

PUBLIC TRANSPARENCY POLICY

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1. PURPOSE

The purpose of this policy is to:

- 1.1 increase public trust and confidence in the Council and City's decision-making through greater understanding and awareness;
- 1.2 facilitate access to information held by the City in a timely manner;
- 1.3 support good governance and accountability;
- 1.4 provide greater clarity around Council and City decision making; and
- 1.5 ensure compliance with legislative obligations.

2. BACKGROUND

- 2.1 Transparency and access to government information is a core principle of democratic governance. Systems that are open, accountable and honest are fundamental to building trust within the community and enabling fully informed engagement in the democratic process. Without Transparency and engagement, the core responsibilities of local government cannot be achieved.

- 2.2 Importantly, Transparency and information sharing better enable the Municipal Community to contribute to policy formulation, assist regulation compliance, participate in program administration, support decision making and evaluate service delivery performance.
- 2.3 The *Local Government Act 2020* (Vic) (**Act**) supports the City's commitment to the principles of open, honest and accountable governance. One of the overarching principles of the new Act is that the Transparency of Council decisions, actions and information is to be ensured. This policy formalises the City's commitment to Transparency in its decision-making processes and the public awareness of the availability of City information.
- 2.4 This policy fulfils the City's requirement to adopt and maintain a public transparency policy under section 57 of the Act and gives effect to the Public Transparency Principles outlined in section 58.

3. SCOPE

This policy applies to all Councillors and Workplace Participants.

4. DEFINITIONS

Act means the *Local Government Act 2020* (Vic).

City means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic).

Confidential Information means the following information in accordance with section 3 of the *Local Government Act 2020* (Vic):

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information.
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.

Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter.
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> .
Information prescribed by regulations	Information prescribed by the Act's regulations to be confidential information.
Confidential information under other legislation.	Information that is deemed confidential by virtue of any other legislation.

Council means all of the Councillors collectively.

FOI means freedom of information.

FOI Act means the *Freedom of Information Act 1982* (Vic).

Municipal Community means:

- (a) people who live in the municipal district of the City;
- (b) people and bodies who are ratepayers of the City;
- (c) traditional owners of land in the municipal district of the City; and
- (d) people and bodies who conduct activities in the municipal district of the City.

Public Interest Test means the standard test the City will apply when determining whether release of information is contrary to the public interest. The City will consider the harm likely to be created by releasing the information and the public benefit in being transparent. When considering possible harm from releasing information, the City will only concern itself with harm to the community or members of the community. Potential harm to the City will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the City from performing its functions.

Transparency means enabling others to see and understand how the organisation operates in an honest way. It also means to ensure the availability of all information needed in order to collaborate, cooperate and make decisions effectively.

Workplace Participants means all employees, contractors, volunteers and consultants engaged by the City.

5. PRINCIPLES

This policy is guided by the following principles:

- 5.1 Open access to City information – If there is no legal or commercial requirement to protect the information, it should be open to public access;
- 5.2 Promotion of integrity and accountability – The City's decisions, actions and performance are open to public scrutiny; and

- 5.3 Increased awareness around decision-making processes – The City’s decisions, actions and performance are clearly explained, and this policy is easily accessible to the public.
- 5.4 Council decisions are made within the legal framework within which it must operate.

6. POLICY

Council meetings

- 6.1 Decision making at Council meetings will be:
- 6.1.1 undertaken in accordance with the Act and the Governance Rules;
 - 6.1.2 conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules;
 - 6.1.3 informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy;
 - 6.1.4 made fairly on the merits and principles of procedural fairness will be applied.

Documents held by the City

6.2 City information

- 6.2.1 A list of available information is provided in the Part II Statement published in accordance with the FOI Act. Part II of the FOI Act requires government agencies and local councils to publish several statements designed to assist members of the public in accessing the information it holds. The Part II Statement is available on the City’s website by accessing the following link:
<https://www.bendigo.vic.gov.au/About/Document-Library/part-ii-statement>
- 6.2.2 Consistent with the Part II Statement, the City will make the following types of records publicly available either by way of electronic publication or inspection:
- codes of conduct;
 - Council policies and organisational policies;
 - annual reports;
 - election campaign donation returns;
 - interstate and international travel details of Councillors and City staff;
 - returns of interest during the financial year;
 - submissions received under Section 223 of the *Local Government Act 1989* (Vic) during the previous 12 months until its repeal;
 - donations and grants made by the City during the financial year;
 - agreements to establish regional libraries;
 - register of leases entered into by the City as a lessor (where the City is the owner);
 - register of authorised officers appointed by Council;
 - organisations of which the City was a member during the financial year and details of membership fees and services provided;

- instruments of delegation;
- register of processes and operating procedures where appropriate;
- application processes for approvals, permits, grants, access to Council services;
- decision making processes;
- guidelines and manuals;
- road management plans;
- register of roads;
- community engagement processes; and
- complaints handling processes.

6.2.3 Publications

The City publishes a range of newsletters, reports and handbooks for residents, businesses and visitors. These documents can be accessed from the website or by calling the City for a copy. Some of these publications are available at the City's libraries.

Access to information

6.3 General

- 6.3.1 The information referred to in clause 6.2.2 will be made available in a variety of ways including on the City's website or at the City offices. Some information may only be available by request.
- 6.3.2 Members of the public can make various kinds of information requests to the City. For example, informal requests for documents and information or formal requests under the FOI Act.
- 6.3.3 If the request is deemed unreasonable or too voluminous, consideration will be given to charging a reasonable fee for accessing the documents. Such requests may also be required to be processed under FOI. If a decision is made that a request is unreasonable or too voluminous the applicant will be provided with reasons for this decision.
- 6.3.4 Consideration will be given to accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).
- 6.3.5 The City will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.
- 6.3.6 This policy will be published on the City's website and will be made available in hard copy upon request.

6.4 FOI applications

The FOI Act gives everyone the right to access documents held by governmental agencies and Ministers, including the City. If a member of the public cannot locate a particular document they are seeking, the City encourages them to make contact before lodging an FOI

application. In some instances, the City will be able to provide the information without going through the formal FOI process.

Information not available

6.5 City information may not be publicly available if:

- 6.5.1 it contains Confidential Information (see definition of Confidential Information);
- 6.5.2 release would be contrary to the public interest (see clause 6.7);
- 6.5.3 disclosure would be contrary to the *Privacy and Data Protection Act 2014* (Vic); or
- 6.5.4 if access is managed under another Act.

6.6 The City may decide, in the interests of Transparency, to release information to the public even though it is Confidential Information. However, this will not happen if release is contrary to law, in breach of contractual requirements, if releasing the information is likely to cause harm to any person or is not in the public interest to do so. Councillors and Workplace Participants must consult with the City's legal services team prior to releasing any Confidential Information.

6.7 Public Interest Test

- 6.7.1 When determining whether release would be contrary to the public interest, the City will apply the Public Interest Test.
- 6.7.2 The City is not required to make publicly available information if the release would be contrary to the public interest. The City may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released.
- 6.7.3 Information that might be withheld because it is contrary to the public interest may include:
 - a) internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public or cause ill-informed debate;
 - b) directions to Workplace Participants regarding negotiations in contractual or civil liability matters, where release may damage the City's capacity to negotiate the best outcome for the community; or
 - c) correspondence with members of the community, where release may inappropriately expose a person's private dealings.

Non-compliance with this policy

- 6.8 If a member of the community wishes to question a decision about the release of information, this should be raised directly with the staff member handling the matter in the first instance. If the matter is still not resolved and the member of the public would like to contest the decision, this can be reported to the City's FOI Officer by emailing foi@bendigo.vic.gov.au or calling 03 5434 6000.
- 6.9 If the member of the public is not satisfied with the City's response, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222 or via the website: www.ombudsman.vic.gov.au.
- 6.10 If a Workplace Participant has any questions or concerns about the release of a document, they can raise a query with the City's FOI Officer or their Director.

Monitoring, evaluation and review

- 6.11 The City commits to monitoring processes, information sharing and decision making to understand the overall level of success in this policy's implementation.
- 6.12 A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

7. ROLES AND RESPONSIBILITIES

7.1 Workplace Participants

- 7.1.1 Public Transparency is the responsibility of all Workplace Participants as appropriate to their role and function.
- 7.1.2 All Workplace Participants will respond to requests for information within 14 days and facilitate provision of information in consultation with their manager in alignment with this policy.

7.2 Managers

- 7.2.1 Manage areas of responsibility to ensure public Transparency, good governance and community engagement is consistent with this policy.
- 7.2.2 Communicate this policy to their team.
- 7.2.3 Demonstrate behaviour that fosters transparency and drive principles through policy, process and leadership.

7.3 Manager Governance

- 7.3.1 To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.
- 7.3.2 Communicate this policy to the organisation.

7.3.3 Provide educational resources and training to the organisation on the importance of transparency.

7.4 Executive Management Team

7.4.1 Champion behaviours that foster Transparency and drive the principles through policy, process and leadership.

7.4.2 Monitor implementation of this policy.

7.5 Council

Champion the commitment and principles for public Transparency through leadership, modelling practice and decision-making.

8. RELATED DOCUMENTS

Readers are encouraged to access the following relevant documents and resources:

- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Equal Opportunity Act 2010.*
- The City's:
 - Governance Rules
 - *Community Engagement Policy*
 - *Privacy Statement*

Further information or advice on this policy should be directed to Governance

9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
June, 2020	JN	Governance	Develop	1	Aug 2021



<i>Aug, 2020</i>	<i>JCH</i>	<i>Governan ce</i>	<i>Develop</i>	<i>2</i>	<i>Aug, 2021</i>
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GREATER BENDIGO CITY COUNCIL

GOVERNANCE RULES

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1. TITLE

Greater Bendigo City Council Governance Rules

2. OBJECTIVES

The objectives of the Governance Rules are to –

- (a) provide for the peace, order and good government of the Greater Bendigo municipal district;
- (b) provide for the administration of Council's powers and functions;
- (c) regulate proceedings at meetings of Council, a Delegated Committee and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of these Governance Rules are to apply;
- (d) regulate the procedure for the election of the Mayor and Deputy Mayor; promote and encourage local community participation in the system of local government by providing mechanisms within the meeting arrangements for council to ascertain the local community's views and expectations; and
- (e) provide an Election Period Policy to regulate compliance in the lead up to local government elections.

3. AUTHORISING PROVISION

The Governance Rules are made under section 60 of the Act.

4. OPERATION DATE

The Governance Rules comes into operation on 1 September 2020 and review by 1 December 2021.

5. DEFINITIONS

Act means the *Local Government Act 2020* (Victoria);

Advisory Committee means a committee established by the Council, that provides advice to:

- (a) the Council; or
- (b) a member of Council staff who has been delegated a power, duty or function of the Council;
- (c) that is not a Delegated Committee

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

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

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

Authorised Officer has the same meaning as in the *Local Government Act 1989* (Victoria) or any other relevant Act;

Chairperson means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson;

Chamber means any room where the Council holds a Council Meeting

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

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

Committee Meeting means a Meeting of a Delegated Committee;

Common Seal means the common seal of Council;

Council means Greater Bendigo City Council;

Councillor means a Councillor of Council;

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

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

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

Delegated Committee has the same meaning as in the Act;

Delegated Committee Meeting means a Meeting of a Delegated Committee

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

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

Disorder means any disorderly conduct of a Member of the Gallery or a Councillor and includes:

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

Foreshadowed Item means a matter raised in the relevant section of the Council Meeting that a Councillor intends to submit a Notice of Motion for the next Council Meeting;

Majority of the Votes means a majority of Councillors present at the time of a vote voting in favour of a matter;

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

Meeting means a Council Meeting or a Delegated Committee Meeting;

Member means a member of any committee to which these governance rules apply;

Minister means the Minister for Local Government;

Minutes means the official record of the proceedings and decisions of a Meeting;

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

Notice of Motion means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting;

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

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

Point of Order means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting;

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

Urgent Business means a matter that relates to or arises out of a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next Meeting;

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

6. MEETING PROCEDURE

6.1 Purpose of Council Meetings

- 6.1.1 Council holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of Council.
- 6.1.2 In accordance with the *Local Government Act 2020*, Council and Delegated Committee Meetings are open to the public and the community are able to attend.
- 6.1.3 In accordance with section 66 of the Act, Meetings will only be closed to members of the public if:
 - (a) there are clear reasons for matters to remain confidential; or

- (b) a Meeting is required to be closed for security reasons; or
- (c) it is necessary to enable the Meeting to proceed in an orderly manner.

6.1.4 If a Meeting is closed to the public for the reasons outlined in Sub-Rule 2.1.3(b) or (c), the Meeting will be livestreamed. In the event a livestream is not available the Meeting may be adjourned, or a recording of the proceedings may be available on Council website.

