



City of
STONNINGTON

Governance Rules

SEPTEMBER 2024



Governance Rules

Date resolved by Council:	2 September 2024
Commencement Date:	3 September 2024
Responsible Directorate:	Chief Executive Officer
Author:	Manager Governance

Document History

Version	Date	Author	Comments
1	4-18 August 2020	Civic Support Officer	Draft rules for community feedback
2	31 August 2020	Civic Support Officer	Adopted by Council
3	19 July 2021	Senior Governance Advisor	Adopted by Council
4	12 September 2022	Executive Manager Legal and Governance	Adopted by Council
5	12 February 2024	Manager Governance	Adopted by Council Changes to apply from 22 April 2024
6	24 June 2024	Manager Governance	Adopted by Council
7	2 September 2024	Manager Governance	Adopted by Council

Document Authorisation

City of Stonnington	
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Date	2 September 2024

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COMMITMENT

The Council seeks to apply good governance in order to:

- » engage our community in decision making;
- » achieve the best outcomes for the Stonnington community, including future generations;
- » ensure transparency of Council decisions, actions and information;
- » ensure the ongoing financial viability of the Council;
- » improve our performance; and
- » spend public monies wisely.

INTRODUCTION

1. Purpose

These Governance Rules determine the way in which the Council will:

- » make decisions:
 - in the best interests of the Stonnington community;
 - fairly and on the merits of the matter before the Council; and
 - in a way that ensures any person whose rights will be directly affected by any or all decisions, will be entitled to communicate their views and have their interests considered;
- » elect its Mayor and Deputy Mayor;
- » conduct meetings of the Council and Delegated Committees;
- » give notice and make records of meetings;
- » be informed in its decision making through community engagement and Council officer reports; and
- » require the disclosure of all Councillor and management conflicts of interest.

These Governance Rules also include the Election Period Policy

2. Principles

The Council must, in the performance of its role, give effect to the overarching governance principles outlined in the Local Government Act 2020.

These principles are:

- (a) council decisions are to be made and actions taken in accordance with the relevant Act;
- (b) priority is to be given to achieving the best outcomes for the community, including future generations;
- (c) promote the economic, social and environmental sustainability of the municipality, including mitigation and planning for climate change risks;
- (d) the community is to be engaged in strategic planning and strategic decision making;
- (e) pursue innovation and continuous improvement;
- (f) collaborate with other councils, governments and statutory bodies;
- (g) ensure the ongoing financial viability of the Council;
- (h) consider regional, state and national plans and policies in strategic planning and decision making; and
- (i) maintain the transparency of Council decisions, actions and information.

To successfully implement the overarching governance principles, the Council must take into account the following:

- (a) community engagement;
- (b) public transparency;
- (c) strategic planning;
- (d) financial management; and
- (e) service performance.

3. Nature of Rules

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

4. Date of Commencement

These Governance Rules commence on 25 June 2024.

5. Contents

These Governance Rules are divided into the following Chapters:

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

6. Definitions

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

Act means the *Local Government Act 2020*.

agenda means the notice of a meeting setting out the business to be transacted at the meeting and includes a revised agenda.

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

authorised officer means a member of Council staff who is authorised by Council to carry out specific functions in relation to these Rules.

Chair means the Chair of a meeting and includes an acting, a temporary and a substitute Chair

Chief Executive Officer includes an Acting Chief Executive Officer.

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

Council means Stonnington City Council.

Council meeting has the same meaning as in the Act.

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

General Business means business of a minor or routine nature.

majority of the votes means the votes cast by a majority of the Councillors or members of the *Delegated Committee* present at the time the vote is taken.

Mayor means the Mayor of *Council*.

minute book means the collective record of the proceedings of the *Council*.

municipal district means the municipal district of the *Council*.

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

notice of rescission means a notice of motion to rescind a resolution made by the *Council*.

these *Rules* means these Governance Rules.

Repetitious motion means:

- a) a motion moved that is to the same effect, even if it is in a different form, as a motion (with or without amendment) that has been rejected by the Council at the same meeting; or
- b) a motion that substantially covers the same ground as a motion or amendment already dealt with by the Council at the same meeting.

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 Council meeting or Delegated Committee meeting

visitor means any person (other than a Councillor, member of a Delegated Committee, or member of the Council staff) who is in attendance at a *Council meeting* or *Delegated Committee meeting*.

written includes duplicated, lithographed, photocopied, printed and typed.

CHAPTER 1 – GOVERNANCE FRAMEWORK

1. Context

These Governance Rules determine the way in which the Council will:

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

- (a) the overarching governance principles specified in section 9(2) of the Act; and
- (b) the following documents adopted or approved by the Council:
 - (i) Audit and Risk Committee Charter
 - (ii) Community Engagement Policy
 - (iii) Complaints Policy
 - (iv) Councillor Code of Conduct
 - (v) Councillor Expense Policy
 - (vi) Councillor Gift Policy
 - (vii) Public Transparency Policy
 - (viii) Mutual Respect Charter

Guidance and overview notes within these Rules are intended to be explanatory and included for guidance and do not form part of these Rules. These Rules will be monitored and updated to reflect changes to legislation or to assist interpretation and understanding.

2. Decision Making

- (a) In any matter in which a decision must be made by the Council (including persons acting with the delegated authority of the Council), the Council must consider the matter and make a decision:
- (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) The Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
- (i) before making a decision that will directly affect the rights of a person, the Council (including any person acting with the delegated authority of the Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which the Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
 - (ii) if a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - (iii) if a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
 - (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

CHAPTER 2 – MEETING PROCEDURE FOR COUNCIL MEETINGS

PART A – INTRODUCTION

1. Title

This Chapter will be known as the “Meeting Procedure Chapter”.

2. Purpose of this Chapter

The purpose of this Chapter is to:

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor; and
- 2.3 provide for the procedures governing the conduct of Council meetings.

3. Definitions and Notes

- 3.1 In this Chapter unless the context suggests otherwise the definitions of words are to be taken to be the same as those outlined in Item 6 (‘Definitions’) of these Rules.
- 3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

PART B – ELECTION OF MAYOR

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

4. Election of the Mayor

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

5. Method of Voting

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

6. Determining the Election of the Mayor

- 6.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.
- 6.2 The process for the election of the Mayor is as follows:
 - 6.2.1 the Chief Executive Officer must invite nominations for the office of the Mayor; and
 - 6.2.2 the nomination must be seconded by another Councillor.

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

Single Nomination

- 6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected.

Multiple Nominations and Candidates Elected On First Vote

- 6.3.2 if there is more than one nomination, the Chief Executive Officer, will invite the candidates to speak for 3 minutes in support of their nomination;
- 6.3.3 if there is more than one nomination, the Councillors in attendance at the meeting must vote for one of the candidates;
- 6.3.4 in the event of a candidate receiving the votes of an absolute majority of Councillors, that candidate is declared to have been elected.

Three or More Nominations and No Candidate Obtaining Absolute Majority on First Vote

- 6.3.5 in the event that there are three or more candidates, no candidate receives the votes of an absolute majority of Councillors; and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates.
- 6.3.6 if one of the remaining candidates receives the votes of an absolute majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the votes of an absolute majority of Councillors. That candidate must then be declared to have been duly elected.
- 6.3.7 for the purposes of sub-Rules 6.3.5 and 6.3.6 if no candidate can be determined to have the fewest number of votes due to two or more candidates having an equality of votes then the candidate who is to be declared a defeated candidate will be determined by lot.
- 6.3.8 if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
- (a) each candidate who has an equal number of votes with another candidate or candidates will draw one lot;
 - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors.

Two Nominations or Two Remaining Candidates and No Candidate Obtaining an Absolute Majority On First Vote

- 6.3.9 in the event of two candidates being nominated or remaining , and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors in attendance at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- 6.3.10 if it is resolved to conduct a new election at a later date and time a new election will take place at the date, time and location resolved upon. In that event the provision of this Rule 6 will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be duly elected; and
- 6.3.11 if it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be duly elected. If, after two or more further votes are taken and neither candidate receives the votes if an absolute majority of Councillors, the provisions of sub-Rule 6.3.9, sub-Rule 6.3.10 and this sub-Rule 6.3.11 must again be followed.
- 6.4 After the election of the Mayor is determined, the Mayor must take the chair, and preside over the meeting pursuant to the Governance Rules.

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a Delegated Committee will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:
- 7.3 Chief Executive Officer is a reference to the Mayor; and
- 7.4 Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).

8. Appointment of Acting Mayor

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

- 8.1 appointing the immediate past mayor; or
- 8.2 resolving that a specified Councillor be so appointed; or
- 8.3 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.

PART C – MEETINGS PROCEDURE

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

Division 1 – Notice of Meetings and Delivery of Business Papers

9. Dates and Times of Meetings Fixed by the Council

Subject to Rule 11, the Council must from time to time fix the date, time and place of all Council meetings.

