to assist in representing the local community and undertaking normal day-to-day Councillor duties must not be used in electioneering and campaigning;
- **Community or Ward meetings** will not be held during the Election period;
- No Council owned **vehicle** is to be used by a Councillor during the Election period for attending any event other than an official Council event at which the Councillor is representing Council in an authorised official capacity;
- During the Election period the **Mayoral robes** and **Chain of Office** are only to be worn on official civic occasions such as Council meetings and citizenship ceremonies and not to be worn or displayed in any manner at any event that is not an official Council event.

2.11.4 A Councillor or candidate at the election, must not ask a member of Council staff to undertake any tasks connected directly or indirectly with a candidate's election campaign.

2.11.5 In the course of employment Council **staff must not**:-
(a) undertake an activity that may affect voting in the election; or
(b) authorise, use or allocate a Council resource for any purpose that may influence voting in the election.

Any Council staff member who thinks they are being placed in a **compromising situation** by a request from a Councillor or candidate should refer the Councillor or candidate to the Chief Executive Officer for clarification. They should also advise their Manager of their concern.

2.11.6 Prior to the election period the Chief Executive Officer will ensure that all members of Council **staff are advised of their obligations** in regard to the application of this Policy.

2.11.7 A copy of this Policy will be included in candidate information packs distributed at candidate information sessions.

2.12 Use of the Councillor Title

2.12.1 Councillors may use their title "Councillor" in their election material, as they continue to hold office during the Election period. While a Councillor can refer to themselves as Councillor in communications it must be made clear that it is a communication of a candidate and not a position of Council.

2.13 Breach of Policy

2.13.1 Any breach of this Policy relating to officer conduct is to be referred to the Chief Executive Officer.

2.13.2 Alleged breaches relating to all other matters are to be referred to the Victorian Local Government Inspectorate.

2.14 Administrative Updates

2.14.1 From time to time, circumstances may change leading to the need for minor administrative changes to this Policy. Where an update does not materially alter this Policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Manningham Council departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered and only approved by Council.

3. SCOPE OF POLICY

This Policy applies to all Councillors and Council Staff during the Election period which starts on the last day on which nominations for the election can be received by the Election Manager and concludes on the Election Day.

Council committee members who are candidates for election are expected to comply with this policy and in addition:

- return any Council equipment, documents or information which are not available to the public for the duration of the election period; and
- if elected, immediately resign from the committee.

4. RESPONSIBILITY

The Chief Executive Officer or their delegate is the officer ultimately responsible for the implementation of this Policy with the being responsible for the operational aspects.

5. DEFINITIONS

In this policy:-

Chief Executive Officer means the person appointed by a Council to be its Chief Executive Officer or any person acting in that position.

Council means the Manningham City Council.

Council Events means a gathering of people or a ceremony of some significance, either run by Council or auspiced by Council, that celebrates or recognises some specific aspect of community and generally creates publicity.

Councillor means a person who holds the office of member of a Council.

Councillor Code of Conduct means the code of conduct made pursuant to the requirements of the *Local Government Act 2020.*

Council staff means an employee of Manningham City Council.

Note - The Chief Executive Officer is also a member of Council staff.

Electoral advertisement, handbill, pamphlet or notice means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.

Electoral matter means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the Election Manager for the purposes of conducting an election. Without limiting the generality of the definition of **electoral matter**, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on—

(a) the election; or
(b) a candidate in the election; or
(c) an issue submitted to, or otherwise before, the voters in connection with the election.

Election period, in relation to an election, means the period that—

(a) starts on the last day on which nominations for that election can be received; and
(b) ends at 6 pm on election day.

Local community includes—

(a) people who live in the municipal district
(b) people and bodies who are ratepayers
(c) people and bodies who conduct activities in the municipal district.

Municipal district means the district under the local government of a Council.

Printed electoral material means an advertisement, handbill, pamphlet or notice that contains electoral matter.

Publish means publish by any means including by publication on the Internet.

Ward means a subdivision of a municipal district.

6. RELATED POLICIES

- POL/194 - Councillor Allowance and Support Policy
- POL/416 - Social Media Policy
- POL/478 - Councillor IT Support and Equipment Policy
- Media Policy
- Manningham Councillor Code of Conduct
- Manningham Employee Code of Conduct

7. ACTION PLANS

Nil.

8. GUIDELINES

Nil.