7. MEETING ROLES

7.1 Chairperson and Members

7.1.1 The Chairperson, Councillors and Members of Delegated Committees will ensure good Council decision-making by endeavouring to ensure:

- (a) The Decision making is transparent to Members and observers;
- (b) Meeting Members have sufficient information to make good decisions;
- (c) Every Member is supported to contribute to decisions;
- (d) Due process and natural justice in decision making for any person whose rights are affected;
- (e) Debate and discussion is focussed on the issues at hand;
- (f) Meetings are conducted in an orderly and respectful manner.
- (g) Decisions should be made on the merits of the matter.

7.2 Mayor to take the Chair

- 7.2.1 The Mayor must take the Chair at all Council Meetings at which the Mayor is present.
- 7.2.2 If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair.
- 7.2.3 If the Mayor and any Deputy Mayor are not in attendance at a Council Meeting, the immediate past Mayor or immediate past Deputy Mayor will Chair the Meeting.

7.3 Delegated Committee Chairperson

- 7.3.1 At the Meeting at which Council establishes a Delegated Committee it must also appoint a Chairperson.
- 7.3.2 The Chair of a Delegated Committee must be a Councillor.
- 7.3.3 For the avoidance of doubt, Sub-Rule 3.3.1 does not intend to limit the powers of the Mayor provided in the Act.

7.4 The Chairperson's Duties, Responsibilities and Discretions

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

- 7.4.1 must preside over and control the Meeting, conduct it impartially and according to this Local Law and established protocols in order to ensure the smooth passage of the business.
- 7.4.2 must not accept any Motion, question or statement which is:
 - (a) vague or ambiguous;
 - (b) defamatory, malicious, abusive or objectionable in language or substance; or
 - (c) outside the powers of Council;
- 7.4.3 must allow the CEO the opportunity to correct factual errors or incorrect assertions that arise during the Meeting;
- 7.4.4 must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council;
- 7.4.5 must declare the results of all votes and may direct that a vote be recounted to be satisfied of the result; and
- 7.4.6 must decide on all points of order.

7.5 CEO

- 7.5.1 The CEO, or delegate, may participate in the Meeting to provide support to the Chairperson.
- 7.5.2 The CEO should:
 - (a) Immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
 - (b) Advise if there are operational, financial or risk implications arising from a proposed resolution;
 - (c) Help clarify the intent of any unclear resolution to facilitate implementation;
 - (d) On request, assist with procedural issues that may arise.

7.6 Councillors and Members of Delegated Committees

- 7.6.1 Councillors and Members of Delegated Committees contribute to good governance and decision making by:
 - (a) Reading and understanding items in the Agenda and being aware of the community impact of these Meeting;
 - (b) Demonstrating due respect and consideration to community views and the professional / expert advice provided in the Agenda papers;

- (c) Attending Meetings and participating in debate and discussion;
- (d) Demonstrating respect for the role of the Chairperson and the rights of other Councillors or Members of Delegated Committees to contribute to the decision-making;
- (e) Being courteous and orderly.

7.7 Community

- 7.7.1 Council Meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings.
- 7.7.2 Community Members may only participate in Council Meetings in accordance with these rules.
- 7.7.3 Community Members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

7.8 Apologies and absences

- 7.8.1 Councillors and Members of Delegated Committees who are unable to attend a Meeting may submit an apology in writing or verbally to the Chairperson, the CEO or the Manager Governance:
- 7.8.2 An apology submitted to a Meeting will be recorded in the minutes.
- 7.8.3 A Councillor intending to take a leave of absence should submit a request in writing to the Mayor, CEO or the Manager Governance and the request will be included in the Agenda of the next Council Meeting.
- 7.8.4 A leave of absence not included in a Council Meeting Agenda may still be considered by Council if a written request has been received by the Mayor, CEO or the Manager Governance prior to the Meeting.
- 7.8.5 Council will not unreasonably withhold its approval of a leave of absence requests for reasonable periods of time.
- 7.8.6 A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee Meeting will be recorded as absent.

8. NOTICE AND AGENDA

8.1 Scheduled Meetings

- 8.1.1 At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year.
- 8.1.2 The schedule of Council Meetings must be posted on the Council website and also be available from Council's Customer Service Centres.

- 8.1.3 The public must be given at least seven days' notice of all Meetings by notice posted on the Council website
- 8.1.4 The Council, or the CEO, may change the date, time and place of any Council Meeting which has been fixed and must provide at least seven days' notice of the changes to the public by the Council website.
- 8.1.5 The notice necessary to call a scheduled Meeting in accordance with the Act must be delivered to the CEO in sufficient time to enable seven days' notice to be given to Councillors.
- 8.1.6 A notice of Meeting incorporating or accompanied by an Agenda of the business to be dealt with must be sent electronically to every Councillor:
 - (a) at least five days before a scheduled Meeting, or
 - (b) at least two days before an unscheduled Meeting.
- 8.1.7 Agendas will be available to the public on the Council website at least five clear days before the Meeting.
- 8.1.8 It will not be necessary for a notice of Meeting or Agenda to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the CEO in writing to continue to be given notice of any Meeting to be held during the period of his or her absence.
- 8.1.9 In the case of an emergency, unexpected or circumstances deemed urgent by the CEO, the CEO or, in the absence of the CEO, a delegate of the CEO may without the requisite notice stated above:
 - (a) call or postpone a Meeting of the Council,
 - (b) change the place of a Meeting.

8.2 Unscheduled Meetings

- 8.2.1 Council may by resolution call an unscheduled Meeting of the Council.
- 8.2.2 The Mayor, or three Councillors may by written notice call an unscheduled Meeting of the Council.
- 8.2.3 The CEO, following consultation with the Mayor, may call an unscheduled Meeting.
- 8.2.4 The CEO must determine the time and date for the Meeting, giving consideration to:
 - (a) the urgency of the business to be transacted
 - (b) the availability of Councillors
 - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted

- 8.2.5 The CEO must call an unscheduled Meeting to elect a Mayor following a Council election declaration, in accordance with Section 26 of the Act.
- 8.2.6 The unscheduled Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the CEO.
- 8.2.7 Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled Meeting, unless all Council, by unanimous resolution determine to admit another matter.

8.3 Quorum

- 8.3.1 The quorum required for Ordinary Council Meetings will be not less than half the total number of elected Councillors.
- 8.3.2 The quorum required for Special Council Meetings will be not less than half the total number of elected Councillors.
- 8.3.3 The quorum for Special Committee Meetings will be determined by the Committee but in the absence of the Committee determination, the quorum required will be not less than half of the total number of persons elected to the Committee.
- 8.3.4 In the case of an emergency where the CEO or, in the absence of the CEO, a delegate of the CEO, has called a Meeting, the quorum for a Special (Emergency) Meeting will be not less than half of the total number of elected Councillors.
- 8.3.5 If after thirty (30) minutes of the scheduled starting time of any Meeting or adjournment a quorum cannot be obtained, those Councillors present or if there are no Councillors present, the CEO or, in the absence of the CEO a delegate of the CEO, may adjourn the Meeting for a period not exceeding ten (10) days from the date of the adjournment.
- 8.3.6 If during any Meeting or any adjournment of the Meeting a quorum cannot be achieved and maintained, those Councillors present or if there are no Councillors present, the CEO or, in the absence of the CEO a delegate of the CEO, may adjourn the Meeting for a period not exceeding ten (10) days from the date of the adjournment.
- 8.3.7 If during any Meeting or adjournment a quorum cannot be achieved or maintained due to the declaration of conflict of interest by the majority of Councillors, the CEO, or in the absence of the CEO, a delegate of the CEO, may adjourn the Meeting for a length of time sufficient to enable special dispensation for the affected Councillors to be obtained from the Minister.
- 8.3.8 The CEO may provide written notice of an adjourned Meeting but where that is not practicable because time does not permit that to occur then provided a reasonable attempt is made to contact each Member, notice by telephone, email, in person or by some other measure will be sufficient.

9. ELECTION OF MAYOR

The Mayor must be elected in accordance with Sections 25 and 26 of the Act which states:

9.1 Section 25 – Election of Mayor

- (1) *At a Council Meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.*
- (2) *Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.*
- (3) *The election of the Mayor must—*
 - (a) *be chaired by the CEO; and*
 - (b) *subject to this section, be conducted in accordance with the Governance Rules.*
- (4) *Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.*
- (5) *If an absolute majority of the Councillors cannot be obtained at the Meeting, the Council may resolve to conduct a new election at a later specified time and date.*
- (6) *If only one Councillor is a candidate for Mayor, the Meeting must declare that Councillor to be duly elected as Mayor.*
- (7) *In this section, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.*

9.2 Section 26 – When is a Mayor to be elected

- (1) *A Mayor is to be elected no later than one month after the date of a general election.*
- (2) *The Mayor of the Greater Geelong City Council must be elected for a 2 year term. (Not applicable to Greater Bendigo City Council).*
- (3) *Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.*
- (4) *If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.*
- (5) *If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.*
- (6) *A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.*
- (7) *The election of a Mayor after the period specified in this section does not invalidate the election.*

- (8) *A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.*

9.3 Time and date for election of Mayor

- 9.3.1 The CEO must determine the most appropriate time and date for the election of the Mayor, except that the election of the Mayor must be held in accordance with any provisions contained in the Act.
- 9.3.2 The CEO will preside during the election of the Mayor.
- 9.3.3 The CEO must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.

9.4 Determining the Mayor-Elect and the Mayor

- 9.4.1 Voting is by an informal process involving a secret ballot at a Councillors Forum (Assembly of Councillors) to determine the Mayor-Elect.
- 9.4.2 The CEO or a Member of Council staff will act as a Returning Officer. One Councillor not standing for election may act as scrutineer. If all Councillors stand for election, the Councillors will nominate one scrutineer.
- 9.4.3 All Councillors present are required to vote.
- 9.4.4 If a candidate receives an absolute majority of total number of votes he or she is declared Mayor-Elect.
- 9.4.5 If a candidate fails to receive an absolute majority of votes, there are further rounds of voting and each time the candidate with the least amount of votes is eliminated.
- 9.4.6 If at any stage there are an equal number of votes, Councillors vote to eliminate a candidate. If there is an even number of votes Councillors will pause for further discussion and vote again. If there is still an even amount of votes a candidate will have to be eliminated by lot.
- 9.4.7 If there is an even number of Councillors present and at the end of the process there is still an equal number of votes Councillors will pause for a period of time (agreed by a majority of Councillors) for further discussion and vote again; if there is still an equal number of votes for the two (2) remaining candidates the Mayor-Elect will be drawn by lot.
- 9.4.8 At the Meeting of Council to elect the Mayor the Mayor-Elect is nominated for the position of the Mayor. By convention it is expected that the Mayor-elect will be elected to be the Mayor
- 9.4.9 Where only one candidate is nominated that candidate must be declared elected.
- 9.4.10 If there is more than one nomination at the Council Meeting, the election of the Mayor will follow the same process as for the Mayor-Elect. In this event voting must be carried out by a show of hands.

9.5 Role and Election of Deputy Mayor

- 9.5.1 At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- 9.5.2 The predominant role of the Deputy Mayor is to support the Mayor as required during his/her Mayoral term.
- 9.5.3 In order to support the Mayor, the role of the Deputy Mayor is to:
 - (a) Chair Meetings in the absence of the Mayor in accordance with these Rules;
 - (b) At the Mayor's request, deputise for the Mayor at civic, social and other functions, ceremonies and engagements
 - (c) Preside at Citizenship Ceremonies in the absence of the Mayor.
- 9.5.4 If the Council resolves to elect a Deputy Mayor the provisions contained in this part for the election of the Mayor will apply to the election of Deputy Mayor.
- 9.5.5 As outlined in clause 3.2.2, if the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the Chair.
- 9.5.6 The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- 9.5.7 If the Council has not resolved to establish the position of Deputy Mayor, any provisions in this these Governance Rules relating to the Deputy Mayor have no effect.

9.6 Election of Acting Mayor

- 9.6.1 From time to time it may be necessary Council to appoint an Acting Mayor if:
 - (a) the Mayor is unable to perform the duties of Mayor due to ill health or other incapacitation
 - (b) the Mayor is on leave, interstate or overseas for more than one week
 - (c) Other unforeseen circumstances require.
- 9.6.2 In these circumstances the Deputy Mayor will be Acting Mayor.
- 9.6.3 If the Deputy Mayor is unable to fulfil the role of Acting Mayor the position of Acting Mayor will be filled by the immediate past Mayor or failing that the immediate past Deputy Mayor.
- 9.6.4 If the position of Acting Mayor is still unable to be filled Council will appoint an Acting Mayor in accordance with Sections 25 and 26 of the Act.