10. Council May Alter Meeting Dates

- 10.1 The Council may change the date, time and place of any Council meeting which has been fixed by it and must provide reasonable notice of the change to the public.
- 10.2 The Chief Executive Officer shall consult with the Mayor, before changing the date, time and place of any meeting which has been fixed.

11. Meetings Not Fixed by the Council (Unscheduled or Special Meetings)

- 11.1 The Mayor or at least 3 Councillors may by a written notice call a Council meeting.
- 11.2 The notice must specify the date and time of the Council meeting and the business to be transacted.
- 11.3 The Chief Executive Officer must convene the Council meeting as specified in the notice.
- 11.4 Unless all Councillors are in attendance and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council meeting.

12. Notice of Meeting

- 12.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered (whether personally, email or otherwise) or made available electronically to every Councillor for all Council meetings at least 48 hours before the meeting.
- 12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be made available to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting during the period of their absence.
- 12.3 Reasonable notice of each Council meeting must be provided to the public. The Council may do this:
 - 12.3.1 for meetings which it has fixed by preparing a schedule of meetings annually or from time to time, and arranging publication of such schedule in a newspaper generally circulating in the municipal district or on the Council website at various times throughout the year, or prior to each such Council meeting; and
 - 12.3.2 for any meeting by giving notice on its website and in each of its Customer Service Centres and Council Libraries

Division 2 – Quorums

The quorum for Council meetings is the presence of a majority of the Councillors.

13. Inability to Obtain a Quorum

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

- 13.1 the meeting will be deemed to have lapsed;
- 13.2 the Mayor must convene another Council meeting, the agenda for which will be identical to the agenda for the lapsed meeting; and
- 13.3 the Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.

14. Inability to Maintain a Quorum

- 14.1 If during any Council meeting, a quorum cannot be maintained then Rule 13 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 14.2 Sub-Rule 14.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.
- 14.3 If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, the Council must consider whether the decision can be made by dealing with the matter in an alternative manner as provided for by section 67 of the Act.
- 14.4 Subject to complying with any requirements under any other Act if a Council is unable to use an alternative manner, the Council may decide to establish a Delegated Committee to make the decision in regard to the matter consisting of:
 - (a) All the Councillors who have not disclosed a conflict of interest in regard to the matter;
 - (b) Any other person or persons that the Council considers suitable.

15. Adjourned Meetings

- 15.1 The Council may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 15.2 The Chief Executive Officer must give notice to all Councillors and members of the public, of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 15.3 If it is impracticable for the notice given under sub-Rule 15.2 to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.

16. Time limits for Meetings

- 16.1 A Council meeting must not continue after 11.00pm unless a majority of Councillors who are in attendance vote in favour of it continuing.
- 16.2 A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of Councillors has already voted to continue it for 30 minutes).
- 16.3 If a matter before the meeting has not concluded by the time the 30 minute time extension has expired, the matter before the meeting may continue until such time as the matter has been resolved. No further matters may be considered after the conclusion of the matter before the meeting.
- 16.4 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the Chair immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

17. Cancellation or Postponement of a Meeting

- 17.1 The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a Council meeting.
- 17.2 The Chief Executive Officer, after consulting the Mayor or Chair of a Delegated Committee, may cancel a meeting if there is no business to be transacted.
- 17.3 The Chief Executive Officer must present to the immediately following Council meeting a written report on any exercise of the power conferred by sub-Rule 17.1.

Division 3 – Business of Meetings

18. Agenda and the Order Of Business

The agenda for and the order of business for a Council meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government. In setting the order of business the Chief Executive Officer should have regard to:

- 18.1 the expected duration of the meeting;
- 18.2 potential implications for subsequent meetings or events
- 18.3 the sensitivity of any particular item;
- 18.4 the anticipated community interest in any particular item;
- 18.5 where practicable, feedback from the Mayor;
- 18.6 the urgency of any particular item; and
- 18.7 any other relevant factor which may impact on the processes and good governance of the Council.
- 18.8 The order of business of any Council meeting, must be as follows
 - 18.8.1 Reading of the Statement of Reconciliation
 - (a) The Chair will read the Statement of Reconciliation
 - 18.8.2 Reading of Statement of Commitment
 - (a) The Chair will read the Statement of Commitment
 - 18.8.3 Introductions of Councillors and Executive Staff
 - (a) The Chair will introduce the Councillors and the Chief Executive Officer present at the meeting.
 - (b) The Chief Executive Officer will introduce the Council Officers present at the meeting
 - 18.8.4 Apologies
 - 18.8.5 Confirmation of the Minutes of the Previous Meeting
 - 18.8.6 Disclosure of any Conflicts of Interest
 - 18.8.7 Questions From the Community
 - 18.8.8 Business
 - 18.8.9 Correspondence
 - 18.8.10 Tabling of Petitions and Joint Letters
 - 18.8.11 Notices of Motion
 - 18.8.12 Reports by Councillors
 - 18.8.13 Questions to Council Officers
 - 18.8.14 Urgent Business
 - 18.8.15 General Business
 - 18.8.16 Confidential Business

19. Change to Order of Business

Once an agenda has been made available to Councillors, the order of business for that Council meeting may be altered:

- 19.1 prior to the meeting by the Chief Executive Officer by issuing a revised agenda in accordance with Rule 18; or
- 19.2 by resolution, or with the consent of the Council at the meeting.

20. Urgent Business

A Councillor proposing an item of Urgent Business, must, without speaking to it, briefly state its nature and intent. Business cannot be admitted as urgent business other than by resolution of Council and only then if it:

- 20.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 20.2 cannot safely or conveniently be deferred until the next Council meeting.

21. General Business

- 21.1 When dealing with General Business on the Agenda, a Councillor may make a statement on an issue of concern to the City or to a Ward. Only business of a minor or routine nature should be admitted as general business and there shall be no debate or resolution arising from that statement.
- 21.2 A Councillor must not speak longer than 2 minutes, unless granted an extension by the Chair.

Division 4 – Motions and Debate

22. Councillors May Propose Notices of Motion

Councillors may ensure that an issue is listed on an agenda by lodging a Notice of Motion in accordance with Rule 23.

23. Notice of Motion

- 23.1 A Notice of Motion must be in writing signed by three Councillors, and be lodged with the Chief Executive Officer (whether personally, email or otherwise) by 12 noon on a business day not less than five days prior to the next Council meeting at which the notice or motion may be considered. If a notice of motion is received after that time it must, unless withdrawn, be included in the agenda for the following Council meeting.
- 23.2 A Notice of Motion may be withdrawn by a request in writing received (whether personally, email or otherwise) from the three Councillors who signed the motion, prior to the publication of the agenda for which the Notice of Motion was intended. Otherwise, the item must be dealt with at a Council meeting.
- 23.3 The Chief Executive Officer must make reasonable attempts to give Councillors notice of any notice of motion no less than 48 hours before the Council meeting at which the notice of motion is to be considered.
- 23.4 The Chief Executive Officer may reject any Notice of Motion which:
- 23.4.1 is potentially defamatory
 - 23.4.2 is objectionable in language or nature
 - 23.4.3 is vague or unclear in intention
 - 23.4.4 is outside the powers of the Council; or
 - 23.4.5 if passed would result in the Council otherwise acting invalidly
- 23.5 If a Notice of Motion is rejected under sub-Rule 23.4 , the Chief Executive Officer must:
- 23.5.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 23.5.2 notify in writing the Councillor who lodged it of the rejection and the reasons for the rejection.
- 23.6 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the agenda.
- 23.7 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the

notice of motion register in the order in which they were received.

- 23.8 Except by leave of the Council, each Notice of Motion before any meeting must be considered in the order in which they were submitted.
- 23.9 If a Councillor who has given a Notice of Motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.
- 23.10 If a Notice of Motion is not moved at the Council meeting in accordance with sub-Rule 23.9, the Notice of Motion shall be deemed to have lapsed for want of a mover.
- 23.11 The Chief Executive Officer may provide a report to the Council detailing the implications for the Council and the community in respect of any Notice of Motion which has been submitted for inclusion on the agenda paper.

24. Chair's Duty

Any motion or amendment which is determined by the Chair to be:

- 24.1 potentially defamatory;
- 24.2 objectionable in language or nature;
- 24.3 vague or unclear in intention;
- 24.4 outside the powers of the Council; or
- 24.5 if passed would result in the Council otherwise acting invalidly; or
- 24.6 irrelevant to the item of business on the agenda and has not been admitted as General Business or Urgent Business, or purports to be an amendment but is not,

must not be accepted by the Chair.

25. Introducing a Report

- 25.1 Before a written report is considered by Council and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes:
 - 25.1.1 its background; or
 - 25.1.2 the reasons for any recommendation which appears.
- 25.2 Unless Council resolves otherwise, a member of Council staff need not read any written report to Council in full.