9. DOCUMENT HISTORY

Policy Title:	Election Period Policy
Resp. Officer Position:	Senior Governance Lead
Next Review Date:	April 2028
To be included on website?	Yes

Last Updated	Meeting type? - Council or EMT	Meeting Date	Item N°
Version 1	*Council*	*29 March 2016*	
Version 2	*Council*	*26 November 2019*	*13.3*
Version 3	*Council*		

Contact Details

Council's Governance Team 9840 9210
www.manningham.vic.gov.au

MANNINGHAM

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Assessment of Council's Governance Rules in light of the *Charter of Human Rights and Responsibilities Act 2006*

Rule	Relevant Charter right	Whether Charter right is limited	If right is limited, whether that limitation is justified under s 7(2) of the Charter
Rule 6.5 **Mayoral candidate who has declined the invitation to address Council cannot subsequently request to do so**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
Rule 6.7 **Mayoral candidate addressing Council has 3 minutes to make their address, with no extension of time permitted**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
Rule 21.2 **Closure of doors to the Council Chamber when in open session**	S 18(1) – Taking part in the conduct of public affairs	No. Closure is only permitted for reasons of comfort and practicality, and access remains available at all times.	N/A
Rules 22.1 **Closure of meetings to the public under s 66 of the Act**	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Meetings are only permitted to be closed in the circumstances specified in s 66(2) of the LGA. Proportionate and justifiable to uphold security, confidentiality and order of meetings.

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Rule	Relevant Charter right	Whether Charter right is limited	If right is limited, whether that limitation is justified under s 7(2) of the Charter
Rule 28.3 **Requirement for Councillor to remain silent when called to order**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
Rule 31.1 to 31.2 **Chair may require Councillor to withdraw expression or make apology for disorderly or offensive language or conduct**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
Rule 31.2 **Chair may refuse to hear Councillor further upon matter or adjourn sitting of Council where Councillor fails to comply with being called to order or fails to withdraw an expression or otherwise apologise for conduct**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
Rule 34.1 **Councillor only able to speak once to a motion**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A

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Rule	Relevant Charter right	Whether Charter right is limited	If right is limited, whether that limitation is justified under s 7(2) of the Charter
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
Rule 34.5 **Councillor only able to speak on a motion for specified times**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
Rule 36.2 **Chair has the right to limit questions and direct that debate be commenced or resumed**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
Rule 39.2 **Chair may refuse to accept motion or amendment which contravenes r 39.1 (e.g. not clearly expressed or is defamatory or objectionable)**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to: ▪ ensure fairness and efficiency in Council meetings; and

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Rule	Relevant Charter right	Whether Charter right is limited	If right is limited, whether that limitation is justified under s 7(2) of the Charter
			▪ in the circumstances of a defamatory or objectionable motion or amendment, protect the rights of any defamed person and other attendees at the meeting more generally.
Rule 43 **Debate must be relevant to motion**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
Rule 48.7 **CEO may reject a notice of motion which is of the kind described in r 48.7**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings. Rule 48.8 also offers Councillors an opportunity to amend a notice of motion prior to any rejection and r 48.9 ensures that they are notified of the reasons for a rejection.

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Rule	Relevant Charter right	Whether Charter right is limited	If right is limited, whether that limitation is justified under s 7(2) of the Charter
Rule 53.1 **No further discussion relating to a motion once a vote has been taken**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary for the protection of public order (see s 15(3)(b).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure efficiency in Council meetings. Rule 53.1(a)-(b) also allows exceptions in circumstances where a Councillor requests that that their opposition to the motion be recorded in the minutes, or there is a call for a division.
Rule 55.4 **Debate on a procedural motion not permitted and mover does not have a right of reply**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure efficiency in Council meetings.
Rule 56.3 **Number of questions that may be asked on any one issue shall be limited to four**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure efficiency in Council meetings.

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Rule	Relevant Charter right	Whether Charter right is limited	If right is limited, whether that limitation is justified under s 7(2) of the Charter
Rule 56.7 **Chair has the right to refuse to receive or answer any question, or to take the question on notice**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure efficiency in Council meetings.
Rule 56.9(a) **Chair will invite a questioner forward to read their question**	S 8(2)-(3) – Right to enjoy human rights without discrimination and right to equal protection of the law without discrimination	No. Rule 56.9(a) requires the Chair to invite a questioner to move forward which, in certain circumstances, might constitute discrimination against a person on the basis of disability within the meaning of the *Equal Opportunity Act 2010*. However, r 56.9(a) does not specifically require a person to move forward to read their question. It simply requires the Chair to *invite* them to do so. As such, it remains open to the questioner to remain in their position while they read their question, if they are unable to move forward on the basis of any physical disability, and for the Chair to permit them to do so.	N/A

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Rule	Relevant Charter right	Whether Charter right is limited	If right is limited, whether that limitation is justified under s 7(2) of the Charter
		On that basis, we are satisfied that the questioner's rights under s 8 are not limited. For completeness, we note that this rule has the capacity to be applied in a way that unlawfully infringes this right. The Chair ought not insist on a questioner moving forward if it would have the effect of discriminating against the questioner.	
Rule 56.10 **All questions and answers shall be as brief as possible and no discussion shall be permitted on any**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
Rule 56.12 **Time limit of 30 minutes will apply to Public Question Time**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings. Rule 56.12 also allows question time to be extended by a resolution of Council.