10. BUSINESS OF MEETINGS

10.1 Order of Business

- 10.1.1 The order of business will be determined by the CEO to facilitate and maintain open, efficient and effective processes of government.
- 10.1.2 Once an Agenda has been sent to Councillors the order of business for that Meeting may only be altered by resolution of the Council.
- 10.1.3 Notwithstanding Clause 18(1), the CEO may include any matter on an Agenda which he or she thinks should be considered by the Meeting.
- 10.1.4 No business may be conducted at an Ordinary Meeting of Council unless it is business:
 - (a) notice of which has been given either by inclusion in the Agenda or any report accompanying the Agenda or
 - (b) in a Notice of Motion or
 - (c) the Council agrees to consider as an item of urgent business.

10.2 Urgent Business

- 10.2.1 If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:
 - (a) It relates to or arises out of a matter which has arisen since distribution of the Agenda; and
 - (b) deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
 - (c) the item involves a matter of urgency as determined by the CEO; and
 - (d) it cannot be addressed through an operational service request process.
 - (e) Provided the matter does not:
 - substantially affect the levels of Council service;
 - commit Council to significant expenditure not included in the adopted budget;
 - establish or amend Council Policy; or
 - commit Council to any contractual arrangement.
- 10.2.2 A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the CEO no later than 3pm on the day of the Meeting.
- 10.2.3 The CEO will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.

11. MEETING TIME LIMITS AND ADJOURNMENTS

11.1 Time Limits

- 11.1.1 A Meeting must not continue after four hours from the time it commences unless a majority of Councillors/Members present vote in favour of its extension in accordance with this Clause.
- 11.1.2 Extensions of a Meeting will be in block periods of 30 minutes.
- 11.1.3 After the initial 30-minute extension the Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.
- 11.1.4 A Meeting may only be continued for a maximum of two 30-minute extensions.
- 11.1.5 In the absence of such extensions as provided for in sub-clauses 7.1.1, 7.1.2 and 7.1.3, or in the event there is further business to be transacted at the completion of two extensions, the Meeting must stand adjourned to 6pm on the following day.
- 11.1.6 Notwithstanding sub-clause 7.1.5, the Chairperson may seek the Agreement of Council not to adjourn the Meeting to the following day, if the Chairperson reasonably believes the remaining business will take less than 10 minutes to transact.

11.2 Chairperson may temporarily adjourn a Meeting exceeding two hours

- 11.2.1 The Chairperson may adjourn a Meeting for a 10 minute break, at an appropriate point in proceedings after three hours has elapsed.
- 11.2.2 Notwithstanding sub-clause 7.2.1, the Chairperson may seek the Agreement of Council not to adjourn the Meeting if the Chairperson reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

12. OTHER MEETING MATTERS

12.1 Questions of Council

- 12.1.1 The Council will hold a period of public question time for questions of Council for up to 30 minutes duration at each Council Meeting (except those Meetings called for a special purpose such as to elect the Mayor). Extension of time may be granted by resolution of Council.
- 12.1.2 Questions are limited to one per person.
- 12.1.3 Questions can be submitted in writing prior to the Meeting or presented in person at the Meeting. Answers to written questions submitted prior to the Meeting will have priority at the Meeting.
- 12.1.4 Questions will not be accepted if they relate to planning matters listed on the agenda for that Meeting.
- 12.1.5 Council by resolution will determine the rules governing question time. The Mayor in consultation with Councillors may set aside these rules from time to

time for reasons such as to protect the orderly and/or safe conduct of the Meeting.

12.1.6 Questions of Council will not apply during any period when the Council has resolved to close the Meeting in respect of a matter under section 66 (1) of the Act.

12.1.7 Questions of Council may be on any matter except if it:

- (a) relates to a planning matter listed on the Agenda for that Meeting is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- (b) relates to confidential information as defined under the Act;
- (c) relates to the personal hardship of any resident or ratepayer;
- (d) breaches any obligations of the Council under legislation; or
- (e) relates to any other matter which the Council or the CEO considers would prejudice the Council or any person. Where the CEO or his or her delegate does not accept a written question, the submitter is to be informed of the reason or reasons for which their question was not accepted.

12.1.8 Copies of all written questions allowed by the CEO or his or her delegate will be provided in writing to all Councillors.

12.1.9 A question submitted in writing by a member of the public, which has been disallowed by the CEO or his or her delegate will be provided to any Councillor on request.

12.1.10 The Mayor reserves the right to cease or reject a verbal question that he or she deems inappropriate.

12.2 Petitions and joint letters

12.2.1 Petitions and joint letters with more than 10 signatures are presented at the Council Meeting and a report is to be provided within two Meetings, unless otherwise resolved. Petitions or joint letters relating to planning issues are considered as part of the planning process.

12.2.2 Every petition submitted to Council must:

- (a) be in legible and in permanent writing;
- (b) is clear and on each page the matter and action sought from Council is stated
- (c) not be derogatory, defamatory or objectionable in language or nature;
- (d) not relate to matters outside the powers of Council; and
- (e) include the names, addresses and original signatures

- 12.2.3 Where a petition has been signed by less than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- 12.2.4 Any Councillor presenting a petition is responsible for ensuring that:
- (a) he or she is familiar with the contents and purpose of the petition; and
 - (b) the petition is not derogatory, defamatory or objectionable in language or nature.
- 12.2.5 Unless sub-clauses (5) or (6) apply, the only Motions that may be considered by Council on any petition are:
- (a) that the petition be received; and
 - (b) that the petition be referred to the CEO or relevant Director for consideration and response; or
 - (c) that the petition be referred to the CEO or relevant Director for a report to a future Council Meeting.
- 12.2.6 If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
- 12.2.7 If a petition relates to a 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).
- 12.2.8 The CEO may determine that an electronic or online petition will be submitted to a Council Meeting. An online or electronic petition may be submitted to a Council Meeting.
- 12.2.9 The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.
- 12.2.10 An online or electronic petition will not be presented to a Council Meeting if it contains signatures that are false or misleading.

12.3 Display of placards, banners and posters

- 12.3.1 It is prohibited to display any placards, posters, banners or other signage in the Council Chamber or in any building where a Meeting is being, or is about to be, held.
- 12.3.2 The Chairperson may order and cause the removal of any placard, poster, banner or other signage that is displayed in the Council Chamber or in any building where a Meeting is being, or is about to be, held in breach of 12.3.1.

12.4 Chairperson may remove

- 12.4.1 Members of the public present at a Council Meeting must not interject during the Council Meeting.
- 12.4.2 The Chairperson or the Council in the case of a suspension, may ask any Authorised Officer or member of the Victoria Police to remove from the Chamber any person who has committed an offence or breached a Local Law adopted by Council.
- 12.4.3 It is an offence under Council Local Laws, for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chairperson to do so.
- 12.4.4 It is an offence under the Act for a Councillor to refuse to leave the Chamber on suspension.
- 12.4.5 The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.

12.5 Joint Council Meetings

- 12.5.1 Council may resolve to participate in a Joint Council Meeting to consider:
 - (a) Matters of joint interest
 - (b) Collaborative procurement
 - (c) Emergency Response
- 12.5.2 If Council has resolved to participate in a Joint Council Meeting, the Chief Executive Officer (or delegate) will agree on governance rules with the participating Councils.
- 12.5.3 Where Council is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting
- 12.5.4 No fewer than five Councillors will be appointed to represent Council at a Joint Council Meeting.
- 12.5.5 Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the CEO to facilitate a joint briefing.
- 12.5.6 A joint briefing arranged in accordance with Sub-Rule 8.5.5 may be held electronically.

12.6 Adjournment of Meeting

- 12.6.1 The Chairperson or the Council may adjourn any Meeting until a time and place to be determined.

13. VOTING, CASTING VOTES AND DIVISIONS

13.1 Voting

13.1.1 A question before a Council Meeting is to be determined as follows:

- (a) each Councillor present at a Council Meeting who is entitled to vote is entitled to one vote;
- (b) voting at a Meeting must not be in secret, but if the Meeting is closed to the public, a Councillor is not required to divulge their vote to the public;
- (c) the question is determined in the affirmative by a majority of the Councillors present at a Meeting at the time the vote is taken voting in favour of the question;
- (d) for the purpose of determining the result of a vote, a Councillor present at the Meeting who abstains from voting is to be taken to have voted against the question.
- (e) To determine a motion before a Meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result of the motion.
- (f) Unless the Council resolves otherwise voting on any matter will be by show of hands.
- (g) Once a vote on a motion has been taken no further discussions relating to the motion will be allowed unless the discussion is:
 - (i) For a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
 - (ii) Where Notice of Motion is given to rescind.

13.2 Casting Vote

13.2.1 In the event of a tied vote, the Chairperson must exercise the casting vote in accordance with the Act.

13.2.2 The Chairperson does not have a casting vote in the election of Mayor or Deputy Mayor as these positions must be elected by an absolute Majority of Councillors.

13.3 Procedures for a Division

13.3.1 A division may be requested by any Councillor on any matter.

13.3.2 The request for a division must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

13.3.3 Once a division has been requested, the Chairperson will call for those Councillors voting for the motion to raise their hand and then those Councillors opposed to the motion, to raise their hand.

13.3.4 The vote taken during this division is a final vote for the purpose of Sub-Rule 9.3.5.

13.3.5 The CEO must record in the Minutes the names of Councillors and whether they voted for or against the motion.

14. MEETING PROTOCOLS

14.1 Addressing the Meeting

14.1.1 Except for the Chairperson, any Councillor or person who addresses the Meeting must stand and direct all remarks through the Chairperson with all Councillors and Officers being addressed in the form of their official title.

14.1.2 The Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson.

14.1.3 A Councillor who has the floor must not be interrupted unless called to order when he or she must sit down and remain silent until the Councillor raising the points of order has been heard and the question disposed of.

14.2 Councillor allowed to speak uninterrupted

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

15. MOTIONS AND DEBATE

15.1 Motions

15.1.1 Any motion or amendment which:

- (a) Is defamatory; or
- (b) Is objectionable in language or nature; or
- (c) Is outside the powers of the Council; or
- (d) Is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or
- (e) Is intended to be an amendment but is not, must not be accepted by the Chairperson.

15.1.2 The procedure for any motion is:

- (a) The mover must state the motion without speaking to it;
- (b) If a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- (c) "If the motion is seconded, the Chairperson must ask:

- (i) If the Mover wishes to address the Council on the motion;
 - (ii) The Secunder to address the Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate);
 - (iii) Any Councillor opposed to debate the motion; and
 - (iv) Any other Councillors for and against the motion to debate in turn.”
- 15.1.3 The mover of a motion shall have a right of reply, after which the motion shall be immediately put. No right of reply is available where an amendment is before the Council.
- 15.1.4 An amendment may be proposed or seconded by a Councillor, except the mover or seconder of the original motion. An amendment shall not be a direct negative of the motion.
- 15.1.5 If the mover and seconder for the original motion accept an amendment, the amendment does not have to be put to a vote.
- 15.1.6 A Councillor may address the Meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- 15.1.7 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- 15.1.8 If the amended motion is carried, it then becomes the final motion before the Chair.
- 15.1.9 At any time during debate a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the Meeting, but this does not extend any special right to the foreshadowed motion.
- 15.1.10 Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- 15.1.11 The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- 15.1.12 Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- 15.1.13 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.
- 15.1.14 Unless a motion for an extension of time has been carried, the maximum speaking times will be:

- (a) The mover of a motion - 5 minutes;
- (b) The mover of a motion when exercising their right of reply - 2 minutes
- (c) Any other Councillor - 3 minutes

15.1.15 Any one or more of the subclauses contained in this Clause may be suspended for a particular purpose by resolution of the Council.

15.1.16 No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of standing orders.

15.2 Formal Motions

15.2.1 A formal motion may be moved and seconded at any time and must be dealt with immediately by the Chairperson.

15.2.2 The mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it

15.2.3 A formal motion cannot be moved by the Chairperson.

15.2.4 Debate on a formal motion is not permitted and the mover does not have a right of reply.

15.2.5 A formal motion cannot be amended.

15.2.6 A motion "That the (motion, report etc.) be deferred" is a formal motion which if carried, has the effect of deferring any further debate on the matter until such time (if any) as the Council resolves to consider the motion, report."

15.2.7 A motion "That the motion be now put":

- (a) Is a formal motion which if carried in respect to an original motion, that original motion must be put to the vote immediately without any further debate, discussion or amendment
- (b) The Chairperson has the discretion to reject the motion upon which it is proposed has not been sufficiently debated.

15.2.8 A motion "That the motion and amendments now before the Meeting be deferred until:

- (a) Is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
- (b) Is a motion on which debate is permitted, but may only be amended in relation to the time, date and place of proposed adjournment.

15.3 Notices of Motion

15.3.1 Notices of Motion are submitted in time for the Meeting of Councillors convened to consider the draft agenda.

15.3.2 The following items cannot be considered in a notice of motion:

- (a) the sale or lease of any asset;
- (b) the declaration of any rate or charge
- (c) the creation, alteration or abolition of any strategy or policy;
- (d) any direction without a researched report for an investigation which will unreasonably or substantially divert staff resources;
- (e) the commitment of funds, or in kind contributions, for any purpose exceeding \$5,000

15.3.3 The CEO:

- (a) May reject any Notice of Motion that is too vague against public order or safety or may have an adverse impact on the community and give the Councillor delivering the notice an opportunity to amend it prior to its rejection; and
- (b) Must notify the relevant Councillor of any Notice of Motion which has been rejected and give the reasons for its rejection and discuss the matter with the Mayor and Councillors at the earliest opportunity.