26. Introducing a Motion or an Amendment

The procedure for moving any motion or amendment is:

- 26.1 the mover must state the motion without speaking to it;
- 26.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
- 26.3 if a motion or an amendment is moved and seconded, the Chair must ask the mover to speak to the motion;
- 26.4 after the mover has addressed the meeting, the seconder may address the meeting (the seconder may reserve their right to speak until later in the debate);
- 26.5 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion; and
- 26.6 if, after the mover has addressed the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.
- 26.7 no discussion on the item being considered may take place until such time as a motion is before the Chair. Questions of clarification may be asked of the Chair or members of Council staff present at the meeting.

27. Right of Reply

- 27.1 The mover of a motion, including an amendment once debate has been exhausted, has a right of reply to matters raised during debate. The mover of the motion cannot introduce new matters when exercising the right of reply.
- 27.2 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

28. Moving an Amendment

- 28.1 Subject to sub-Rule 28.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 28.2 A motion to confirm a previous resolution of Council cannot be amended.
- 28.3 An amendment must not be directly opposite to the motion.

29. Who May Propose an Amendment

- 29.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 29.2 No Councillor can move more than two amendments in succession.
- 29.3 Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.
- 29.4 Debate on an amendment must be restricted to the terms of the amendment.

30. How Many Amendments May be Proposed

- 30.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.
- 30.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

31. An Amendment Once Carried

- 31.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- 31.2 The mover of the original motion retains the right of reply to that motion.

32. Foreshadowing Motions

- 32.1 At any time during debate a Councillor may foreshadow a motion so as to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 32.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 32.4 The Chief Executive Officer or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 32.5 The Chair is not obliged to accept foreshadowed motions.

33. Withdrawal of Motions

- 33.1 Before any motion or amendment is put to the vote, it may be withdrawn by the mover and seconder with the leave of the Council.
- 33.2 If the majority of Councillors object to the withdrawal of the motion or amendment, it may not be withdrawn.

34. Separation of Motions

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

35. Chair May Separate Motions

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

36. Moved in a Block (en bloc)

The Chair must not allow any agenda items to be moved in a block (en bloc).

37. Priority of address

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

38. Motions in Writing

- 38.1 All motions, except procedural motions, should be in writing.
- 38.2 The Chair may adjourn the meeting while the motion is being written or the Council may defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

39. Repeating Motion and/or Amendment

The Chair may request a Council Officer to read the motion or amendment to the meeting before the vote is taken.

40. Debate Must be Relevant to the Motion

- 40.1 Debate must always be relevant to the motion or question before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion or question.
- 40.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to not speak further in respect of the motion then before the Chair.
- 40.3 A speaker to whom a direction has been given under sub-Rule 39.2 must comply with that direction.

41. Speaking Time Limits

- 41.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:
- 41.1.1 the mover of a motion or an amendment which has been opposed: 5 minutes;
 - 41.1.2 any other Councillor: 3 minutes; and
 - 41.1.3 the mover of a motion exercising a right of reply: 2 minutes.
- 41.2 Only one extension is permitted for each speaker.
- 41.3 A motion to extend the speaking time cannot be moved:
- 41.3.1 until the original speaking time has expired; and
 - 41.3.2 if another speaker has already commenced their contribution to the debate; and must be seconded.
- 41.4 Any extended speaking time must not exceed 1 minute.
- 41.5 All speakers must be timed, and a warning signal sound when 30 seconds of the allocated time is remaining.
- 41.6 In relation to Public Submissions under the Community Engagement Policy and for all other purposes where otherwise not specified in the Rules a 3 minute time limit will apply.

42. Addressing the Meeting

If the Chair so determines:

- 42.1 any person addressing the Chair must refer to the Chair as Mayor or Chair, as the case may be;

- 42.2 all Councillors, other than the Mayor, must be addressed as

Councillor _____ (family name)

- 42.3 all members of Council staff, must be addressed by the appropriate title

_____ (family name) as appropriate or by their official position title.

43. Right to Ask Questions

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

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

44. Questions From Councillors to Council Officers

- 44.1 An opportunity will be provided at each Council meeting for Councillors to direct questions to Council Officers on any matter relevant to a particular directorate.
- 44.2 A time limit of 3 minutes will apply to each Councillor.

Division 5 – Procedural Motions

45. Procedural Motions

- 45.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- 45.2 Procedural motions require a seconder.
- 45.3 Procedural motions may only be moved and seconded by Councillors as specified in the Procedural Motions Table.
- 45.4 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the Procedural Motions Table.

Procedural Motions Table

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor	Any matter	(a) During the election of a Chair; (b) When another Councillor is speaking	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Any matter except: (a) election of a Chair	(a) During the election of Ma Chair; (b) When another Councillor is speaking	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	A Councillor who has not spoken to the motion or any amendment of it	Any matter	During nominations for Chair	The Chair must call on the mover of the original motion or amendment of it amendment in respect of which the closure motion is carried to reply to the debate on the original motion or amendment and then immediately put the original motion or amendment to the vote. No further debate on, or amendment to the original motion or amendment is	Debate continues unaffected	No
4. Laying a question on the table	That the question lie on the table	A Councillor who has not spoken to the motion or any amendment of it	Any matter	(a) During the election of a Chair	Motion and amendments not further discussed or voted on until: (a) Council resolves to take the question from the table at the same meeting; (b) The matter is placed on an agenda and Council resolves to take the question from the table	Debate continues unaffected	No

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
5. Previous question	That the question be not now put	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) election of a Chair;	a) During the election of a Chair; (b) When another Councillor is speaking; (c) When an amendment is before Council	a) No vote or further discussion on the motion until it is placed on an agenda for a later meeting; (b) Proceed to next business	Motion (as amended up to that time) put immediately without further amendment or debate	Yes
6. Proceeding to next business	That the meeting proceed to the next Business: Note this Motion (a) May not be amended (b) May not be debated (c) Must be put to the vote as soon as Seconded	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) Election of Chair	(a) During the election of a Chair (b) When another Councillor is speaking	If carried in respect of: (a) An amendment – Council considers the motion without reference to the amendment: (b) A motion – no vote or further discussion on the motion until it is placed on an agenda for a later meeting	Debate continues unaffected	No
7. Repetitious motion	The motion is a repetitious motion	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) Election of a Chair	(a) During the election of a Chair (b) When another Councillor is speaking	a) No vote or further discussion on the motion unless it is placed on an agenda for a latter meeting (b) Proceed to next business	Debate continues unaffected	Yes

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
8. Dissent from the Chair's ruling	That the Chair's ruling be dissented from	Any Councillor 1. Once moved and seconded, the Chair must leave the Chair and a temporary Chair elected 2. The temporary Chair must invite the mover and seconder to state the reasons for his or her dissent and the Chair may then reply. 3. The motion must then be put	Any ruling made by the Chair		If carried, the Chair must resume the Chair, reverse his or her previous ruling and proceed. The motion is in no way a motion of censure or non-confidence, and should not be so regarded	If lost, the Chair resumes the Chair and the meeting proceeds	No, other than that the mover and seconder may state the reasons for his or her dissent and the Chair may then reply
9. Suspension of standing orders	That standing orders be suspended	Any Councillor	Any matter		1. The formalities of the meeting procedure are temporarily disposed of 2. No motion can be accepted by the Chair or lawfully be dealt until standing orders	The formalities of the meeting procedure remain in place	Yes
10. Resumption of standing orders	That standing orders be resumed	Any Councillor	Any matter	When standing orders have not been suspended	The formalities of the meeting procedure are reinstated	1. The formalities of the meeting procedure remain temporarily disposed of. 2. No motion can be accepted by the Chair or lawfully be dealt until standing orders are resumed	Yes

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
11. Close the meeting to the public	That the meeting be closed to the public in accordance with section 66 of the Act to Consider.... Because....	Any Councillor	Any matter included in the definition of Confidential Information prescribed in section 3 of the Act	When the meeting is already closed to the public	The meeting is closed to the public	The meeting remains open to the public	Yes
12. Reopen the meeting to the public	That the meeting be reopened to the Public	Any Councillor	Any matter	When the meeting is already open to the public	The meeting is opened to the public	The meeting remains closed to the public	Yes
13. Continuance of Meeting	That the meeting continue to #.##pm	Any Councillor	Any matter		The time limit specified in Rule 16 is to be substituted with the time limit specified in the continuance motion	The meeting stands adjourned to a time, date and place to be then and there announced by the Chair	No
14. No recording of proceedings	That Council revokes consent for the recording of the Meeting	Any Councillor	A decision to record, or consent to recording of proceedings under Rule 69		Consent to record proceedings is revoked	The meeting continues unaffected	Yes

Division 6 – Rescission Motions

46. Notice of Rescission

- 46.1 A Councillor may propose a motion to rescind or to vary a previous resolution of the Council by a notice of rescission provided:
- 46.1.1 the resolution proposed to be rescinded has not been acted on; and
 - 46.1.2 it has been signed and dated by at least three Councillors;
 - 46.1.3 the notice of rescission is delivered to the Chief Executive Officer within 24 hours of the resolution having been made setting out -
 - (a) the resolution to be rescinded; and
 - (b) the meeting and date when the resolution was carried.
- 46.2 The Chief Executive Officer or an appropriate member of Council staff, may implement a resolution at any time after the close of the meeting at which it was made. A resolution will be deemed to have been acted on if:
- 46.2.1 its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or
 - 46.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on the Council or any other person.
- 46.3 The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
- 46.3.1 has not been acted on; and
 - 46.3.2 is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule 46.1.3,
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

47. If Lost

If a notice of rescission is lost, a similar motion may not be put before the Council for at least three months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.

48. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses and a similar motion may not be put before the Council for at least three months from the date on which it lapsed.

49. May be Moved by Any Councillor

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

50. When Not Required

50.1 Unless sub-Rule 50.2 applies, a motion for rescission is not required where the Council wishes to change policy.

50.2 The following standards apply if the Council wishes to change a policy:

50.2.1 if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to the Council; and

50.2.2 any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 – Points of Order

51. Chair to Decide

The Chair must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

52. Chair May Adjourn to Consider

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

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

53. Dissent From Chair's Ruling

53.1 A Councillor may move that the meeting disagree with the Chair's ruling on a point of order, by moving:

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

53.3 When a motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not in attendance, temporary Chair elected by the meeting) must take their place.

53.4 The Deputy Mayor or temporary Chair must invite the mover and seconder to state the reasons for their dissent and the Chair may then reply.

- 53.5 The Deputy Mayor or temporary Chair must put the motion in the following form:
- 53.6 “That the Chair’s ruling be dissented from.”
- 53.7 If the vote is in the negative, the Chair resumes the Chair and the meeting proceeds.
- 53.8 If the vote is in the affirmative, the Chair must then resume the Chair, reverse or vary (as the case may be) their previous ruling and proceed.
- 53.9 The defeat of the Chair’s ruling is in no way a motion of censure or non- confidence in the Chair, and should not be so regarded by the meeting.

54. Procedure for Point Of Order

A Councillor raising a point of order must:

- 54.1 state the point of order; and
- 54.2 state any section, Rule, paragraph or provision relevant to the point of order

55. Valid Points Of Order

- 55.1 A point of order may be raised in relation to:
- 55.1.1 a motion, which, under Rule 24, or a question which, under Rule 56, should not be accepted by the Chair;
 - 55.1.2 a question of procedure;
 - 55.1.3 a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
 - 55.1.4 debate that is irrelevant to the matter under consideration;
 - 55.1.5 constitutes a tedious repetition of something already said;
 - 55.1.6 a matter that is outside the powers of the Council;
 - 55.1.7 is offensive; or
 - 55.1.8 any act of disorder.
- 55.2 A point of order may not be raised to express a mere difference of opinion or to contradict a speaker

Division 8 – Questions From the Community

56. Question Time

- 56.1 There must be a public question time at every Council meeting fixed under Rule 9 to enable members of the public to submit questions to the Council, except in meetings that are closed to the public in accordance with section 66(2) of the Act.
- 56.2 Public question time will not exceed 30 minutes in duration, unless by Council resolution, in which case the time may be extended for one period of up to 15 minutes.
- 56.3 Questions/Statements submitted to the Council:
- 56.3.1 must be in writing, state the name, telephone number and address of the person submitting the question and the date;
 - 56.3.2 must be sent electronically or received by the Chief Executive Officer prior to 12 noon on the day of the Council meeting; and
 - 56.3.3 will have the details of the authors verified as far as practicable.
- 56.4 Members of the public may speak to up to three (3) minutes, and may make statements or ask questions on general matters, or those that relate to a topic on the agenda. Questions may only be asked of Council and may not be directed to individual Councillors or officers.
- 56.5 No person may submit more than two (2) questions to be answered at any one (1) meeting. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than two questions are received to be answered in person, only the first two questions will be considered. All parts of the question must be relevant to the same subject.
- 56.6 All questions and answers must be as brief as possible, and no further questions will be taken from the answers given, and no discussion may be allowed other than by Councillors for the purposes of clarification.
- 56.7 A maximum of three (3) questions will be heard on any one subject. Like questions may be grouped together and a single answer provided. Questions in relation to the listed agenda items will be given priority, and if time allows, questions about items other than those listed will be considered.
- 56.8 Questions that relate to items on the meeting agenda will not be referred to officers. A Councillor may facilitate a question received at the time on the agenda that the item is to be discussed.
- 56.9 Members of the public submitting questions or making statements should be in person in the gallery at the Council meeting. For members of the public unable to attend the meeting in person, consideration may be given for the requester to attend a meeting via electronic communications.

- 56.10 Where the requirements to present a question in writing and/or in English unreasonably prevents or hinders participation in public question time, assistance with submitting questions is available from Council, via an interpreter service if required.
- 56.11 The Chair may, subject to rule 56.12, permit a representative to attend or read a question on behalf of a person who is unable to attend the meeting, or read a question, because of a personal characteristic or attribute protected by law, such as (but not limited to) having a disability, their age or status as a carer.
- 56.12 The Chair shall not exercise his or her discretion to permit a representative in accordance with sub-Rule 56.11 on the ground of inconvenience alone.
- 56.13 Members of the public are requested to ensure their input remains constructive and of value to Council decision-making.
- 56.14 The Chair may respond or may nominate an Officer to respond to a question.
- 56.15 The Chair or the CEO may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question.
- 56.16 The CEO may advise the Council that the reply to a question should be given in a meeting closed to members of the public. The CEO must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be given so.
- 56.17 A written response to a question will be sent to any person who chooses not to ask a question to Council in person or via electronic means (virtually). A copy of these questions and responses will be tabled and inserted into the minutes of the following Council meeting.
- 56.18 The name of the person, the statement or question and the response (if the question and response are read out at the meeting) must be recorded in the Minutes, as an official record of the questions dealt with at the Meeting.

56.19 A question/statement may be disallowed by the Chair if the Chair determines that it:

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

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

56.19.3 deals with a subject matter already answered;

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

56.19.5 relates to personnel matters;

56.19.6 relates to the personal hardship of any resident or ratepayer;

56.19.7 relates to industrial matters;

56.19.8 relates to contractual matters;

56.19.9 relates to proposed developments;

56.19.10 relates to legal advice;

56.19.11 relates to matters affecting the security of Council property;

56.19.12 relates to any other matter which the Council considers would prejudice the Council or any person; or

56.19.13 relates to electoral matter during an election period,

56.20 Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.

Division 9 – Petitions and Joint Letters

57. Petitions and Joint Letters

- 57.1 Unless the Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter or other like application until the next fixed Council meeting after that at which it has been presented.
- 57.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language which is disrespectful towards the Council and that the contents do not violate a Local Law.
- 57.3 Every Councillor presenting a petition or joint letter to the Council must:
- 57.3.1 write or otherwise record their name at the beginning of the petition or joint letter; and
 - 57.3.2 confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the preamble or request.
- 57.4 Every petition or joint letter presented to Council must be in writing, and contain the request of the petitioners or signatories and be signed by at least 5 people.
- 57.5 A petition may include a preamble on every page of a petition, consisting of the following words:
“We the undersigned hereby petition the Stonnington City Council...”
- 57.6 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 57.7 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by the Council.
- 57.8 Electronic or online petitions, joint letters, memorials or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purpose of this Rule 57, qualify as the address and signature of such petitioner or signatory.
- 57.9 If a petition, joint letter, memorial or other like application relates to an operational matter, the Council must refer it to the Chief Executive Officer for consideration.

Division 10 – Public Submissions

58. Public Submissions Under the Community Engagement Policy

Where a person is given a right to make a submission under the Community Engagement Policy and requests to appear in person (or to be represented by a person specified in the submission) at a Council meeting to be heard in support of the submission, the time limit for such hearing shall be 3 minutes, except that the Chair may allow the hearing to exceed 3 minutes.

Division 11 – Voting

59. How Motion Determined

- 59.1 To determine a matter before a meeting, the Chair must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.
- 59.2 Each Councillor at a Council meeting who is entitled to vote is entitled to one vote.
- 59.3 Where the vote is not unanimous, the Chair must state the names of those Councillors voting in the affirmative, those Councillors voting in the negative and those Councillors abstaining (negative vote).'

60. Silence

Subject to Rule 63, voting must take place in silence.

61. Recount

The Chair may direct that a vote be recounted to satisfy themselves of the result.

62. Casting Vote

- 62.1 In the event of a tied vote, the Chair must exercise a casting vote.
- 62.2 The Chair may adjourn a meeting to consider how their casting vote will be cast.