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Rule	Relevant Charter right	Whether Charter right is limited	If right is limited, whether that limitation is justified under s 7(2) of the Charter
Rule 56.12 **Chair may disallow question on one of the grounds in r 56.13(a)-(f)**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure: ▪ fairness and efficiency in Council meetings; and ▪ in the circumstances of a defamatory, indecent, abusive, offensive, objectionable or intentionally embarrassing question, protect the rights of any person specifically targeted by the person and other attendees to the meeting more generally.
Rule 57.2 **Councillors limited to a maximum of 2 questions per Councillor in Councillor Reports and Question Time**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.

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Rule	Relevant Charter right	Whether Charter right is limited	If right is limited, whether that limitation is justified under s 7(2) of the Charter
Rule 57.8 **Chair may disallow question on one of the grounds in r 57.8(a)-(e)**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure: ▪ fairness and efficiency in Council meetings; and ▪ in the circumstances of a defamatory, indecent, abusive, offensive, objectionable or intentionally embarrassing question, protect the rights of any person specifically targeted by the person and other attendees to the meeting more generally.
Rule 58.2 **Petition must meet the specified requirements**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
	S 8(2)-(3) – Right to enjoy human rights without discrimination and right to equal protection of the law without discrimination	No. Rule 58.5 makes provision for a person who is unreasonably	N/A

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Rule	Relevant Charter right	Whether Charter right is limited	If right is limited, whether that limitation is justified under s 7(2) of the Charter
		prevented from or hindered in submitting a petition to receive assistance from Council via an interpreter or translation service.	
Rule 62 **Public addressing the meeting**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. The broader restrictions on the manner in which the public may address the meeting are proportionate and justifiable to ensure fairness and efficiency in Council meetings.
Rule 63 **Chair may remove disruptive persons from the Council Chamber**	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
Rule 67 **Mode of attendance at meetings**			
	S 15(2) – Freedom of expression	No. Subject to lawful restriction reasonably necessary to respect the rights of other persons (see s 15(3)(a)) and for the protection of public order (see s 15(3)(b)).	N/A

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Rule	Relevant Charter right	Whether Charter right is limited	If right is limited, whether that limitation is justified under s 7(2) of the Charter
	S 18(1) – Taking part in the conduct of public affairs	Yes.	Yes. Proportionate and justifiable to ensure fairness and efficiency in Council meetings.
	S 8(2)-(3) – Right to enjoy human rights without discrimination and right to equal protection of the law without discrimination	No. Rule 58.5 makes provision for a person who is unable to attend a meeting in person to apply to attend by electronic means. They will therefore be accommodated where possible. For completeness, we note that this rule has the capacity to be applied in a way that unlawfully infringes this right. Council and the CEO ought to consider this when fixing the mode of attendance at certain meetings, and when determining an application to attend by electronic means, respectively.	N/A

14.2 Appointment of Authorised Officers - Planning and Environment Act 1987

File Number: IN24/427

Responsible Director: Chief Executive Officer

Attachments: 1 S11A Instrument of Appointment and Authorisation - Yoon Lai - 23 July 2024 ⇩

PURPOSE OF REPORT

The purpose of this report is to appoint a Council officer as Authorised Officers under the Planning and Environment Act 1987 (the Act).

EXECUTIVE SUMMARY

In accordance with the Act, Council is required to authorise officers for the purpose of enforcing the provisions of the Act. It is proposed to appoint the Council officers detailed below as an Authorised Officer pursuant to Section 147(4) of the Act.

The Local Government Act 1989 also empowers Council to appoint a person, other than a Councillor, to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

A person who is appointed to a position has the powers of that position under the legislation which they have been appointed. Authorisations are necessary to facilitate the efficient and effective function of councils as they enable authorised officers to carry out compliance or enforcement under legislation related to their functions and powers of the Council.

Authorised officers will continue to be appointed under s224 of the Local Government Act 1989, as there are no provisions for appointing authorised officers under the Local Government Act 2020.

COUNCIL RESOLUTION

MOVED: CR ANNA CHEN
SECONDED: CR ANDREW CONLON

In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached instrument of appointment and authorisation, Council resolves that:

A. the following Council Officer be appointed as an authorised officer:

- **Yoon Lai**

B. the instrument will come into force immediately upon execution and will remain in force until Council determines to vary or revoke the Instrument or the officer ceases their employment with Council; and

C. the Instrument be signed and sealed.

CARRIED UNANIMOUSLY

2. BACKGROUND

2.1 The *Planning and Environment Act 1987* (the Act) regulates enforcement of the Act and is reliant on authorised officers acting on behalf of the Responsible Authority which is Council.