15.3.4 A Notice of Motion listed on a Meeting Agenda may be moved by any Councillor present and may be amended, except if the Notice of Motion is to confirm a previous resolution of the Council.

15.3.5 If a recorded Notice of Motion is not moved or postponed it will be struck out.

15.3.6 If a Notice of Motion is lost, a similar motion cannot again be put before the Council unless there is new information.

15.3.7 If a Councillor who has given a notice of motion is absent from the Meeting or fails to move the motion when called upon by the Chairperson, any other Councillor may himself or herself move the motion.

15.3.8 The Notice of Motion may be accompanied by supporting information.

15.3.9 An officer comment may be provided for the business papers to provide comments on the Notice of Motion submitted.

15.4 Notices of Rescission

15.4.1 A Councillor may propose a motion to rescind a decision of the Council provided the previous Motion has not been acted upon.

15.4.2 A resolution is acted upon when the CEO or other officer initiate action or cause action to be initiated on any Council resolution at any time after the close of the Meeting at which it was carried. A resolution will be considered as having been acted upon once its details have been communicated to persons affected by or reliant upon the resolution or where a statutory procedure has been carried out.

15.4.3 Once a Notice of Rescission Motion has been given, either in writing or by a Councillor verbally, no further action is to be taken on the resolution.

- 15.4.4 A Notice of Rescission must be lodged in writing with the CEO or Manager Governance within two business days of the decision of the Council or such Notice is deemed to have lapsed, and must include:
- (a) The decision to amended or rescinded; and
 - (b) The meeting and date when the decision was made; and
 - (c) Councillor providing a Notice of Rescission Motion, is required to provide written justification that must include one or more of the following:
 - (i) the vote may not have accurately reflected the opinion held by the Meeting due to the misunderstanding of the motion or for some other reason, or,
 - (ii) new information to hand, or,
 - (iii) some vital information has been overlooked.
- 15.4.5 A Notice of Rescission Motion must include the written endorsement of one other Councillor.
- 15.4.6 The CEO must inform the Councillor whether or not the motion has been accepted or not, and any grounds for refusal and discuss the matter with the Mayor and Councillors at the earliest opportunity.
- 15.4.7 Once a Notice of Rescission Motion is accepted by the CEO, consideration must be given to notifying relevant or effected residents or parties who may be impacted by such notice.
- 15.4.8 For a decision of the Council to be rescinded, the motion for rescission must be carried by a Majority of the whole Council (which may include the casting vote of the Chairperson).
- 15.4.9 If a motion for rescission is lost, a similar motion may not be put before Council unless there is new information.
- 15.4.10 If a motion for rescission is not moved at the Meeting for which it is listed, it lapses.
- 15.4.11 A motion for rescission listed on an Agenda may be moved by any Councillor present but may not be amended.

15.5 Change of Council Policy

- 15.5.1 Council regularly reviews its policies to ensure they are current and continue to reflect community expectations and the position held by a particular Council.
- 15.5.2 Such reviews may lead to change in policy position.
- 15.5.3 If Council wishes to change a Council policy, a formal notice of rescission is not required.

15.6 Foreshadowed Items

- 15.6.1 At the time designated in the Meeting Agenda, a Councillor may foreshadow a Notice of Motion to be submitted for consideration at the next Meeting by indicating, when called on to do so by the Chair, the subject matter of the foreshadowed Notice of Motion.
- 15.6.2 The subject matter, as indicated by the Councillor, of a Foreshadowed Item will be recorded in the Minutes.
- 15.6.3 No discussion or debate is allowed on a Foreshadowed Item.
- 15.6.4 A Foreshadowed Item will have no further formal status at that Council Meeting.
- 15.6.5 Foreshadowed Items are not Notices of Rescission and are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council Meeting.

15.7 Points of Order

- 15.7.1 A point of order may be raised in relation to:
 - (a) A procedural matter;
 - (b) A Councillor who is or appears to be out of order; or
 - (c) Any act of Disorder.
 - (d) An error in fact
 - (e) Objectionable/offensive language
 - (f) Lack of relevance to the motion before the Council
- 15.7.2 The Chairperson will decide all points without entering into any discussions or comment.
- 15.7.3 The Chairperson may adjourn the Meeting to consider a point of order otherwise he or she must rule on it as soon as it is raised.
- 15.7.4 All other matters before the Council will be suspended until the point of order is decided.
- 15.7.5 A Councillor raising a point of order must state:
 - (a) The point of order; and
 - (b) The reason for the point of order.
- 15.7.6 Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

15.8 Disorderly Conduct

- 15.8.1 The conduct of Councillors and Members at Meetings is governed by the *Act*, these Rules and the Councillor Code of Conduct.
- 15.8.2 The Chairperson may adjourn a disorderly Meeting for either a short time, or to resume another day if:
- (a) the behaviour at the Council table or in the gallery is significantly disrupting the Meeting; or
 - (b) when a Meeting has been in progress for longer than 4 hours.
- 15.8.3 Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
- (a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
 - (b) The Mayor, under section 19 of the *Act*, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the Meeting for a period of time or the balance of the Meeting.
- 15.8.4 Where Council suspends a Councillor under Sub- Rule (1)(a), or the Mayor directs a Councillor to leave the Meeting under Sub-Rule (1)(b) the Councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
- 15.8.5 If a Councillor has been suspended from a Meeting or directed to leave in accordance with Sub-Rule 11.8.3 the Chairperson may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

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

16. MINUTES AND CONFIRMATION

16.1 Minutes

- 16.1.1 In keeping the minutes of any Meeting, the CEO must arrange the recording of minutes so as to show:
- (a) The names of Councillors and whether they are PRESENT, and APOLOGY, on LEAVE OR ABSENCE, etc; and
 - (b) The names of officers present;

- (c) The arrival and departure of Councillors during the course of the Meeting (including any temporary departures or arrivals);
 - (d) The outcome of every motion and amendment, that is,
 - Whether it was put to the vote:
 - If it was put to the vote, the result of the vote (namely CARRIED, LOST, WITHDRAWN OR LAPSED)
 - (e) Procedural motions (which might be highlighted);
 - (f) Where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
 - (g) Details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
 - (h) The time and reason for any adjournment of the Meeting or suspension of standing orders; and
 - (i) Disclosure of any conflict interest and the reason for the conflict of interest prior to the report being considered.
- 16.1.2 Confidential items considered under the Act are maintained in a separate Minute book.
- 16.1.3 In addition the minutes should:
- (a) bear the date and time the Meeting was commenced, adjourned, resumed and concluded;
 - (b) be consecutively page numbered;
 - (c) contain consecutive item numbers which are clearly headed with
 - (d) subject titles and, where appropriate, sub-titles; and
 - (e) be indexed and be supplemented by an annual cumulative index.
- 16.1.4 The CEO is responsible for the keeping of minutes on behalf of the Council.

16.2 Confirmation of Minutes

- 16.2.1 The Minutes as recorded by the CEO, or Delegate, will be made available as the proposed Minutes to:
- (a) Councillors, within 7 business days;
 - (b) members of the public, by publishing them on Council's website, within 9 business days (with the exception of confidential items)
 - (c) of the Council Meeting they relate to.

- 16.2.2 At every Council Meeting the Minutes of the preceding Council Meeting(s) must be dealt with through a motion to confirm the minutes.
- 16.2.3 If a Councillor is dissatisfied with the accuracy of the minutes, then he or she 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.
- 16.2.4 No debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate;
- 16.2.5 Once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed; and
- 16.2.6 The Minutes must be entered in the minute book and each item in the minute book must be entered consecutively.
- 16.2.7 A master set of Council Meeting minutes, agenda, and associated reports will be retained and stored in accordance with the Public Records of Victoria Act 1973 and Clause 8.4.1 of the Retention and Disposal Authority for Records of Records of Local Government Function (PROS 09/05 VAR2)

16.3 Recording of Proceedings

- 16.3.1 The CEO (or other person authorised by the CEO), may record on suitable audio recording equipment all the proceedings of a Council Meeting. The recording is for internal use only. The CEO may release all or part of a recording to respond to issues that may arise from time to time.
- 16.3.2 A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.
- 16.3.3 The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

16.4 Suspension of Standing Orders

- 16.4.1 To expedite the business of a Meeting, the Chairperson may indicate an intention to suspend standing orders and may proceed on that intention with the support of the Meeting.
- 16.4.2 The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal Meeting procedure. (Public question time and recognition of achievements of staff and residents is conducted during the suspension of standing orders).
- 16.4.3 Its purpose is to enable the formalities of Meeting procedure to be temporarily disposed of while an issue is discussed.

- 16.4.4 It should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be: "That standing order be suspended to enable discussion on....."
- 16.4.5 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be: "That standing orders be resumed."

17. COMMITTEES

17.1 Establishment of a Delegated Committee

If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.

17.1.1 For the purpose of sub- clause (1):

- (a) a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
- (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
- (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.

17.1.2 If Council establishes a Delegated Committee, Council may resolve that a provision of this governance rules do not apply to that Committee.

17.2 Community Asset Committees

17.2.1 The Governance Rules may apply to any Community Asset Committee established by Council.

17.2.2 Council may resolve, in establishing a Community Asset Committee which chapters of the Governance Rules apply but as a minimum must include Chapters 12 (Minutes).

17.2.3 A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council Meeting.

17.2.4 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

17.3 Audit and Risk Committee

The Act provides for Council to establish an Audit and Risk committee to provide oversight.

17.3.1 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.

- 17.3.2 Council may resolve, in establishing an Audit and Risk Committee that the Meeting procedure chapter of these Governance Rules does not apply.
- 17.3.3 An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council Meeting.
- 17.3.4 Agendas of all Audit and Risk Committee Meetings are to be made available to all Councillors.
- 17.3.5 An Audit and Risk Committee must act in accordance with its adopted Charter adopted by Council.

18. POLICY AND PROCEDURES

18.1 Election Period Policy

- 18.1.1 Council will have in place an election period policy that:
 - (a) Governs decision making during a local government election period, including what may be considered at a Council Meeting
 - (b) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - (c) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committees established by Council
 - (d) Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns
 - (e) Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period
 - (f) Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- 18.1.2 At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- 18.1.3 The Election Period Policy forms part of these Governance Rules.
- 18.1.4 The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- 18.1.5 Any outstanding Delegate's Reports may still be reported to an ordinary Meeting of Council during this period.
- 18.1.6 Council Committees shall resume Meeting following the election and the appointment by the incoming Council of Councillors to each committee.
- 18.1.7 See Appendix One for Council's Election Period Policy

18.2 Conflict of Interest

18.2.1 Definition

- (a) The *Act* defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.
- (b) These Rules provide the procedures for disclosures of conflicts of interest.
- (c) Further guidance is available from the Managing Conflicts of Interest guideline.

18.2.2 Obligations with regard to conflict of interest

- (a) Councillors, members of Delegated Committees and Council staff are required to:
 - Avoid - all situations which may give rise to conflicts of interest;
 - Identify - any conflicts of interest; and
 - Disclose – or declare all conflicts of interest.
 - Manage – any potential, perceived or actual conflicts of interest.

18.2.3 Councillors and Members of Delegated Committees

- (a) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (b) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (c) All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.
- (d) Council will maintain a Conflict of Interest Register which will be made available on Council's website.

18.2.4 Procedure at a Council or Delegated Committee Meeting

- (a) At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that Agenda must indicate they have a conflict of interest by clearly stating:
 - (i) The item for which they have a conflict of interest; and
 - (ii) Whether their conflict of interest is general or material; and
 - (iii) The circumstances that give rise to the conflict of interest.

- (b) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.
- (c) A Councillor who is not present at the designated time in the Agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at sub-rule (1) prior to leaving the Meeting.
- (d) A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council Meeting must not communicate with any participants in the Meeting while the decision is being made.

18.2.5 Procedure at other Meetings organised, hosted or supported by Council

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

18.2.6 Council staff

- (a) Must act in accordance with the Employee Code of Conduct.
- (b) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (c) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 5.6 and the Employee Code of Conduct.