63. How Votes Are Cast

Voting on any matter is by show of hands or such other visible or audible means as the Chair determines.

64. No Discussion Once Declared

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

- 64.1 a Councillor requesting, before the next item of business is considered, that their opposition to a resolution be recorded in the minutes; or
- 64.2 foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

Division 12 – Minutes

65. Confirmation of Minutes

- 65.1 At every Council meeting the minutes of the preceding meeting(s) must be dealt with as follows:
- 65.1.1 a copy of the minutes must be made available to each Councillor no later than 48 hours before the next meeting;
 - 65.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
 - 65.1.3 if a Councillor indicates opposition to the minutes:
 - (a) they must specify the item(s) to which they object;
 - (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
 - (c) the Councillor objecting must move accordingly without speaking to the motion;
 - (d) the motion must be seconded;
 - (e) the Chair must ask:

“Is the motion opposed?”
 - (f) if no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 65.1.3(k);
 - (g) if a Councillor indicates opposition, then the Chair must call on the mover to address the meeting;
 - (h) after the mover has addressed the meeting, the seconder may address the meeting;
 - (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
 - (j) if, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion; and
 - (k) the Chair must, after all objections have been dealt with, ultimately ask:

“The question is that the minutes be confirmed” or

“The question is that the minutes, as amended, be confirmed”,

and they must put the question to the vote accordingly;
 - 65.1.4 a resolution of the Council must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed;
 - 65.1.5 the minutes must be collated annually and
 - 65.1.6 unless otherwise resolved or required by law, minutes of a Delegated Committee requiring confirmation by the Council must not be available to the public until confirmed by the Council.

66. No Debate on Confirmation of Minutes

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

67. Deferral of Confirmation of Minutes

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

68. Form and Availability of Minutes

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

- 68.1.1 the date, place, time and nature of the meeting;
- 68.1.2 the names of the Councillors in attendance and the names of any Councillors who apologised in advance for their non-attendance;
- 68.1.3 the names of the members of Council staff in attendance;
- 68.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;
- 68.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- 68.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
- 68.1.7 the vote cast by each Councillor unless carried unanimously;
- 68.1.8 questions upon notice;
- 68.1.9 the failure of a quorum;
- 68.1.10 any adjournment of the meeting and the reasons for that adjournment; and
- 68.1.11 the time at which standing orders were suspended and resumed.

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

- 68.2.1 published on the Council's website; and
- 68.2.2 available for inspection at the Council's office during normal business hours.

68.3 Nothing in sub-Rule 68.2 requires the Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

Division 13 – Recording of Proceedings

69. Recording of Proceedings

- 69.1 Subject to any resolution of the Council, the Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record the proceedings of a Council meeting electronically.
- 69.2 Subject sub-Rule 69.1, a person must not operate photographic, audio or video recording equipment or any other recording device at any Council meeting without first obtaining the consent of the Chair. Such consent may at any time during the course of such meeting be revoked by the Chair or resolution of the Council.

Division 14 – Behaviour

70. Display of Placards and Posters

- 70.1 A person must not display any placards or posters in the Council Chamber or in any building where a Council meeting or a Delegated Committee meeting is being or about to be held, other than outside the entrance to the building and even then only if it does not obstruct the entrance of the building.
- 70.2 A person must not:
- (a) display any offensive, indecent, insulting or objectionable item or words in the Council Chamber; or
 - (b) obstruct the entrance to the Council Chamber or a building where a Council meeting or a Delegated Committee meeting is being or about to be held.

71. Public Addressing the Meeting

- 71.1 Members of the public are not permitted to address the Council and may only do so with the consent of the Chair or by prior arrangement.
- 71.2 Any member of the public addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.
- 71.3 A member of the public in attendance at a Council meeting must not disrupt the meeting.

72. Chair May Remove

The Chair may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 71.2.

73. Chair May Adjourn Disorderly Meeting

If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, the Chair may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

74. Suspensions

- 74.1 The Council may via a resolution of the Council suspend from a meeting any Councillor whose actions have disrupted the business of the Council, and have impeded its orderly conduct.
- 74.2 The duration of any suspension under this Rule shall be at the Council's discretion but shall not exceed the balance of the meeting.

75. Removal From Chamber

- 75.1 The Chair must order the removal of any Councillor who has been suspended by the Council in accordance with Rule 74;
- 75.2 The Chair may order the removal of:
 - 75.2.1 any person, who disrupts any meeting or fails to comply with a direction;
 - 75.2.2 any person, who the Chair reasonably believes has acted in breach of this Chapter; or
 - 75.2.3 any person who the Chair reasonably believes has acted in breach of the Summary Offences Act 1966;
- 75.3 The Chair may issue a warning to any person before exercising the powers in sub-Rules 75.2 and 75.4.
- 75.4 The Chair may ask an authorised officer, security guard or member of the Victoria Police to cause the removal of any person who is the subject of an order under sub-Rules 75.1 or 75.2.

Division 15 – Additional Duties of Chair

76. The Chair's Duties and Discretions

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

- 76.1 must not accept any motion, question or statement which:
 - 76.1.1 may reasonably be considered to be defamatory, derogatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance of any Councillor, member of Council staff, or member of the community;
 - 76.1.2 relates to a matter outside the duties, functions and powers of Council;
 - 76.1.3 is aimed at embarrassing a Councillor, a member of Council staff or member of the community; and
- 76.2 must call to order any person who is disruptive or unruly during any meeting.

Division 16 – Suspension of Standing Orders

77. Suspension of Standing Orders

- 77.1 The Chair or any Councillor can move a motion which must be seconded (and the seconder must be a councillor other than the mover) indicating a desire to suspend standing orders to expedite the business of a meeting. In which case:
 - 77.1.1 the Chair may suspend standing orders with the support of the meeting;
 - 77.1.2 standing orders may be suspended by procedural motion.
- 77.2 the suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- 77.3 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council. An appropriate motion would be:

“That standing orders be suspended to enable discussion on.....”
- 77.4 No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders.
- 77.5 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.”

Division 17 – Physical and Remote Attendance

78. Mode of Attendance

- 78.1 Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:
- 78.1.1 wholly in person;
 - 78.1.2 wholly by electronic means; or
 - 78.1.3 partially in person and partially by electronic means.
- 78.2 The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:
- 78.2.1 wholly in person;
 - 78.2.2 wholly by electronic means; or
 - 78.2.3 partially in person and partially by electronic means.
- 78.3 If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 78.4 Any request made under sub-Rule 78.3 must:
- 78.4.1 be in writing;
 - 78.4.2 be given to the Chief Executive Officer no later than 3 hours prior to the scheduled commencement time of the relevant Council meeting; and
 - 78.4.3 specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.
- 78.5 The Chief Executive Officer must ensure that any request received in accordance with sub-Rule 78.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.
- 78.6 Council may approve and must not unreasonably refuse any request.
- 78.7 In considering whether to approve or refuse any request the Council must consider:
- 78.7.1 whether conducting the meeting partially by electronic means is physically and technically feasible;
 - 78.7.2 the reason specified by the Councillor who has requested to attend by electronic means;
 - 78.7.3 whether personal or other circumstances beyond the Councillor's control mean that it would be unjust to deny the Councillor attendance by electronic means; and
 - 78.7.4 the effect which the Councillor's attendance by electronic means would have or be likely to have on the effective and efficient conduct of the meeting.
- 78.8 A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are present in such an environment that facilitates participation in the Council meeting.

- 78.9 Without detracting from anything said in sub-Rule 78.8, a Councillor who is attending a meeting by electronic means must be able to:
- 78.9.1 hear the proceedings;
 - 78.9.2 be heard when they speak;
and should be able to:
 - 78.9.3 see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;
 - 78.9.4 be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting.
- 78.10 If the conditions of sub-Rule 78.9.1 and sub-Rule 78.9.2 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:
- 78.10.1 the Council meeting will nonetheless proceed as long as a quorum is present; and
 - 78.10.2 the relevant Councillor (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meeting
- unless the Council meeting has been adjourned in accordance with these Rules.
- 78.11 Nothing in this Rule 78 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-Rule 78.9 even if the Council meeting has already commenced or has continued in their absence.

79. Meetings Conducted Remotely

If:

- 79.1 a Council meeting is to be conducted the Chair may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

Division 18 – Miscellaneous

80. Criticism of Members of Council Staff

- 80.1 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising them or any member of Council staff.
- 80.2 A statement under sub-Rule 80.1 must be made by the Chief Executive Officer, through the Chair, as soon as it is practicable after the Councillor who made the statement has finished speaking.

81. Procedure not provided in this Chapter

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

CHAPTER 3 – MEETING PROCEDURE FOR DELEGATED COMMITTEES

1. Meeting Procedure Generally

If the Council establishes a Delegated Committee:

- 1.1 all of the provisions of Chapter 2 apply to meetings of the Delegated Committee; and
- 1.2 any reference in Chapter 2 to:
 - 1.2.1 a Council meeting is to be read as a reference to a Delegated Committee meeting;
 - 1.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and
 - 1.2.3 the Mayor is to be read as a reference to the Chair of the Delegated Committee.