2.2 The Act, unlike the *Local Government Act 1989*, does not permit appointments to be made by the Chief Executive Officer and therefore in order for the officer to legally undertake the duties of their position under the Act, it is necessary for Council to make appointments by formal resolution.

2.3 The Instrument of Appointment and Authorisation has been prepared based on advice from Maddocks Lawyers and empowers the relevant officer to exercise those powers granted in the Instrument.

2.4 The appointment will come into force immediately upon its execution under the Seal of Council and will remain in force until varied or revoked by Council or the officer ceases employment with Council.

2.5 In addition to the appointment under the Act, Council pursuant to Section 224 of the *Local Government Act 1989*, may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of most other Acts, Regulations or Local Laws which relate to the functions and powers of Council. This broader Instrument of Appointment and Authorisation has already been carried out, in respect to the designated officers, under the delegated authority of the Chief Executive Officer as the first part of a dual appointment process.

2.6 The appointment will be recorded in the Authorised Officers Register that is required to be kept by Council and is available for public inspection.

3. IMPLEMENTATION

3.1 Communication and Engagement

Stakeholder Groups	Nominated Council officers
Is engagement required?	No. Council is required to make these administrative appointments.
Where does it sit on the IAP2 spectrum?	N/A
Approach	N/A

4. DECLARATIONS OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

Instrument of Appointment and Authorisation (*Planning and Environment Act* 1987)

In this instrument "**officer**" means -

Yoon Lai

By this instrument of appointment and authorisation Manningham City Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and

2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument comes into force immediately upon its execution and remains in force until varied or revoked.

This instrument is authorised by a resolution of the Manningham City Council on 23 July 2024.

The Common Seal of)
Manningham City Council)
was hereunto affixed)
in the presence of:)

Mayor ……

Chief Executive Officer ……..

Date: ...……..

14.3 Informal Meetings of Councillors

File Number: IN24/410

Responsible Director: Chief Executive Officer

Attachments:
1 Strategic Briefing Session - 18 June 2024 ⇩
2 Major Application Briefing for 659-671 Doncaster Road Doncaster - 19 June 2024 ⇩
3 Consultation Meeting for PLN22_0402 132 Macedon Road, Templestowe Lower - 20 June 2024 ⇩
4 Homelessness Round Table Event - 21 June 2024 ⇩
5 Recreation & Sport Advisory Committee - 24 June 2024 ⇩
6 Councillor and CEO Only Time - 25 June 2024 ⇩
7 Youth Advisory Committee Meeting - 26 June 2024 ⇩
8 Strategic Briefing Session - 9 July 2024 ⇩
9 Healthy Ageing Advisory Committee - 10 July 2024 ⇩
10 Multicultural Communities Advisory Committee - 11 July 2024 ⇩

PURPOSE OF REPORT

The purpose of this report is to promote transparency in Council's business by providing a record of informal meetings attended by Councillors.

EXECUTIVE SUMMARY

Chapter 6, sub rule 1 of Manningham's Governance Rules requires a record of each meeting that constitutes an Informal Meeting of Councillors to be reported to Council and those records to be incorporated into the minutes of the Council Meeting.

COUNCIL RESOLUTION

MOVED: **CR LAURA MAYNE**
SECONDED: **CR TOMAS LIGHTBODY**

That Council note the Informal Meetings of Councillors for the following meetings:

- **Strategic Briefing Session – 18 June 2024**
- **Major Application Briefing for 659-671 Doncaster Road, Doncaster – 19 June 2024**
- **Consultation Meeting for PLN22/0402 132 Macedon Road, Templestowe Lower – 20 June 2024**
- **Homelessness Round Table Event – 21 June 2024**
- **Recreation and Sport Advisory Committee – 24 June 2024**
- **Councillor and CEO Only Time - 25 June 2024**
- **Youth Advisory Committee Meeting – 26 June 2024**
- **Strategic Briefing Session – 9 July 2024**
- **Healthy Ageing Advisory Committee - 10 July 2024**
- **Multicultural Communities Advisory Committee - 11 July 2024**

CARRIED UNANIMOUSLY

2. BACKGROUND

2.1 Section 60 of the *Local Government Act 2020*, requires a Council to develop, adopt and keep in force Governance Rules (the Rules).

2.2 Chapter 6, sub rule 1 of Manningham's Governance Rules requires the Chief Executive Officer to ensure a summary of matters discussed at an informal meeting is tabled at the next convenient Council meeting and recorded in the minutes of that meeting.