18.2.7 Procedure for disclosures of conflicts of interest by Council Staff

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

19. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Approved by	Next Review Date
Aug, 2020	Manager Governance	Governance	Review	Draft		

COUNCIL ELECTION PERIOD POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	19/08/2020
Review cycle:	At least once in each Council term and not later than 12 months prior to the commencement of an election period.
Review Date:	1/05/2023
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	<i>Local Government Act 2020 (Vic)</i> <i>Freedom of Information Act 1982 (Vic)</i>
DOCSETID:	4418228

1. PURPOSE

- 1.1 This policy has been developed in order to ensure that general elections and by-elections for the Council are conducted in a manner that is ethical, fair and equitable, and are publicly perceived as such.
- 1.2 It specifies procedures intended to prevent the Council from making inappropriate decisions, taking inappropriate actions or using resources inappropriately during the Election Period before a general election, a by-election and at other times as specified in this policy.
- 1.3 Further, this policy:
 - 1.3.1 Facilitates the continuation of the ordinary business of local government in the Council throughout the Election Period in a responsible and transparent manner.
 - 1.3.2 Ensures the authority of an incoming council is not restricted by decisions to which it may find itself unreasonably bound and unable to change. This could include significant contractual matters.
 - 1.3.3 Requires that materials produced by the Council and the City must not contain matter that will affect voting at the election.

2. BACKGROUND

This policy has been prepared in accordance with the Local Government Act 2020 (Vic) which requires Council to include an election period policy in its Governance Rules to be applied by Council during the election period for a general election, a by-election and at other times as specified in this policy.

3. SCOPE

- 3.1 This Policy applies to the Council, Councillors, Council Committees, the CEO and City employees.
- 3.2 This Policy replaces and overrides any previous policy that refers to the Election Period.

4. DEFINITIONS

In this policy:

Act means the *Local Government Act 2020* (Vic).

Candidate means a person who is nominated to stand for a Federal, State or Local election.

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

City means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic).

Community Consultation means the process in which the City and Municipal Community connect with each other to exchange views, ideas and information to:

- a) inform decisions;
- b) build capacity; and
- c) strengthen relationships.

Council means all of the Councillors collectively.

Councillor means a person holding the office of member of Greater Bendigo City Council.

Councillor Candidate Information Kit means the Councillor Candidate Information Kit provided by the Victorian Electoral Commission.

Council Meeting means a Council meeting that complies with the Act.

Delegate means the Director, Corporate Performance or another Director or Manager as appointed.

Election Day means the day of an election as determined under the Act.

Election Period has the same meaning as 'election period' in the Act. The Election Period for the 2020 local government elections will commence at 12.00pm on 22 September 2020 and end 6.00pm on 24 October 2020.

Electoral advertisement, handbill, pamphlet or notice means any document that is produced for the purpose of communicating with the community and which contains electoral matter, such as:

- a) newsletters and other circulars (including those sent by email);
- b) media releases;
- c) leaflets, pamphlets, handbills, flyers, magazines and brochures;
- d) any new email, web-based publications or social media posts; and
- e) mailouts to multiple addresses

Electoral Material means an advertisement, handbill, pamphlet or notices that contains Electoral Matter, but does not include an advertisement in a newspaper that is only 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. Electoral 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

Information Request Register this Information Request Register will be a public document that records all requests relating to Electoral Matters and non-routine requests for information by Councillors and Candidates, and the responses given to those requests.

Member of Council Staff means a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) to enable:

- a) The functions of the Council to be carried out; and
- b) The Chief Executive Officer to carry out their functions;

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

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

5. PRINCIPLES

The City is committed to fair, transparent and democratic elections and therefore adopts and endorses the legislative requirements.

6. POLICY

6.1 Role of Councillors

During the Election Period, Councillors will:

- 6.1.1 be supported to continue to undertake their role as Councillor;
- 6.1.2 continue to fulfil their Councillor duties (unless granted a leave of absence); and
- 6.1.3 continue to engage and communicate with the community in their Councillor role.

6.2 Role of the Chief Executive Officer (CEO)

In addition to the CEO's statutory responsibilities, the CEO has the following responsibilities in supporting the implementation and application of the Policy:

- 6.2.1 All Councillors and Officers are informed of and supported in the application of this Policy 30 days prior to the commencement of the Election Period;
- 6.2.2 Matters of Council business requiring decisions prohibited during the Election Period by this Policy or the Act are, where possible, scheduled for Council to enable resolution prior to the commencement of the Election Period or deferred where appropriate for determination by the incoming Council; and
- 6.2.3 Not include in the order of business for any Council Meeting any matter requiring a decision that could be considered to contravene this Policy or the Act.

6.3 Decision making

- 6.3.1 In accordance with Section 69 of the Act Council is prohibited from making any decision during the election period for a general election that:
 - a) relates to the appointment or remuneration of the CEO, but not to the appointment or remuneration of an Acting CEO;
 - b) 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;
 - c) the Council considers could be reasonably deferred until the next Council is in place; or
 - d) the Council considers should not be made during an election period.
- 6.3.2 Council is prohibited from making any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- 6.3.3 During the Election Period, the Council, a Committee of Council, the CEO or a City employee acting under delegation will not:

- a) approve, amend or repeal any policy, plan or strategy, including those contained in or related to the Greater Bendigo Planning Scheme, which has been adopted by Council; or
- b) use their position to influence Council officers, or access Council resources of information, in support of any election campaign or candidacy.

6.3.4 A Council decision made in contravention of subsection (a) or (b) above is invalid under the Act.

6.3.5 Under the Act, any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of this clause is entitled to compensation from the Council for that loss or damage.

6.4 Extraordinary Circumstances

If the Council considers that there are extraordinary circumstances which require the making of a decision during the Election Period that in doing so would breach the Act, the Council may apply in writing to the Minister for Local Government for an exemption from the application of this prohibition.

6.5 Council Meetings

Ordinary Council Meetings will continue to take place during the Election Period. However, the following adjustments will be made to the Agenda:

- 6.5.1 Public Question Time will be suspended;
- 6.5.2 General Business and Notice of Motion will not be allowed where the matter is an Electoral Matter;
- 6.5.3 Councillors will limit their discussion during debate to the topic under consideration and will avoid raising Electoral Matter; and
- 6.5.4 Reports for the consideration of Council will be referred to the CEO for approval before inclusion on the meeting agenda.

6.6 Application of Resources

- 6.6.1 The use of Council resources including, but not limited to, vehicles, staff, services, property, equipment, stationery, websites, social media and hospitality for any Federal, State or Council election campaign purposes is prohibited.
- 6.6.2 Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the Chief Executive Officer or his/her delegate.
- 6.6.3 In accordance with Section 304 of the Act, a Councillor or member of Council staff must not use Council resources in a way that is intended to or is likely to affect the result of an election under this Act.

- 6.6.4 A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

6.7 Use of Council Equipment by Councillors

- 6.7.1 Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Councillor duties, subject to existing protocols and terms of use.
- 6.7.2 Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns. Specifically, Council resources, including (but not limited to) fleet vehicles, ipads, iphones, offices, IT, meeting rooms, support staff, hospitality services, photographs, equipment and stationery will be used exclusively for normal Council business during the Election Period and will not be used in connection with any election campaign.

6.8 Councillor Allowance and Reimbursement

- 6.8.1 Payment of Councillor Allowances continues during the Election Period.
- 6.8.2 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 business, in accordance with the Councillor Expenses Policy and not for expenses that support or relate to a Candidate's election campaign.

6.9 Community engagement

- 6.9.1 As a general rule, community consultation/engagement activity will be suspended during the Election Period and/or organised so as not to fall within this period.
- 6.9.2 Some community consultation activities may be necessary during the Election Period to facilitate the day to day business of Council and must be approved by the CEO or his/her delegate.
- 6.9.3 Any such community consultations will avoid express or implicit links to the election or an Electoral Matter. Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the Election Period.
- 6.9.4 In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the Election Period, Council reserves the right to postpone a matter if the issue is likely to become an Electoral Matter.

6.9.5 The requirements of this clause do not apply to community consultation required under the Planning and Environment Act 1987 or matters where Council, by public notice, has invited public submissions.

6.10 Council Publications

6.10.1 Council is prohibited from printing, publishing or distributing any advertisement, handbill, pamphlet or notice during an election period unless it has been approved by the CEO, the Manager Communications (or the equivalent) or their delegate.

6.10.2 The publication of any material containing Electoral Matter is prohibited unless that material is only about the election process.

6.10.3 Publications which require approval include:

- Brochures, pamphlets, handbills, flyers, magazines and books;
- Reports (other than agenda papers and minutes);
- Advertisements, newsletters and notices except newspaper notices of meetings;
- New website material;
- Social media publications (which includes Facebook and Twitter posts);
- Emails with multiple addresses, used for broad communication with the community;
- Mass mail outs or identical letters sent to many people by or on behalf of Council;
- Media releases
- Material to publicise a function or event; and
- Any publication or distribution of speeches.

6.10.4 A publication is taken to contain Electoral Matter if it contains an express or implicit reference to, or comment on:

- The election; or
- A Candidate in the election; or
- An issue submitted to, or otherwise before, the voters in connection with the election.

6.11 Media Releases

Media releases must be approved by the CEO or the Manager Communications or his/her delegate.

6.12 Councillor Information

Any reference to Councillors standing for re-election in Council publications printed, published or distributed during an Election Period must not include promotional text.

6.13 Website

- 6.13.1 Material published on Council's website in advance of the Election Period is not subject to approval as set out above, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that could be considered Electoral Matter, were it to be published during the Election Period.
- 6.13.2 Councillor contact information will remain available on the website during the Election Period, but Councillors' profiles will be removed.
- 6.13.3 Any material published on Council's website during the Election Period must be approved by the CEO or the Manager Communications (or equivalent) or their delegate.

6.14 Annual Report

- 6.14.1 Council is required by the Act to produce and put on public display a copy of its Annual Report. The Annual Report may be published during the Election Period with the approval of the CEO.
- 6.14.2 The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

6.15 Ward Specific Publications

Ward-specific publications, or Councillor profiles and articles in the Council Newsletter, will be suspended during the Election Period.

6.16 Council and Committee Agendas and Minutes

Agendas and minutes of Council and Committee meetings do not require approval by the CEO or the Manager Communications (or equivalent) or their delegate unless they are printed or published for a wider distribution than normal.

6.17 Social Media

- 6.17.1 Any publication on social media sites including Facebook, Twitter, Instagram, blogs and Wikipedia pages during the election period must be approved by CEO or the Manager Communications (or equivalent) or their delegate.
- 6.17.2 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.

6.18 Council Branding

No Council logos, letterheads, or other corporate branding will be used for, or linked in any way to, a Candidate's election campaign.

6.19 Photographs and Images

Photographs and images paid for by Council or taken by Council officers are not to be used in electoral material for any Candidate. This includes images of Councillors, Council events and Council owned or maintained infrastructure.

6.20 Council spokesperson

- 6.20.1 It is recognised that during the Election Period it may be necessary to release information on the day-to-day business and events of the Council.
- 6.20.2 During an Election Period the primary spokesperson for the Council will be the CEO supported by the Mayor, where appropriate such as in representing Council at civic functions, etc.
- 6.20.3 Only the CEO or their delegate will speak on behalf of Council on matters relating to the election process.
- 6.20.4 Media releases and speeches issued/delivered by the CEO or Mayor (as above) will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election Candidate.
- 6.20.5 During the election period no Council employee may make any public statement that relates to an Electoral Matter unless prior approval has been obtained by the CEO or his/her delegate.

6.21 Council Advisory and Reference Committees and Working Groups

- 6.21.1 With the exception of the Audit and Risk Committee, the operation of Council Advisory and Reference Committees and Working Groups shall be suspended upon the commencement of the election period ahead of a general Council election.
- 6.21.2 Any outstanding Delegate's Reports may still be reported to an ordinary meeting of Council during this period.
- 6.21.3 Such Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

6.22 Access to Information & Candidate Information

- 6.22.1 A Councillor may continue to access Council information only as it is necessary for them to perform their role as Councillor and in accordance with the Councillor Access to Information Policy.
- 6.22.2 All election Candidates have equal rights to Council information relevant to their election campaigns from the Council administration in accordance with the Council's Public Transparency Policy and the *Freedom of Information Act 1982* (Vic).

6.22.3 Neither Councillors nor Candidates will receive information or advice from Council officers that may improperly advantage Candidates in the elections.

6.22.4 Council will provide Candidates with a copy of a Councillor Candidate Information Kit (if any) produced by the Victorian Electoral Commission to assist them in running and nominating for Council.

6.22.5 Council will provide Candidates with a copy of this policy. A copy of this policy will be available at all Customer Information desks.

6.23 Information Request Register

The Governance unit will maintain an Information Request Register during the Election Period.

6.24 Staff

Members of staff are discouraged from engaging with candidate hosted on-line media platforms including, but not limited to websites and all forms of social media.

6.25 Staff member as a candidate

6.25.1 Section 34 of the Act prohibits a person who is a member of Greater Bendigo City Council Staff serving as a Greater Bendigo City Councillor.

6.25.2 Under Section 256(8) of the Act a member of Staff is not prevented from nominating as a candidate at an election if for the duration of the Election Period for that election if:

- a) the person has taken leave from that office or position; and
- b) the person does not perform any of the duties of that office or position.

6.25.3 A Staff Member cannot take the oath or affirmation of office as a Greater Bendigo City Councillor unless they resign from that office or position before taking the oath or affirmation of office.