2. Meeting Procedure can be Varied

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

- 2.1 the Council may; or
- 2.2 the Delegated Committee may, with the approval of the Council

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

CHAPTER 4 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES

1. Introduction

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

2. Meeting Procedure

Unless anything in the Instrument of Delegation provides otherwise, the conduct of a meeting of a Community Asset Committee is in the discretion of the Community Asset Committee.

CHAPTER 5 – DISCLOSURE OF CONFLICTS OF INTEREST

1. Definition

In this Chapter:

- 1.1 “meeting conducted under the auspices of Council” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 1.2 a member of a Delegated Committee includes a Councillor.

2. Disclosure of a Conflict of Interest at a Council Meeting

- 2.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Council meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 2.2 intend to attend must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:
 - 2.2.1 advising of the conflict of interest;
 - 2.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
 - 2.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (c) nature of that other person’s interest in the matter,

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

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

3. Disclosure of Conflict of Interest at a Delegated Committee Meeting

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

- 3.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Delegated Committee meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 3.2 intend to attend must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee meeting commences a written notice:
 - 3.2.1 advising of the conflict of interest;
 - 3.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
 - 3.2.3 detailing, if the nature of the conflict of interest involves a member of a Delegated Committee’s

relationship with or a gift from another person the:

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

3.2.4 nature of that other person's interest in the matter,

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

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

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

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

- 4.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 4.2 intend to attend must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:
 - 4.2.1 advising of the conflict of interest;
 - 4.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
 - 4.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - 4.2.4 nature of that other person's interest in the matter,

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

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

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

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

- 5.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest;
- 5.2 absent themselves from any discussion of the matter; and
- 5.3 as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those in attendance at the meeting.

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

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

- 6.1.1 Council meeting;
- 6.1.2 Delegated Committee meeting;
- 6.1.3 Community Asset Committee meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

- 6.2 The Chief Executive Officer must ensure that the Report referred to in sub-Rule6.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.
- 6.3 If the member of Council staff referred to in sub-Rule6.1 is the Chief Executive Officer:
 - 6.3.1 the written notice referred to in sub-Rule6.1 must be given to the Mayor; and
 - 6.3.2 the obligation imposed by sub-Rule6.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

- 7.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.
- 7.2 If the member of Council staff referred to in sub-Rule7.1 is the Chief Executive Officer the written notice must be given to the Mayor.

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

- 8.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.
- 8.2 If the member of Council staff referred to in sub-Rule8.1 is the Chief Executive Officer the written notice must be given to the Mayor.

9. Retention of Written Notices

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

CHAPTER 6 – MISCELLANEOUS

1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of the Council or briefing Councillors;
- 1.2 is attended by a majority of councillors;
- 1.3 is attended by at least one member of Council staff; and
- 1.4 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting

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

- (a) tabled at the next convenient Council meeting; and
- (b) recorded in the minutes of that Council meeting.

2. Confidential Information

- 2.1 If, the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.
- 2.3 Nothing in sub-Rule 2.2 will, without more, mean that information designated by the Chief Executive Officer under sub-Rule 2.1 satisfies the definition of “confidential information” contained in section 3(1) of the Act.

CHAPTER 7 – ELECTION PERIOD POLICY

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- 12.2 Councillor Correspondence
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- 12.10 Councillor photographs
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14 Equity in assistance to candidates

- 14.1 Information Request Register
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15 Suspension of matters during election period

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- 16.1 Misuse of position
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17 By-elections

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20 Related legislation and documentation

21 Definitions

1. Purpose

The Election Period Policy (Policy) has been developed in accordance with the *Local Government Act 2020* (Act), in order to ensure City of Stonnington general elections and by-elections are conducted in a manner that is ethical, fair and equitable and are publicly perceived as such.

During an election period, local government goes into 'caretaker' mode, avoiding actions and decisions which could be seen to be influencing voters or which will have a significant impact on the incoming Council.

The Act requires councils to have a Policy to explain to their communities how they will conduct their business immediately prior to an election. This is to ensure council elections are not compromised by inappropriate electioneering by existing councillors and to safeguard the authority of the new council.

The policy also provides guidance at an operational level to ensure compliance with legislative requirements, demonstrates the Council's commitment to probity in its elections and ensures transparency and accountability of the Council, Councillors and staff during the election period.

2. What is this policy designed to achieve?

This Policy applies during an 'election period' (refer below for definition) to cover:

- » decisions that are made by Council, a delegated committee or a person acting under delegation by the Council
- » any material that is published by the Council or on Council's behalf
- » protocols for Council and Committee meetings
- » limits on public consultation and scheduling of Council events
- » attendance and participation in functions and events
- » the use of Council resources
- » access to Council information
- » media and media services.

3. Operation of policy (Election Period)

This Policy applies during the election period, which:

- » commences at the time that nominations close on Nomination Day for that election; and
- » concludes at 6pm on Election Day

4. Scope

This policy applies to all Councillors and Council staff and includes contractors and volunteers carrying out work for or on behalf of the City of Stonnington.

External candidates for election are expected to comply with the obligations of this policy where applicable.

5. Accountability

5.1 Role of Councillors

During the Election Period, Councillors:

- a.** will continue to fulfil their Councillor Duties (unless they are granted leave of absence);
- b.** will continue to engage, and communicate with, the community in their Councillor role;
- c.** must comply with the Act and the Councillor Code of Conduct and this Policy; and
- d.** must not use their position to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy.

5.2 Role of the Chief Executive Officer

Role of the Chief Executive Officer

During the election period, the Chief Executive Officer (or their delegate) will:

- a.** inform all Councillors and Council employees of this Policy at least 30 days prior to the commencement of the Election Period;
- b.** support all Councillors and Council employees in the application of this Policy during the Election Period; and
- c.** reschedule matters of Council business requiring decisions prohibited during the Election Period by this Policy or the Act to Council meetings before or after the Election Period, as appropriate.

5.3 Role of staff

An important part of City of Stonnington integrity is that all staff need to remain impartial at all times.

During the lead up to (not just the election period) staff need to maintain impartiality by avoiding making any comment or expressing an opinion, in any context which is public or may become public, in relation to candidates, potential candidates or policy debates in the lead up to an election.

This is particularly the case where employees are identified as a City of Stonnington staff or representing City of Stonnington in the public arena. Social media use of this kind also requires extreme caution and judgement and employees are discouraged from engaging with candidate hosted online media platforms.

Staff also need to avoid working on any task that could be seen to relate to the candidates for the election or to any role that current Councillors may play in the election, particularly when representing the City of Stonnington.

6. Decisions during the election period

Council, a **delegated committee of Council** or a **person acting under delegation given by the Council** must not make prohibited decisions during the election period for a general election.

6.1 Prohibited decisions

Provisions under section 69 of the Act prohibit Council from making certain decisions during the election period for a general election. A prohibited decision is one that:

- a. Relates to the appointment or remuneration of a CEO but not to the appointment or remuneration of an Acting CEO; 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 (\$1.3 million); 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; or
- e. 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 (this also applies to by-elections).

Any Council decision made in contravention of 6.1(a) and (b) above, is invalid.

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 section 69(4) of the Act, is entitled to compensation from the Council for that loss or damage.

6.2 Other types of decisions that will be avoided (inappropriate decisions)

Inappropriate decisions are defined in this policy as meaning decisions that:

- » would affect voting in an election
- » may unreasonably bind an incoming council and could reasonably be made after the election.

The following inappropriate decisions will also be avoided during the election period:

- » allocation of community grants or other direct funding to community organisations
- » major planning scheme amendments
- » sale or discontinuance of roads etc
- » changes to strategic objectives and strategies in the Council Plan.

6.3 Considerations for officers with delegated authority

Most Council decisions are not made at meetings of the Council. Significant decision-making power is formally delegated to staff and the decision of a delegate is 'deemed' to be a decision by Council.

Because a delegate's decision is the same as a Council decision, the same constraints that apply to decisions made in Council and Delegated Committee meetings apply when delegates make decisions. Delegates should therefore give careful consideration to the exercise of their powers during the election period.

Should a delegate be required to make a decision(s) under delegation in the ordinary course of Council business during the election period, the delegate must satisfy themselves beforehand that the decision is not a prohibited decision and should consider the following:

- » whether the decision is prohibited, or falls within the 'other types of decisions to be avoided' category
- » the urgency of the issue (that is, can it wait until after the election?)
- » the possibility of financial repercussions if it is deferred
- » whether the decision is likely to be controversial or influence voters
- » within the best interests of Council.

Officers requiring assistance in determining whether a decision is likely to be inappropriate should seek advice from the Manager Governance in the first instance.

