

MANNINGHAM

COUNCIL MEETING

MINUTES

Date:	Tuesday, 23 August 2022
Time:	7:00pm
Location:	Council Chamber, Civic Centre 699 Doncaster Road, Doncaster

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**MANNINGHAM CITY COUNCIL
MINUTES OF THE COUNCIL MEETING
HELD ON 23 AUGUST 2022 AT 7:00PM
IN COUNCIL CHAMBER, CIVIC CENTRE
699 DONCASTER ROAD, DONCASTER**

The meeting commenced at 7:00pm.

PRESENT: Councillor Michelle Kleinert (Mayor)
Councillor Anna Chen
Councillor Andrew Conlon
Councillor Geoff Gough
Councillor Carli Lange
Councillor Tomas Lightbody
Councillor Laura Mayne
Councillor Stephen Mayne

OFFICERS PRESENT: Chief Executive Officer, Andrew Day
Director City Services, Ms Rachelle Quattrocchi
Director Experience and Capability, Ms Kerryn Paterson
Acting Director City Planning and Community,
Ms Lee Robson
Chief Legal and Governance Officer, Mr Andrew McMaster
Chief Financial Officer, Mr Jon Gorst

1 OPENING PRAYER AND STATEMENTS OF ACKNOWLEDGEMENT

The Mayor read the Opening Prayer & Statements of Acknowledgement.

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

An apology was received from Councillor Deirdre Diamante.

3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST

The Chairperson asked if there were any written disclosures of a conflict of interest submitted prior to the meeting and invited Councillors to disclose any conflict of interest in any item listed on the Council Agenda.

There were no disclosures made.

4 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION**MOVED: CR LAURA MAYNE****SECONDED: CR ANNA CHEN**

That the Minutes of the Council Meeting held on 26 July 2022 be confirmed.

CARRIED UNANIMOUSLY

5 PRESENTATIONS

5.1 Commonwealth Games 2022 Acknowledgement

The Mayor acknowledged Warrandyte athlete Abbey Caldwell who recently won a bronze medal in the final of the women's 1500m at the Commonwealth Games held in Birmingham. The Mayor stated that this is the first of hopefully many international medals for this talented 21 year old athlete and congratulated Abbey on her achievements.

6 PETITIONS

6.1 Joint Letter - Seeking financial assistance to upgrade the Yarra Old Grammarians Women's football team's club facilities.

COUNCIL RESOLUTION**MOVED: CR LAURA MAYNE****SECONDED: CR GEOFF GOUGH**

That the Joint letter with 40 signatories seeking financial assistance to upgrade the Yarra Old Grammarians Women's football team's club facilities be received and referred through to the appropriate officer for consideration.

CARRIED UNANIMOUSLY

7 PUBLIC QUESTION TIME

There were no Public Questions.

8 ADMISSION OF URGENT BUSINESS

8.1 MAV State Council Motions

COUNCIL RESOLUTION

MOVED: CR ANDREW CONLON
SECONDED: CR TOMAS LIGHTBODY

That Council admits for consideration the following urgent business item at item 15 of this meeting:

- **Item 15.1 MAV State Council Motions**

CARRIED UNANIMOUSLY

9 PLANNING PERMIT APPLICATIONS

There were no Planning Permit Applications.

10 CITY PLANNING & COMMUNITY

There were no City Planning & Community items.

11 CITY SERVICES

11.1 End of Financial Year 2021/2022 Capital Works Status Report

File Number: IN22/466
Responsible Director: Acting Director City Services
Attachments: 1 Carry Forward Projects [↓](#)
2 Delayed Projects [↓](#)

EXECUTIVE SUMMARY

Council allocated \$58.665m as part of the FY21/22 Capital budget.

The adjusted budget for the financial year is \$53m which excludes the \$5m for land acquisition and a smaller final carry forward from FY20/21.

The total capital expenditure for the FY21/22 Capital Works Program is \$44.1m. This includes \$4m in accruals and equates to 83% expenditure of the \$53m allocated Capital budget.

204 projects have been programmed to be completed this financial year with 179 projects completed and 25 delayed, which equates to an 88% completion rate.

The delivery of this financial year Capital Works Program has been significantly impeded by the impacts of the COVID-19 pandemic on the sector, leading to long delays in the sourcing of goods and material, as well as, labour shortages.

In delivering the capital program, Council aims to deliver a program of projects which achieves the key objectives of the Council Plan. In the 21/22 financial year, 34% of the expenditure was used to create Liveable places and Spaces, 20% used to promote Healthy communities and 25% to creating Resilient Environment.

COUNCIL RESOLUTION

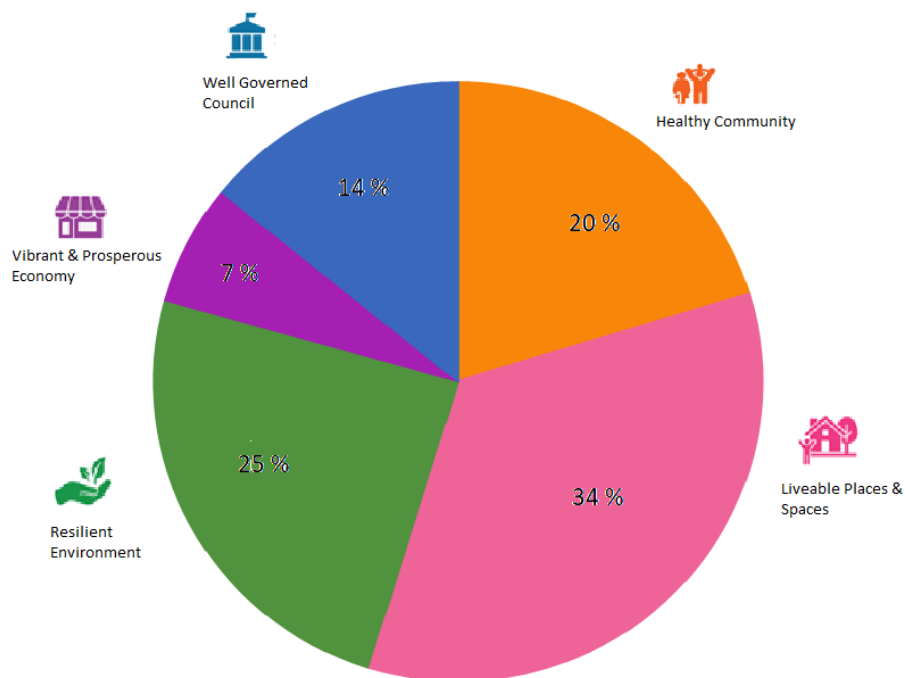
MOVED: CR CARLI LANGE
SECONDED: CR STEPHEN MAYNE

That Council notes the FY21/22 Capital Works Report.

CARRIED UNANIMOUSLY

2. BACKGROUND

- 2.1 The end of financial year 21/22 report provides a summary of the delivery of 21/22 Capital Works Program. It aims to keep the Executive Management Team informed on the overall program, key issues and overall delivery outcomes.
- 2.2 Council allocated \$58.665m as part of the FY21/22 Capital budget.
- 2.3 The adjusted budget for the financial year is \$53m which excludes the \$5m for land acquisition and a smaller final carry forward from FY20/21.
- 2.4 In delivering the capital program Council aims to deliver a program of projects which achieves the key objectives of the Council Plan. In the 21/22 financial year, 34% of the expenditure was used to create Liveable places and Spaces, 20% used to promote healthy communities and 25% to create resilient environment. The chart below identifies how the funding was used deliver the key themes of the Council plan.

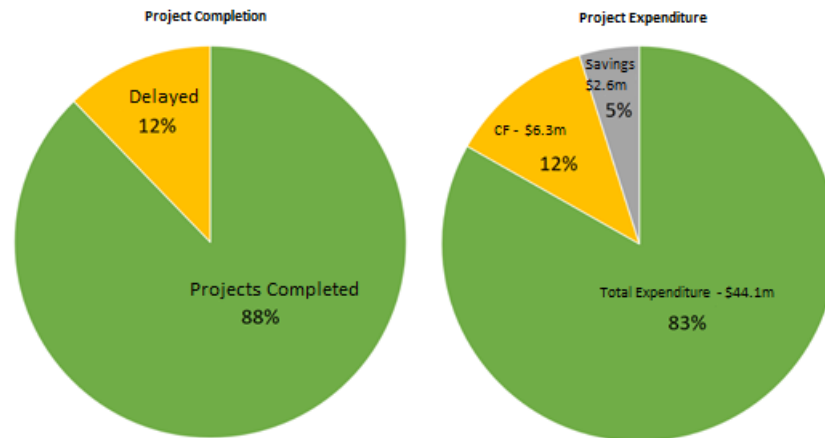


2021/22 Capital Expenditure by Council Theme

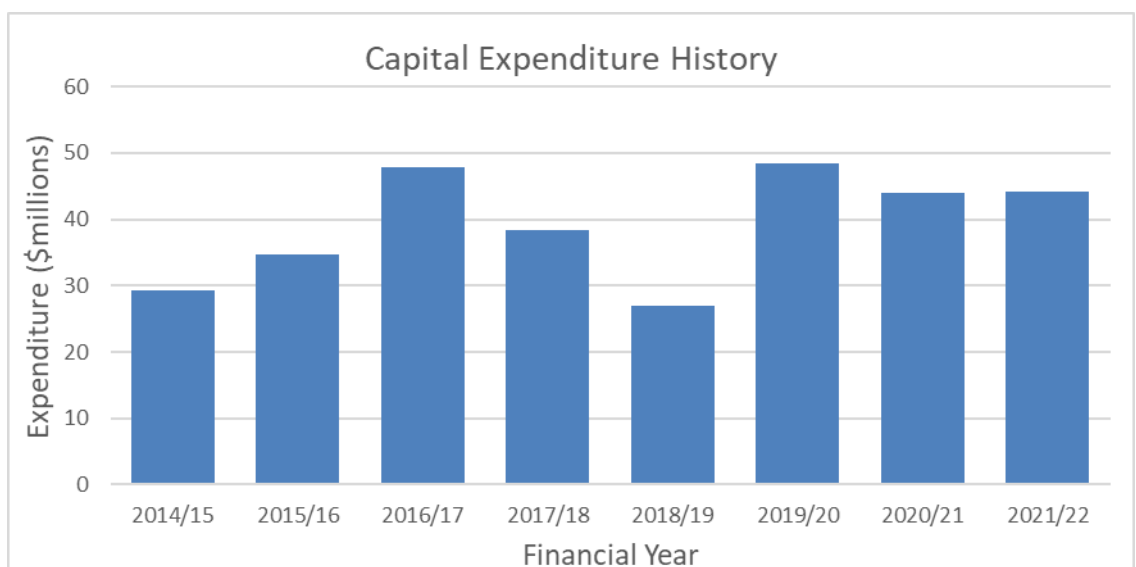
- 2.5 The delivery of this financial year Capital Works Program has been significantly impeded by the impacts of the COVID-19 pandemic on the sector leading to long delays in the sourcing of goods and material, as well as labour shortages. These megatrends are evident across all sectors in the economy, with the construction industry suffering significant impacts.
- 2.6 To deliver successful projects Council has increased the level of planning and community engagement in line with Council Engagement policy. This has led to projects being slowed down in the initial phases to allow for a more thorough and in-depth engagement process to be followed. The benefits are then realised during the construction and handover phases of the project.

3. DISCUSSION / ISSUE

- 3.1 The total expenditure for the financial year is \$44.1m of the \$53m adjusted budget which equates to 83% expenditure.
- 3.2 179 projects were completed, and 25 projects were delayed (refer to Attachment 2). This corresponds to a project completion percentage of **88%**.



- 3.3 \$6.3m in funding is recommended to be carried forward for the FY21/22 to the FY22/23 Capital budget (Attachment 1). The carry forward funding is for delayed projects which have been committed to for next financial year.
- 3.4 \$2.6m in project savings and contingencies have been returned to Council funds.
- 3.5 \$5m allocated for strategic property acquisitions has also been allocated to the FY22/23 budget and does not form part of the assessment for EOFY reporting.
- 3.6 Council continues to perform well in the delivery of the Capital Works Program with total expenditure remaining steady over the last three financial years despite the significant impacts of the COVID-19 pandemic. It is notable that Council performance during the pandemic has been better than pre-pandemic achievements.



- 3.7 **Benchmarking** of Council performance with other Councils in the Northern and Eastern regions indicates that Manningham continues to perform exceedingly well, even with the impacts of the COVID-19 pandemic. Comparable councils have provided preliminary advice of large carry forwards, cancelled projects and significant under-expenditure in their Capital Works Program.
- 3.8 Council has also completed the delivery of a number of high value and significant major projects this financial year including the \$10.7m Pettys Reserve redevelopment, Tom Kelly Athletics Track, reconstruction of Knees Road Park Orchard, Morris and Montgomery Reserve upgrades.

COVID- 19 Impacts

- 3.9 COVID-19 continues to have major impacts on Council's ability to deliver the program with megatrends across the economy, sector and industry being experienced.
- 3.10 Delays due to works having to be stopped due to site exposure. In January 2022 for example, seven different contractors were unable to commence planned works on time due to enforced COVID-19 site closure.
- 3.11 Impact on the global supply chain has increased typical material delivery times from about 4 weeks to up to 18 weeks for civil projects and 26 weeks for building projects.
- 3.12 Staff shortages within a range of organisations including contractors and referral bodies as a result of people changing jobs due to anti-vax sentiment and/or higher pay offers elsewhere.
- 3.13 Low contractor availability due to a building boom resulting from government stimulus packages aimed at keeping the economy moving despite COVID-19.

4. COUNCIL PLAN / STRATEGY

- 4.1 The capital works status report and performance discussed in this report are consistent with Council's strategic objectives as listed in the Council plan. The delivery of capital works projects within the program is essential for the provision of:
- 4.1.1 inviting places and spaces;
 - 4.1.2 enhanced parks and open space and streetscapes;
 - 4.1.3 well connected safe and accessible travel options; and
 - 4.1.4 well utilised and maintained community infrastructure.

5. IMPACTS AND IMPLICATIONS

- 5.1 The delivery of a large portion of the Capital Works Program provides significant tangible benefits to the community.
- 5.2 The successful delivery of a large number of projects, on time and to budget is in line with Council financial plan.

6. IMPLEMENTATION

6.1 Finance / Resource Implications

6.1.1 \$6.3m of funding is recommended to be carried forward to 2022/23 and that this will increase the size of next year's budget to circa \$65m.

6.2 Communication and Engagement

6.2.1 Monthly meetings are held with each Service Unit manager responsible for delivery with the annual program. These meetings focus on performance to date, upcoming milestones, project management process, governance of the program and identify risks and providing support to the delivery teams.

6.2.2 The Capital Works Steering Committee meets on a monthly basis to review how the program is progressing.

6.2.3 There has been a need to review community engagement practices that has resulted in the delay in the completion of some projects. The improvement to community engagement of the Capital Program will however result in a significant improvement to engagement with the Manningham Community over time.

6.3 Timelines

6.3.1 Monthly status reports will be provided to EMT and service unit managers. As well as monthly EMT presentations to ensure transparency and monitoring for early intervention.