6.25.4 In the event that a member of Staff nominates as a candidate for a Federal, State or Local election, the Staff member will immediately notify their manager in writing with a copy to the Manager Governance. On receiving such notice the relevant manager will enter into an agreed work plan with the staff member to ensure:

- There is no conflict of interest between the staff member's duties as a Council employee or access to information and his/her role as an election candidate;
- The staff member does not have access to information that would place them at an advantage over other candidates in the election; or
- No Council resources are used in support of the staff member's candidacy.

6.25.5 The agreed work plan must be approved by the relevant Director and forwarded to the CEO and Manager Governance.

7. ROLES AND RESPONSIBILITIES

See clauses 6.1, 6.2, 6.24 and 6.25

8. RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

Local Government Act 2020 (Vic)
Freedom of Information Act 1982 (Vic).
City's Public Transparency Policy
City's Community Engagement Policy
 Councillor Candidate Information Kit, Victorian Electoral Commission

Further information or advice on this policy should be directed to Governance

9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
Aug, 2020	Manager Governance	Governance	New Rules	V1	

APPENDIX 1

Relevant sections from the Local Government Act 2020 (Vic)

Section 69 – Governance Rules to include election period policy

- (1) A Council must include an election period policy in its Governance Rules.
- (2) An election period policy must prohibit any Council decision during the election period for a general election that –
 - (a) 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
 - (b) 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
 - (c) the Council considers could be reasonably deferred until the next Council is in place; or
 - (d) the Council considers should not be made during an election period.
- (3) An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- (4) A Council decision made in contravention of subsection (2)(a) or (b) is invalid.
- (5) Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of subsection (4) is entitled to compensation from the Council for that loss or damage.

Section 304 – Prohibition on Councillor or member of Council staff

- (1) A Councillor or member of Council staff must not use Council resources in a way that –
 - (a) Is intended to; or
 - (b) Is likely to –

Affect the result of an election under this Act.
- (2) A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Model Governance Rules- prepared by the Department of Environment, Land, Water & Planning

Election Period Policy

- (1) Council will have in place an election period policy that:
 - (a) Governs decision making during a local government election period, including what may be considered at a Council meeting
 - (b) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - (c) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committees established by Council
 - (d) Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns
 - (e) Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period
 - (f) Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (3) The Election Period Policy forms part of these Governance Rules.
- (4) The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- (5) Any outstanding Delegate's Reports may still be reported to an ordinary meeting of Council during this period.
- (6) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

COUNCILLOR EXPENSES AND SUPPORT POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	19/08/2020
Review cycle:	Within 12 months of an election
Review Date:	1/07/2024
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	Local Government Act 2020
DOCSETID:	4428662

1. PURPOSE

- 1.1 This policy supports Councillors and members of delegated committees to perform their role, as defined under the *Local Government Act 2020* (Vic), by ensuring that expenses reasonably incurred in the performance of their role are reimbursed. The policy also provides guidance on:
- entitlements;
 - processes for reimbursement;
 - reporting requirements; and
 - other measures supporting Councillors to fulfil their duties.

2. BACKGROUND

- 2.1 In accordance with section 41 of the Act, the City must adopt and maintain a policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of Council committees and must make a copy available for inspection at the City office.
- 2.2 Councillors and members of delegated committees are entitled, under section 40 of the Act to reimbursement of expenses reasonably incurred in the performance of their duties.
- 2.3 This policy has been developed to establish clear guidelines and enable claims for reasonable out of pocket expenses to be processed without the need to seek Council approval for individual claims.

3. SCOPE

This policy applies to:

- Councillors
- Members of delegated committees.

4. DEFINITIONS

In this policy:

Act means the *Local Government Act 2020* (Vic).

Carer A carer is defined under section 4 of the *Carers Recognition Act 2012*.

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

City means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic).

CTM means Corporate Travel Management.

Council means all the Councillors collectively.

Councillor means a person holding the office of member of Greater Bendigo City Council.

Delegated Committee means delegated committees defined under section 63 *Local Government Act 2020* (Vic).

Delegated Committee member means a person appointed to a Delegated Committee.

Mayor means the Councillor elected to the Office of Mayor of the City.

Municipality means the Greater Bendigo municipality.

Out-of-pocket expense means an expense that has been met by the Councillor or delegated committee member, using their own funds, which may later be reimbursed.

5. PRINCIPLES

The general principles underpinning this policy are as follows:

- the Councillor Code of Conduct prescribed under Section 139 of the Act
- encouraging diversity in participation, equity, inclusion and access; and
- accountability and transparency.

6. POLICY

Councillors

- 6.1 This policy ensures that the reimbursement of these expenses is in accordance with the Act and meets the Act's principles of public transparency; achieving the best outcomes for the municipal community; and ensuring the ongoing financial viability of the Council.

- 6.2 Councillors will be reimbursed for out-of-pocket expenses that are:
- bona fide expenses; and
 - have been reasonably incurred in the performance of the role of Councillor; and
 - are reasonably necessary for the Councillor to perform this role.
- 6.3 All claims for expenses must be lodged within three months of the expenses being incurred. At the end of the financial year all claims must be received no later than one month after the financial year. Any claims received after this time will require a Council resolution to pay in the current financial year.
- 6.4 Travel Expenses
- 6.4.1 Private vehicle use
- (a) Councillors may use their own vehicle when performing duties within the municipality; and
 - (b) Councillors, whenever possible to use a City fleet vehicle or public transport when performing duties outside the municipality; and
 - (c) Anything else in accordance with section 6.10 of the policy.
- 6.4.2 Intrastate travel
- Travel preferably utilising fleet vehicle/public transport
- (a) The City will arrange on request from the Councillor and cover the cost of approved travel expenses as set out in section 6.6.5 of this policy; and
 - (b) Private travel arrangements in conjunction with approved and funded travel, must ensure that all costs incurred with private travel are clearly delineated from funded travel arrangements; and
 - (c) Anything set out in section 6.6.5(d) of this policy that relates to spouse/partners; and
 - (d) Within one month of funded travel, the Councillor will report to Council verbally and in writing outlining:
 - Purpose for the travel;
 - Its relevance to any Council plan, strategy, program or project;
 - Perceived benefits to the Council and/or the community and/or the individual;
 - Any other aspects deemed relevant; and
 - (e) Anything else in accordance with section 6.10 of the policy.
- 6.4.3 Interstate travel
- Where duties are required to be performed interstate:
- (a) Councillors must obtain approval from the Mayor prior to travel; and
 - (b) The City will arrange prepaid travel, where possible through CTM; and

- (c) Private travel arrangements in conjunction with approved and funded travel, must ensure that all costs incurred with private travel are clearly delineated from funded travel arrangements; and
- (d) Anything set out in section 6.6.5(d) of this policy that relates to spouse/partners; and
- (e) Within one month of funded travel, the Councillor will report to Council verbally and in writing outlining:
 - Purpose for the travel;
 - Its relevance to any council plan, strategy, program or project;
 - Perceived benefits to the Council and/or the community and/or the individual;
 - Any other aspects deemed relevant; and
- (f) Anything else in accordance with section 6.10 of the policy.

6.4.4 International Travel

Where duties are required to be performed overseas:

- (a) Councillors must obtain approval from Council prior to travel; and
- (b) The City will arrange travel (including insurance) where possible through CTM; and
- (c) Telecommunications – In order to minimise costs international travel pass, calling cards and local SIM cards must be considered as an alternative to hotel phones and mobile phone roaming for travel and the City will reimburse the cost of such cards.
- (d) Private travel arrangements in conjunction with approved and funded travel, must ensure that all costs incurred with private travel are clearly delineated from funded travel arrangements; and
- (e) Within one month of funded travel, the Councillor will report to Council verbally and in writing outlining:
 - Purpose for the travel;
 - Its relevance to any Council plan, strategy, program or project;
 - Perceived benefits to the Council and/or the community and/or the individual;
 - Any other aspects deemed relevant; and
- (f) Anything else in accordance with section 6.10 of the policy.

6.5 Carer and dependent-related expenses

- 6.5.1 The City will provide reimbursement of out-of-pocket expenses where the provision of childcare is reasonably required for a Councillor to perform their role (s 41).
- 6.5.2 This applies to the care of a dependent, while the Councillor is undertaking their duties; and may include expenses such as hourly fees and booking fees, if applicable.

- 6.5.3 Council will provide reimbursement of costs where the provision of carer services is reasonably required when a Councillor, who is a carer (see Definitions) incurs reasonable expenses in the performance of their duties.
- 6.5.4 By prior agreement, and between the Councillor and the Manager Governance, the City may pay expenses directly to provider services and where appropriate.
- 6.5.5 Except by prior written agreement of the Manager Governance, payments for carer and childcare services will not be made:
- to a person who resides with the Councillor;
 - has any financial or pecuniary interest with the Councillor;
 - has a relationship with the Councillor or their partner (ie immediate family member); or
 - has recognised care responsibility (ie parent or other regular care giver).
- 6.5.6 Evidence of out of pocket costs incurred by the Councillor must be provided with any claim.
- 6.5.7 The level of financial support shall be determined by the Manager Governance in consultation with the claimant.

6.6 Councillor Support

6.6.1 Information Technology

The City will provide information technology items including:

- Equipment
 - software
 - support and basic training
- (a) All information technology provided remains the property of the City unless other arrangements have been agreed upon by the Councillor and the Manager Governance.
- (b) The Information Management Unit may audit and update the information technology from time to time. Councillors are required to regularly provide items for maintenance.
- (c) Councillors to maintain equipment in fair/reasonable condition.
- (d) Faulty equipment, breakages or issues are to be reported to Civic and Governance Support as soon as practicable.
- (e) Lost, stolen or misplaced equipment must reported to the Manager Governance as soon as practicable.
- (f) Reasonable personal use up to a maximum of 25 per cent of total usage is permitted as long as it does not affect the primary use of the equipment.
- (g) All items to be returned to the City on the next business day at the conclusion of a Councillor's term, unless otherwise agreed by Manager Governance.

6.6.2 Office and Meeting Facilities

- (a) The City will provide Councillors with access (individual fob/security tag) to the City's office and designated spaces.
 - (i) Designated spaces may be used by all Councillors for related Council business during usual business hours or by prior arrangement with Civic and Governance Support.
 - (ii) Councillors may book rooms for meeting with external parties through Civic and Governance Support.
 - (iii) Where a fob or security tag is misplaced or stolen, Councillors must contact Manager Governance as soon as practicable (and may be responsible for replacement costs).

6.6.3 Training and Development

(a) Professional Development

The City will meet the cost of training and development courses, seminars and activities of professional and personal development within the limits of the budget approved by Council and the relevance of the course for the Councillor and the Council.

- (i) The budget and the individual allocations will be set as agreed by Council on a yearly basis following assessment of professional development
- (ii) To assist this process, the Mayor will undertake a professional development assessment with each Councillor

(b) Memberships

The City will pay professional membership where there is a demonstrated or perceived benefit to the Councillor performing their duties, and to the City as agreed by the Council.

6.6.4 City Vehicles

(a) Mayoral Vehicle

The City may provide the Mayor with a vehicle for his/her exclusive use during their term. The provision of the vehicle is subject to the following terms and conditions:

- (i) Use of vehicle in accordance with *Fleet Policy* and *Driver's Licence Policy*;
- (ii) The Mayor may use the vehicle for reasonable private use.
- (iii) Any damage, accident or fault to be reported to Manager Governance as soon as practicable.

(b) Fleet Vehicles

Use of fleet vehicles in accordance of Fleet policy and Driver's Licence policy.

- (i) Councillors may book fleet vehicles for use when performing duties and may be arranged through Civic and Governance Support
- (ii) Where required, a designated fleet vehicle will be made available for use by a Councillor with disability for the purpose of supporting that Councillor to effectively undertake their role as a Councillor.

6.6.5 Conferences and Functions

(a) Conferences, Seminars and Meetings –

- (i) The City will bear reasonable costs enabling Councillors to attend an event whilst performing duties
- (ii) Reasonable costs may include:
 - Registration fees
 - Main conference dinner (if not covered by registration cost)
 - Accommodation
 - Transfer to and from event (taxi, public transport) and in accordance with section 6.4 of this policy.

(b) Charity Events

- (i) The City may cover the costs to allow attendance of the Mayor (Acting Mayor or Deputy Mayor in the absence of the Mayor), as representative for the City.
- (ii) Where Councillors attend a charity fundraising event for which contribution is required, Councillors attend at their own expense.

(c) Political Functions

- (i) The City will not financially support any political party. However, the City may cover the costs to allow attendance of the Mayor (Acting Mayor or Deputy Mayor in the absence of the Mayor), as representative for the City where there is a demonstrable benefit to the City.
- (ii) With the exception of (c)(i), where Councillors attend a political party fundraising event for which payment is required, Councillors attend at their own expense.