7. Meetings

7.1 Council and Delegated Committee Meetings

Council and Delegated Committee meetings will continue to take place during the election period, however the following modifications to standard protocols will be made:

7.1.1 Audio and video recordings of Council and Committee meetings

While notice of meetings, Council and Committee agenda papers, minutes and livestreaming (attendance by electronic means) are considered to be part of normal Council business, audio and visual recordings of these meetings are not. As such, audio and visual recordings of meetings which take place during the election period will not be made available on Council's website until after the election period has concluded.

7.1.2 Election period statement in reports

All reports to Council and Delegated Committees will be assessed by the Chief Executive Officer, in accordance with the Act and this policy, and if approved, will include an election period policy statement in the form as follows:

'The recommended decision is not a prohibited decision as defined in section 69 of the Local Government Act 2020 or an inappropriate decision within the meaning of the Election Period Policy.'

7.1.3 Notices of motion by Councillors

All Notices of Motion by Councillors will be suspended during the election period.

7.1.4 Public question time

Public Question time will be suspended at all Council and Delegated Committee meetings during the election period.

7.1.5 Reports by Councillor Delegates

Reports by Councillor Delegates will be suspended during the election period.

7.1.6 Correspondence

Tabling of correspondence will be suspended during the election period.

7.1.7 Tabling petitions and joint letters

Tabling of petitions or joint letters will be suspended during the election period.

7.2 Council Advisory, Reference Committees and Working Groups

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 election.

Such Council Committees and Working Groups shall resume meeting (subject to review), following the election and the appointment by the incoming Council of Councillors to each committee.

7.3 Councillor representation on external committees

Where a Councillor has been appointed to an external committee or board it is expected that they will attend meetings of the committee or board during the election period.

A Councillor must not attend an external committee or board meeting, where they are a Councillor representative, in their capacity as a candidate. A Councillor must be mindful of their obligations under this Policy, and not conduct any electoral campaigning activities at the meeting.

7.4 Councillor Briefing Sessions

The Chief Executive Officer, following consultation with the Mayor, will determine whether Councillor Briefing sessions will be held during the election period.

8. Council publications during the election period

During the election period (and where appropriate or necessary immediately preceding it) the Chief Executive Officer (or their delegate) will cause all Council communications, including social media, all Council managed websites and printed and/or published material, to be subject to review to ensure consistency and compliance with this Policy and the Act.

8.1 Prohibition on publishing materials during the election period

Council must not publish material containing electoral matter that may influence, or be seen to influence, people's voting decisions.

Electoral matter is defined in the Act as '*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.*'

Council will not:

- » print, publish or distribute, or
- » cause, permit or authorise others to print, publish or distribute on behalf of the Council, any advertisement, handbill, pamphlet or notice that contains 'electoral matter' during the election period.

Publication should be read broadly to include electronic information and web-based productions.

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.

Some examples include publishing material which:

- » sets out the strengths or weaknesses of a candidate
- » advocates the policies of the Council or a candidate
- » responds to claims made by a candidate
- » sets out the achievements of the elected Council or Councillor.

The controls do not cover electoral material produced by, or on behalf of, the Election Manager for the purposes of conducting an election or advertisements/posts which simply announce the holding of a meeting or the election process itself.

8.2 Process for review and approval of Council publications

Relevant Council publications will be approved by the Chief Executive Officer (or their delegate), before they may be printed, published or distributed during the election period, whether by Council or anyone acting for Council.

The approval process is to apply to any documents produced for the purpose of communicating with people in the community. This may mean some material requires approval before the commencement of the election period in order for it to be issued/disseminated during the election period.

All material will be submitted to the Governance branch (within a time frame to be determined) for vetting. Staff will be notified by return email once approval has been provided (all effort will be made to ensure approval is provided in line with specified deadlines).

All approved material will bear the following affixation and be signed and dated:

'Approved by the Chief Executive Officer (or their delegate) on [insert date].'

All documentation in relation to the approval process will be retained on Council records.

Material that may be affected includes, but is not limited to:

- » new material on Council websites
- » social media posts
- » Council newsletters, brochures, flyers and magazines
- » material available in libraries and Council offices
- » media releases
- » public speeches
- » brochures on service/facilities
- » advertisements (including job advertisements)
- » Council newspapers
- » mail outs to multiple addresses
- » material publicising a function or event

8.3 Information about the election

Council may provide information, education and publicity designed only to promote public participation in the electoral process.

8.4 Publication of Council and Committee agenda papers and minutes

Council is required by the Governance Rules to:

- » Give public notice of Council meetings and Delegated Committee meetings; and
- » Produce and make available agendas and minutes of Council meetings and Delegated Committee meetings.

To enable Council compliance with our statutory obligations and the Governance Rules, both of the above categories of documents will continue to be published during the election period and will be reviewed in accordance with section 8.2.

8.5 Council Annual Report

Due to the publication date of the Annual Report generally occurring during the election period, it is affected by the legislative restrictions on publications and therefore information about Councillors will be restricted to what is required by the *Local Government (Planning and Reporting) Regulations 2020*, a photograph of the Councillor, and membership of special committees and other bodies to which they have been appointed by the Council.

The Annual Report will not contain a Foreword from the Mayor.

8.6 Council websites

During the election period Council's websites will not contain material which contravenes this policy. Any references to the election will only relate to the election process.

Councillor profiles will be restricted to:

- » names
- » photographs
- » contact details
- » titles.

8.7 General Council publications

Information about Councillors will be restricted in City of Stonnington publications (such as Stonnington News), consistent with section 8.6 above. Publication of the Mayor's message ('A Word from the Mayor') in the Stonnington News will be suspended during the Election Period.

8.8 Social Media

Social media includes, but is not limited to:

- » Facebook
- » Twitter
- » YouTube
- » LinkedIn
- » Pinterest.

In accordance with section 8.2, any publications on social media sites under the auspices of Council during the election period require approval, prior to publication. This may mean messages and/or responses to questions may not be posted as quickly as normal.

Protocols have been developed for managing Council's corporate social media and online channels.

While the Communications Team will monitor the mainstream platforms, any staff member who manages a social media or online channel as part of their role with the City of Stonnington is required to apply the same protocols.

9. Public consultation and engagement

Consultation and engagement is an integral part of Council's policy development process and operations. For the purposes of this section, public consultation and/or engagement means a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

Surveys, blogs, invitations to put forward submissions, and other community engagement activities should be avoided during the election period.

9.1 Postponing consultation and engagement

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 where possible and practicable, to postpone public consultation and engagement and any associated decisions where the matter is considered likely to affect voting in the election.

Council will not continue or commence public consultation on **prohibited decisions**, contentious or politically sensitive matters after the commencement of the election period. However, some public consultation activities may be necessary during the election period to facilitate the day-to-day business of Council and shall only proceed if prior approval is given by the Chief Executive Officer.

Where public consultation/engagement is approved to occur prior to or during the election period the results of that consultation will not be reported to Council until after the election period, except where approved by the Chief Executive Officer.

Any public consultation that does proceed during the election period will be vetted for electoral matter and express or implicit links to the election.

The requirements of this section do not apply to public consultation required under the *Planning and Environment Act 1987* or matters subject to section 223 of the *Local Government Act 1989*.

10. Media and media services

Council's media services are intended to promote Council activity or initiatives and must not be used in any way that might favour a candidate.

10.1 Media advice

Any requests for media advice or assistance from Councillors during the election period will be channelled through the CEO. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

10.2 Media releases/spokespersons

Media releases will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue, the CEO will determine the appropriate person.

10.3 Publicity campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO. In any event, Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and will not involve specific Councillors.

10.4 Councillors

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

10.5 Council employees

During the election period no Council employee may make any public statement that relates to an election issue unless statements have been approved by the CEO.

11. Attendance at functions and events during the election period

In this part, reference to events and functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners, receptions and balls.

11.1 Public events staged by external bodies

Councillors may continue to attend events and functions during the election period.

Councillors are not permitted to use events they are attending in an official Councillor capacity for electioneering purposes.

11.2 Council events and functions

Council organised events and functions held during the election period will be reduced to only those essential to the operation of the Council.

Any civic or ceremonial Council event held during the election period should meet one or more of the following criteria:

- » It is a planned event endorsed by the current Council Plan;
- » It is routinely held at the same time of year;
- » It is a commemorative or anniversary event held on or near the anniversary date;
- » It demonstrates a clear community benefit, or serves an educational or welfare purpose; or
- » It contributes to cultural development, social awareness or sense of community identity.

11.3 Speeches and keynote addresses

Councillors who are candidates in the election must not give speeches or keynote addresses at Council organised or sponsored events and functions during the election period.

Councillors may make short welcome speeches at Council organised or sponsored events and functions during the election period, subject to prior approval from the Chief Executive Officer.

11.4 Publication of promotional material

In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the election period, such preparation must be consistent with the controls under section 8 of this Policy.

12. Council resources

The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Council staff must avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the CEO.

12.1 Councillor Requests

Councillors may only make operational requests to the Chief Executive Officer, Directors or the Manager Governance during the Election Period.

12.2 Councillor Correspondence

General correspondence (including email) addressed to Councillors will be answered as usual.

However, Councillors will only respond to the necessary minimum correspondence during the election period and correspondence in respect to significant, sensitive or controversial matters should be responded to by the CEO, or their delegate.

12.3 Title of Councillor

Councillors may continue to use the title 'Councillor' in their election material, as they hold that position during the election period. However, Councillors should ensure that any election material using the title clearly indicates that it is their own material and does not represent Council.

12.4 Use of Council facilities

Council facilities that are normally available for public hire will be able to be hired by candidates (including councillor candidates) at the normal hire rate, terms and conditions of hire set for the facility.

No promotional material related to an election event, apart from simple directional signage, is to be displayed in the common public areas of a Council facility being hired.

12.5 Cessation of the Meet Your Council Program

The *Meet Your Council Program* (including listening posts) and ward-specific publications will not be conducted/distributed during the Election Period.

12.6 Use of Council equipment and services by Councillors

Councillors may continue to use any Council equipment and services provided to them to facilitate their performance of normal Council duties in line with the *Councillor and Member of a Delegated Committee Expenses Policy*.

Council-issued resources, including offices, vehicles, hospitality services, mobile phones and numbers, laptops and council email addresses, computers or printers, are not to be used in connection with any election campaign.

Councillors should also be mindful to manage any perceived conflicts even where a direct expense isn't incurred, this may include for example:

- » Where campaign-related emails are received in a Council email account, send any responses from a private email and encourage the correspondent to use that account in future.
- » Where campaign-related calls are received on a Council device, provide and encourage the caller to use a non-council number for future calls.

12.7 Reimbursement of expenses incurred by Councillors

Reimbursement of expenses and costs incurred by Councillors during the election period must only relate to the conduct of normal Council duties and not electoral purposes.

12.8 Council branding and stationery

No Council logos, letterheads, or other City of Stonnington branding will be used for, or linked in any way, to a candidate's election campaign.

12.9 Support to the Mayor, Deputy Mayor and Councillors

No staff, including support staff for the Mayor, Deputy Mayor and Councillors must be asked to undertake any tasks connected directly or indirectly with an election campaign.

12.10 Councillor photographs

Councillors are not permitted to use photos or images taken by, or provided by Council, for the purposes of their election campaign (including photographs appearing on Council websites).

12.11 Council data

Databases and mailing lists held by the organisation remain the property of the Council and are subject to the requirements of the *Privacy and Data Protection Act 2014* and are not available to members of the public, candidates or to Councillors.

13. Electoral signage on council-controlled land and property

Candidates and their supporters are not permitted to affix, attach or place advertising signs/electoral material on Council-controlled land, assets or a Council road, in the lead up to, or during the election period.

Further guidance will be made available on Council's website.

14. Equity in assistance to candidates

The Council affirms that all candidates for the Council election will be treated equally and recognises candidates have certain rights to information relevant to their election campaigns from the Council administration subject to legislative constraints such as:

- » Sections 123 of the Act which prohibit Councillor-candidates from misusing or inappropriately making use of their position; and
- » the Privacy and Data Protection Act 2014.

Councillors will continue to be provided with information to enable them to perform their current role and function as a Councillor.

Beyond that, only information that is readily available to any member of the community will be provided to any candidate.

14.1 Information Request Register

An Information Request Register will be maintained by the Governance Team during the Election Period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the response given those requests.

14.2 Information for candidates

Council will make the following information available on its website for prospective candidates:

- » Information about this Policy.
- » Information about nominating as a candidate (with links to relevant sites).
- » Key dates and activities, including dates of induction activity and briefing meetings post- election.
- » Information about election campaign donation returns
- » Any other relevant information.

14.3 Staff as candidates

A staff member is not prevented from nominating as a candidate at an election. Upon becoming a candidate in a City of Stonnington election, the staff member must:

- » Inform the Chief Executive Officer
- » Take leave from their duties at least for the duration of the election period in accordance with sections 34 and 256 the Act
- » Return any Council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the election period
- » If elected, immediately resign from their employed position at Council prior to taking the oath or affirmation of office, in accordance with sections 34 and 256 of the Act.

14.4 Member of Council Delegated or Advisory Committees

Upon becoming a candidate, any person who is a member of one of Council's Delegated Committees or Advisory committees is expected to:

- » Comply with this Policy
- » Inform the Chief Executive Officer
- » Take leave from the Delegated Committee or Advisory Committee
- » Return any Council equipment, documents or information which is not available to the public for the duration of their candidacy and/or the election period, and
- » If elected, immediately resign from the Delegated Committee or Advisory committee.

14.5 Election process enquiries

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibilities of the election manager, to the Manager Governance.

15. Suspension of matters during election period

In accordance with the Act, any applications made, or internal arbitration processes or proceedings before a Councillor Conduct Panel or the Victorian Civil and Administrative Tribunal regarding the misconduct, serious misconduct or gross misconduct of a person who is a Councillor, must be suspended during the election period.

16. Breaches

16.1 Misuse of position

Section 123 of the Act prohibits current or former Councillors or members of delegated committees from using their position to gain access to information or resources that would otherwise not be available.

The Act specifies the following circumstances as a misuse of position:

- » making improper use of information acquired as a result of the position he or she held or holds
- » disclosing information that is confidential information within the meaning of section 3(1) of the Act
- » directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff
- » exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform
- » using public funds or resources in a manner that is improper or unauthorised or
- » participating in a decision on a matter in which the person has a conflict of interest.

A breach of section 123 of the Act attracts serious penalties, including possible imprisonment. Allegations of breaches of the Act are independently received and investigated by the Local Government Inspectorate.

16.2 Prohibition on Councillor or member of Council staff

Section 304 of the Act prohibits Councillors or a member of Council staff from using resources in a way that is intended to or likely to affect the result of an election under the Act.

In addition, section 304 of the Act also prohibits Councillors or a member of Council staff from using 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.

16.3 Breach of this Policy

Any breach of this Policy relating to staff conduct is to be referred to the CEO.

Allegations of breaches of this Policy by Councillors will be dealt with under the Dispute Resolution Procedures of the Councillor Code of Conduct. The Chief Executive Officer will take the place of the Mayor in managing complaints received under the Election Period Policy.

Complaints must be directed to the Chief Executive Officer in writing, providing details of the alleged contravention, when it occurred and who it involved. The Chief Executive Officer will assess the information and follow the provisions of the Dispute Resolution Procedures of the Councillor Code of Conduct.

Alleged breaches relating to all other matters are to be referred to the Local Government Investigations and Compliance Inspectorate at email address inspectorate@lgi.vic.gov.au or phone 1800 469 359.

17. By-elections

This policy shall be observed during any by-election, except sections 6.1(a) to (d).

Other provisions of relevance to the municipality as a whole shall be limited in application to the ward in which the by-election applies to.

18. 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 of Stonnington department, position titles, 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 with the approval of Executive Team or where required, resolution of Council.

19. Monitoring, Evaluation and Review

This Policy will be reviewed not later than 12 months before the commencement of each subsequent general election.

20. Related legislation and documentation

Local Government Act 2020

Local Government Act 1989

Local Government (Electoral) Regulations 2020

Local Government (Governance and Integrity) Regulations 2020

Privacy and Data Protection Act 2014

Victorian Electoral Act 2002

Councillor Code of Conduct

Councillor and Staff Interaction Protocol Community Engagement Policy

Councillor and Member of a Delegated Committee Expenses Policy

Gifts, Benefits and Hospitality Policy

21. Definitions

Key terms and definitions used in this Policy include:

TERM	DEFINITION
Act	<i>Local Government Act 2020</i>
Candidate	A person who has nominated as a candidate for an election under section 256 of the <i>Local Government Act 2020</i>
Chief Executive Officer	The person appointed by a Council under section 44 to be its Chief Executive Officer or any person acting in that position.
Council	Means Stonnington City Council, being a body corporate constituted as a municipal Council under the <i>Local Government Act 2020</i> (also referred to as City of Stonnington).
Delegated Committee	<ol style="list-style-type: none">a delegated committee established by a Council under section 63; ora joint delegated committee established by 2 or more Councils under section 64; ora committee, other than a Community Asset Committee, exercising any power of a Council under this Act or any other Act delegated to the committee under this Act or any other Act.
Election Manager	<ol style="list-style-type: none">the VEC;or a person appointed in writing by the VEC.
Staff, Council staff or staff member	Means any employee of Council whether permanent or temporary or casual, and includes contractors, and volunteers carrying out work for or on behalf of the City of Stonnington Council.



City of
STONNINGTON

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