2.3 An Informal Meeting of Councillors is a meeting that:

- is a scheduled or planned meeting of all Councillors (irrespective of how many Councillors attend) with the Chief Executive Officer for the purpose of discussing the business of Council or briefing Councillors; or
- is a scheduled or planned meeting of all Councillors (irrespective of how many Councillors attend) with the Executive Management Team for the purpose of discussing the business of Council or briefing Councillors; or
- is a scheduled or planned advisory committee meeting attended by at least one Councillor and one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

3. DISCUSSION / ISSUE

Summaries of the following informal meetings are attached to this report:

- Strategic Briefing Session – 18 June 2024
- Major Application Briefing for 659-671 Doncaster Road, Doncaster – 19 June 2024
- Consultation Meeting for PLN22/0402 132 Macedon Road, Templestowe Lower – 20 June 2024
- Homelessness Round Table Event – 21 June 2024
- Recreation and Sport Advisory Committee – 24 June 2024
- Councillor and CEO Only Time - 25 June 2024
- Youth Advisory Committee Meeting – 26 June 2024
- Strategic Briefing Session – 9 July 2024
- Healthy Ageing Advisory Committee - 10 July 2024
- Multicultural Communities Advisory Committee - 11 July 2024

4. IMPLEMENTATION

4.1 Communication and Engagement

Stakeholder Groups	Councillors, Officers and members of Manningham's Advisory Committees
Is engagement required?	No. This information is provided in the interests of public transparency.
Where does it sit on the IAP2 spectrum?	N/A

Approach	N/A

5. DECLARATIONS OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Strategic Briefing Session		
Date:	Tuesday, 18 June 2024	**Time Opened:**	6:30pm
		Time Closed:	9:34pm
Location:	Council Chambers, Civic Centre		
Councillors Present:	Cr Carli Lange (Mayor), Cr Laura Mayne (Deputy Mayor), Cr Anna Chen, Cr Deirdre Diamante, Cr Geoff Gough, Cr Michelle Kleinert OAM, Cr Tomas Lightbody and Cr Stephen Mayne		
Officers Present:	**Executive Officers Present** Andrew Day, Chief Executive Officer Kerryn Paterson, Director Experience and Capability Rachelle Quattrocchi, Director City Services Lee Robson, Director Connected Communities Andrew McMaster, Director City Planning Molley Qi, Acting Chief Legal and Governance Officer **Other Officers in Attendance** Kim Tran, Acting Senior Governance Lead Emma Michie, Manager Community Participation Krishen Soobrayen, Manager City Projects Robert Morton, Coordinator Community Projects and Planning Patrick Boyd, Jude Whelan, Manager Engaged Communities Alecia Pinner, Coordinator Communications and Brand Lawrie McLaughlin, Manager Business Enablement Daniel Noar, Coordinator Customer Service		
Apologies:	Cr Andrew Conlon		
Items discussed:	1. Aquarena Outdoor Redevelopment - Concept Design 2. Soccer in Manningham 3. Manningham Matters Review 4. Customer Engagement Channels & Customer Responsiveness Improvements		

CONFLICT OF INTEREST DISCLOSURES	
Were there any conflict of interest disclosures by Councillors?	No

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Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Major Application Briefing for 659-671 Doncaster Road Doncaster		
Date:	Wednesday, 19 June 2024	**Time Opened:**	5:00pm
		Time Closed:	6:30pm
Location:	MS Teams (Virtual meeting)		
Councillors Present:	Cr Lange (Mayor), Cr L Mayne (Deputy Mayor), Cr Diamante, Cr Kleinert OAM, Cr Chen, Cr Gough		
Officers Present:	Hugh Charlton, Michelle West, Fiona Troise		
Apologies:	Nil		
Items discussed:	Planning Permit Application PLA23/0020 659-671 Doncaster Road Doncaster		

CONFLICT OF INTEREST DISCLOSURES	
Were there any conflict of interest disclosures by Councillors?	No

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Consultation Meeting for PLN22/0402 132 Macedon Road, Templestowe Lower		
Date:	Thursday, 20 June 2024	**Time Opened:**	6:00pm
		Time Closed:	7:00pm
Location:	Heide Room, Civic Centre		
Councillors Present:	Cr Lange (Mayor), Cr S Mayne, Cr Chen, Cr Diamante, Cr Kleinert OAM (Via telephone)		
Officers Present:	Dean Neofitou, Mel Tuangthong		
Apologies:	Cr L Mayne (Deputy Mayor), Cr Gough, Cr Conlon, Cr Lightbody		
Items discussed:	• Material Covenant • Traffic issues along Macedon Road and Clausen Street • Precedence of establishing three (3) dwellings on a lot • Cost of application • Quality of build • Impact on streetscape – too imposing on streetscape and is out of character • Density requirements • Applicant's intentions • Overshadowing at 134 Macedon Road • Site too small for 680 square metres • Poor internal layout – poor use of space • General Residential Zone – Schedule – discussed setbacks and SPOS requirements • Housing targets		

CONFLICT OF INTEREST DISCLOSURES	
Were there any conflict of interest disclosures by Councillors?	No

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Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Homelessness Round Table Event		
Date:	Friday, 21 June 2024	**Time Opened:**	9:30am
		Time Closed:	12:00pm
Location:	Function Room 1, Civic Centre		
Councillors Present:	Cr Lange (Mayor), Cr L Mayne (Deputy Mayor), Cr Chen, Cr Diamante, Cr Kleinert OAM		
Officers Present:	Andrew Day (CEO), Amber Thorgersen, Anthony Drahtidis, Catherine Simcox, Felicity Raper, Georgia Ryan, Lee Robson, Liann Filer, Lydia Winstanley, Mark Chang, Michelle Venne-Rowe, Michelle Zemancheff		
Apologies:	Nil		
Items discussed:	1. Workshop Introduction 2. Who's in the room? Connections. My work/role is response to people experiencing homelessness 3. Three perspectives – panel interview with Natalie Johnson from Salvation Army; Anthony Drahtidis, Local Laws Officer at Manningham Council and Kellie Wishart from Carenet. 4. Seeing the system 5. Sharing reflections with council 6. Reflections – did we achieve why we came here today 7. Thank you, next steps and introduce Mayor for final comments		

CONFLICT OF INTEREST DISCLOSURES	
Were there any conflict of interest disclosures by Councillors?	No

1

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Recreation & Sport Advisory Committee		
Date:	Monday, 24 June 2024	**Time Opened:**	6:30pm
		Time Closed:	8:30pm
Location:	Council Chambers, Civic Centre		
Councillors Present:	Cr Lange (Mayor), Cr Conlon (Chair), Cr S Mayne		
Officers Present:	Robert Morton, Emma Michie, Nathan Whelan, Ros Holding		
Apologies:	Nil		
Items discussed:	1. Volunteer & Participation Workshop – Update 2. Outdoor Infrastructure & Allocations Policy – Update 3. Fair Access Policy & Action Plan		

CONFLICT OF INTEREST DISCLOSURES	
Were there any conflict of interest disclosures by Councillors?	No

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Councillor and CEO Only Time		
Date:	Tuesday, 25 June 2024	**Time Opened:**	5:45pm
		Time Closed:	6:30pm
Location:	Councillor Lounge, Civic Centre		
Councillors Present:	Cr Carli Lange (Mayor), Cr Laura Mayne (Deputy Mayor), Cr Anna Chen, Cr Deirdre Diamante, Cr Geoff Gough, Cr Michelle Kleinert OAM, Cr Tomas Lightbody and Cr Stephen Mayne		
Officers Present:	Andrew Day (Chief Executive Officer)		
Apologies:	Nil		
Items discussed:	• National General Assembly • Council Agenda review • Windfall Gains Tax with John Pesutto • Crime Prevention and Community Safety Forum • Advocacy update		

CONFLICT OF INTEREST DISCLOSURES	
Were there any conflict of interest disclosures by Councillors?	No

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Youth Advisory Committee		
Date:	Wednesday, 26 June 2024	**Time Opened:**	6:00pm
		Time Closed:	7:30pm
Location:	Council Chambers, Civic Centre		
Councillors Present:	Cr L Mayne (Deputy Mayor) (Co-Chair), Cr Chen, Cr Gough		
Officers Present:	Michelle Zemancheff, Pamela Dewhurst		
Apologies:	Nil		
Items discussed:	1. Confirmation of Minutes 15 November 2023 2. Business Arising 3. MY Hub Consultation 4. Manningham Youth Services Update (EACH - Eastern Access Community Health) 5. Other Business		

Were there any conflict-of-interest disclosures by Councillors?	No

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Strategic Briefing Session		
Date:	Tuesday, 9 July 2024	**Time Opened:**	6:30pm
		Time Closed:	9:03pm
Location:	Council Chambers, Civic Centre		
Councillors Present:	Cr Carli Lange (Mayor), Cr Anna Chen, Cr Andrew Conlon, Cr Deirdre Diamante (virtual), Cr Geoff Gough, Cr Michelle Kleinert OAM, Cr Tomas Lightbody (virtual) and Cr Stephen Mayne		
Officers Present:	**Executive Officers Present** Kerryn Paterson, Acting Chief Executive Officer Rachelle Quattrocchi, Director City Services Lee Robson, Director Connected Communities Andrew McMaster, Director City Planning Lawrie McLaughlin, Acting Director Experience and Capability **Other Officers in Attendance** Nick Hulston, Governance Officer Carrie Bruce, Senior Governance Lead Michelle Zemancheff, Manager Community Wellbeing and Partnerships Catherine Simcox, Coordinator Social Planning and Community Strengthening Jude Whelan, Manager Engaged Communities Robert Morton, Coordinator Community Projects and Planning		
Apologies:	Cr Laura Mayne (Deputy Mayor)		
Items discussed:	1. Review of Manningham's Governance Rules 2. Welcoming Cities Progress Report 3. Community Engagement and Social Media Update 4. Covered Bowling Greens Research Report 5. Statutory Planning Application Activity Quarter 3 (January to March 2024)		

CONFLICT OF INTEREST DISCLOSURES	
Were there any conflict of interest disclosures by Councillors?	No

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Healthy Ageing Advisory Committee		
Date:	Wednesday, 10 July 2024	**Time Opened:**	6:00pm
		Time Closed:	8:10pm
Location:	Council Chambers, Civic Centre		
Councillors Present:	Cr Chen, Cr Diamante		
Officers Present:	Michelle Zemancheff, Gabrielle Spence, Terry Meehan		
Apologies:	Nil		
Items discussed:	Agenda items were as follows: 1. Confirmation of Previous Minutes 2. Business Arising - EV Transport Update – Aquarena - Parenting your Parents (Article) 3. Membership - Resignation and welcome - Regional Assessment Service ceased operations on Friday 28 June 2024 4. Sensory Garden Workshop and Planning 5. Age-Friendly City Workshop with LaTrobe University 6. Dementia-friendly City 7. Other Business - Targeted Conversations - Dementia Action Week and Dementia Awareness Forum - Seniors Month – October ○ Seniors Morning Tea ○ Travel training experience with EV Community Transport		

Were there any conflict of interest disclosures by Councillors?	No

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Multicultural Communities Advisory Committee		
Date:	Thursday, 11 July 2024	**Time Opened:**	6:00pm
		Time Closed:	8:00pm
Location:	Function Room 3, Civic Centre		
Councillors Present:	Cr Chen, Cr Diamante, Cr S Mayne		
Officers Present:	Catherine Simcox, Michelle Zemancheff, Katrine Gabb		
Apologies:	Nil		
Items discussed:	1. Business Arising – Multicultural Communities Network supporting their reset and growth 2. Welcoming Cities Snapshot – Presentation of what has been achieved 3. Welcoming Cities Accreditation – Process of accreditation - discussion 4. 16 Days of Activism Workshop – what communication message could work? 5. Other Business - Find support – Wellbeing and Support - Racism and Vandalism Process - Citizenship Ceremony - VicHealth – application for the Growing Healthy Communities Grant - Building capacity of Customer Service staff to support residents that have experienced race-based discrimination and reporting.		

CONFLICT OF INTEREST DISCLOSURES	
Were there any conflict of interest disclosures by Councillors?	No

14.4 Documents for Sealing

File Number: IN24/411

Responsible Director: Chief Executive Officer

Attachments: Nil

PURPOSE OF REPORT

The purpose of this report is to seek Council's authority to sign and seal the documents outlined in the recommendation.

EXECUTIVE SUMMARY

The following documents are submitted for signing and sealing by Council.

COUNCIL RESOLUTION

MOVED: CR MICHELLE KLEINERT
SECONDED: CR ANDREW CONLON

That the following documents be signed and sealed:

Lease
Council and Indara Infrastructure Pty Ltd
Premises: Part 699A, Doncaster Road, Doncaster

Lease
Council and Indara Infrastructure Pty Ltd
Premises: Part 699B, Doncaster Road, Doncaster

Consent to Build Over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and G J Musker & M A Musker
Land: 2 Moselle Court, Doncaster

CARRIED UNANIMOUSLY

2. BACKGROUND

The Council's common seal must only be used on the authority of the Council or the Chief Executive Officer under delegation from the Council. An authorising Council resolution is required in relation to the documents listed in the recommendation section of this report.

3. IMPLEMENTATION

3.1 Communication and Engagement

Stakeholder Groups	The other parties to the agreements
Is engagement required?	No. This information is provided in the interests of public transparency.
Where does it sit on the IAP2 spectrum?	N/A
Approach	N/A

4. DECLARATIONS OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

15 URGENT BUSINESS

There were no urgent business items.

16 COUNCILLOR REPORTS AND QUESTION TIME

16.1 Councillor Reports

Mayor, Cr Carli Lange informed her fellow Councillors of the recent passing of Mr Patrick Cooper and extended her deepest condolences to Mr Cooper's family and friends. The Mayor advised that Mr Cooper served as President and coach of the Beverly Hills Junior Football Club where he was admired for his efforts and contribution to the club, its players, and the wider community.

The Mayor and Cr Chen attended a celebration of Mr Cooper's life where several colleagues spoke fondly of his dedication and influence in raising awareness, strength and capability within the club. Along with honouring his achievements, this gathering also provided an important platform to discuss mental health, particularly among men, and the importance of seeking support.