(d) Spouse/Partner Accompanying Councillor

The City may cover cost of a spouse or partner's attendance to functions where expressly invited and appropriate when accompanying a Councillor:

- (i) Within the Municipality
- (ii) Intrastate, when a Councillor is fulfilling authorised duties, the payment of expenses for a spouse or partner to attend

appropriate functions shall be limited specifically to the entry fee and meal.

- (iii) If the spouse or partner is the Councillor's carer, support will be provided in accordance with section 6.6.6 and 6.6.7 of this policy.

6.6.6 Access and Inclusion

The City is committed to ensuring equitable access, social inclusion and respect for human rights and may provide appropriate support to ensure Councillors can complete their duties proficiently.

- (a) The City will provide support to a Councillor upon consideration of written report from a medical practitioner or other relevant qualified professional or the Councillor making the claim where appropriate.
- (b) The level of support provided by the City will be approved by the Manager Governance.
- (c) The level of financial support shall be determined by the Manager Governance in consultation with the claimant.

6.6.7 Councillors' Welfare

- (a) Councillors may approach the Mayor or CEO regarding any specific guidance, counselling or coaching that may be required to enhance their performance as a Councillor.
- (b) A Councillor is able to seek counselling on a confidential basis through City's approved Staff Counselling Services.

6.6.8 Insurance

- (a) Councillors are covered by the following Council Insurance Policies, whilst performing duties:
 - Personal Accident Insurance
 - Public Liability Insurance
 - Professional Indemnity Insurance
 - Councillors and Officers Liability Insurance
 - Travel Insurance; and
 - WorkCover (as a deemed employee).
- (b) The City will pay the insurance policy excess in respect of any claim made against a Councillor arising whilst performing duties, where the claim is accepted by the City's insurers. The insurance does not cover criminal or wilful acts.
- (c) Spouses and partners are covered by the City's Personal Accident Insurance when accompanying Councillors whilst performing.

6.6.9 Legal Expenses

Legal expenses incurred by a Councillor shall be the responsibility of that Councillor unless with the prior approval of:

- Mayor; or
- CEO; or

- Council resolution.

6.7 Monitoring, Evaluation and review

- 6.7.1 Quarterly reports of all Councillor and delegated committee member expenses will be provided to Council, and the Council's Audit and Risk Committee.
- 6.7.2 The report will include:
 - expenses incurred by Councillors during the quarter
 - reimbursement claims made by Councillors during the quarter
 - reimbursements made to Councillors during the quarter.
- 6.7.3 Council commits to monitoring processes and decision making to understand the overall success of the policy's implementation.

Members of Delegated Committees

- 6.8 Members of Delegated Committees will be reimbursed for out-of-pocket expenses that are:
 - (a) bona fide expenses;
 - (b) have been reasonably incurred in the performance of the role; and
 - (c) are reasonably necessary for the member of a Delegated Committee to perform this role.
- 6.9 Carer and dependent-related expenses
 - 6.9.1 The City will provide reimbursement of costs where the provision of care for a dependent is reasonably required for a member of a delegated committee to perform their role (s 41)
 - 6.9.2 The city will provide reimbursement of costs where the provision of carer services is reasonably required when a delegated committee member who is a carer (see definition section) incurs reasonable expenses in the performance of their duties.
 - 6.9.3 This applies to the care of a dependent, while the Councillor or delegated committee member is undertaking their duties; and may include expenses such as hourly fees and booking fees, if applicable.
 - 6.9.4 Council will provide reimbursement of costs where the provision of carer services is reasonably required when a Councillor or delegated committee member who is a carer (see Definitions) incurs reasonable expenses in the performance of their duties.
 - 6.9.5 Claims under this section must be made in the prescribed form as outlined in 6.10.
 - 6.9.6 Except with the prior written agreement of the Manager Governance, payments for carer and childcare services will not be made:
 - (a) to a person who resides with the delegated committee member;

- (b) has any financial or pecuniary interest with the delegated committee member;
- (c) has a relationship with the delegated committee member or their partner (ie immediate family member); or
- (d) has recognised care responsibility (ie parent or other regular care giver).

6.9.7 The level of financial support shall be determined by the Manager Governance in consultation with the claimant.

6.10 Procedure

Payment of out-of-pocket expenses will be made in accordance with the *Councillor Expenses Procedure*.

7. Review

A Councillor may request the CEO review of a decision made by the Manager Governance under this Policy.

8. ROLES AND RESPONSIBILITIES

For the purpose of clarification in given effect to this Policy, Councillor duties may include, but are not limited to:

- attendance at meetings of Council and its committees
- attendance at briefing sessions, workshops, civic events or functions convened by Council
- attendance at conferences, workshops and training programs related to the role of Councillor, Mayor or Deputy Mayor
- attendance at meetings, events or functions representing Council
- duties in relation to constituents concerning Council business.

This Policy also applies to members of Council Delegated Committees when undertaking approved travel in accordance with their agreed role.

9. RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

- *Code of Conduct*
- *Council Expenses Procedure*
- *Driver's licence Policy*
- *Fleet Policy*
- *Governance rules*
- *Public transparency policy*
- *Governance framework*
- *Information privacy policy*
- *Carers Recognition Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*

- *Equal Opportunity Act 2010*
- *Gender Equity Bill 2020*

Further information or advice on this policy should be directed to Governance

10. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

11. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

12. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
Aug, 2020	Manager Governance	Governance	Review	V1	

CITY OF GREATER BENDIGO

AUDIT AND RISK COMMITTEE CHARTER

Date approved by Council: tba

Date of next review: tba

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The City of Greater Bendigo has established an Audit and Risk Committee (the Committee) in accordance with section 53(1) of the *Local Government Act 2020* (the Act).

1. Purpose

Council is committed to good governance, public transparency and accountability to the City of Greater Bendigo's community. The Audit and Risk Committee (the Committee) has been established to strengthen Council's governance, risk management, financial management and to drive continuous improvement. Pursuant to section 53(2) of the Local Government Act 2020 (the Act), the Committee is an advisory committee and does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.

The Committee is an advisory committee of the Council established to assist the Council to discharge its responsibilities under the Act to:

- monitor the compliance of Council policies and procedures with:
 - the overarching governance principles
 - the Act and the regulations and any Ministerial directions
 - other relevant laws and regulations
- monitor internal controls
- monitor Council financial and performance reporting
- monitor and provide advice on risk management and fraud prevention systems and controls
- oversee internal audit function
- oversee external audit functions.

The Committee will engage with management in a constructive and professional manner in discharging its responsibilities and formulating its advice to the Council.

The Committee operates to advise the Council on how best to fulfil its responsibilities and facilitate decision making by providing a forum for improving communication between the Council members and senior management, finance, risk and compliance managers, internal auditors and external auditors.

The overarching Governance Rules will not apply to the Committee, with the exception of the section that specifically relates to the Audit and Risk Committee.

2. Authority

2.1 The Council authorises the Committee, within its responsibilities, to:

- 2.1.1 endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment
- 2.1.2 endorse the 3 year Strategic Internal Audit Plan, which will then be adopted by Council. The Committee will have the authority to make necessary changes throughout the year to adapt to new information and risks as they arise
- 2.1.3 obtain any information it requires from any official or external party (subject to any legal obligation to protect information)
- 2.1.4 discuss any matters with the Victorian Auditor General's Office (VAGO), or other external parties (subject to confidentiality considerations)
- 2.1.5 request the attendance of any official, including Councillors and Council Officers at Committee meetings
- 2.1.6 obtain legal or other professional advice at the City's expense, as considered necessary to meet its responsibilities, subject to prior agreement with the Chief Executive Officer
- 2.1.7 meet with Council Officers, internal and external auditors and other parties as required to discharge its responsibilities.

The Committee will, through the Chief Executive Officer, have access to appropriate management support to enable it to discharge its responsibilities effectively.

3. Membership

3.1 Composition of membership

The Committee comprises of seven members (three Councillors and four independent, external members), appointed by Council. In accordance with the Act the members must:

- include members who are Councillors of the Council (section 53(3)(a))
- consist of a majority of members who are not Councillors of the Council and who collectively have:
 - expertise in financial management and risk (Section 53(3)(b)(i))
 - experience in public sector management; (Section 53(3)(b)(ii))
- not be a member of Council staff (Section 53(3)(c)).

3.1.1 Independent Members

- Each independent member will be appointed for an initial period of three years
- ARC members terms commence and are reviewed on the 1 October each year
- Each independent member may be reappointed for one additional term subject to satisfactory performance, that is, a maximum of six years
- The Chair, in conjunction with management, will undertake formal reviews of performance and review the independence of independent audit and risk committee members before re appointing them for additional terms
- Following the completion of the terms, the position must be publicly advertised. This does not preclude existing members from being re-appointed through a competitive process
- The position will be publicly advertised by no later than 20 August each year for vacating members. A recruitment process is then undertaken with interviews of potential candidates by the Chairperson of the ARC, the Mayor and the Chief Executive Officer
- Upon selection of the newly proposed independent member, the appointment will be recommended to Council. Council must resolve to accept the recommended appointment
- The appointment terms of each independent member will be set so that as far as possible only one member's term concludes at a time in to maintain a level of continuity and minimise the loss of knowledge of Council's business
- Independent members must collectively have expertise in financial management and reporting and risk management and experience in public sector management
- Remuneration paid to independent members will be reviewed by Council on at least one occasion during its term.

3.1.2 Councillor Members

- Councillor members will be appointed to the Committee by Council annually
- Should an appointed Councillor member not be able to attend a Committee meeting, Council can appoint an alternate member to act in such circumstances, either on a meeting by meeting basis or for the entire year
- All Councillors are able to observe Committee meetings and will have access to Committee agendas and minutes
- Only Councillors formally appointed to the Committee, or appointed as an alternate member in the absence of an appointed member, are able to vote on resolutions.

3.1.3 Chairperson

- The Chairperson of the Committee must be an independent member

- The Committee will appoint the Chairperson who in accordance with section 53 of the Act must not be a Councillor (Section 53(4)) and must not be a member of Council staff (Section 53(3)(c)). The appointment will then be approved by Council.
- The Chairperson will be appointed for a one year term and will be appointed at the first meeting post the 1st October each year. Upon their election, the new Chair will take over as Chairperson of the meeting
- For the appointment of the Chair, if only one independent member nominates for the position, the Acting Chairperson of the meeting must declare that independent member is elected to the position. If more than one of the independent members are nominated, a secret ballot must be held. The candidate who receives the most votes through the ballot will be elected as the Chairperson
- In the absence of the Chairperson, independent members of the Committee may be contacted prior to the committee to seek their interest to Chair the meeting, so they can attend the pre Committee meeting or if notified of the Chairpersons absence at short notice the Committee will elect a temporary Chairperson for the meeting from the remaining independent members who are present.

3.1.4 Quorum for Meetings

- A quorum shall comprise of at least one Councillor member and two independent members.

4. Functions

In accordance with section 54(2) of the Act, the functions and responsibilities of the Committee include:

4.1 Monitor compliance (Section 54(2)(a)).

- 4.1.1 Review the systems and processes implemented by the City for monitoring compliance with relevant legislation and regulations and the results of management's follow up of any instances of non-compliance
- 4.1.2 Review the processes for communicating Council's Employee Code of Conduct to employees and contractors and for monitoring compliance with the Code
- 4.1.3 Obtain briefings on any significant compliance matters
- 4.1.4 Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Ombudsman, IBAC, Victoria Government Inspectorate, etc. and monitor Council's responses.

4.2 Monitor internal controls

- 4.2.1 Review the effectiveness of key policies, systems and controls for providing a sound internal control environment over a three year period and determine if the systems and controls are reviewed regularly and updated where required
- 4.2.2 Monitor significant changes to systems and controls to assess whether those changes significantly impact Council's risk profile
- 4.2.3 Ensure that a program is in place to test compliance with systems and controls
- 4.2.4 Assess whether the control environment is consistent with Council's Governance Principles.

4.3 Monitor Council financial and performance reporting (Section 54(2)(b))

- 4.3.1 At least annually review significant accounting and external reporting issues, including material or unusual transactions, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report

- 4.3.2 At least annually review changes to the Local Government Performance Reporting Framework and understand the impact of those changes
- 4.3.3 Review with management and the external auditors the results of audits, including any difficulties encountered by the auditors and how they were resolved
- 4.3.4 Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position
- 4.3.5 Recommend the adoption of the annual financial report and annual performance statement to Council
- 4.3.6 To review and be briefed on the City's annual budget processes and Financial Plan
- 4.3.7 Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council as required.