6.3.2 Monthly regular targeted performance meetings.

6.3.3 Monthly updates to EMT and tailored reporting to directors.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

ATTACHMENT 1			
Carry Forward Projects (Committed Projects to be Delivered in FY 22/23)			
Project ID	Project	FY21/22 Budget (\$)	Carry Forward Nomination (\$)
PRJ-00282	Tram/Merlin Traffic Signals	1,500,000	1,152,000
PRJ-00390	Deep Creek Reserve Pavilion Redevelopment	887,001	487,000
PRJ-01122	5 Year Solar & ESD Program	886,960	750,000
PRJ-01116	Schramms Reserve #2 Modular Pavilion	1,368,482	194,000
PRJ-01117	Doncaster Tennis Club Floodlight Upgrade Courts 7, 8, 9, 10 and 11	164,000	139,000
PRJ-00479	Hepburn Reserve	940,000	750,000
PRJ-00626	Ruffey Lake Park Playground Upgrade - Victoria Street (Waldau)	120,000	97,000
PRJ-00839	Waldau Café	25,000	25,000
PRJ-00627	Schramm's Cottage Museum Complex Improvement Works	139,000	110,000
PRJ-00970	Pettys Reserve Open Space Development	157,000	134,500
PRJ-01015	Aggregated Land Acquisition Program - Park Development/Construction	400,000	200,000
PRJ-00155	wonguim wilam, Warrandyte River Reserve (previously known as Lions Park)	985,000	322,000
PRJ-01165	Placemaking and Popup Parks	500,000	140,000
PRJ-00152	Plant Replacement Project	1,882,000	670,000
PRJ-00464	Art Collection Acquisitions	30,000	20,000
PRJ-00827	Commissioning of Public Art	110,000	73,000
PRJ-01180	Major Projects - Community Facilities	661,000	661,000
PRJ-00078	Internet and Intranet Renewal	1,149,000	350,000
PRJ-01183	Strategic Property Acquisitions	5,000,000	5,000,000

ATTACHMENT 2		
Delayed Projects from FY 21/22 to be Delivered in FY 22/23		
Project ID	Project	FY 21/22 Budget (\$)
PRJ-00070	Contract Management System	518,327
PRJ-01117	Doncaster Tennis Club Floodlight Upgrade Courts 7, 8, 9, 10 and 11	164,000
PRJ-01119	Rieschiecks Reserve Sports Field Floodlight Construction	98,000
PRJ-00282	Tram/Merlin Traffic Signals	1,500,000
PRJ-01116	Schramms Reserve #2 Modular Pavilion	1,368,482
PRJ-00390	Deep Creek Reserve Pavilion Redevelopment	887,001
PRJ-01171	(SPP) Quarry Site Planning	500,000
PRJ-01295	Drainage Improvement - 28-36 Cuthbert Street, Bulleen	130,000
PRJ-01180	Major Projects - Community Facilities	661,000
PRJ-00827	Commissioning of Public Art	110,000
PRJ-00464	Art Collection Acquisitions	30,000
PRJ-00152	Plant Replacement Project	1,882,000
PRJ-00193	Footpaths – Roads	1,185,000
PRJ-01241	Additional Traffic Safety Measures	125,000
PRJ-00455	Table Drain Sealing	75,000
PRJ-00186	Concrete ROWs	60,000
PRJ-00155	wonguim wilam, Warrandyte River Reserve (previously known as Lions Park)	985,000
PRJ-00479	Hepburn Reserve	940,000
PRJ-01165	Placemaking and Popup Parks	500,000
PRJ-01015	Aggregated Land Acquisition Program - Park Development/Construction	400,000
PRJ-00970	Pettys Reserve Open Space Development	157,000
PRJ-00626	Ruffey Lake Park Playground Upgrade - Victoria Street (Waldau)	120,000
PRJ-00839	Waldau Café	25,000
PRJ-00702	Doncaster RSL - Stage 2 Signage/Soundposts and Red Poppy Light Installation	12,000
PRJ-01183	Strategic Property Acquisitions	5,000,000
PRJ-00078	Internet and Intranet Renewal	1,149,000

11.2 Proposed Recreation and Sport Advisory Committee

File Number: IN22/494
Responsible Director: Director City Services
Attachments: 1 Manningham Recreation and Sport Advisory Committee
Terms of Reference [↓](#)

EXECUTIVE SUMMARY

This report outlines the development of a Recreation and Sports Advisory Committee, including the preparation of a draft Terms of Reference. It is proposed that an Expression of Interest process be formally conducted to appoint community representatives to the Committee.

The advisory committee will enable community and sector input and advice on strategic matters pertaining to sport and recreation across Manningham. This will include the Active for Life Recreation Strategy and associated policies and guideline documents. Strategic advice on master planning for sport and recreation spaces may also be sought and discussed in this forum.

COUNCIL RESOLUTION

MOVED: CR LAURA MAYNE
SECONDED: CR GEOFF GOUGH

That Council:

- A. endorse a new Recreation and Sport Advisory Committee for a 2-year trial period;**
- B. appoint the following Councillors as representatives to the Recreation and Sport Advisory Committee:**
 - **Cr Andrew Conlon - Chairperson**
 - **Cr Stephen Mayne – Deputy Chairperson**
 - **Cr Carli Lange – Councillor Representative;**
- C. adopt the Terms of Reference shown at Attachment 1 and Expression of Interest (EOI) process outlined in this report for the Recreation and Sport Advisory Committee; and**
- D. endorse the EOI process to be undertaken during September - November 2022, with the Advisory Committee membership recommendations to be reported to Council in December 2022.**

CARRIED UNANIMOUSLY

2. BACKGROUND

2.1 At its meeting on 22 March 2022, Council considered a report regarding the establishment of a number of new advisory committees and their Terms of Reference in the City Planning and Community directorate. Council resolved to endorse a standard Terms of Reference for these advisory committees, commence an expression of interest process to recruit committee members and appoint Councillors to these committees. In addition to this, Council also resolved to:

'E. request officers prepare a report for the May Council meeting on the creation of a Sports and Recreation Advisory Committee, including the preparation of a draft Terms of Reference using the standard Terms of Reference template.'

2.2 This report presents for Council's consideration a Terms of Reference for the establishment of a new Recreation and Sports Advisory Committee and proposes to commence an Expression of Interest process to recruit members to the advisory committee in accordance with its Terms of Reference.

3. DISCUSSION / ISSUE

3.1 Many organisations have a stand-alone Sport & Recreation advisory committee to enable community and sector input and advice on strategic matters pertaining to sport and recreation across Manningham. This will include the Active for Life Recreation Strategy and associated policies and guideline documents. Strategic advice on master planning for sport and recreation spaces may also be sought and discussed in this forum.

3.2 Manningham has not had an advisory committee for Sport and Recreation in the past. Previously community advice and involvement has been formally provided in part via the Manningham Recreation Association (MRA). This management arrangement was established and authorised via the setting up of the MRA Board and the formalisation of a service agreement between Manningham and the MRA. Manningham Council provided grant funding on an annual basis to the MRA and its board to manage several Manningham Council owned recreation facilities. The MRA board met on a regular basis and provided annual reports to Council. This agreement and management arrangement is no longer in place, with all service agreements now terminated and all surplus funding dispersed to operational budgets for the management of the existing recreational facilities by the current third-party contractor in partnership with Manningham.

3.3 Input from the sport and recreation community continues to be achieved currently via ongoing liaison with clubs, various groups and sporting associations as part of our business-as-usual operations, typically via a Sport and Recreation Liaison Officer within Manningham Council's Sport and Recreation team. Additionally, the Sport and Recreation Team facilitate sports forums and other engagement and educational forums to enable community and professional development opportunities, as well as networking, for our sport and recreation community.

- 3.4 To further enhance this ongoing diversity, inclusion and support for our sport and recreation community, the proposal from the recent Council motion to create a Sport and Recreation Advisory Committee will assist in exploring how this will be of benefit to current programs and opportunities currently in place.
- 3.5 The recommended name for this newly established Advisory Committee is *Recreation and Sport Advisory Committee*.

Terms of Reference

- 3.6 Council has endorsed a standard Terms of Reference template to provide greater consistency across Council's Advisory Committees governance structures and stronger alignment to Council's Advisory Committee Policy (POL/557).
- 3.7 Using the standard template, a Terms of Reference has been developed for the proposed Recreation and Sport Advisory Committee (RSAC). The committee will report annually to Council on its progress against its stated objectives and achievements. The proposed Terms of Reference for the RSAC is shown in Attachment 1.

Membership Criteria

- 3.8 Membership selection will be based on demonstrated lived experience, skills or knowledge related to recreation and sport in Manningham.
- 3.9 Membership criteria included in the RSAC's Terms of Reference require members to:
- 3.9.1 Live, work or study in Manningham.
 - 3.9.2 Not presently be an incumbent president/secretary or treasurer of a sports club.
 - 3.9.3 Represent diversity including age, gender, sexuality, ability, cultural background, intersectionality, and geographic location.
 - 3.9.4 Have direct links to and active participation in their local community and/or relevant organisations.
 - 3.9.5 Have relevant experience in participating in committees or the ability to participate in, and constructively contribute to, the advisory group or committee.
 - 3.9.6 Have lived experience and/or knowledge and understanding of the needs and issues addressed by the specific purpose of the advisory committee.
 - 3.9.7 Can contribute to the development of strategic documents with or without support e.g., interpreting service.
 - 3.9.8 Can regularly attend and participate in meetings with or without support e.g., interpreting service.

- 3.9.9 Commit to demonstrating Manningham's organisational values, WE ARE Manningham:
- Working Together;
 - Excellence;
 - Accountable;
 - Respectful; and
 - Empowered.
- 3.10 Committee members will be provided with training via an induction session on the role of local government, its processes, and procedures, to support them in providing advice to Council to inform decision making.
- 3.11 To formally establish an Advisory Committee, a Terms of Reference, with a defined purpose and committee governance will need to be adopted. Attached is a Draft Terms of Reference for discussion and finalising as part of this report (Attachment 1).
- 3.12 The purpose of the proposed Advisory Committee is contained in the Terms of Reference.
- 3.13 The RSAC provides a formal way for Council to seek input and guidance from the community. This guidance is used to support quality decision making and help Council to achieve its goals and objectives under the Council Plan. The RSAC will act in an advisory capacity only and has no delegated authority to make decisions on behalf of Council.
- 3.14 It is proposed that the new Advisory Committee directly align with our current Active for Life Recreation Strategy, Liveability Strategy, and our Health and Wellbeing Strategy.
- 3.15 To establish an initial Advisory Committee for the 2-year trial, it is proposed that an Expression of Interest process be formally conducted to appoint community representatives to the Committee. The suggested selection criteria for this EOI process are:
- Nominees for membership of the Committee must be able to demonstrate:*
- 1) *Involvement in service provision, policy or program development in the area of sport and recreation.*
 - 2) *Endorsement by their organisation if relevant.*
 - 3) *Strong knowledge of the Manningham municipality with networks throughout the local community.*
 - 4) *The ability to participate effectively as part of an advisory committee.*
 - 5) *The ability to represent a broad range of views that reflect the diversity of the Manningham community.*
 - 6) *A strong understanding of the current trends within the municipality, both economic and social.*
 - 7) *Strong knowledge of sport and recreation trends and impacts and relevance to the Manningham municipality.*

- 8) *A willingness to contribute meaningfully to meetings in a fair and unbiased manner.*
 - 9) *The ability to look beyond personal interests for the benefit of the Manningham municipality; and*
 - 10) *Capacity to represent and commit to the Committee for the required term.*
- 3.16 Further to the above individual criteria, the ultimate selection of members will seek to maximise the diversity, inclusion and representation of sport, genders, cultural affiliations, and geographical areas within the municipality.

Expression of Interest (EOI) Process

- 3.17 Following endorsement of the Terms of Reference for the Recreation and Sport Advisory Committee and nomination of the Chair, Deputy Chair and Council officer representation, expressions of interest will be sought for the Advisory Committee.
- 3.18 Expressions of interest for the new Advisory Committee will be advertised and promoted as a unique opportunity for community members to nominate for the committee as it aligns with their interests, skills, and experience.
- 3.19 Expressions of interest for the new Advisory Committee will be reviewed and assessed by the Mayor, the respective Advisory Committee Chair and one other councillor, supported by Council officers. Advisory Committee membership will comprise a representative cross-section of Manningham's community.
- 3.20 Evaluation of the EOI process will be undertaken by a panel consisting of the nominated councillors and Council officers appointed to the committee as per the adopted Terms of Reference.
- 3.21 The EOI process to be undertaken following the presentation to Council in August, with the Advisory Committee community membership recommendations to be reported to Council in November 2022 for formal endorsement.
- 3.22 The nominated Chair and other councillor representative will be recommended and endorsed at the August Council meeting. A total of 3 Councillors to serve on the committee with one as chair, and one nominated as a deputy chair.

4. COUNCIL PLAN / STRATEGY

- 4.1 The development of this Advisory Committee is in line with the following goals in the Council Plan 2021-2025:
- 1) Healthy Community – A healthy, safe and resilient community
 - 2) Healthy Community – An inclusive and connect community
 - 3) Vibrant and Prosperous Economy – Grow our local business, tourism and economy
 - 4) Liveable Places and Spaces – Inviting places and spaces
 - 5) Liveable Places and Spaces – Enhanced parks, open space, and streetscapes
 - 6) Liveable Places and Spaces – Well utilised and maintained community infrastructure

5. IMPACTS AND IMPLICATIONS

- 5.1 The establishment of a Recreation and Sport Advisory Committee will require additional workload allocation to selected Council officers from the Sport and Recreation team, the Manager of City Amenity, and the dedication of the appointed councillors.
- 5.2 The committee is to inform the sports forums. No sports forum will be run in 2022 to allow establishment of the committee and input into the delivery of a sports forum in August 2023.
- 5.3 Training for clubs will continue to be provided by officers, with no forums to be delivered until 2023.
- 5.4 The Sport and Recreation team will be responsible for the administration of the Recreation and Sport Advisory Committee.

6. IMPLEMENTATION**6.1 Financial / Resourcing**

Financial implications of additional staff hours should be able to be absorbed in existing operational (salary) budgets. Additional resourcing will be borne by Council officers, Manager's, and appointed councillors, as established in the Terms of Reference for the Advisory Committee.

6.2 Communications and Engagement

To establish an initial Advisory Committee for the 2-year trial, it is proposed that an Expression of Interest process be formally conducted to appoint community representatives to the Committee.

6.3 Timelines

- 1) August 2022 – Endorsed governance and ToR for Advisory Committee establishment, nominate and adopt councillor representation (Chair and Deputy Chair) for the committee.
- 2) September-November 2022 – Expressions of Interest process implemented.
- 3) November/December 2022 – Report back to EMT/SBS/Council for formal endorsement of Committee membership and governance.
- 4) February 2023 – Inaugural Advisory Committee meeting.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

Manningham Recreation and Sport Advisory Committee - Terms of Reference

What is the Recreation and Sport Advisory Committee?	The Manningham Recreation and Sport Advisory Committee (RSAC) will provide strategic advice to Council on the implementation, monitoring and evaluation of Manningham's Active for Life Recreation Strategy 2010-2025. The RSAC will support Council to address key and emerging recreation and sport issues for the Manningham community.
1. Purpose	The RSAC provides a formal way for Council to seek input and guidance from the community. This guidance is used to support quality decision making and help Council to achieve its goals and objectives under the Council Plan. The RSAC will act in an advisory capacity only , and has no delegated authority to make decisions on behalf of Council.
2. Role and Objectives	<p>The role of the RSAC is to provide a direct link between Council and people who have expertise, knowledge, skills and/or lived experience relevant to recreation and sport. The RSAC provides a forum for the provision of advice, exchange of ideas and opportunities to collaborate in the implementation and evaluation of the Manningham Active for Life Recreation Strategy and its associated actions plans.</p> <p>Advisory Committee members will:</p> <ul style="list-style-type: none"> • Provide a representative sample of expert, independent and authentic voices of people from relevant sectors, with an ability to advise on current and emerging recreation and sport trends in the community. • Contribute constructively to support the delivery of key Council strategies, policies and plans, including Manningham's Council Plan 2021-2025 and Active for Life Recreation Strategy 2010-2025. • Support Council to evaluate the Active for Life Recreation Strategy 2010 - 2025. • Provide strategic advice and direction on the development and review of key Council strategies, policies and plans. • Contribute to the work of other Advisory Committees where relevant as subject matter experts. • Report to Council via the tabling of Advisory Committee minutes at Council meetings, and via an annual reporting template regarding the Advisory Committee's activities, advice and achievements. • Develop and report on effectiveness metrics to measure the success of the committee.
3. Delegated Authority and Decision Making	<ul style="list-style-type: none"> • Advisory Committees provide advice to Council and officers to assist their decision making. • In accordance with Section 124 of the <i>Local Government Act 2020</i>, it is an offence for a councillor to direct or seek to direct a member of Council staff in the performance of specific types of tasks and specifies a maximum penalty level.
4. Chairperson	<ul style="list-style-type: none"> • Meetings will be chaired by a Manningham Councillor, nominated on an annual basis. If the Chairperson is absent, a Councillor representative will chair the meeting in order to maintain a quorum. • Meetings will be chaired in a way that promotes respectful discussion of the issues, to arrive at an agreed view that fairly reflects the sense and will of the meeting. • The Councillor Chairperson is responsible for reporting to Council any matters of interest that arise as part of meeting procedures.
5. Membership	<ul style="list-style-type: none"> • At least two Councillor appointed annually, one who acts as Chairperson and one as Deputy Chairperson. • A range of volunteer Committee members (up to fifteen (15) appointed by Council through an expression of interest, selection and endorsement process to provide an even mix of: <ul style="list-style-type: none"> ○ Local community organisations and/or service providers; and/or ○ Community members with relevant skills and experience, if relevant. • Council officers comprising: <ul style="list-style-type: none"> ○ A senior Council officer, either Director, Group Manager and/or Manager; ○ Secretariat; and • Subject matter expert/s.

6. Co-opted Membership	<ul style="list-style-type: none"> Representatives from peak bodies, service providers and council may be invited to attend Advisory Committee meetings to provide specific advice on an as-need basis, and do not contribute to the Advisory Committee's quorum.
7. Quorum	<p>50% plus one comprising:</p> <ul style="list-style-type: none"> One councillor or delegated representative; Five community or service provider representatives; and One officer.
8. Membership Criteria	<p>Applications will be assessed against the specific criteria as follows:</p> <ul style="list-style-type: none"> Represent diversity including age, gender, sexuality, ability, cultural background, intersectionality and geographic location. Not presently be an incumbent president/secretary or treasurer of a sports club. Provide direct links to and active participation in their local community and/or relevant organisations by living, working or studying in Manningham. Have lived experience and/or knowledge and understanding of the needs and issues addressed by the RSAC, including local current and emerging recreation and sport issues. Demonstrated commitment to actively and constructively contributing to the Advisory Committee with or without support (e.g. interpreting service). Willingness and ability to engage in open and respectful discussions that add value to the Advisory Committee. Availability to attend 80% of the meetings scheduled throughout the year. Willingness to sign a Code of Conduct for Committee members and abide by the terms of appointment (see Section 10 below).
9. Membership Appointment	<ul style="list-style-type: none"> Expressions of interest for the full Advisory Committee membership will be sought in the local media, on Council's website or by invitation to relevant local or peak agencies or community organisations: <ul style="list-style-type: none"> Nominations shall be submitted via the Council form (available on Council's website) within the advertised nomination period; Inclusive techniques will be used to ensure access for the broadest reach possible; Applicants will be supported to access, complete and submit the form in the way that best suits them; Applications will be assessed by officers and recommendations will be presented at a Council meeting for formal approval; and Advisory Committee membership appointments will be made by Council and formally endorsed, based on appropriate membership mix responsive to the criteria above. Casual vacancies that occur due to a representative resigning or membership lapsing may be filled by co-opting suitable candidates identified from the most recent selection process for the remainder of the previous incumbent's term: <ul style="list-style-type: none"> Officers, in consultation with the chairperson, will make a recommendation to the Chief Executive Officer to appoint a suitable candidate to join the Advisory Committee for the remainder of the previous incumbent's term; Where there are no suitable candidates identified, a formal expression of interest and formal Council endorsement is required (as outlined earlier in Section 9); and <p>Where a vacancy occurs within six (6) months of the current membership term expiring, and providing that a quorum is maintained, there is no requirement to fill the vacancy for the remainder of the term.</p>
10. Membership Responsibilities	<ul style="list-style-type: none"> Councillors are bound by the Councillor Code of Conduct. Council officers are bound by the Employee Code of Conduct. Committee members are bound by an Advisory Committee member Code of Conduct, which includes the following: <ul style="list-style-type: none"> Act with integrity; Act with impartiality and exercise responsibility in the interests of the local community; Not seek to confer an advantage or disadvantage on any person, including one's self; Disclose any actual or perceived conflict of interest; Undertake Council values, WE ARE Manningham: <ul style="list-style-type: none"> Working Together;

	<ul style="list-style-type: none"> ▪ Excellence; ▪ Accountable; ▪ Respectful; and ▪ Empowered. <ul style="list-style-type: none"> ○ Take reasonable care of one's own health and safety and that of others; ○ Commit to regular attendance at meetings, a minimum of 80%; Members should provide an apology, preferably in writing to the Chair and relevant officer as soon as they are aware that they cannot attend a meeting; ○ Commit to active contribution to the work of the Committee; ○ Committee members must defer any media enquiries to the Chairperson in the first instance and should not to respond as a representative of the Committee; ○ Committee members are also bound by Council's Social Media Policy and must not respond to any media enquiries, but refer same to the Chairperson or Secretariat; and ○ Online behaviour should be consistent with the behaviours outlined above. Committee members must not engage in any conduct online that would not be acceptable in their workplace or that is unlawful. For example, do not make derogatory remarks, bully, intimidate, harass other users, use insults or post content that is hateful, slanderous, threatening, or discriminating. <ul style="list-style-type: none"> • A breach of the Code of Conduct may result in Committee membership terminating.
<p>11. Appointment Terms</p>	<ul style="list-style-type: none"> • Councillor representatives are appointed annually by Council. • Volunteer community representatives are appointed for the full two (2) year period: <ul style="list-style-type: none"> ○ A member of the Committee may resign at any time. Notice of resignation or change of service provider/organisation representation can be made at any time in writing to the Chairperson and the Secretariat; ○ Service providers and community organisations are able to appoint and/or substitute a representative at their discretion; and • If a Committee member fails to attend three (3) consecutive meetings without giving prior notice, membership is deemed to have lapsed.
<p>12. Committee Administration</p>	<ul style="list-style-type: none"> • The Secretariat will be responsible for preparation of meeting agendas, minutes, reports and other administrative functions: <ul style="list-style-type: none"> ○ Each agenda must commence with an Acknowledgement of Country; and ○ An agenda, prepared in consultation with the chairperson, will be circulated to Committee members a minimum of seven (7) days prior to the meeting. • Secretariats will be experienced in minuting Advisory Committees and the public distribution of minutes; and/or provided with appropriate training. • Committee members should familiarise themselves with the agenda material prior to the meeting and come to meetings prepared and informed. • Draft minutes of the Committee meeting will be circulated to Committee members within two weeks of the meeting. • Confirmed Committee meeting minutes will be tabled at the next Ordinary Meeting of Council and published on Council's website. • The RSAC will submit a written report and/or presentation to Council by November each year; summarising the Committee's activities and achievements for the preceding 12 months, and ensuring continued alignment with Council's strategic objectives.
<p>13. Meeting Procedures</p>	<ul style="list-style-type: none"> • Quarterly meetings will be pre-scheduled, at a time and place determined by the Chairperson in consultation with the Advisory Committee. • Additional meetings will be subject to approval by both the Chairperson and the relevant senior council officer. • With the exception of co-opted members, meetings are closed to the general public. • Any councillor may attend any Advisory Committee meetings to observe. • Committee members provide advice, as far as practicable, on a consensus basis. • Committee members are supported by Council to participate in meetings remotely if unable to physically attend. • Committee members must not disclose information that they know, or should reasonably have known is confidential information. • Committee members have an obligation to not disclose any materials or information that is not publicly available unless approved by the Chairperson or a representative of Council.

	<ul style="list-style-type: none"> Any actual or perceived conflicts of interests should be declared by councillors, Committee members, or officers prior to the agenda item discussion, with the relevant Committee member leaving the room, with the declaration and absence recorded in the meeting minutes.
14. Review	<ul style="list-style-type: none"> The Committee's terms of reference, membership, and productivity will be reviewed at least once every two years to ensure currency and effectiveness. The Councillor Chairperson is responsible for reporting to Council on the Committee's progress and achievements on behalf of the Committee. The terms of reference may be revoked at any time by Council. The RSAC will sunset one year from the date of adoption.

Definition of Key Terms	Advisory Committee	Manningham Council's <i>Advisory Committee Policy 2019 - 2023</i> defines the main function of an Advisory Committee as enabling stakeholder engagement that provides input and guidance to support quality decision making and in turn, the achievements of Council's goals and objectives under the Council Plan. Advisory Committees facilitate access to independent advice from external stakeholders and collaboration with the community on a range of matters. Advisory Committees generally have a lifespan beyond one year and are aligned with a Council plan or strategy.
	Chairperson	The person appointed to facilitate an Advisory Committee meeting, in this case, a Councillor.
	Co-opted membership	Appointment to membership of an Advisory Committee by invitation of the existing members.
	Council	The councillor group participating in decision making at a formally constituted Council meeting.
	Councillor	Elected representatives of Manningham City Council.
	Intersectionality	The combination of various characteristics such as age, gender, cultural background, sexuality and ability that contribute to a person's lived experience, and in some cases may lead to discrimination or disadvantage.
	Officer or Council Officer	An employee of Manningham City Council.
	Peak body	A non-government organisation that consists of individuals or smaller organisations that are united by a shared purpose.
	Quorum	The minimum number of Committee members required for a Committee meeting to proceed.
	Secretariat	The senior officer appointed to administer the Advisory Committee, such as the service area Coordinator.
	Strategic	Relating to the goals and objectives contained within documents such as the Council Plan, and how to achieve them.

12 EXPERIENCE AND CAPABILITY

12.1 Advocacy Priorities for the State Election - November 2022

File Number: IN22/488
Responsible Director: Director Experience and Capability
Attachments: Nil

EXECUTIVE SUMMARY

Manningham needs State investment to deliver on several projects or outcomes that will benefit our community.

Ahead of the Victorian State Government election in November 2022, Council will be advocating to the state government on the following issues:

- *Bus Rapid Transit (BRT) along Doncaster Road corridor*
- *Maximise the re-development of Doncaster Park and Ride*
- *A bus route to replicate the Suburban Rail Loop*
- *Duplication of Templestowe Road (between Thompson Road and Bridge Street)*
- *Upgrade Jumping Creek Road in Wonga Park*
- *North East Link to fund a pedestrian and cycle grade shared user path at the Manningham Road and North East Link interchange*
- *Increased funding for Parks Victoria to maintain community assets*
- *Improvements to 5 Ways intersection*
- *Improved sporting facilities for Templestowe College*
- *Funding for Manningham Bus Shelters*
- *A reduction in the maximum opening hours for poker machines*
- *Bridges for Yarra River Corridor Concept Plan*

COUNCIL RESOLUTION

MOVED: CR STEPHEN MAYNE
SECONDED: CR CARLI LANGE

That Council endorse the key advocacy priorities as outlined in section 3 of this report for the upcoming State Election.

CARRIED UNANIMOUSLY

2. BACKGROUND

- 2.1 Manningham seeks State investment to deliver on several projects or outcomes that will benefit our community.
- 2.2 Through our advocacy we are the voice of our community, working to encourage support for projects and initiatives that address the community's needs and aspirations.
- 2.3 In the lead up to the State Election, we will be taking action to influence decision makers to support our twelve identified priorities.

3. OUR ADVOCACY PRIORITIES

In the lead up to the State Election, Council will advocate for:

3.1 Bus Rapid Transit (BRT) along the Doncaster Road corridor

- The public transport options for Manningham residents travelling to the CBD is via bus, in the absence of a rail connection.
- Council has identified a potential route for the BRT, repurposing the existing DART 907 bus route between the CBD and Mitcham, via the Doncaster Road corridor.
- The North East Link Project will deliver part of the initiative with the Doncaster Busway, a BRT from Doncaster Park and Ride to the Hoddle Street Interchange. However, Manningham residents still need the connection between Doncaster Park and Ride and Mitcham.
- Council is asking for \$3 million for a feasibility study to determine traffic impacts and necessary upgrades to Doncaster Road to support the BRT along the Doncaster Road corridor.

3.2 Maximise the re-development of Doncaster Park and Ride

- The Doncaster Park and Ride will be impacted by the construction of North East Link, with the State Government committing to a 'like for like' upgrade. This will result in the site being retained as an at grade car park.
- Council considers this to be an underdevelopment of the site and a missed opportunity for a mixed-use development that could provide new public open space, employment opportunities, improved public transport access and reduced car dependency.
- Council is asking the State Government to amend the North East Link Project reference design for the Doncaster Park and Ride to a mixed-use transit orientated development and undertake a thorough community consultation process.

3.3 A bus route to replicate the Suburban Rail Loop

- The proposed Suburban Rail Loop will provide Manningham residents with a rail connection to not only the CBD but also major health, education and retail centres through Melbourne.
- Infrastructure Victoria's 30 year infrastructure strategy seeks to "improve frequencies and modify alignments of some existing bus routes, and introduce new services to connect the proposed train stations along the entire Suburban Rail Loop project, to start building patronage for it."
- This will deliver improved public transport options for Manningham residents well before the 30 year timeframe required to construct stage 2 of the Suburban Rail Loop.
- Council is seeking a bus route that replicates the proposed Suburban Rail Loop to improve public transport connections for Manningham residents as a matter of urgency.

3.4 Duplication of Templestowe Road (between Thompson Road and Bridge Street)

- Increased traffic and congestion and reduced pedestrian and road safety on Templestowe Road is expected.
- The Victorian Government has committed to detailed planning work and a business case for the duplication and upgrade of Templestowe Road. However, the actual project delivery is not currently funded.
- Council is asking for the \$55 million locked in to make this important project a reality and the project delivered by the time North East Link is operational.

3.5 Upgrade Jumping Creek Road in Wonga Park

- Jumping Creek Road is in a unique and environmentally sensitive area. The road is being upgraded to improve safety for all users, including motorists, cyclists and pedestrians, whilst also protecting our wildlife and vegetation.
- The works are expected to cost up to \$21 million over the project life. This is a significant burden for the Manningham community and we are seeking contributions from all levels of Government enable this project to proceed.
- Council is seeking a total of \$7 million from the State Government, to supplement Council's budgeted contribution of \$19 million.

3.6 North East Link to fund a pedestrian and cycle grade shared user path at the Manningham Road and North East Link Interchange

- The North East Link Tunnels Urban Design and Landscape Plan details the importance of utilising this "once in a lifetime opportunity" to connect the nationally significant cultural assets of the Heide Museum and the cultural precinct to the surrounding parklands.
- We support this premise and recommend that if this opportunity is to be truly seized upon, then the entire pedestrian / shared user path network around the interchanges must be grade separated to support pedestrian / cyclist movement around the precinct. This is of vital importance given the future use of the site which is anticipated for employment and cultural uses.

- The North East Link Tunnels Urban Design and Landscape Plan makes specific reference of achieving a continuous path between the East Link and Capital City Trail, linking the Main Yarra Trail and the Plenty River Trail for the first time. However, without a grade separated network at the Manningham Road Interchange Council does not consider this objective will be achieved.
- Council is asking for a grade separated shared user path at the Manningham Road and North East Link interchange (near the Yarra River), to provide direct and safe connectivity for pedestrians and cyclists. We want this to be included in the North East Link project scope of works.

3.7 **Increased funding for Parks Victoria to maintain community assets in Manningham**

- Westerfolds Park, situated beside the Yarra River in Templestowe, offers more than 120 hectares of recreational and environmental parkland and is owned and managed by Parks Victoria.
- The Westerfolds Park Manor House is a vacant heritage building in Westerfolds Park. The building has been vacant for more than nine years and requires significant investment.
- Council is also seeking support for the Westerfolds Park Manor House to be upgraded and reinstated as a community facility. In 2019 Parks Vic conducted a study and determined the costs of an upgrade was around \$2.5 million at 2019 costs. Without an upgrade, this valued community asset will fall into disrepair

3.8 **Improvements to 5 Ways intersection**

- 5 Ways is a complex staggered intersection on State controlled arterial roads in Warrandyte South that experiences significant congestion and has a poor safety performance.
- Council has taken the initiative to prepare a concept layout to install a roundabout with an estimated cost of \$10 million.
- Council is seeking a commitment to construct a roundabout at 5 Ways intersection.

3.9 **Improved sporting facilities for Templestowe College**

- Templestowe College is seeking \$15 million for a brand new multi-purpose indoor sports hub at Templestowe College, providing a state-of-the-art facility that will benefit both school and the local community.
- In July, Matthey Guy committed the Liberals and Nationals Government to provide this funding.
- Council supports a State Government investment in supporting facilities at Templestowe College and seeks the same commitment from the State Government and all election candidates.

3.10 Funding for Manningham Bus Shelters

- Council is currently funding a limited number of new Manningham-style bus shelters each year. There are increasing requests for new shelters and or replacing ones that are aging and in need of replacement (note Council manages about 230 shelters within the municipality).
- Manningham Bus Network Review 2017 has identified an additional 31 new bus shelters are required as a matter of priority, based on factors like patronage, proximity of bus stop to local community amenities and historic requests. The delivery of new bus shelters at these priority locations are supported by Manningham Transport Action Plan 2021. Currently, only six of these priority shelters have been delivered.
- Council asks the State Government, as the public transport provider, assist Council and provide \$2.17 million to address the priority list of bus shelter requests to install an estimated new 25 shelters.

3.11 A reduction in the maximum opening hours for poker machines

- Council wants a fairer society where the gambling industry no longer causes social and economic harm in the community of Manningham. This requires a review and reformed gambling regulations to no longer cause social and economic harm.
- Manningham residents are losing over \$40 million per year across six pokies venues.
- Council is asking that the maximum opening hours for Electronic Gaming Machine venues (excluding Crown Casino) reduced from 20 to 16 hours per day with mandatory closing from 2am to 8am each day.

3.12 Bridges for pedestrians and cyclists to cross the Yarra River

- There are currently no bridges for pedestrians and cyclists to cross the Yarra River between Finns Reserve and Bulleen Park. Manningham Council has developed a Yarra River Corridor Concept Plan and proposes three shared user paths crossings the Yarra River at Bulleen, Banksia, and Birrarung Parks. These works align with the Department of Environment, Land, Water and Planning's Bulleen Land Use Framework Plan.
- The State Government has committed to funding the detailed design and construction of the shared user bridge crossing at Banksia Park.
- Council is asking for \$400 thousand to develop two feasibility studies to deliver shared user paths crossing the Yarra River at Bulleen and Birrarung Parks.
- Following the feasibility study, Council is also asking for funding for the detailed design development and construction of the two shared user path bridges (approx. \$5 million x 2)

3.13 Further information about our advocacy priorities will be made available on the website: www.manningham.vic.gov.au/advocacy

4. DECLARATIONS OF CONFLICT OF INTEREST

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

13 CHIEF EXECUTIVE OFFICER

13.1 Administrative Amendment to Governance Rules

File Number: IN22/496
Responsible Director: Chief Executive Officer
Attachments: 1 Draft Governance Rules [↓](#)

EXECUTIVE SUMMARY

Local Government Victoria (LGV) recently advised councils of amendments to the Local Government Act 2020 (the Act) that will enable councils and regional libraries to conduct virtual meetings in accordance with their relevant Governance Rules.

The amendments to the Act require Council to make some minor administrative amendments to Manningham's Governance Rules to formalise the arrangements Council has in place regarding attendance at Council meetings by electronic means. The proposed amendments to the Governance Rules outlined in Attachment 1 will ensure Council complies with these new provisions in accordance with the Act.

A review of Manningham's Governance Rules requires Council to undertake community consultation on any amendments. As these amendments are administrative in nature, consultation is being limited to the proposed amendments regarding attendance at Council meetings by electronic means and minor amendments to give effect to Council's current practices regarding Public Question Time.

COUNCIL RESOLUTION

MOVED: CR ANDREW CONLON
SECONDED: CR GEOFF GOUGH

That Council:

- A. endorse the draft Governance Rules shown at Attachment 1 for public consultation from 24 August 2022 to 6 September 2022 inclusive;**
- B. receive written submissions regarding the proposed amendments outlined in the draft Governance Rules; and**
- C. note a further report will be presented to Council in September to consider feedback received during community consultation and to formally endorse the revised Governance Rules.**

CARRIED UNANIMOUSLY

2. BACKGROUND

- 2.1 Council is required to develop, adopt and keep in force Governance Rules (the Rules) in accordance with section 60 of the *Local Government Act 2020* (the Act).
- 2.2 The Rules provide for the conduct of Council meetings, a framework for decision making, procedures for disclosures of conflicts of interest and the election of Mayor and Deputy Mayor. The Rules also incorporate Council's Election Period Policy.
- 2.3 The *Regulatory Legislation Amendment (Reform) Act 2022* included amendments to the *Local Government Act 2020* to enable councils and regional libraries to conduct virtual meetings in accordance with their Governance Rules.
- 2.4 From 2 September 2022, the amendments will supersede Part 12 of the Act, which currently enable Council to conduct meetings virtually in response to the Covid pandemic.
- 2.5 The amendments to the Act require Council to modify its Governance Rules in order to comply with this new legislation and continue to be able to conduct meetings either partly or wholly in person or by electronic means.

3. DISCUSSION / ISSUE

- 3.1 The draft Governance Rules shown at Attachment 1 have been revised based on model Rules prepared by Council's lawyers and by LGV. The proposed changes are tracked in Attachment 1.
- 3.2 The Act requires Council to include in its Governance Rules a process for requesting and approval of attendance at Council meetings.
- 3.3 The amendments relate primarily to the conduct of Council meetings by electronic means along with some minor modifications to Public Question Time.
- 3.4 The proposed amendments codify the practices that have been in place for remote and hybrid Council meetings throughout the pandemic.

4. COUNCIL PLAN / STRATEGY

- 4.1 A contemporary governance framework that supports transparent decision making is essential to ensuring Council's business is conducted efficiently, transparently and with integrity. Further, it provides an opportunity for Council to engage with the community and those people directly affected by Council's decision making.
- 4.2 Having the capacity to conduct the Council meetings either wholly or partly by electronic means allows greater participation in civic life by Councillors and the community. It also allows Council to be agile in its response to changing circumstances around public health orders. This directly supports the themes of '*Healthy Community*' and '*Well Governed Council*'.

5. IMPLEMENTATION

5.1 Finance / Resource Implications

5.1.1 This review is being undertaken within existing resources.

5.2 Communication and Engagement

5.2.1 A review of Manningham's Governance Rules requires Council to undertake community consultation on any amendments. As these amendments are administrative in nature, consultation is being limited to the proposed amendments regarding attendance at Council meetings by electronic means and minor amendments to give effect to Council's current practices regarding Public Question Time.

5.3 Timelines

Times for engagement, endorsement and implementation are detailed below:

23 August 2022	Council decision to commence the review of Manningham's Governance Rules
24 August – 6 September 2022	Submission Period
September – date to be determined	Council to formally endorse Governance Rules following consultation

6. DECLARATIONS OF CONFLICT OF INTEREST

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

Governance Rules

Manningham City Council

~~1 November 2021~~ 14 September 2022



Interpreter service

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MANNINGHAM

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on ~~4 November 2021~~ 14 September 2022.

3. Contents

These Governance Rules are divided into the following Chapters:

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

4. Definitions

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

Act means the *Local Government Act 2020*.

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

Chief Executive Officer includes an Acting Chief Executive Officer.

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

Council means Manningham City Council.

Council meeting has the same meaning as in the Act.

Councillor means an elected representative of *Council*

Director means a Level 2 Senior Officer of *Council*

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

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

Mayor means the Mayor of *Council*.

Officer/Staff means an employee of *Council*

these Rules means these Governance Rules.

|

GOVERNANCE FRAMEWORK

Chapter 1

Chapter 1 – Governance Framework

1. Context

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

- (a) the overarching governance principles specified in section 9(2) of the *Act*;
- (b) the Councillor Code of Conduct; and
- (c) the Employee Code of Conduct.

2. Decision Making

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

MEETING PROCEDURE FOR COUNCIL MEETINGS

Chapter 2

Chapter 2 – Meeting Procedure for Council Meetings

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Part A – Introduction

1. Title

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

2. Purpose of this Chapter

The purpose of this Chapter is to:

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

3. Definitions and Notes

3.1 In this Chapter:

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

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

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

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

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

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

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

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

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

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

Part B – Election of Mayor

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

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. Nominations for Position of *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 Any nominations for the office of *Mayor* must be:

6.2.1 seconded by another Councillor;

6.2.2 with the consent of the nominee;

6.2.3 if the nominee is not in attendance~~present~~, written notification of consent is required;

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

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

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

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

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

7. Election Process for Position of *Mayor*

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

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

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

- 7.1.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
- 7.1.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present-in attendance at the meeting must then vote for one of the remaining candidates;
- 7.1.5 if one of the remaining candidates receives an absolute majority of the votes, that candidate shall be declared elected;
- 7.1.6 If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
- 7.1.7 In the event of three or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the result will be determined by lot. In the drawing of the lot, the candidate whose name is first drawn is deemed to be the defeated candidate;
- 7.1.8 Where there are two candidates remaining and the votes that are cast are equally divided, the result of the election must be determined by lot. In the drawing of the lot, the candidate whose name is first drawn must be declared elected;
- 7.1.9 The *Chief Executive Officer* shall have the conduct of the lot.
- 7.1.10 After the election of the *Mayor* is determined, the *Mayor* shall chair the meeting.

8. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

- 8.1 any office of Deputy Mayor; or
- 8.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-7 (inclusive) of this Chapter, as if the reference to the:

- 8.3 *Chief Executive Officer* is a reference to the *Mayor*; and
- 8.4 *Mayor* is a reference to the Deputy Mayor or the Chair of the *Delegated Committee* (as the case may be).

9. Appointment of Acting Mayor

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

- 9.1 resolving that a specified Councillor be so appointed; or
- 9.2 following the procedure set out in Rules 6 and 7 (inclusive) of this Chapter, at its discretion.

Part C – Meetings Procedure

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

Division 1 – Notices of Meetings and Delivery of Agendas

10. Dates and Times of Meetings Fixed by Council

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

11. Alteration of Meeting Dates

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

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

12. Meetings Not Fixed by Council

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

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

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

12.4 Unless all Councillors are present 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.

13. Notice of Meeting

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

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

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

13.4 Reasonable notice of each Council meeting must be provided to the public. Council may do this:

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

- 13.4.2 for any meeting by giving notice on its website and:
- (a) in each of its Customer Service Centres; and/or
 - (b) in at least one newspaper generally circulating in the *municipal district* unless extraordinary circumstances arise that would preclude *Council* from complying with this sub-Rule.

Division 2 – Quorums

14. Quorum at a Council Meeting

- 14.1 A quorum at a *Council meeting* must be at least a majority of the Councillors of the *Council*.
- 14.2 No business shall be conducted at any *Council meeting* unless a quorum is present.
- 14.3 The Chair must commence the *Council meeting* as soon as a quorum is achieved after the specified starting time for the meeting.

15. Inability to Obtain a Quorum

- 15.1 If a quorum cannot be obtained within 30 minutes of the scheduled starting time of any meeting or adjournment, those Councillors ~~present~~ *in attendance*, or if there are no Councillors ~~present~~ *in attendance*, the *Chief Executive Officer*, or in the absence of the *Chief Executive Officer*, an authorised officer, may adjourn the meeting for a period not exceeding seven (7) calendar days from the date of the adjournment.
- 15.2 If a *Council meeting* to which sub-Rule 15.1 applies is not adjourned, the meeting will be deemed to have lapsed;
- 15.3 Where a *Council meeting* lapses in accordance with sub-Rule 15.2 the business of the meeting shall be considered for inclusion on an agenda for a future *Council meeting*.

16. Inability to Maintain a Quorum

- 16.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 15 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 16.2 Sub-Rule 16.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

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

- 17.1 If during any *Council meeting*, a quorum cannot be achieved or maintained because of the number of Councillors who have a conflict of interest in a decision in regard to a matter, the Council must consider whether the decision can be made by dealing with the matter in an alternative manner as defined in section 67(3) the Act.
- 17.2 If Council is unable to use an alternative manner to resolve the matter, Council must decide to establish a delegated committee to make the decision in regard to the matter pursuant to section 67(4) of the Act.

18. Adjourned Meetings

- 18.1 Once the meeting is commenced, *Council* may from time to time, by resolution, adjourn the meeting, which is in addition to the power of the Chair to adjourn a meeting under sub-Rule 65.
- 18.2 No discussion is allowed on any motion for adjournment of the meeting, but if on being put the motion is lost, the subject then under consideration or the next on the agenda or any other that may be allowed precedence must be resolved on before any subsequent motion for adjournment is made.
- 18.3 Except where any *Council meeting* is adjourned to a subsequent hour on the same day, notice of the adjourned Meeting and the time to which the Meeting has been adjourned must be given by the *Chief Executive Officer* to every Councillor not in attendance present at the time of adjournment, as soon as is practicable.
- 18.4 Despite sub-Rule 18.3, this requirement does not apply in respect of any Councillor who has been granted leave of absence and who has not requested the *Chief Executive Officer* in writing to continue to give notice of meetings to be held during the period of leave of absence.

19. Time limits for Meetings

- 19.1 A *Council meeting* must not continue after 10:30pm unless a majority of Councillors who are in attendance present vote in favour of it continuing.
- 19.2 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair*.

20. Cancellation or Postponement of a Meeting

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

Division 3 – Business of Meetings**21. Meetings Open to the Public**

- 21.1 All Meetings are to be open to members of the public unless Council resolves to close the Meeting pursuant to section 66 of the *Local Government Act 2020*.
- 21.2 The *Chief Executive Officer* may close the doors to the Council Chamber when in open session for reasons of comfort and practicality provided that access is available at all times.

22. Closed Meetings

- 22.1 Council may resolve to close a Meeting to the public in the circumstances specified in section 66(2) of the *Local Government Act 2020*.
- 22.2 The *Governance Rules* continue to apply after Council has closed the Meeting to members of the public.
- 22.3 Upon conclusion of a matter considered in a Meeting closed to members of the public, *Council* shall resolve to reopen the Meeting.
- 22.4 The minutes of Meetings closed to members of the public will be available for inspection by Councillors and will be confidentially tabled at the Meeting at which they are to be confirmed.

23. Apologies and Requests for Leave of Absence

- 23.1 A Councillor who is intending to be absent from a *Council meeting* may notify the *Chief Executive Officer* in advance of the meeting. Any apology for non-attendance will be submitted at the Meeting by the *Chief Executive Officer* and an apology will be recorded in the minutes of the Meeting.
- 23.2 A Councillor may apply for leave of absence from *Council* by submitting a written request to the *Chief Executive Officer* in advance of the period of leave being sought. The *Chief Executive Officer* will place the request before the next *Council meeting*. *Council* will resolve on whether or not to grant leave of absence. *Council* cannot unreasonably refuse to grant leave of absence.

24. Agenda and the Order of Business

- 24.1 The agenda 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.
- 24.2 The order of business for *Council meetings* will generally be as follows –
- (a) opening prayer, Acknowledgement of Country and Statement of Diverse Backgrounds and Cultures;
 - (b) apologies and requests for leave of absence;
 - (c) prior notification of disclosures of interest and conflict of interest;
 - (d) confirmation of minutes;
 - (e) presentations;
 - (f) petitions;
 - (g) admission of urgent business;
 - (h) public question time;
 - (i) officer reports – town planning matters;
 - (j) officer reports – other matters;
 - (k) rescission or alteration motions
 - (l) notices of motion;
 - (m) urgent business;
 - (n) councillor reports and question time; and
 - (o) confidential business (to be considered in camera).

25. Change to Order of Business

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

26. Urgent Business

- 26.1 Council may resolve, by not less than a two-thirds majority of those Councillors in attendance present at an ~~Ordinary Meeting of~~ Council Meeting, to admit (without the required notice) an item considered to be urgent business under sub-Rule 24.2(m).
- 26.2 An item may be classified as urgent business if it:
- (a) relates to a matter which has arisen since the distribution of the agenda; or
 - (b) involves a matter of urgent community concern; or

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

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

- (a) substantially affects the levels of *Council service*; or
- (b) commits *Council* to expenditure not included in the adopted budget; or
- (c) establishes or amends a Council policy; or
- (d) commits *Council* to any contractual arrangement; or
- (e) requires, pursuant to other *Council* policy, the giving of prior notice.

Division 4 – Conduct of Debate

27. Addressing the Meeting

- 27.1 Councillors and Officers may sit or stand when speaking.
- 27.2 Councillors and Officers, when speaking, shall designate each other by their respective titles of Mayor, Councillor or Officer as the case may be.
- 27.3 A Councillor when speaking shall not be interrupted unless a point of order is called.

28. Points of Order

- 28.1 A point of order must be taken by stating the matter complained of and the reason constituting the point of order.
- 28.2 The Chair may raise a point of order without it having been made by a Councillor.
- 28.3 When called to order, a Councillor must remain silent until the point of order is decided unless they are requested by the Chair to provide an explanation.
- 28.4 The Chair may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
- 28.5 The Chair must when ruling on a point of order give reasons for the ruling.
- 28.6 A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:

"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- 28.7 When a motion in accordance with this Rule is moved and seconded, the *Chair* must leave the Chair and the Deputy Mayor (or if the Deputy Mayor is not in attendance-present, a temporary *Chair* elected by the meeting) must take his or her place.
- 28.8 The Deputy Mayor or temporary *Chair* must invite the mover to state the reasons for his or her dissent and the *Chair* may then reply.
- 28.9 The Deputy Mayor or temporary *Chair* must put the motion in the following form:

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

- 28.10 If the vote is in the negative, the *Chair* resumes the Chair and the meeting proceeds.
- 28.11 If the vote is in the affirmative, the *Chair* must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- 28.12 The defeat of the *Chair's* ruling is in no way a motion of censure or no confidence in the *Chair*, and should not be so regarded by the meeting.
- 28.13 A point of order may be taken on the grounds that the matter is –
- (a) contrary to this Local Law;
 - (b) defamatory;
 - (c) irrelevant;
 - (d) outside Council's power;
 - (e) improper;
 - (f) frivolous or vexatious; or
 - (g) misleading.

29. Contradiction or Opinion

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

30. Personal Reflection

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

31. Disorderly or Offensive Behaviour

- 31.1 If a Councillor uses an expression or makes any imputation or reflection which, in the opinion of the Chair, is disorderly or capable of being applied offensively to any other Councillor or Officer, the Councillor shall be required by the Chair to withdraw the expression, and make a satisfactory apology to *Council*.
- 31.2 If a Councillor uses offensive or disorderly language or otherwise behaves in a manner which in the opinion of the Chair is offensive, disorderly or disturbing to the debate or proceedings of *Council*, the Councillor shall be required by the Chair to withdraw the expression and to apologise for such conduct.
- 31.3 If, after having been twice called to order or to withdraw an expression and to apologise for such conduct, the Councillor fails or refuses to do so or whenever any Councillor fails or refuses to obey the ruling or order of the Chair on any matter, the Chair may refuse to hear the Councillor further upon the matter then under discussion and call upon the next speaker, or adjourn the sitting of Council.

Division 5 – Rules on Speaking

32. Order of Speaking

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

33. Chair May Speak

33.1 The Chair may address the Meeting upon any matter under discussion.

34. Limitations on Speaking

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

34.2 The mover of a motion –

- (a) has a right of reply on the motion where an amendment to the motion has been carried;
- (b) has the right of reply where the mover has, in accordance with sub-Rule 44.12, changed the wording of a motion provided that no amendment has been carried;
- (c) can only exercise a right of reply immediately prior to the motion being put;
- (d) has no right of reply in relation to any amendment prior to such amendment being put; and
- (e) may make closing remarks of no more than 2 minutes where there is no speaker against the motion.

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

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

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

- (a) five minutes, if the Councillor is the mover of a motion;
- (b) three minutes, for any other Councillor speaking to a motion or amendment; and
- (c) two minutes, for the mover of a motion exercising either a right of reply or making closing remarks.

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

35. Personal Explanation

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

35.2 A personal explanation shall not be debated.

36. Right to Ask Questions

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

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

Division 6 – Standing Orders

37. Enforcement of Standing Orders

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

38. Suspension of Standing Orders

- 38.1 The provisions of these Rules may be suspended for any particular purpose, by resolution of the Council , with the exception of :-
- (a) quorum of Council;
 - (b) election of Mayor;
 - (c) motions to rescind resolutions;
 - (d) suspension of Standing Orders;
 - (e) conflicts of interest;
 - (f) procedural motions;
 - (g) urgent business; and
 - (h) confidential information.
- 38.2 The suspension of such provisions (standing orders) should be used to enable full discussion of an issue without the constraints of formal meeting procedure.
- 38.3 Suspension of standing orders must not be used purely to dispense with the processes and protocol of the government of the Council.
- 38.4 Once the discussion has taken place and before any motions can be put, standing orders must be resumed.
- 38.5 No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of standing orders.

Division 7 – Motions, Amendments and Voting

39. Motions and Amendments

- 39.1 A motion or amendment:
- (a) must relate to the powers or functions of Council;
 - (b) be clearly expressed and unambiguous;
 - (c) except in the case of urgent business, must be relevant to an item of business on the agenda; and
 - (d) must not be defamatory or objectionable in language or nature.
- 39.2 The Chairperson may refuse to accept any motion or amendment which contravenes this or any other clause.

40. Motions in Writing

- 40.1 Any motions should preferably be in writing and received in advance of the meeting.
- 40.2 A Councillor should seek advice from the Chief Executive Officer, or their delegate, on any legal implications of a proposed motion.
- 40.3 Where motions are raised and considered during the meeting without having been provided in writing and in advance of the meeting, the Chair should seek the advice of the Chief Executive Officer regarding any legal or other implications of the proposed motion.
- 40.4 The Chair may adjourn the meeting while the motion is being written or may request Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

41. Clarifying a Motion

- 41.1 Before any matter is put to the vote, a Councillor may request that the question, motion or amendment be read again.
- 41.2 The Chair may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the motion is put.

42. Separation of Motions

- 42.1 Where a motion contains more than one (1) part, a Councillor may request the Chair to put the motion to the vote in separate parts.
- 42.2 The Chair may decide to put any motion to the vote in separate parts.

43. Debate Must be Relevant to the Motion

- 43.1 Debate must always be relevant to the question before the Chair and if not, the Chair may request the speaker to confine debate to the subject motion.
- 43.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may require the speaker to not speak further in respect of the matter then before the Chair.

44. Procedure for Moving a Motion

- 44.1 A Councillor who proposes a motion must state the motion without speaking to it.
- 44.2 The Chair must call for a seconder.
- 44.3 If there is no seconder, the motion lapses
- 44.4 If there is a seconder, the Chair will call upon the mover to address the meeting. The mover may exercise this right, decline the opportunity to speak or defer speaking.
- 44.5 After the mover has addressed the meeting (or reserved their right to speak) the seconder may address the meeting. The seconder may exercise this right, decline the opportunity to speak or reserve their right to speak prior to the mover closing the debate.
- 44.6 After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must call upon any Councillor who wishes to speak against the motion.

- 44.7 Where the mover of the motion elects to defer and there is a speaker against the motion the Chair will offer the mover the opportunity to speak to the motion prior to hearing the Councillor speak against the motion.
- 44.8 In circumstances where the mover has chosen to defer speaking to the motion and an amendment is moved and seconded, the mover of the motion may exercise the right to speak to the amendment subject to sub-Rule 34.2, however the mover no longer has the right to speak to the motion pursuant to sub-Rule 44.7. Where an amendment is lost the mover of the motion retains the right of reply on the motion pursuant to sub-Rule 34.2.
- 44.9 The Chair will then call for speakers for and against the motion in alternate sequence.
- 44.10 When the sequence of alternate speakers is exhausted, notwithstanding that there are further speakers wishing to be heard on one side of the motion, the Chair may put the motion provided they are satisfied that debate has been fully exhausted.
- 44.11 Where debate has not been fully exhausted, further speakers may be heard in accordance with sub-Rule 32 prior to the motion being put.
- 44.12 The mover of a motion or amendment may, with the consent of the seconder, change the wording of the motion or amendment unless any Councillor opposes the change.
- 44.13 A Councillor calling the attention of the Chair to a point of order is not regarded as speaking to the motion or the amendment.
- 44.14 No motion may be withdrawn without the consent of the Meeting.
- 44.15 The mover of a motion must not introduce new material when exercising any right of reply or making any closing remarks.

45. Moving an Amendment

- 45.1 No notice need be given of any amendment to a motion.
- 45.2 Any Councillor except for the mover or seconder of the original motion may move or second an amendment.
- 45.3 The Chair shall take speakers for and against an amendment in alternate sequence in the same manner as for motions.
- 45.4 Amendments must be dealt with one at a time.
- 45.5 An amendment must be relevant to the motion upon which it is moved and not negate the original motion.
- 45.6 If a proposed amendment effectively negates the substance of the substantive motion, it shall be disallowed and ruled to be a foreshadowed motion and shall only be considered in the event that the motion is lost.
- 45.7 A second or subsequent amendment cannot be moved until the immediately preceding amendment is decided upon.
- 45.8 If an amendment is carried it becomes the substantive motion. The mover and seconder of the amendment become the mover and seconder of the substantive motion. Debate recommences as for a new motion.
- 45.9 No right of reply or closing remarks are available to any amendment.

45.10 An amendment can only be withdrawn by the mover.

46. Foreshadowed Motions

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

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

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

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

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

47. Councillors May Propose Notices of Motion

Councillors may ensure that an issue is listed on an *agenda* by lodging a *Notice of Motion*.

48. Notices of Motion

48.1 A Notice of Motion must be in writing and lodged with the *Chief Executive Officer* at least eight (8) calendar days prior to the date fixed for holding the Meeting to allow sufficient time to include the Notice of Motion on the Agenda.

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

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

48.4 The *Chief Executive Officer*, or their delegate, must inform Councillors of any legal implications of any proposed Notice of Motion. This advice must be provided to all Councillors without fear or favour and prior to the Notice of Motion being made publicly available.

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

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

- (a) affects the levels of Council services;
- (b) if it is inconsistent with the strategic objectives of the Council as outlined in the Council Plan;
- (c) commits Council to expenditure not included in the adopted budget;
- (d) establishes or amends Council policy;
- (e) commits Council to any contractual arrangement; or
- (f) concerns any litigation in respect of which Council is a party.

- 48.7 The *Chief Executive Officer* may reject any Notice of Motion which:
- (a) is vague or unclear in intention; or
 - (b) is defamatory or objectionable in language or nature; or
 - (c) may be prejudicial to any person or Council; or
 - (d) is outside the powers of Council.
- 48.8 If rejecting a Notice of Motion, the *Chief Executive Officer* must:
- (a) give the Councillor who lodged the Notice of Motion an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - (b) if the Notice of Motion cannot be amended to the satisfaction of the Chief Executive Officer, notify, in writing, the Councillor who lodged the Notice of Motion of the rejection and the reasons for the rejection.
- 48.9 The *Chief Executive Officer* may designate a Notice of Motion to be confidential in accordance with the relevant grounds contained in the Act. A confidential Notice of Motion will be considered in a meeting that is closed to members of the public.
- 48.10 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda.
- 48.11 A Councillor may by written notification to the *Chief Executive Officer* request their Notice of Motion to be withdrawn at any time.

49. Moving a Notice of Motion

- 49.1 If a Councillor who has lodged a Notice of Motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor in attendance may move the motion.
- 49.2 If a Notice of Motion is not moved in accordance with sub-Rule 44.1, the Notice of Motion shall be deemed to have lapsed.
- 49.3 A Notice of Motion may be varied if leave of the meeting is granted.
- 49.4 A second or subsequent Notice of Motion to revoke or amend an earlier resolution must not be considered by Council until a period of three (3) months has elapsed after the date of the meeting at which the first or last motion of revocation was dealt with.
- 49.5 Further motions are only permissible in relation to a Notice of Motion that is carried, and not permissible in relation to a Notice of Motion that is lost.
- 49.6 A Notice of Motion cannot be considered in relation to a matter that is the subject of a rescission motion within three calendar months of the rescission motion having been dealt with, unless a notice signed by a majority of all Councillors is submitted to the *Chief Executive Officer*.

50. Notice of Rescission or Alteration of Resolutions

- 50.1 A Councillor may propose a motion to rescind or alter a resolution of Council provided:
- 50.1.1 it has been signed and dated by at least two Councillors;
 - 50.1.2 the resolution proposed to be rescinded has not been acted on; and

- 50.1.3 the notice of rescission or alteration is delivered to the *Chief Executive Officer* within 24 hours of the resolution having been made setting out -
- (a) the resolution to be rescinded or altered; and
 - (b) the meeting and date when the resolution was carried.
- 50.2 A resolution will be deemed to have been acted on if:
- 50.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
 - 50.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 50.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- 50.3.1 has not been acted on; and
 - 50.3.2 is the subject of a *notice of rescission or alteration* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 50.1.3,
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.
- 50.4 Rescission or alteration motions are to be lodged on a form provided for this purpose as appearing in Schedule 2 of this Chapter.
- 50.5 A rescission or alteration of a previous resolution must be passed by a majority of the whole Council.
- 50.6 Rescission or alteration motions are not permissible in respect of planning permit resolutions, planning scheme amendment resolutions or contract/tender acceptance resolutions.
- 50.7 A rescission or alteration motion is not permissible in respect of a rescission or alteration motion that has been carried.
- 50.8 In the event that a rescission motion is carried, a further motion is permissible in respect of that matter.

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

51. Voting

- 51.1 When called upon by the Chair, the Councillors **in attendance** must vote by a show of hands or as Council otherwise determines.
- 51.2 For the purposes of voting at a *Council meeting*, the Chair must put the motion or amendment first in the affirmative, then in the negative.

- 51.3 The question is determined in the affirmative by a majority of the Councillors in attendance-present at a meeting at the time the vote is taken voting in favour of the question.
- 51.4 A Councillor has the right to abstain from voting. A Councillor who abstains from voting and remains in the meeting will be deemed to have voted against the motion. Abstaining from voting does not constitute cause for debate. Any abstention from voting will be recorded in the minutes.
- 51.5 The Chairperson may require a recount to be taken and shall declare the result.

52. Second Vote

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

53. No Discussion once Declared

- 53.1 Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless:
- (a) a Councillor requests that their opposition to the motion be recorded in the minutes; or
 - (b) there is a call for a division.

54. Vote to be Taken in Silence

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

Division 8 – Procedural Motions

55. Procedural Motions

- 55.1 A procedural motion, unless otherwise prohibited, may be moved at any time and shall be dealt with immediately by the Chair.
- 55.2 A procedural motion is required to be seconded.
- 55.3 The Chair cannot move a procedural motion.
- 55.4 Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- 55.5 Unless otherwise provided a procedural motion cannot be amended.
- 55.6 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

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

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

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

Division 9 – Question Time

56. Public Question Time

- 56.1 Unless Council resolves to the contrary, there shall be a public question time at every Council meeting to allow members of the public to submit questions to Council.
- 56.2 Members of the public are permitted to prepare and submit up to two questions on any Council matter.
- 56.3 The number of questions that may be asked on any one issue shall be limited to two. It is at the discretion of the Chair which two questions will be asked where there are more than two submitted. Like questions may be grouped together and a single answer provided.
- 56.4 Members of the public will be required to submit their question in writing on the designated Public Question Time form as provided in Schedule 1 of this Chapter, indicating their name, address and question.
- 56.5 Questions should be received by Council by 5.00pm on the day prior to the Council meeting to receive a verbal response at the meeting.
- 56.6 Questions not received by 5.00pm on the day prior to the Council meeting must be placed in the public question time box in the Council Chamber by the commencement of the Council meeting. A verbal response will be provided if possible, however, where a meaningful response to a question cannot be provided, or a detailed or researched response is required, the question may be taken on notice.
- 56.7 The Chair will have the right to refuse to receive or answer any question, or to take the question on notice.
- 56.8 Questions taken on notice will be subject to a written response within 10 working days of the meeting.
- 56.9 The procedure and sequence for dealing with a question shall be:
- ~~(a)~~ (a) ~~provided that the questioner is present in the gallery,~~ the Chair shall invite the questioner forward to read their question and make a brief introductory statement of no more than 2 minutes.
 - ~~(a)(b)~~ (b) ~~If the questioner is not in attendance in the public gallery, the Chief Executive Officer may read out the question;~~
 - ~~(b)(c)~~ (c) the Chair may invite the questioner to address the Council on points of clarification or elaboration, the duration of which is at the Chair's discretion;
 - ~~(c)(d)~~ (d) the Chair may answer the question or direct the question as they deem appropriate; and
 - ~~(d)(e)~~ (e) a Councillor wishing to provide an individual response to a question will be permitted to do so after the Chair has had the opportunity to respond.
- ~~56.10 — If the questioner is not present in the public gallery, a response will be supplied in writing.~~
- ~~56.11~~ 56.10 -All questions and answers shall be as brief as possible and no discussion shall be permitted on any question.

56.1256.11 If providing a question in writing and or in English unreasonably prevents or hinders participation in public question time, assistance with submitting questions is available from Council via an interpreter service provided the questions are received by 5.00pm on the day prior to the Council meeting.

56.1356.12 A time limit of 30 minutes will apply to Public Question Time but may be extended by resolution of Council.

56.1456.13 A question may be disallowed by the Chair on the ground that it:

- (a) relates to a matter outside the duties, functions and powers of Council; or
- (b) is confidential in nature and/or is of legal significance; or
- (c) may reasonably be considered to be defamatory, indecent, abusive, offensive or objectionable in language or substance; or
- (d) is repetitive of a question already answered; or
- (e) is asked to embarrass the Council, a Councillor or an Officer.

56.1556.14 Public Question Time will be conducted in a respectful manner. Disorderly conduct will be managed in accordance with Division 12 of this Chapter.

57. Councillor Reports and Question Time

- 57.1 Councillor Reports and Question Time provides Councillors with an opportunity to update the Council on matters of interest which have occurred within the municipality and to address questions to Officers.
- 57.2 Questions may be asked with or without notice and are limited to a maximum of two questions per Councillor.
- 57.3 A question upon notice must be delivered to the Chief Executive Officer not later than 12 noon eight (8) calendar days prior to the time fixed for holding the Meeting at which the question on notice will be asked and the Chief Executive Officer must include the question on the Agenda for the Meeting.
- 57.4 An Officer is not obliged to answer a question without notice.
- 57.5 The Officer may answer the question or reply that notice is required.
- 57.6 If an Officer does not answer a question asked without notice a written response is to be provided to all Councillors no later than the second Friday after the Meeting.
- 57.7 All questions and answers must be as brief as possible and no discussion is allowed.
- 57.8 A question may be disallowed by the Chair if it:
- (a) relates to a matter other than Council business; or
 - (b) is defamatory, indirect, obscure, abusive or objectionable in language or substance; or
 - (c) is repetitive of a question already answered (whether at the same or an earlier Meeting); or
 - (d) is confidential in nature and/or is of legal significance; or
 - (e) is asked to embarrass Council, a Councillor or an Officer.
- 57.9 Councillor reports are limited to a maximum of two minutes per Councillor.

Division 10 – Petitions and Submissions

58. Petitions

- 58.1 Petitions are to be presented by Councillors at the Meeting in accordance with any Council policy and;
- (a) must be in a legible and permanent form of writing, typing or printing;
 - (b) must not be defamatory, indecent, abusive or objectionable in language or substance;
 - (c) must not relate to a matter beyond the powers of Council; and
 - (d) with the exception of online petitions which have been printed by Council officers, every page of the petition must bear the wording of the whole of the petition and include the name, address and signature of petitioners
- 58.2 Any signature appearing on a page which does not bear the text of the whole of the petition may not be considered by *Council*.
- 58.3 Every page of a petition must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition.
- 58.4 If the requirements of sub-Rule 58.1 unreasonably prevents or hinders the capacity of any person to prepare a petition, assistance is available from Council via an interpreter or translation service.
- 58.5 Council will hear submitters afforded statutory rights of address and other submitters in accordance with any Council policy.
- 58.6 If a petition relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* or their delegate for consideration.

Division 11 – Minutes

59. Minutes

- 59.1 The minutes shall record the business transacted at each Meeting including:-
- (a) the date, place, time and nature of the meeting;
 - (b) the names of the Councillors:
 - (i) ~~in attendance~~present; and
 - (ii) who have submitted apologies or who have been granted leave of absence;
 - (c) the names of the Officers ~~in attendance~~present and their organisational title;
 - (d) any disclosures of conflict of interest;
 - (e) each motion and amendment moved (including motions that lapse for the want of a seconder) and motions and amendments withdrawn by resolution or by leave of the Meeting;
 - (f) whether motions or amendments were carried or lost;
 - (g) the vote cast by each Councillor either FOR, AGAINST or any Councillor who has ABSTAINED;

- (h) the failure of a quorum;
- (i) closure of a Meeting to members of the public in accordance with the provisions of the Act;
- (j) when requested by a Councillor, a record of their support or opposition to any resolution; and
- (k) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.

60. Confirmation of Minutes

- 60.1 At every Council Meeting, the minutes of the preceding Council Meeting must be dealt with as follows:
- (a) if the minutes have been distributed to each Councillor at least 48 hours before the Meeting, a motion must be passed for the confirmation of the minutes; or
 - (b) if the minutes have not been so distributed, the minutes must be held over for confirmation at the next Meeting.
- 60.2 Minutes of a meeting not fixed by Council will be listed for confirmation at an appropriate Council meeting.
- 60.3 No discussion or amendment is permitted on the minutes except as to their accuracy as a record of the proceedings.
- 60.4 If a Councillor is dissatisfied with the accuracy of the Minutes, then the Councillor must:
- (a) state the item or items with which they are dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- 60.5 Once the minutes are confirmed, with or without amendment, they must be signed by the Chairperson of the Meeting at which they were confirmed.
- 60.6 unless otherwise resolved or required by law, minutes of a Delegated Committee requiring confirmation by Council must not be available to the public until confirmed by Council.

61. Form and Availability of Minutes

- 61.1 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 61.1.1 published on *Council's* website; and
 - 61.1.2 available for inspection at *Council's* office during normal business hours.
- 61.2 Nothing in sub-Rule 61.1 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

Division 12 – Behaviour

62. Public Addressing the Meeting

- 62.1 Except as provided for in sub-Rule 57, a person other than a Councillor or Officer must not address the Council meeting until a resolution approving such has been carried by a majority of Councillors ~~in attendance present~~ at the meeting.
- 62.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 62.3 A member of the public ~~in attendance present~~ at a *Council meeting* must not disrupt the meeting.

63. Chair May Remove

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

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

64. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, ~~they he or she~~ may adjourn the meeting to a later time on the same day or to some later day as ~~he or she~~they thinks proper. In that event, the provisions of sub-Rule 18 apply.

65. Removal from Chamber

The *Chair* may ask the *Chief Executive Officer*, an *Authorised Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 66.

Division 13 – Additional Duties of the Chair

66. The Chair's Duties and Discretions

- 66.1 In addition to the duties and discretions provided in this Chapter, the Chair:
- must not accept or entertain any motion, question or statement which is derogatory, defamatory, objectionable in language or embarrassing to any Councillor, member of staff, ratepayer or member of the public;
 - the Chair must call to order any person including any Councillor who is disruptive or unruly during any Meeting;
 - the Chair may remain seated during all or any part of any Meeting.

Division 14 – Physical and Remote AttendanceMiscellaneous**67. Mode of Attendance**

- 67.1 Council's preferred mode of attendance at Council meetings is in-person unless circumstances necessitate attendance remotely by electronic means.
- 67.2 If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 67.3 Any request made under sub-rule 67.2 must:
- 67.3.1 be in writing;
 - 67.3.2 be given to the Chief Executive Officer no later than 24 hours prior to the commencement of the relevant Council meeting; and
 - 67.3.3 specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.
- 67.4 The Chief Executive Officer has the discretion to dispense with the requirements of sub-rule 67.3.2 in exceptional circumstances.
- 67.5 The Chief Executive Officer must ensure that any request received in accordance with sub-rule 67.3 any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.
- 67.6 A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and in such an environment that facilitates participation in the Council meeting.
- 67.7 Without detracting from anything said in sub-rule 67.6, a Councillor who is attending a meeting by electronic means must be able to:
- 67.7.1 hear the proceedings;
 - 67.7.2 see all Councillors and members of Council staff attending the Council meeting, at least while a Councillor or member of Council staff is speaking.
 - 67.7.3 be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting; and
 - 67.7.4 be heard when they speak.
- 67.8 If the conditions of sub-rule 67.7 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:
- 67.8.1 the Council meeting will nonetheless proceed as long as a quorum is present; and
 - 67.8.2 the relevant Councillor (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meeting
- unless the Council meeting has been adjourned in accordance with these Rules.

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

67-68. Meetings Conducted Remotely

If a Council meeting is conducted wholly or partially by electronic means, the Chair may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.:

Division 15 – Miscellaneous

68-69. Absence of the Mayor at Council Meetings

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

68-169.1 The Deputy Mayor will act as Chair; or if not in attendance present

68-269.2 A Councillor in attendance present at the meeting will be appointed by resolution to chair the meeting;

for the duration of the Mayor's absence.

69-70. Recording Proceedings

69-170.1 Any person must not, without the prior approval of the Chair, operate any audio or visual recording equipment at any Council meeting.

69-270.2 Nothing in sub-Rule 68.1 applies to any member of Council staff operating any cameras or recording device for the purpose of any presentations or keeping a record of the Council meeting.

69-370.3 Where the meeting is to be recorded pursuant to sub-Rules 68.1 and 689.2, the Chair must as soon as practicable after the opening of the Council meeting, advise those who are in attendance that their image and/or voices are likely to be recorded during the course of the Council meeting.

70-71. Appointment of Councillors to Committees and External Bodies

70-171.1 The appointment of Councillors to positions on committees and external bodies will be subject to the voting procedures in Rules 4-7 inclusive where the number of candidates exceeds the number of vacant positions.

70-271.2 Despite the restrictions contained in sub-Rules 7.1.7 and 7.1.8, the Chair has a second vote where there is an equality of votes between candidates under this clause.

71.72. Procedure not provided in this Chapter

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

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

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

SCHEDULE 1 Public Question Time Form

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

NAME: _____

ADDRESS: _____

QUESTION 1: _____

QUESTION 2: _____

GUIDELINES FOR PUBLIC QUESTION TIME

1. Public question time shall be taken in the normal order of business listed on the Agenda.
2. ~~Provided the questioner is present at the meeting, t~~The Chairperson shall invite the questioner forward to read their question and make a brief introductory statement of no more than 2 minutes. ~~If the questioner is not in attendance in the gallery, the Chief Executive Officer may read the question.~~
3. The Chairperson may answer the question or direct the question as they deem appropriate.
4. Once a question has been answered there will be no further discussion.
5. The number of questions that any one person may ask shall be limited to two.
6. The number of questions that may be asked on any one issue shall be limited to two. It is at the discretion of the Chairperson which two questions will be asked. Like questions may be grouped together and a single answer provided. Should a large number of persons be ~~present in attendance~~ in relation to an issue, it may be advantageous to appoint a spokesperson on behalf of the group to present the _____ questions.
7. The Chairperson has the right to refuse to receive or answer any question, or to take a question on notice. Questions taken on notice will be responded to in writing within 10 working days of the meeting.
8. Public Question Time is to be conducted in an orderly and respectful manner and participants are asked to keep this in mind when making statements.

Privacy Statement

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



provided may be made to Council's Privacy Officer. A copy of Council's Privacy Policy is available on our website at www.manningham.vic.gov.au/privacy"

SCHEDULE 2

Rescission or Alteration Motion

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

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

It is my intention to move at the Ordinary Meeting of Council to be held on / /

Multiple horizontal lines for writing the notice of intention.

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

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

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



MEETING PROCEDURE FOR DELEGATED COMMITTEES

Chapter 3

Chapter 3 – Meeting Procedure for Delegated Committees

1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

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

2. Meeting Procedure Can Be Varied

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

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

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

MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES

Chapter 4

Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

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

2. Meeting Procedure

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

DISCLOSURE OF CONFLICTS OF INTEREST

Chapter 5

Chapter 5 – Disclosure of Conflicts of Interest

1. Introduction

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

2. Definition

In this Chapter:

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

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

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

- 3.1 ~~is present~~are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those ~~in attendance~~present at the *Council meeting* immediately before the matter is considered; or
- 3.2 intends to be ~~in attendance~~present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
- 3.2.1 advising of the conflict of interest;
- 3.2.2 explaining the nature of the conflict of interest; and
- 3.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- (c) nature of that other person’s interest in the matter,

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

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

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

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

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

- 4.1 ~~is present~~ ~~are in attendance~~ must disclose that conflict of interest by explaining the nature of the conflict of interest to those ~~present~~ ~~in attendance~~ at the *Delegated Committee* meeting immediately before the matter is considered; or
- 4.2 intends to ~~present~~ ~~be in attendance~~ must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a written notice:
 - 4.2.1 advising of the conflict of interest;
 - 4.2.2 explaining the nature of the conflict of interest; and
 - 4.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee*'s relationship with or a gift from another person the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (c) nature of that other person's interest in the matter,

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

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

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

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

- 5.1 ~~is present~~ ~~are in attendance~~ must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or
- 5.2 intends to ~~present~~ ~~be in attendance~~ must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:
 - 5.2.1 advising of the conflict of interest;
 - 5.2.2 explaining the nature of the conflict of interest; and
 - 5.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:

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

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

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

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

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

- 6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those ~~in attendance present~~ at the meeting immediately before the matter is considered;
- 6.2 absent himself or herself from any discussion of the matter; and
- 6.3 as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those ~~in attendance present~~ at the meeting.

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

7.1 A member of Council staff who, in ~~his or her~~ their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which ~~he or she is~~ they are preparing or contributing to the preparation of a Report for the consideration of a:

- 7.1.1 *Council meeting*;
- 7.1.2 *Delegated Committee meeting*;
- 7.1.3 *Community Asset Committee meeting*

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

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

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

- 7.3.1 the written notice referred to in sub-Rule 7.1 must be given to the *Mayor*; and
- 7.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

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

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

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

10. Retention of Written Notices

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

MISCELLANEOUS

Chapter 6

Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 1.1 is a scheduled or planned meeting of all Councillors (irrespective of how many Councillors attend) with the Chief Executive Officer for the purpose of discussing the business of *Council* or briefing Councillors; or
- 1.2 is a scheduled or planned meeting of all Councillors (irrespective of how many Councillors attend) with the Executive Management Team for the purpose of discussing the business of *Council* or briefing Councillors; or
- 1.3 is a scheduled or planned advisory committee meeting attended by at least one Councillor and one 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, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, ~~they~~~~he or she~~ 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.

ELECTION PERIOD POLICY 2020

Chapter 7

ELECTION PERIOD POLICY 2020

Policy Classification	- Governance
Policy N°	- POL/507
Policy Status	- Current
Responsible Service Unit	- Strategic Governance
Authorised by	- Council
Date Adopted	- 26 November 2019
Next Review Date	- 31 August 2023

This policy is part of a suite of policies adopted by Council or the Executive Management Team (EMT).

New or replacement policies can be created and developed within Service Units but can only be added to Council's Policy Register by Governance Services following the approval of the policy by Council or the EMT.



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1. PURPOSE

The *Local Government Act 2020* ('the Act') provides that during the 32 days immediately prior to municipal general elections all Victorian councils enter an election period (sometimes called a 'caretaker period'). At this time certain legislative prohibitions apply to the general functions and powers of the Council among which Councils are prohibited from publishing or distributing electoral matter. The Act also mandates that Council must prepare, adopt and maintain an election period policy.

The election period extends for 32 days from the last day nominations for the election can be received, until 6pm on election day. During this lead up period to the general elections, Council needs to avoid actions and decisions which could be perceived as intended to affect the results of an election, give Councillor candidates an advantage or have a significant impact on or unnecessarily bind the incoming Council.

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

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

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

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

2. POLICY STATEMENT

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

2.1 Prohibited decisions

Council is prohibited from making any Council decision:

- (a) during the election period for a general election that:
 - (i) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
 - (ii) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or

- (iii) the Council considers could be reasonably deferred until the next Council is in place; or
- (iv) the Council considers should not be made during an election period; or
- (b) during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

2.2 What is a Council decision?

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

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

2.3 Council Meetings during the Election Period

- 2.3.1 Council acknowledges that in the lead up to its general elections, it will not make any decision that would, or could be perceived to, inappropriately bind an incoming Council or affect the outcome of the elections.
- 2.3.2 Council acknowledges that Councillors have been elected to represent the local community and this obligation continues during the election period. Councillors must avoid any conflict, or appearance of conflict, between their role as Councillor and their role as a candidate or prospective candidate.
- 2.3.3 To ensure the general day-to-day administration of Council is not held up for an excessive time period, Council will hold an Ordinary meeting in October to consider routine administrative matters and the Annual Report.
- 2.3.4 The Chief Executive Officer will ensure that no matters that would be contrary to this Policy are presented to Council for discussion, consideration or decision.
- 2.3.5 The Chief Executive Officer will also ensure that none of the following matters will be presented to the October ordinary Council meeting:-
 - Adoption of a new policy, strategy or significant planning amendment
 - Adoption of a new rate or charge
 - The purchase or sale of land
 - The approval of community grants
 - The spending of unbudgeted monies
 - The conduct of any public consultation on significant issues
 - Changes to the annual budget or capital works program
 - Any other matter that the Chief Executive Officer deems could affect voting in an election, significantly affects the municipality, local community or will unreasonably bind the incoming Council.
- 2.3.6 The following activities, normally held at an ordinary council meeting, will not be permitted during the election period: These are:-
 - Public question time
 - Petitions

- Presentations
- Councillor question time
- Rescission or alteration motions
- Notices of Motion.

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

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

2.4 Community Engagement and Consultation

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

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

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

2.4.4 The requirements of clause 2.3.6 may not apply to statutorily required consultation under the *Planning and Environment Act 1987* or matters of a special or emergency nature. In such circumstances, the Chief Executive Officer must justify the special circumstances requiring the public consultation to the local community and ensure that the public consultation session is managed and chaired by a Director or the Chief Executive Officer and not the Mayor or a Councillor.

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

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

2.5 Council Events

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

- 2.5.2 An event will only be conducted if it is unexpected or unavoidable and with the express permission of the Chief Executive Officer. If an event is to be undertaken, the Chief Executive Officer must justify to the local community why it is being held and how risks over influencing the election will be mitigated or prevented.
- 2.5.3 At any such event conducted pursuant to 2.5.2, Councillors are able to attend, as is any candidate, but are not to have any official role at the event and the event is to be managed and chaired by a Director or the Chief Executive Officer and not the Mayor or a Councillor.
- 2.5.4 Publicity of Council events (if any during the period) will be restricted to the communication of factual material only and will not feature, mention or quote or contain any photo of any Councillor.
- 2.5.5 No Councillor participation at Council sponsored events (if any during the election period) will be permitted, except for the Mayor, pursuant to clause 2.5.7.
- 2.5.6 No election material or active campaigning is to be conducted at any Council events (if any during the election period) and no Council event is to be used for, or linked in any way, to a candidate's election campaign.
- 2.5.7 Any citizenship ceremonies should be planned to be held outside the election period, but if this is unavoidable, the participation of the Mayor at such a ceremonial event is permitted as the participants will not be voters at the general elections. Any speech by the Mayor at a citizenship ceremony must be written by Council Staff and approved by the Chief Executive Officer and read by the Mayor as prepared.

2.6 Candidates' Access to Information

- 2.6.1 While it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing elected roles, it is also important that candidates at the elections have equal rights to Council held information relevant to their election campaigns.
- 2.6.2 Any requests for information from Councillors or candidates during the election period should be directed in the first instance to the Group Manager Governance and Risk, the appropriate Director, or the Chief Executive Officer.
- 2.6.3 Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns and only information that can be reasonably accessed will be released.
- 2.6.4 Information and briefing material prepared for Councillors during the election period will relate only to factual matters or to existing Council services to assist Councillors in conducting normal day to day activities. Any information or briefing material to be provided is only to be sent by the Group Manager Governance and Risk, the appropriate Director or Chief Executive Officer.

- 2.6.5 To ensure complete transparency in the provision of all information and advice during the election period, an Information Request Register will be established. This register will record all requests for information including those under 2.6.3 made by all candidates (including existing Councillors) relating to electoral and other matters and the responses given to those requests. The register will be a public document available for public inspection and displayed on Council's website. This is to ensure that this information is available to all candidates in the election. It will be managed and maintained by the Senior Governance Advisor commencing on the opening of nominations.
- 2.6.6 Section 76D of the *Local Government Act 1989* concerns the improper use of position of a Councillor and prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in their role as a Councillor, to gain an advantage.

2.7 Council Publications and Electoral Matter

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

2.7.1 Material is electoral matter if it:

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

2.7.2 Considerations of Chief Executive Officer in granting publication approval

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

- (a) **Must not permit** any materials to be published which include reference to the following:
- (i) the election;
 - (ii) a candidate in the election;
 - (iii) a current Councillor; or
 - (iv) an issue before the voters in connection with the election.

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

2.7.3 Council Agendas and Reports

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

The “Election Period Statement” will advise that Council may make a decision regarding the subject of the report in compliance with Council’s Election Period Policy 2020.

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

2.7.4 Annual Report

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

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

2.7.5 Councillor- Issued Materials

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

2.8 Websites

- 2.8.1 No electoral matter will be placed on Council Websites during the election period.
- 2.8.2 The Chief Executive Officer will ensure that during the election period the only new publications on the websites will be those that do not breach this Policy, are essential for the conduct of Council operations and apolitical in nature.

- 2.8.3 For the avoidance of doubt, Council agendas, minutes and the Annual Report can be published on Council's websites.
- 2.8.4 For the duration of the election period a statement will be placed on Council's Websites advising that Council will not be regularly updating or adding new information during the election period other than necessary operational information.
- 2.8.5 Material published on Council's website in advance of the election period is permitted, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.
- 2.8.6 Profiles of the Mayor and Councillors will be removed from Council's websites during the election period but their contact details ie names, photos and mobile numbers will remain to assist with their day-to-day role as a Councillor.

2.9 Social Media

- 2.9.1 No electoral matter will be posted on Council social media sites during the election period. Any publication on Council social media sites, including Facebook, Twitter, blogs and wiki pages during the election period must be approved by the Chief Executive Officer or their delegate.
- 2.9.2 Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted.
- 2.9.3 Social media activity during the election period is to conform with the following:-
- Social media posts to be kept to a minimum, necessary operational information only;
 - No launches or announcements of any new projects, policy initiatives, or programs;
 - On all Facebook pages the 'post comments' from all facilities to be disabled;
 - YouTube videos to be removed and suspended during the period;
 - No matter is permitted that may be construed as electoral matter – accounts should be reviewed to ensure there is none;
 - No posting of or responding to political content is permitted;
 - During this time ensure moderation of all social media accounts; and
 - Keep all updates to a minimum.
- 2.9.4 For the duration of the election period a statement will be placed on social media sites advising that Council will not be regularly updating or adding new information during the election period other than necessary operational information.

2.10 Media Services

- 2.10.1 During the election period Council's Communications Unit's services must not be used in any way that might promote or be perceived as promoting a Councillor as an election candidate.
- 2.10.2 Council publicity and media releases during the election period will be restricted to communicating normal Council activities and initiatives and any such publicity will be subject to approval by the Chief Executive Officer or their delegate.
- 2.10.3 Media releases will exclude references to individual Councillors.
- 2.10.4 The Chief Executive Officer or their delegate will be the media spokesperson on any media releases.
- 2.10.5 **Councillors**
Councillors will not use their position as an elected representative or their access to Council Staff and other Council resources to gain media attention in support of an election campaign.
- 2.10.6 **Council Employees**
During the election period no Council employee may make any public statement that relates to an election issue unless prior approval has been obtained from the Chief Executive Officer.

2.11 Use of Council Resources

- 2.11.1 It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. Council commits to this principle in that it will ensure Council resources are not used inappropriately during the election period while recognising that Councillors are entitled to continue to have access to those resources necessary for them to fulfil their elected roles and normal day-to-day duties to the local community.
- 2.11.2 Council resources include, but are not limited to vehicles, equipment, computers, printers, mobile and landline phones, stationery, images, printing/copy services, meeting rooms, hospitality services, officers and support staff.
- 2.11.3 In order to ensure the proper use of Council resources during the election period the following will apply:-
- Councillors may **continue to use any Council resources** provided to them to facilitate their performance of **normal Councillor duties**, subject to existing protocols and terms of use. Councillors standing for re-election must not use such Council resources to assist with their election campaign;
 - Reimbursements of Councillors' **out-of-pocket expenses** during the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign;

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

- 2.11.4 A Councillor or candidate at the election, must not ask a member of Council staff to undertake any tasks connected directly or indirectly with a candidate's election campaign.
- 2.11.5 In the course of employment Council **staff must not:-**
- (a) undertake an activity that may affect voting in the election; or
 - (b) authorise, use or allocate a Council resource for any purpose that may influence voting in the election.

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

- 2.11.6 Prior to the election period the Chief Executive Officer will ensure that all members of Council **staff are advised of their obligations** in regard to the application of this Policy.
- 2.11.7 A copy of this Policy will be included in candidate information packs distributed at candidate information sessions.

2.12 Use of the Councillor Title

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

2.13 Breach of Policy

- 2.13.1 Any breach of this Policy relating to officer conduct is to be referred to the Chief Executive Officer.
- 2.13.2 Alleged breaches relating to all other matters are to be referred to the Victorian Local Government Inspectorate.

2.14 Administrative Updates

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

3. SCOPE OF POLICY

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

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

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

4. RESPONSIBILITY

The Chief Executive Officer is the officer ultimately responsible for the implementation of this Policy with the Group Manager Governance and Risk being responsible for the operational aspects.

5. DEFINITIONS

In this policy:-

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

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

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

Councillor Code of Conduct means the code of conduct developed by a Council under section 76C of the *Local Government Act 1989*

Council staff means the persons who are members of Council staff employed by the Chief Executive Officer

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

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

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

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

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

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

Local community includes—

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

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

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

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

Ward means a subdivision of a municipal district.

6. RELATED POLICIES

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

7. ACTION PLANS

Nil.

8. GUIDELINES

Nil.

9. DOCUMENT HISTORY

Policy Title:	Election Period Policy
Resp. Officer Position:	Senior Governance Advisor
Next Review Date:	31 August 2023
To be included on website?	Yes

Last Updated	Meeting type? - Council or EMT	Meeting Date	Item N°
<i>Version 1</i>	<i>Council</i>	<i>29 March 2016</i>	
<i>Version 2</i>	<i>Council</i>	<i>26 November 2019</i>	<i>13.3</i>



Contact Details

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



13.2 Appointment of Authorised Officer - Planning and Environment Act 1987

File Number:	IN22/441
Responsible Director:	Chief Executive Officer
Attachments:	<ol style="list-style-type: none">1 S11A Instrument of Appointment and Authorisation - Ariupenehuro (Liu) Alova - 23 August 2022 ↓2 S11A Instrument of Appointment and Authorisation - Arthur Vogas - 23 August 2022 ↓3 S11A Instrument of Appointment and Authorisation - Simone Dionisio - 23 August 2022 ↓

EXECUTIVE SUMMARY

In accordance with the Planning and Environment Act 1987 (the Act), Council is required to authorise officers for the purpose of enforcing the provisions of the Act. It is proposed to appoint the Council officer detailed below as an Authorised Officer pursuant to Section 147(4) of the Act.

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

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

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

COUNCIL RESOLUTION

MOVED: CR TOMAS LIGHTBODY
SECONDED: CR ANNA CHEN

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

A. The following Council Officers be appointed as an authorised officer:

- **Ariupenehuro (Liu) Alova**
- **Arthur Vogas**
- **Simone Dionisio**

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

CARRIED UNANIMOUSLY

2. BACKGROUND

- 2.1 The *Planning and Environment Act 1987* (the Act) regulates enforcement of the Act and is reliant on authorised officers acting on behalf of the Responsible Authority which is Council.
- 2.2 The Act, unlike the *Local Government Act 1989*, does not permit appointments to be made by the Chief Executive Officer and therefore in order for the officer to legally undertake the duties of their position under the Act, it is necessary for Council to make appointments by formal resolution.
- 2.3 The Instrument of Appointment and Authorisation has been prepared based on advice from Maddocks Lawyers and empowers the relevant officer to exercise those powers granted in the Instrument.
- 2.4 The appointment will come into force immediately upon its execution under the Seal of Council and will remain in force until varied or revoked by Council or the officer ceases employment with Council.
- 2.5 In addition to the appointment under the Act, Council pursuant to Section 224 of the *Local Government Act 1989*, may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of most other Acts, Regulations or Local Laws which relate to the functions and powers of Council. This broader Instrument of Appointment and Authorisation has already been carried out, in respect to the designated officers, under the delegated authority of the Chief Executive Officer as the first part of a dual appointment process.
- 2.6 The appointment will be recorded in the Authorised Officers Register that is required to be kept by Council and is available for public inspection.

3. DECLARATIONS OF CONFLICT OF INTEREST

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

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

In this instrument "officer" means -

Ariupenehuro (Liu) Alova

By this instrument of appointment and authorisation Manningham City Council -

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

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

This instrument is authorised by a resolution of the Manningham City Council on 23 August 2022.

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

Mayor

Chief Executive Officer

Date:

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

In this instrument "officer" means -

Arthur Vogas

By this instrument of appointment and authorisation Manningham City Council -

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

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

This instrument is authorised by a resolution of the Manningham City Council on 23 August 2022.

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

Mayor

Chief Executive Officer

Date:

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

In this instrument "officer" means -

Simone Dionisio

By this instrument of appointment and authorisation Manningham City Council -

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

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

This instrument is authorised by a resolution of the Manningham City Council on 23 August 2022.

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

Mayor

Chief Executive Officer

Date:

13.3 Informal Meetings of Councillors

File Number:	IN22/492
Responsible Director:	Chief Executive Officer
Attachments:	<ol style="list-style-type: none">1 Health and Wellbeing Advisory Committee - 13 July 2022 ↓2 Gender Equality and LGBTQIA+ Advisory Committee - 14 July 2022 ↓3 Manningham Sustainable Design Task Force Meeting - 14 July 2022 ↓4 Manningham Disability Advisory Committee - 25 July 2022 ↓5 Councillor and CEO Only Time - 26 July 2022 ↓6 Manningham Youth Advisory Committee (MYAC) - 27 July 2022 ↓7 Multicultural Communities Advisory Committee - 28 July 2022 ↓8 External Presentation - 1 August 2022 ↓9 Strategic Briefing Session - 2 August 2022 ↓10 Councillor and A/CEO Only Time - 2 August 2022 ↓11 Strategic Briefing Session - 9 August 2022 ↓

EXECUTIVE SUMMARY

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

COUNCIL RESOLUTION

MOVED: CR ANNA CHEN
SECONDED: CR CARLI LANGE

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

- Health and Wellbeing Advisory Committee - 13 July 2022
- Gender Equality and LGBTQIA+ Advisory Committee – 14 July 2022
- Manningham Sustainable Design Task Force Meeting – 14 July 2022
- Manningham Disability Advisory Committee - 25 July 2022
- Councillor and CEO Only Time – 26 July 2022
- Manningham Youth Advisory Committee (MYAC) – 27 July 2022
- Multicultural Communities Advisory Committee – 28 July 2022
- External Presentation – 1 August 2022
- Strategic Briefing Session – 2 August 2022
- Councillor and Acting CEO Only Time – 2 August 2022
- Strategic Briefing Session – 9 August 2022

CARRIED UNANIMOUSLY

1. BACKGROUND

- 1.1 Section 60 of the *Local Government Act 2020*, requires a Council to develop, adopt and keep in force Governance Rules (the Rules).
- 1.2 Chapter 6, sub rule 1 of Manningham's Governance Rules requires the Chief Executive Officer to ensure a summary of matters discussed at an informal meeting is tabled at the next convenient Council meeting and recorded in the minutes of that meeting.
- 1.3 An Informal Meeting of Councillors is a meeting that:
 - is a scheduled or planned meeting of all Councillors (irrespective of how many Councillors attend) with the Chief Executive Officer for the purpose of discussing the business of Council or briefing Councillors; or
 - is a scheduled or planned meeting of all Councillors (irrespective of how many Councillors attend) with the Executive Management Team for the purpose of discussing the business of Council or briefing Councillors; or
 - is a scheduled or planned advisory committee meeting attended by at least one Councillor and one member of Council staff; and
 - is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

2. DISCUSSION / ISSUE

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

- Health and Wellbeing Advisory Committee - 13 July 2022
- Gender Equality and LGBTQIA+ Advisory Committee – 14 July 2022
- Manningham Sustainable Design Task Force Meeting – 14 July 2022
- Manningham Disability Advisory Committee - 25 July 2022
- Councillor and CEO Only Time – 26 July 2022
- Manningham Youth Advisory Committee (MYAC) – 27 July 2022
- Multicultural Communities Advisory Committee – 28 July 2022
- External Presentation – 1 August 2022
- Strategic Briefing Session – 2 August 2022
- Councillor and Acting CEO Only Time – 2 August 2022
- Strategic Briefing Session – 9 August 2022

3. DECLARATIONS OF CONFLICT OF INTEREST

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

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS			
Meeting Name:	Health and Wellbeing Advisory Committee		
Date:	Wednesday, 13 July 2022	Time Opened:	3:00pm
		Time Closed:	5:00pm
Location:			
Councillors Present:	Cr Michelle Kleinert		
Officers Present:	Catherine Simcox, Michelle Zemancheff		
Apologies:	Nil		
Items discussed:	1. Introductions and role of the committee		
	2. Manningham Health and Wellbeing Strategy and the Action Plan		
	3. Reconciliation Action Plan		
	4. Mental Health webpage		
	5. Council's calendar of events		
	6. Other business – future meeting dates and times, items from members relevant to the role of the Advisory Committee		

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

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS	
Meeting Name:	Gender Equality and LGBTQIA+ Advisory Committee
Date:	Thursday, 14 July 2022
	Time Opened: 6:00pm
	Time Closed: 8:00pm
Location:	Function Room 3, Civic Centre, 699 Doncaster Rd, Doncaster
Councillors Present:	Cr Tomas Lightbody, Cr Laura Mayne, Cr Deirdre Diamante
Officers Present:	Catherine Simcox, Vanessa Bove
Apologies:	Nil
Items discussed:	<ol style="list-style-type: none"> 1. Introductions and role of the committee 2. Councils current work in Gender Equality and LGBTQIA+ topics 3. Reconciliation Action Plan 4. Mental Health Webpage 5. Council's calendar of events 6. Other business – Items relevant to the role of the Advisory Committee.

CONFLICT OF INTEREST DISCLOSURES

Were there any conflict of interest disclosures by Councillors? No

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS	
Meeting Name:	Manningham Sustainable Design Task Force Meeting
Date:	Thursday, 14 July 2022
	Time Opened: 8:40am
	Time Closed: 10:45am
Location:	Manningham Function Centre – Function Room 2
Councillors Present:	Cr Stephen Mayne, Cr Anna Chen
Officers Present:	Fiona Troise, Jonathan Caruso, Daniel Yu, Hugh Charlton, Lauren Shelton, Dylan Pedersen, Jan Marzic, Wilson Ma
Apologies:	Nil
Items discussed:	<ol style="list-style-type: none"> 1. Development Proposal – 1026-1030 Doncaster Road Doncaster East 2. Development Proposal – 344-352 Blackburn Road Doncaster East

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

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS

Meeting Name:	Manningham Disability Advisory Committee		
Date:	Monday, 25 July 2022	Time Opened:	3:00pm
		Time Closed:	5:00pm
Location:	Online via MS Teams		
Councillors Present:	Katrine Gabb, Michelle Zemancheff		
Officers Present:	Cr Michelle Kleinert		
Apologies:	Nil		
Items discussed:	<ol style="list-style-type: none"> 1. Introductions and role of the committee 2. MDAC projects for 2022 3. International Day of People with Disability Activities 4. Mental Health Webpage 5. Council plan disability inclusion data collection – 6. Other business- Reconciliation Action plan, Council’s calendar of events 		

CONFLICT OF INTEREST DISCLOSURES

Were there any conflict of interest disclosures by Councillors?	No
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Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	CEO and Councillor Only Time				
Date:	Tuesday, 26 July 2022				
	<table border="1"> <tr> <td>Time Opened:</td> <td>5.30pm</td> </tr> <tr> <td>Time Closed:</td> <td>6.00pm</td> </tr> </table>	Time Opened:	5.30pm	Time Closed:	6.00pm
Time Opened:	5.30pm				
Time Closed:	6.00pm				
Location:	Koonung Room				
Councillors Present:	Mayor Cr Michelle Kleinert; Cr Andrew Conlon Cr Anna Chen Cr Deirdre Diamante; Cr Geoff Gough; Cr Laura Mayne; Cr Stephen Mayne; Cr Tomas Lightbody				
Officers Present:	Rachelle Quattrocchi Acting CEO				
Apologies:	Andrew Day; Cr. Carli Lange (on phone)				
Items discussed:	<ol style="list-style-type: none"> 1. Blues and Council Meeting Agenda Items 2. NOM – Cr. Stephen Mayne Sports Advisory committee 3. COVID-19 – arrangements for meeting seating / hybrid meeting etc. 				

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

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	Manningham Youth Advisory Committee				
Date:	27 July 2022				
	<table border="1"> <tr> <td>Time Opened:</td> <td>6:00pm</td> </tr> <tr> <td>Time Closed:</td> <td>7:30pm</td> </tr> </table>	Time Opened:	6:00pm	Time Closed:	7:30pm
Time Opened:	6:00pm				
Time Closed:	7:30pm				
Location:	Council Chambers				
Councillors Present:	Cr Laura Mayne, Cr Anna Chen				
Officers Present:	Lee Robson, Pamela Dewhurst, Aurelia Ginevra				
Apologies:	Michelle Zemancheff, Acting Group Manager, Community Programs				
Items Discussed:	<ol style="list-style-type: none"> 1. Confirmation of Minutes from 8 June Meeting 2. Actions Arising 3. Principals' Breakfast – Feedback and Next Steps 4. MYAC Response to Draft Climate Emergency Action Plan and Food Organics Garden Organics 5. Other Business 				

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

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS	
Meeting Name:	Multicultural Communities Advisory Committee
Date:	Thursday, 28 July 2022
	Time Opened: 6:00pm
	Time Closed: 8:00pm
Location:	Online via MS Teams
Councillors Present:	Cr Carli Lange, Cr Andrew Conlon, Cr Stephen Mayne
Officers Present:	Catherine Simcox, Vanessa Bove
Apologies:	
Items discussed:	1. Introductions and the role of the committee
	2. Council's current work in the multicultural space
	3. Reconciliation Action plan
	4. Mental health webpage
	5. Council's calendar of events
	6. Other business – items relevant to the role of the Advisory Committee

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

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	External Briefing				
Date:	Monday, 1 August 2022				
	<table border="1"> <tr> <td>Time Opened:</td> <td>6:00pm</td> </tr> <tr> <td>Time Closed:</td> <td>8:00pm</td> </tr> </table>	Time Opened:	6:00pm	Time Closed:	8:00pm
Time Opened:	6:00pm				
Time Closed:	8:00pm				
Location:	Council Chambers				
Councillors Present:	Cr Michelle Kleinert, Cr Laura Mayne, Cr Anna Chen, Cr Stephen Mayne, Cr Tomas Lightbody, Cr Carli Lange, Cr Deirdre Diamante				
Officers Present:	Lee Robson, Rachelle Quattrocchi, Jon Gorst, Kerryn Paterson, James Paterson				
Apologies:	Cr Gough, Cr Conlon				
Items discussed:	<ol style="list-style-type: none"> 1. Presentation by Yarra Valley Water on water recycling 2. Presentation by Heide Museum of Modern Art on its history and plans for expansion with regard to current site and opportunities with North-East Link works 				

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

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	Strategic Briefing Session				
Date:	Tuesday, 2 August 2022				
	<table border="1"> <tr> <td>Time Opened:</td> <td>6.33pm</td> </tr> <tr> <td>Time Closed:</td> <td>8:24pm</td> </tr> </table>	Time Opened:	6.33pm	Time Closed:	8:24pm
Time Opened:	6.33pm				
Time Closed:	8:24pm				
Location:	Council Chambers				
Councillors Present:	Cr Michelle Kleinert (Mayor), Cr Deirdre Diamante (Deputy Mayor), Cr Anna Chen, Cr Andrew Conlon, Cr Geoff Gough, Cr Carli Lange, Cr Tomas Lightbody, Cr Laura Mayne and Cr Stephen Mayne				
Officers Present:	<p>Executive Officers Present</p> <p>Rachelle Quattrocchi, Acting Chief Executive Officer James Paterson, Acting Director City Services Kerryn Paterson, Director Experience and Capability Lee Robson, Acting Director City Planning and Community Andrew McMaster, Chief Legal and Governance Officer Jon Gorst, Chief Financial Officer</p> <p>Other Officers in Attendance</p> <p>Carrie Bruce, Senior Governance Lead Krishen Soobrayen, Manager City Projects Wayne Eddy, Coordinator Asset Management and Capital Works Jude Whelan, Manager Communications Nicolas Pirsoul, Community Engagement and Research Advisor</p>				
Apologies:	Nil				
Items discussed:	<ol style="list-style-type: none"> 1. End of Financial Year Capital Works Status Report 2. State Government Advocacy 				

CONFLICT OF INTEREST DISCLOSURES

Were there any conflict of interest disclosures by Councillors? No

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	CEO and Councillor Only Time				
Date:	Tuesday, 2 August 2022				
	<table border="1"> <tr> <td>Time Opened:</td> <td>5.30pm</td> </tr> <tr> <td>Time Closed:</td> <td>6.00pm</td> </tr> </table>	Time Opened:	5.30pm	Time Closed:	6.00pm
Time Opened:	5.30pm				
Time Closed:	6.00pm				
Location:	Koonung Room				
Councillors Present:	Mayor Cr Michelle Kleinert, Cr Andrew Conlon, Cr Anna Chen, Cr Carli Lange, Deputy Mayor Cr Deirdre Diamante, Cr Geoff Gough, Cr Laura Mayne, Cr Stephen Mayne, Cr Tomas Lightbody				
Officers Present:	Rachelle Quattrocchi Acting CEO				
Apologies:	Andrew Day				
Items discussed:	<ol style="list-style-type: none"> 1. Future of the School Crossing Service 2. Sports Advisory committee – Confirmation of Cr. Representatives 3. Strategic Planning Day September - Update 4. Hawtin Street - Update 5. Mayoral Ball – Update 6. Templestowe Road 				

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

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	Strategic Briefing Session				
Date:	Tuesday, 9 August 2022				
	<table border="1"> <tr> <td>Time Opened:</td> <td>6.38pm</td> </tr> <tr> <td>Time Closed:</td> <td>9.31pm</td> </tr> </table>	Time Opened:	6.38pm	Time Closed:	9.31pm
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Time Closed:	9.31pm				
Location:	Council Chambers				
Councillors Present:	Cr Michelle Kleinert (Mayor), Cr Deirdre Diamante (Deputy Mayor), Cr Anna Chen, Cr Andrew Conlon, Cr Carli Lange, Cr Tomas Lightbody, Cr Laura Mayne and Cr Stephen Mayne				
Officers Present:	<p>Executive Officers Present</p> <p>Andrew Day, Chief Executive Officer Rachele Quattrocchi, Director City Services Kerryn Paterson, Director Experience and Capability Lee Robson, Acting Director City Planning and Community Andrew McMaster, Chief Legal and Governance Officer Jon Gorst, Chief Financial Officer</p> <p>Other Officers in Attendance</p> <p>Carrie Bruce, Senior Governance Lead Helen Napier, Manager City Amenity Heather Callahan, Coordinator Recreation (virtual attendance) Keri Kennealy, Manager Aged and Disability Services Michelle Zemancheff, Acting Group Manager Community Programs Tina Beltramin, Coordinator Positive Ageing Veronica Young, Project Manager Healthy Ageing</p>				
Apologies:	Cr Geoff Gough				
Items discussed:	<ol style="list-style-type: none"> 1. Proposed Sport and Recreation Advisory Committee 2. Aged Care Reforms (Confidential) 3. Freedom of the City Policy Review 4. Administrative Amendment to Governance Rules 5. Advocacy Priorities for the State Election - November 2022 				
CONFLICT OF INTEREST DISCLOSURES					
Were there any conflict of interest disclosures by Councillors?	No				

13.4 Documents for Sealing

File Number: IN22/491
Responsible Director: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

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

COUNCIL RESOLUTION

MOVED: CR ANDREW CONLON
SECONDED: CR TOMAS LIGHTBODY

That the following documents be signed and sealed:

**Community Services Lease
Council and Warrandyte Neighbourhood House Incorporated
Part Warrandyte Community Centre
168-178 Yarra Street, Warrandyte**

**Consent to Build Over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and Halabi Properties Pty Ltd
83 Ayr Street, Doncaster**

**Variation Deed – Services Agreement
Council and ESG Sunshine Pty Ltd
Former Doncaster Quarry Site
Warrandyte Road, Doncaster East**

**Consent to Build Over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and D Paparas and M Paparas
58 Polaris Drive, Doncaster East**

CARRIED UNANIMOUSLY

2. BACKGROUND

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

3. DECLARATIONS OF CONFLICT OF INTEREST

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

14 NOTICES OF MOTION**14.1 Notice of Motion by Cr Stephen Mayne (NOM No. 4/2022)**

File Number: IN22/498

Attachments: Nil

COUNCIL RESOLUTION

MOVED: CR STEPHEN MAYNE
SECONDED: CR GEOFF GOUGH

That Council:

- A. notes the latest City of Manningham 10 Year Financial Plan includes a forecast on page 20 for funds to be disbursed to recreation facilities, from the net cash balance of the Manningham Recreation Association when it was wound up in 2018; and**
- B. requests officers to prepare a briefing for Council by November 2022 on how these funds are intended to be spent in accordance with the Manningham Recreation Association winding up agreement.**

CARRIED UNANIMOUSLY

15 URGENT BUSINESS

15.1 MAV State Council Motions

File Number: IN22/509

Attachments: Nil

COUNCIL RESOLUTION

MOVED: CR STEPHEN MAYNE
SECONDED: CR TOMAS LIGHTBODY

That Council endorse the MAV State Council motions outlined below and submit the motions to the MAV by 16 September 2022.

Motion 1 - Stronger cooperation between Councils and Parks Victoria

That the MAV State Council:

- A. notes with concern the lack of investment and appropriate maintenance of many key assets managed by Parks Victoria including at a range of State Parks and various water-facing facilities such as piers and wharves in Port Phillip Bay and along the Victorian coast.
- B. authorises the MAV board to seek the establishment of a formal MAV-Parks Victoria working group or consultative committee to provide a stronger local government voice as the next State Government develops the future annual Parks Victoria budgets and work plans.

Motion 2 - Extension of public library hours, reduction of poker machine hours

That the MAV State Council:

- A. notes with concerns that Victoria has approximately 500 poker machine venues which collectively are expected to drain more than \$3.2 billion from gamblers in 2022 with many of these losses occurring at un-social hours because more than 100 of these venues operate the legally maximum 140 hours a week or 20 hours a day.
- B. contrasts this with the 291 public libraries in Victoria, many of which are open less than 40 hours a week, partly because State Government funding of council-owned libraries has steadily fallen to below 20% of the cost, despite the constraints imposed on councils by rate-capping over the past 6 years.
- C. calls on the next State Government to commit to increased public library funding to facilitate an extension of programs such as Libraries After Dark, whilst also reducing pokies operating hours to no more than 18 hours a day with a mandatory shutdown from 2am until 8am each day.

CARRIED UNANIMOUSLY

16 COUNCILLOR REPORTS AND QUESTION TIME

16.1 Councillor Reports

Cr Anna Chen reported that the Metropolitan Transport Forum (MTF) which was held in July was a great success.

Cr Chen was in attendance and put forth a question to the speaking panel regarding their views about Manningham's support for express bus routes to replicate the Suburban Rail Loop, as a short term solution for improved public transport in Manningham. Cr Chen was pleased to report that the Panel, consisting of the Hon. Jacinta Allan, Deputy Premier of Victoria and Minister for Transport Infrastructure; Matthew Bach MLC, Opposition spokesperson for Transport Infrastructure; and Sam Hibbins MLA, Greens spokesperson on Public Transport, supported this initiative.

Cr Chen indicated that she would like to see an improvement in Council's advocacy efforts to support this initiative in the short term.

Cr Geoff Gough reported that the State government's maintenance of Manningham's parklands is currently not being kept to an adequate standard. Cr Gough stated that there has also been poor upkeep of roadside maintenance, including median strips, traffic islands and a high amount of potholes and this issue is not confined to Manningham.

Cr Gough requested that a letter be sent to State Members of Parliament to advocate for the maintenance of State Government assets which are in need of improvement within Manningham.

Cr Carli Lange stated that she was in agreement with Cr Gough's sentiments regarding the lack of maintenance of the State Government's assets within Manningham, in particular the section of road between Yarra Road from Ringwood to Warrandyte which is adversely affected by potholes.

Cr Lange asked if Council could also advocate to the State Government concerning these issues, as she believes this is of importance to the community and requires a timely resolution.

Cr Stephen Mayne extended congratulations to East Doncaster Football Club who ranked highest in the Eastern football league A grade division. He noted that this is the first time ever that Manningham has had three clubs in the top division.

Cr Mayne acknowledged a number of clubs in the women's football league, notably Bulleen-Templestowe Club who were runners up in their first ever Senior Women's grand finals.

Cr Mayne advised that he recently met with the new President of the Fitzroy-Doncaster Cricket Club. He also acknowledged the contribution of the outgoing President and the Club's Vice President who is supporting the transition in leadership.

Cr Mayne expressed his appreciation for Manningham local Warren Maher, Director of Tennis at the Boroondara Tennis Centre for his formidable efforts over many years as a coach and managing the Centre. He noted that the Centre will wind up in the coming months to make way for the North East Link project.

17 CONFIDENTIAL REPORTS

There were no Confidential Reports.

The meeting concluded at 7:57pm.

Chairperson
CONFIRMED THIS 27 September 2022