The Mayor remarked that it is crucial that we break the stigma associated with mental illness. She encouraged those who may be experiencing physical or mental health challenges, to reach out to your local GP or contact Beyond Blue for support.

Cr Anna Chen also spoke with deep sorrow about the passing of Patrick Cooper, President of the Beverly Hills Junior Football Club. Cr Chen highlighted Mr Cooper's various significant roles within the club, including Auskick Coordinator of the Year by AFL Victoria in 2018 for the Central Melbourne Region, and Coach of the Under 11 Premiership team in 2017.

Cr Chen spoke of Mr Cooper's tireless efforts working on player recruitment and development through the club's school partnerships to Auskick. Cr Chen had the pleasure of meeting Mr Cooper regularly and expressed that he always left a kind, genuine, and selfless impression and that his passion for Australian Rules football and advocacy for improving sports facilities at Zerbes Reserve were remarkable.

Cr Chen was in attendance at the celebration of Mr Cooper's life and remarked on the packed room of friends, committee members, players, and parents from the Beverly Hills Junior Football Club; all gathering to pay tribute to him. Cr Chen expressed her heartfelt condolences to Pat's family during this difficult time.

Cr Michelle Kleinert acknowledged Mr Richard Harford, the former President of the Templestowe Cricket Club, who was recently honoured with life membership of the club; and described him as a truly outstanding individual. Cr Kleinert described Mr Harford's dedication as just one example of the many remarkable people who leave a lasting impact on our communities. Cr Kleinert noted that it was a privilege to join in celebrating Richard's achievement alongside Mayor Cr Lange and others.

Cr Kleinert commented that Mr Harford's recognition is a reminder of the abundance of exceptional individuals within the Manningham community, where over 20% of people engage in voluntary work. Cr Kleinert noted that these volunteers go above and beyond, contributing significantly to youth sports, local communities, including non-sporting organisations such as Scouts.

Cr Kleinert noted that as one of Manningham's Councillors, it was one of the greatest privileges to be able to connect with these diverse groups of people who consistently perform admirable deeds.

Cr Laura Mayne (Deputy Mayor), announced that construction for the new youth hub, MY Hub, is currently underway and will officially open its doors on 8 August 2024; providing a dedicated space for young people aged 10 to 25 in Manningham. Local youth will be able to access support, resources and referrals from the Manningham Youth Services team.

Cr L Mayne expressed that the goal will be to establish a welcoming environment where young individuals can find the assistance they need and engage actively with the community. Services offered will include free mentoring, guidance, and advice, as well as opportunities for leadership, community engagement, and youth programs in collaboration with local schools and community groups. Additionally, support will be extended to community service providers and businesses.

Cr L Mayne, noting her enthusiasm about this initiative, encouraged the community to attend the opening in August, to explore the Hub's offerings.

Secondly, Cr L Mayne announced an upcoming event, a Tree Planting Day scheduled for 28 July 2024. The event will take place from 9am to 11am at Ruffey Lake Park, followed by activities from 11am to 1pm at Mullum Mullum Trail. Tools will be provided, and participants will enjoy a complimentary barbecue lunch. Cr L Mayne encouraged members of the community to join the event.

16.2 Councillor Questions

Cr Andrew Conlon raised a question with reference to a previous query regarding road safety, specifically along Reynolds Road. Cr Conlon noted that the section of road from Mullum Mullum Creek up to Tindals Road varies in speed limits from 70km in one area, 60km in another, and 80km in between. Cr Conlon remarked that this poses a challenge for drivers exiting onto fast-moving traffic.

Cr Conlon suggested that it would be beneficial to request VicRoads to review the speed limits in this area, particularly considering recent incidents. Cr Conlon requested that Council advocate more effectively to ensure timely resolutions in such cases.

Cr Conlon also expressed concerns about a damaged power pole along the same stretch of road. Ausnet has since replaced the power pole, however the damaged one, which still has steel reinforcement protruding, poses a safety risk to the community. Cr Conlon requested that Council follow up with Ausnet to promptly remove the pole.

Cr Stephen Mayne, extended his congratulations to Kerryn Paterson on her debut as the Acting Chief Executive Officer. Cr S Mayne then made an inquiry with regards to the recent global cyber incident. He requested that the Acting CEO outline Council's approach to management of the situation and particularly if all operations had been fully restored following the significant event?

Ms Kerryn Paterson, Acting Chief Executive Officer thanked Cr S Mayne for his inquiry and responded that she was pleased to report that Council is up and operational following the cyber incident which occurred on 19 July 2024. Council was impacted by the outage, but was able to offer all of the usual out of hours services across the weekend, and Council was fully operational as of 22 July 2024.

17 CONFIDENTIAL REPORTS

There were no Confidential reports this month.

The meeting concluded at 7:46pm.

Chairperson
CONFIRMED THIS 27 AUGUST 2024