4.4 Monitor and provide advice on risk management and fraud prevention systems and controls. (Section 54(2)(c))

- 4.4.1 Review the City's risk management framework and implementation strategy annually
- 4.4.2 Review the management of strategic risks and other significant risks, including controls in place and treatment plans
- 4.4.3 Assess adequacy of Council processes to manage insurable risks and to review the insurance program annually
- 4.4.4 Review the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested
- 4.4.5 Review Council's Fraud Prevention policies and controls, including the Fraud Control Plan and fraud awareness programs at least every two years
- 4.4.6 Receive summary reports from management on fraud, thefts and material breaches of legislation, ensuring reporting to the Council and/or relevant authorities
- 4.4.7 Review reports by management about the actions taken by the City to report such matters to the appropriate integrity bodies.

4.5 Oversee internal audit function (Section 54(2)(d))

- 4.5.1 Review the Internal Audit Charter to determine that it provides an appropriate functional and organisational framework to enable Council's internal audit function to operate effectively
- 4.5.2 Review and endorse the three year strategic internal audit, the annual internal audit plan and make required changes to the plan as it may arise throughout the year. The progress against this plan will be reported to the Committee at each meeting
- 4.5.3 Review and approve proposed scopes for each review in the annual internal audit plan
- 4.5.4 Review reports on internal audit reviews, including recommendations for improvement arising from those reviews
- 4.5.5 Meet with the Internal Auditor at least annually in the absence of management
- 4.5.6 Monitor action by management on internal audit findings and recommendations
- 4.5.7 Review the effectiveness of the internal audit function and ensure that it has appropriate authority within Council and has no unjustified limitations on its work

- 4.5.8 Ensure that the Committee is aware of and appropriately represented with regard to any proposed changes to the appointment of the internal audit service provider, including being appropriately briefed on the need for any proposed change
- 4.5.9 Recommend to Council, if necessary, the termination of the internal audit contractor.

4.6 Oversee external audit function (Section 54(2)(d))

- 4.6.1 Annually review the external audit strategy and plan proposed by the external auditor
- 4.6.2 Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope of work or access to information
- 4.6.3 Ensure that significant findings and recommendations made by the external auditor, and management's responses to them, are appropriate and are acted upon in a timely manner
- 4.6.4 Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and ensure the recommendations are distributed to appropriate areas for action/implementation where appropriate
- 4.6.5 Meet with the external auditor at least annually in the absence of management.

5. Reporting

- 5.1.1 In alignment with the Governance Rules, Public Transparency principles and Governance principles in the Act, minutes of Committee meetings will be provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting
- 5.1.2 The Chairperson will prepare a report to Council on the Committee's activities twice per annum including the Committee's findings and recommendations along with agreed actions. One of these reports will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption. This report should also include how the Committee has discharged its responsibilities as set out in this Charter for the year. The reports will be provided to the Chief Executive Officer for presentation to Council
- 5.1.3 The Chair of the Committee, or a representative on behalf of the Committee, will present the Annual Committee Performance Report to a Councillor Briefing prior to the report being presented to Council
- 5.1.4 Internal audit reports and external audit reports shall not be made public
- 5.1.5 Management will assist the Committee to initiate a self-assessment of the performance of the Committee annually. The review will invite input from the Council, each Committee member, senior management, internal audit, VAGO (or their contracted representative), and any other relevant stakeholders. The self-assessment will be reported through the Annual Committee Performance Report.

6. Administrative Arrangements

6.1 Meetings

- 6.1.1 The committee will meet at least four times per year. One or more special meetings may be held to review the Council's annual financial statements and performance statement, or to meet other responsibilities of the committee
- 6.1.2 The Committee will invite members of Council's management team, the internal and external auditors and other personnel as appropriate to attend meetings, particularly if there are reports/ audits being presented relevant to their area

- 6.1.3 The Chief Executive Officer, Director Corporate Performance, Manager Financial Strategy, Manager Governance as well as other nominated representatives will attend all meetings, except for confidential matters
- 6.1.4 All committee members are expected to attend each meeting, in person or via tele-or-video conference. Failure to attend a meeting will result in non-payment of members fees for the associated meeting
- 6.1.5 Committee members and the internal and external auditors can request the Chairperson to convene additional meetings if they feel that is justified to address unexpected matters that may have arisen
- 6.1.6 The Chair is required to call a meeting if asked to do so by the Council and decide if a meeting is required if requested by another member, internal audit or the VAGO.

6.2 Planning

- 6.2.1 The Committee will develop a forward meeting schedule that includes the dates and location for each meeting for the forthcoming year
- 6.2.2 In accordance with section 54(3) of the Act the Committee will develop an annual work program that includes the timing of reporting for all of the responsibilities outlined in this charter.

6.3 Secretariat

- 6.3.1 In accordance with section 54(6)(a) of the Act, the CEO will appoint a Council Officer to provide secretariat support to the Committee to ensure the preparation and maintenance of agendas, minutes and reports. The secretariat will:
 - ensure the agenda for each meeting is approved by the Director, Corporate Performance and Committee Chair
 - the agenda and supporting papers are circulated at least one week before the meeting
 - ensure the minutes of the meetings are prepared and maintained. Minutes to include relevant elements of the Committee's discussion
- 6.3.2 Minutes must be reviewed by the Director, Corporate Performance of Council and the Committee Chair and circulated within three weeks of the meeting to each member and committee observers, as appropriate and then provided to Council at the next opportunity.

6.4 Induction

- 6.4.1 The Committee will adopt and maintain a program of induction, training and awareness raising for its members, with the objective of enabling the Committee to keep abreast of contemporary developments and leading practices in relation to its functions.

6.5 Removal of a member

- 6.5.1 If the Council proposes to remove a member of the ARC, it must give written notice of its intention to do so and afford the member an opportunity to be heard by Council. However, ultimately Council retains the discretion to remove a member by resolution, provided that a replacement member is promptly appointed using the process described in clause 6.4.

7. Conflicts of Interest

Committee recommendations must be transparent and accountable, to protect the public interest, maintain the integrity of the Committee and Council and enable the public to be confident that the Committee is performing its duties properly. If a conflict of interest exists, it must be declared and managed. Committee members are required to provide written declarations, through the Chair, to the Council declaring any material personal interests they may have in relation to their responsibilities.

Division 2 of Part 6 of the *Local Government Act 2020* applies to Independent Members, as if the member were a member of a delegated Committee. An independent member has a **conflict of interest** if they have:

- (a) a general conflict of interest within the meaning of section 127 of the Act
- (b) a material conflict of interest within the meaning of section 128 of the Act

Members of the Committee will provide declarations in accordance with statutory requirements.

External members should consider past employment, consultancy arrangements and related party issues in making these declarations and the Council, in consultation with the Chair, should be satisfied that there are sufficient processes in place to manage any real or perceived conflict.

At the beginning of each committee meeting, members are required to declare any material personal interests that may apply to specific matters on the meeting agenda. Where required by the Chair, the member will be excused from the meeting or from the committee's consideration of the relevant agenda item(s). The Chair is also responsible for deciding if he/she should excuse themselves from the meeting or from the committee's consideration of the relevant agenda item(s). Details of material personal interests declared by the Chair and other members, and actions taken, will be appropriately recorded in the minutes.

8. Misuse of Position

Section 123 of the Act applies to Independent Members, as if the member were a member of a delegated Committee. The Independent Member must not intentionally misuse their position (section 123(1)):

- (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person or
- (b) to cause, or attempt to cause, detriment to the Council or another person.

Section 123(3) of the Act outlines circumstances involving misuse of a position by a member of the Committee, which include:

- a) Improper use of information acquired as a result of being a member of the Committee; or
- b) Disclosing information that is confidential information; or
- c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
- d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or
- e) Using public funds or resources in a manner that is improper or unauthorised; or
- f) Participating in a decision on a matter in which the member has a conflict of interest.

9. Confidential Information

Section 125 of the Act applies to Independent Members, as if the member were a member of a delegated Committee. The requirements include:

(1) Unless subsection (2) or (3) applies, a person who is, or has been, an Independent Member must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.

(2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.

(3) A person who is, or has been, an Independent Member may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances—

- (a) for the purposes of any legal proceedings arising out of this Act
- (b) to a court or tribunal in the course of legal proceedings
- (c) pursuant to an order of a court or tribunal

- (d) in the course of an internal arbitration and for the purposes of the internal arbitration process
- (e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing
- (f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor
- (g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector
- (h) to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry
- (i) to the extent reasonably required by a law enforcement agency.

10. Review of the Committee Charter

The Committee shall review and assess the adequacy of the Charter every two years or earlier if necessary and will submit requests for any substantial changes through to Council via the Chief Executive Officer for approval of any revisions and improvements.

11. Register of Audit and Risk Committee Members

Independent Members

Committee Member	Appointment	Date Re-appointed	Review Date
Mr Warren Pollock	1 October 2016	1 October 2019	1 October 2022
Mr Graham Bastian	1 October 2014	1 October 2017	1 October 2020
Mr Shannon Buckley	1 October 2018	N/A	1 October 2021
Ms Jovana Obradovic-Tantra	1 October 2018	N/A	1 October 2021

Council Representatives

Committee Member	Initial Appointment	Date Re-appointed	Review Date
Cr Margaret O'Rourke	19 December 2016	20 November 2019	Annually
Cr Jennifer Alden	12 December 2018	20 November 2019	Annually
Cr Andrea Metcalf	20 November 2019		Annually

12. Revisions of the Charter

Council first adopted an Audit Committee Charter in April 2002. The following amendments have been made since that date:

Date of Revision	Changes made
June 2009	Update
7 December 2011	Updated Committee Members
5 April 2011	Updated Committee Members
23 May 2012	The Audit Committee
20 November 2014	The Audit Committee reviewed the Charter, but no changes were made.
19 December 2016	(Various amendments including changing of some Objectives). These amendments were as a result of a review conducted by the Committee.
9 March 2017	Various amendments). These amendments were as a result of a review conducted by the Committee, in accordance with Section 6.8 of the Charter.
2 March 2018	These amendments were recommended by the Division of Local Government in their revised internal Audit Guidelines issued in September 2010.
July 2018	Expanded scope of Charter to include Risk Management.
24 October 2018	Updated Committee members
12 December 2018	Updated Councillor members
(Insert Month) 2020	Full revision of the Charter to update as per the LG Act 2020

S5 Instrument of Delegation to Chief Executive Officer

Greater Bendigo City Council

Instrument of Delegation

to

The Chief Executive Officer

SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing,

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

1. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 1.1 awarding and executing a contract which exceeds the value of \$1.65 million (inclusive of GST), for fixed deliverables and \$1.65 million per annum for schedule of rates and provided that any contract awarded following a public tender process is reported to Council within 2 ordinary Council meetings following the finalisation of the tender process;
 - 1.2 awarding and executing fixed deliverable contract variations which exceed 30% of the original contract sum in the aggregate, or \$495,000 (inclusive of GST) individually, whichever is the lesser.
 - 1.3 awarding and executing schedule of rates contract variations which exceed 30% of the original contract sum in the aggregate per annum, or \$495,000 (inclusive of GST), whichever is the lesser.
 - 1.4 executing a variation of contract which exceeds 30% of the original contract sum in the aggregate, or \$495,000 individually (inclusive of GST), whichever is the lesser, in accordance with Council policy;
 - 1.5 acquiring an option to purchase property for strategic municipal purposes where the option fee exceeds \$100,000 (exclusive of GST) and provided that Council is advised of the acquisition of the option within 2 ordinary Council meetings following the finalisation of the option acquisition;
 - 1.6 initiating or continuing legal proceedings under section 232 of the Act if the proceedings may:
 - 1.6.1 raise substantial issues of controversy in the community;
 - 1.6.2 affect the City's/ relationship with other bodies; or
 - 1.6.3 require substantial financial commitment from the City,unless, in the delegate's reasonable opinion, due to the urgency of the matter the decision cannot be referred to a meeting of Council for a decision and:
 - 1.6.4 the delegate has first consulted with the Mayor; and
 - 1.6.5 arrangements are put in place to report the matter to Council at the first opportunity;

- 1.7 initiating or continuing legal proceedings, if the proceedings are likely (in the opinion of the delegate) to:
 - 1.7.1 raise substantial issues of controversy in the community; or
 - 1.7.2 require substantial financial commitment from the City,

unless, due to the urgency of the matter the decision cannot be referred to a meeting of Council for a decision and:

 - 1.7.3 the delegate has first consulted with the Mayor; and
 - 1.7.4 arrangements are put in place to report the matter to Council at the first opportunity;
- 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
- 1.4 electing a Mayor or Deputy Mayor;
- 1.5 granting a reasonable request for leave under section 35 of the Act;
- 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
- 1.7 approving or amending the Council Plan;
- 1.8 adopting or amending any policy that Council is required to adopt under the Act;
- 1.9 adopting or amending the Governance Rules;
- 1.10 appointing the chair or the members to a delegated committee;
- 1.11 making, amending or revoking a local law;
- 1.12 approving the Budget or Revised Budget;
- 1.13 approving the borrowing of money;
- 1.14 appointing councillor or community delegates or representatives to external organisations; or
- 1.15 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
 - 4.1 policy; or
 - 4.2 strategy,

adopted by Council; or

5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise.