Wodonga Council

Agenda

Ordinary meeting of the council

July 20, 2020

Attachments
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1. **Purpose**
This policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct and how council information is to be made publicly available. Council must adopt and maintain a public transparency policy under section 57 of the *Local Government Act 2020* (the Act). This policy gives effect to the *Public Transparency Principles* outlined in section 58 of the Act.

2. **Objective**
The objective of Council’s Public Transparency Policy is to formalise its support for transparency in its decision-making processes and the public awareness of the availability of Council information. As a result, this policy seeks to promote:

   a) Greater clarity in Council’s decision-making processes;
   b) Increased confidence and trust in the community through greater understanding and awareness;
   c) Enhanced decision making by the community;
   d) Improved Council performance;
   e) Access to information that is current, easily accessible and disseminated in a timely manner;
   f) Reassurance to the community that Council is spending public monies wisely.

A transparency policy needs to cover both documentary information, process information and how information will be made available to the public and is an integral part of council’s Corporate Governance Framework.

3. **Scope**
This policy applies to councillors and Council staff of the Council.

4. **Definitions**
For the purposes of this policy, Council adopts the following definitions:

| **Community** | Community is a flexible term used to define groups of connected people. We use it to describe people of a municipality generally, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality. More specifically, it can refer to everyone affiliated with the municipality, or smaller groups defined by interest, identity or location, and not necessarily homogenous in composition or views. Different types of communities often overlap and extend beyond municipal boundaries. Communities may be structured, as in clubs or associations or unstructured, such as teens. Communities are flexible and temporary, subject individual identity and location |
| **Consultation** | The process of seeking input on a matter. |
| **Public Participation** | Public participation encompasses a range of public involvement, from simply informing people about what government is doing, to delegating decisions to the public and community activity addressing the common good. |
| **Stakeholder** | An individual or group with a strong interest in the decisions of Council and are directly impacted by their outcomes. |
| **Closed Meetings** | When Council resolves to close the meeting to the general public, in order to consider a confidential matter under section |
66(2)(a) of the Act).

**Transparency**
A council with no hidden agendas or conditions, and the availability of all information needed in order to collaborate, cooperate and make decisions effectively. Importantly, “transparency” is also a human rights issue: the right to have the opportunity, without discrimination, to participate in public affairs (s.58 of The Act).

**Public Interest Test**
Council may refuse to release information if it determines that the harm likely to be created by releasing the information will exceed the public benefit in being transparent. When considering possible harm from releasing information, the Council will only concern itself with harm to the community or members of the community. Potential harm to the Council will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the council from performing its functions.

**Open data**
To be considered 'open', data needs to be:
- published as close to its time of collection as possible
- organised in a format that allows for machine processing
- available in an open file format (eg CSV)
- made available in a permanent and stable format online

Open government data does not include private information about individuals. It is non-personal, unclassified and not confidential. (source: www.data.vic.gov.au)

5. **Policy**

5.1 **Transparency at council**

**Decision Making at Council Meetings**
Will be undertaken in accordance with the Act and the Governance Rules.

Will be conducted in an open and transparent forum, unless the provisions in the Act and Governance Rules do not permit it.

Will be informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy.

Will be made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered.

**Council Information**
This information includes but is not limited to:

**Documents** such as:
- Plans and Reports adopted by Council;
- Policies;
- Project and service plans;
- Grant application, tenders and tender evaluation material;
- Service agreements, contracts, leases and licences;
- Council leases, permits and notices of building and occupancy; and
Relevant technical reports and / or research that informs decision making.

**Process information** such as:
- Practice notes and operating procedures;
- Application processes for approvals, permits, grants, access to Council services;
- Decision making processes;
- Guidelines and manuals;
- Community engagement processes;
- Complaints handling processes.

**Council records** will, at a minimum, be available on Council’s website:
- Council meeting agendas;
- Reporting to Council;
- Minutes of Council meetings;
- Reporting from Advisory Committees to Council through reporting to Council;
- Audit and Risk Committee Performance Reporting;
- Terms of reference or charters for Advisory Committees;
- Registers of gifts, benefits and hospitality offered to councillors or Council staff;
- Registers of travel undertaken by councillors or Council staff;
- Registers of Conflicts of Interest disclosed by councillors or Council staff;
- Submissions made by Council;
- Registers of donations and grants made by Council;
- Registers of leases entered into by Council, as lessor and lessee;
- Register of Delegations;
- Register of Authorised officers;
- Register of Election campaign donations;
- Summary of Personal Interests;
- Any other Registers or Records required by legislation or determined to be in the public interest.

Consistent with the Part II statement, Council will make available the following records for inspection. Examples include but are not limited to:
- Summary of Personal Interests (‘Register of interests’ until 24 October 2020); and
- Submissions received under section 223 of the *Local Government Act 1989* until its repeal or received through a community engagement process undertaken by Council.

**Publications**
Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to council. You can download them from the website or call Council for a copy. Some of these publications are available at Council’s Libraries.

**5.2 Access to information**
- Information will be made available on the Council website, open data, at Council offices, or by request.
• Consideration will be given to accessibility and cultural requirements in accordance with the Charter of Human Rights and Responsibilities Act 2006.
• Consideration will be given to confidentiality in accordance with the Act and public interest test where appropriate.
• Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.

5.3 Information not available
Some Council information may not be made publicly available. This will only occur if the information is confidential information or if its release would be contrary to the public interest or in compliance with the Privacy and Data Protection Act 2014.

“Confidential information” is defined in section 3 of the Local Government Act 2020. It includes the types of information listed in the following table.

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council business information</td>
<td>Information that would prejudice the Council’s position in commercial negotiations if prematurely released.</td>
</tr>
<tr>
<td>Security information</td>
<td>Information that is likely to endanger the security of Council property or the safety of any person if released.</td>
</tr>
<tr>
<td>Land use planning information</td>
<td>Information that is likely to encourage speculation in land values if prematurely released.</td>
</tr>
<tr>
<td>Law enforcement information</td>
<td>Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.</td>
</tr>
<tr>
<td>Legal privileged information</td>
<td>Information to which legal professional privilege or client legal privilege applies.</td>
</tr>
<tr>
<td>Personal information</td>
<td>Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.</td>
</tr>
<tr>
<td>Private commercial information</td>
<td>Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.</td>
</tr>
<tr>
<td>Confidential meeting information</td>
<td>Records of a Council and delegated committee meetings that are closed to the public to consider confidential information</td>
</tr>
<tr>
<td>Internal arbitration information</td>
<td>Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.</td>
</tr>
<tr>
<td>Councillor Conduct Panel confidential information</td>
<td>Confidential information relating to a Councillor Conduct Panel matte</td>
</tr>
<tr>
<td>Confidential information under the 1989 Act</td>
<td>Information that was confidential information for the purposes of section 77 of the Local Government Act 1989</td>
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</tbody>
</table>

The Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act. However, this will not
happen if release is contrary to law or if releasing the information is likely to cause harm to any person or is not in the public interest to do so.

Where information is not confidential, and not already been available, Council will apply the principles of a public interest test with consideration also of the resources required to respond to the request.

### 5.4 Responsibilities

<table>
<thead>
<tr>
<th>Party/parties</th>
<th>Roles and responsibilities</th>
<th>Timelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Executive</td>
<td>Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this policy.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Managers</td>
<td>Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>All staff</td>
<td>Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Governance Officer</td>
<td>To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

### 5.5 Human rights charter

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this Policy aligns with and provides for the protection of an individual’s right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person’s right to participate in the conduct of public affairs.

### 5.6 Non-compliance with this policy

If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If still not satisfied and would like to contest the decision, this can be reported to the Governance Officer.

If not satisfied with Council’s response, the concerns can be raised directly with the Victorian Ombudsman’s office on (03) 9613 6222. or via the website – www.ombudsman.vic.gov.au.

### 5.7 Other ways to access information

The *Freedom of Information Act 1982* gives you right of access to documents that Council hold. Council is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Act.

A list of available information is provided in the Part II Statement (Statement) published on Council’s website in accordance the *Freedom of Information Act 1982*. This Statement requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds.

If you can’t find the information you require, call us directly so we may assist you.

6. Related policies
   Governance Rules
   Public Transparency Principles
   Corporate Governance Framework
   Community Engagement Policy
   Privacy Policy

7. Related legislation
   *Charter of Human Rights and Responsibilities Act 2006*
   *Freedom of Information Act 1982*
   *Local Government Act 2020*
   *Local Government Act 1989*
   *Privacy and Data Protection Act 2014*
   *Equal Opportunity Act 2010*.

8. Review
   Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in the Policy’s implementation.

   Council may review this policy at any time but unless otherwise requested at least every four years so as to ensure any changes required to strengthen or update the policy are made in a timely manner.

   Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy eg: typographical errors, a change to the name of a related policy, or a change to the name of legislation.

<table>
<thead>
<tr>
<th>Title:</th>
<th>Public Transparency Policy</th>
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<tr>
<td>Reference No:</td>
<td>D20.63649</td>
</tr>
<tr>
<td>Business Unit:</td>
<td>City of Wodonga</td>
</tr>
<tr>
<td>Category:</td>
<td>Quality Manager - Policy</td>
</tr>
<tr>
<td>Approved By:</td>
<td>Manager City of Wodonga</td>
</tr>
<tr>
<td>Next Review:</td>
<td>22 July 2023</td>
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Purpose

The purpose of this policy is to:

- Establish the resources, facilities and administrative support to be provided to councillors and members of delegated committees; and
- Provide for councillors and members of delegated committees to have out-of-pocket expenses, incurred while performing their official duties, either reimbursed or paid direct by Wodonga Council (the council).

Objectives

- To fulfil the statutory requirements of section 41 of the Local Government Act 2020 ("the Act") for a Council Expenses Policy relating to entitlements for councillors and members of delegated committees.
- To provide accountability and transparency with councillor and committee members expenses and entitlements.

Scope

This policy applies to the Wodonga councillors and members of delegated committees.

It gives a broad overview of how the council can provide assistance to its councillors and members of delegated committees in carrying out their role and functions. It does not prescribe for every possible situation that may arise.

The facilities and services outlined in this policy are not available for use by family members, unless otherwise noted in this policy. If a councillor or member of a delegated committee requests that services and / or facilities be extended to include family members, the incremental increase for the family member/s shall be paid by the councillor or member of a delegated committees.

This Policy should be read in conjunction with relevant legislation, including but not limited to the Act, and with the Councillors Code of Conduct, as adopted and/or amended from time to time.

Definitions

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

Council means Wodonga City Council, being a body corporate constituted as a municipal council under the Act.

Councillors means the persons holding the office of a member of the council, and includes the person elected to the office of mayor or deputy mayor.

Delegated committee
Delegated committees are defined under section 63 of the Act.
Joint delegated committees

*Joint delegated committees* are defined under section 64 of the Act. All references under this policy to delegated committees are to be equally applied to joint delegated committee (see s 64).

**Duties as a councillor**

Councillor duties are those performed by the Mayor, Deputy Mayor or a councillor as a necessary part of their role, in achieving the objectives of council.

For the purposes of this policy such duties will include the following:

- Attendance at meetings of the council or its committees;
- Attendance at councillor briefing sessions, meetings, workshops and civic events or functions convened or scheduled by the council, the Mayor or a senior member of the council staff;
- Attendance at conferences, workshops or training programs approved under the council’s Councillor Development Policy;
- Attendance at meetings of community groups, organisations or service authorities to which a councillor has been appointed as the council representative;
- Attendance at a meeting, function or event as a representative of the council or Mayor;
- Attendance at site inspections in relation to a council approval process or council project;
- Responding to communications from constituents concerning council business.

**Partner**

Means a Councillor’s or member of a delegated committee’s spouse, wife, husband, domestic partner or companion.

**Policy**

Council will provide the following support to councillors in the discharge of their duties.

1. Legislative requirements

1.1 Reimbursement of expenses

Councillors and members of delegated committees are entitled, under section 40 of the *Local Government Act 2020* (the Act), to reimbursement of expenses reasonably incurred in the performance of their duties.

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

Councillors and members of delegated committees will be reimbursed for out-of-pocket expenses that are:

- bona fide expenses and
• have been reasonably incurred in the performance of the role of councillor and
• are reasonably necessary for the councillor and member of a delegated committee to perform this role.

1.2 Carer and dependent-related expenses
Council will provide reimbursement of costs where the provision of childcare is reasonably required for a councillor or member of a delegated committee to perform their role (s 41(2)(c)).

This applies to the care of a dependent, while the councillor or delegated committee member is undertaking their official duties; and may include expenses such as hourly fees and booking fees, if applicable.

Council will provide reimbursement of costs where the provision of carer services is reasonably required when a councillor or delegated committee member who is a carer (see Definitions) incurs reasonable expenses in the performance of their duties.

Payments for carer and childcare services will not be made to a person who resides with the councillor or delegated committee member; has any financial or pecuniary interest with the councillor or delegated committee member; or has a relationship with the councillor, delegated committee member or their partner.

2. Allowances
2.1 Allowances will be set by determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.

2.2 Allowances will be paid each month, and never more than monthly in advance upon a councillor taking the oath of office and making a declaration that they will abide by the Councillor Code of Conduct.

2.3 A councillor can elect:
   a) to receive the entire allowance to which they are entitled; or
   b) to receive a specified part of the allowance to which they are entitled; or
   c) to receive no allowance

2.4 Any personal taxation implications from the receipt of allowances are the responsibility of individual councillors.

2.5 In accordance with the provisions contained in Australian Tax Office Interpretive Decision 2007/205, the council may enter into a voluntary arrangement with a councillor under which the councillor agrees to forego all or part of their councillor allowance, including mayoral allowance if applicable, in exchange for the council making contributions to a complying superannuation fund nominated by the councillor and agreed to by the Chief Executive Officer (CEO).

3. Motor vehicles
3.1 If required by the incumbent, the Mayor will be provided with a fully maintained motor vehicle for official council purposes and for limited private use.

3.2 Private use is defined as travel within Victoria or within 200 kilometres of Wodonga. The Mayor will reimburse the council for private use of the vehicle outside of the above parameters in accordance with the per kilometre rate in the Victorian Local Government Authorities Award 2001.
3.3 If the Mayor’s vehicle is used for business purposes, other than council business, the Mayor will reimburse council for this travel in accordance with the per kilometre rate in the Victorian Local Government Authorities Award 2001.

3.4 The Mayor’s partner, provided he or she is a licensed driver, may drive the mayoral vehicle at those times when the Mayor is in the vehicle.

3.5 If the mayoral vehicle is required in the case of an emergency or one off usage by the partner or children of the Mayor, when the Mayor is not in the vehicle, this use should be notified to the CEO at the earliest opportunity.

3.6 The Mayor will be responsible for the cleanliness of the mayoral vehicle.

3.7 In addition a council pool vehicle will be available to assist councillors with their civic duties.

3.8 Where the Mayor or a councillor is on a long trip or feels for whatever reason that they may be impaired by fatigue, and if there are other licensed drivers in the car, they are encouraged to share the driving load.

3.9

4. Travelling expenses

4.1 The council will meet the reasonable travel costs associated with councillors travelling for official council purposes, as approved by the CEO, and within the limits of the budget approved by the council.

4.2 The mode of transport is to be determined by the CEO based on the most cost and time effective form of transport and adhering to OH&S principles.

4.3 Where use of a council or hire vehicle is impractical, councillors may use their own vehicle and be reimbursed in accordance with the per kilometre rate in the Victorian Local Government Authorities Award 2001.

4.4 It is expected that all travel will be by the most direct route, and vehicles are shared where more than one councillor attends the same function.

4.5 Overseas travel for councillors must be approved by council resolution at a public council meeting.

4.6 Councillors will be given the option to travel in business class for all international flights of more than six hours duration, subject to such travel being approved at clause 4.5.

4.7 Any expenses from breach of road, traffic, parking or other regulations or laws, will be the responsibility of the councillor concerned and will not be reimbursed by the council.

5. Other expenses

5.1 Other bona fide expenses that have been reasonably incurred by councillors incidental to fulfilling their council duties such as:

- Accommodation
- Attendance at community functions
- Meals and refreshments
- Car parking fees and cab charges
- Registration fees

shall be paid by the council or reimbursed upon lodgement of all receipts or proofs of expenditure.
5.2 The cost of attending fundraising activities of political parties will not be met.

5.3 Council will not normally reimburse costs for alcohol, with meals or otherwise, unless it is linked to formal hospitality at civic functions and/or approved business meetings, or forums, in support of current or future community development outcomes. These matters would routinely be approved by the CEO as required. Furthermore, there may be specific work related activities undertaken by the Mayor and CEO as part of council’s strategic engagement and investment attraction with businesses and/or local, state and federal agencies where moderate amounts of alcohol are purchased as part of those engagements and/or business meetings.

6. Partners
Councillors are responsible for any expenditure related to a partner, spouse, companion or family member accompanying a councillor to civic or community functions, business trips, seminars and conferences.

If a partner, spouse, companion or family member wishes to accompany a councillor this should not be booked through the council. The Chief Executive Officer or delegate will consider requests which may require assistance for logistical reasons. Any costs incurred by the person accompanying the councillor will not be funded by the council.

7. Information Technology
Any equipment or resources, including but not limited to information technology, remain the property of the council. Any person who ceases to be a councillor must immediately cease to use any equipment or resources. All equipment and resources must be returned within seven days of the expiration of a councillor’s term in office, retirement or resignation. Resources include all confidential electronic or hardcopy material obtained in a person’s capacity as a councillor.

7.1 Councillors will be provided with appropriate IT equipment for their term in office.

The level of equipment will be standardised for all councillors for support and network compatibility at a level equivalent to that provided to the CEO.

The exact equipment provided to councillors may depart from that outlined in this policy due to changing technology or individual councillor needs. Where the equipment provided to councillors differs from this list, these changes will be approved by the CEO after consultation with the Mayor and relevant councillors.

The primary function of this equipment is for council purposes and not for business / personal use.

Council has an Information Technology directive and guidelines which will be handed to each councillor at the time that the equipment is made available.
7.2 Laptop / iPad
Council will make available suitable broadband technology to enable email, calendaring and access to relevant council documentation. Either a laptop or iPad (or similar tablet) will be provided.

7.3 Personal Digital Assistant
Councillors will be provided with an iPhone or similar for use as a mobile phone and for electronic processing of mail when off site. It is the council’s expectation that the iPhone be used for all council business calls, rather than a landline.

Council will meet the purchase, initial set up, maintenance costs, connection fees, rental charges and all council business call charges for the iPhone. All accounts for such equipment will be in the name of the council.

Council telephones, mobile phones, email and internet facilities are for business use. Private use of these services must be kept to a minimum.

8. Legal costs
8.1 If a councillor requires legal advice in connection with his or her duties as a councillor:
   a. he or she may submit a Notice of Motion requesting that the council facilitate and fund such legal advice; or
   b. the CEO may facilitate such legal advice and confirm that the council will pay for it, if it is:
      • appropriate to do so taking into the consideration the criteria in clause 8.2; and
      • the councillor requirement for legal advice cannot be deferred until the lodgement or consideration of a Notice of Motion. Any decision by the CEO to approve legal advice will be reported to the next public council meeting.

8.2 Council will evaluate any requirement by a councillor for legal advice against the following criteria:
   a. the extent to which the subject-matter of the advice required relates to the councillor’s duties as a councillor;
   b. the extent to which the subject-matter of the advice required relates to a matter before the council or the councillor’s representative role as a councillor;
   c. the extent to which the subject-matter of the advice required will or is likely to be of interest to all councillors;
   d. the public interest; and
   e. any other relevant considerations.

8.3 In the event that legal advice relates to a writ, action or pending action against a councillor or councillors, the councillor or councillors must supply a copy of the writ or action or provide the information which may lead to an action, to the CEO, who will advise the council's insurers as
soon as possible, in accordance with the council’s insurance policy conditions.

8.4 Notwithstanding clauses 8.1 to 8.3, the CEO may at any time seek legal advice about:
   a. An occupational health and safety matter involving a councillor; or
   b. Any other matter involving a councillor that the CEO determines is affecting the good governance of the organisation.

9. Other support for councillors
Council will provide the following support facilities for councillors. The facilities are provided for use by the councillor in conduct of his / her duties of office. All equipment provided shall remain the property of the council, and shall be returned within two weeks of retirement or termination of office.

9.1 Mayor’s Office
A separate office is provided for the Mayor for use to carry out his / her duties.

9.2 Councillors’ room
The councillors’ room is reserved for exclusive use by councillors and provides office furniture, telephone, and access to the council computer network. It is suitable for small meetings. Other council meeting rooms can be used, subject to availability, and should be booked through the CEO’s Executive Assistant.

9.3 Stationery
The council shall, upon request, provide councillors with standard stationery held or obtained generally for the organisation’s requirements. The stationery may include, but not necessarily be limited to: paper, business cards, writing implements, diaries, writing pads, envelopes and the like.

Council stationery is not to be converted or modified in any way and must only be used for carrying out the functions of the civic office (not to be used for election, business, or personal purposes).

Councillors will be entitled to post, through the council mailing system and utilising the council supplied stationery, any items which relate to the council business (this does not include election related material).

9.4 Photocopying
A photocopier is available for photocopying directly related to council business.

9.5 Secretarial support
Secretarial support will be made available to councillors for work directly related to the duties of the office.

9.6 Name badges
Each councillor will be provided with a name badge for use while on council business. Badges will be replaced as required.
9.7 Meal refreshments
Where meetings or functions are held at times which extend through normal meal times, the council will provide suitable meals / refreshments served on the premises.

9.8 Cabcharge
Each councillor will be provided with a “Cab-Charge” credit card (if requested) for use in the payment of taxi services for council purposes.

9.9 Building access and parking
Each councillor will receive a key fob to provide access to the council offices, including access to the ground floor office and lounge areas, and the council chamber.

Each councillor is entitled to use a parking space in the eastern side car park, as sign posted.

9.10 Councillors’ welfare
Councillors may approach the CEO with regard to any specific guidance, counselling or coaching that may be required to enhance their performance as a councillor. The Councillor Development Policy provides further information in this regard.

Councillors encountering difficulties with the role or personal difficulties that may impact on their role as a councillor are able to seek counselling on a confidential basis through the council’s Employee Assistance Program (EAP). Councillors are eligible to access the EAP by calling 1800 818 728. Further details on the EAP is available from the CEO or thru the website: https://accesseap.com.au/.

9.11 Councillors with disabilities

For any councillor with a disability, the council will provide reasonable additional facilities and support to enable that councillor to perform their civic duties.

10. Limitations
In accordance with the Election Period Policy, councillors must ensure that benefits contained within this policy are not used as part of any election campaign.

If a councillor does not claim a particular expense or use a particular facility, this cannot be offset against a claim for an additional amount of some other expense or facility.

In instances where a councillor attends a meeting of a community group, organisation or statutory body to which the councillor has been appointed the council delegate or is authorised by the council, the contribution or reimbursement by the council shall be diminished by the amount those bodies pay the councillor.
This policy presumes that councillors are residents of the municipal district, and any additional costs or expenses attributable to a councillor’s residence being outside the municipality are considered inappropriate for reimbursement unless approved by council at a public meeting before the expense is incurred.

Expenses for attendance by councillors at conferences, seminars, forums, delegations or similar events should be read in conjunction with the Councillor Development Policy.

11. Reimbursement of expenses
Expenses will be paid or reimbursed subject to the councillor or member of a delegated committee applying in writing and confirming that the expenses were reasonable bona-fide out-of-pocket expenses (form attached as Attachment A). A copy of all receipts for services / costs should be attached.

12. Reporting
Expenditure approved under this Policy will be reported to the Audit and Risk Committee and in the council’s Annual Report and published on the council’s website.

All claims should be made within 30 days of the date of the service to ensure equitable reporting of expenses.

Attachments
Councillors’ and committee members expense claim form

Related policies
Governance Rules
Councillor Development Policy
Election Period Policy
Councillor Code of Conduct

Related legislation
Local Government Act 2020

References
None.

Review
The council may review this policy at any time but unless otherwise requested at least every four years. Ideally the four yearly review will occur within the first 12 months of a new council. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy eg: typographical errors, a change to the name of a related policy, or a change to the name of legislation.
Title: Council Expenses Policy.
Reference No: D18.55379[v2]
Business Unit: City of Wodonga
Category: Quality Manager - Policy
Approved By: Council at its meeting of July 17, 2017
Next Review: 1 July 2021
## Attachment A

**Councillors’ and delegated committee members expense claim form**

Name ..........................

<table>
<thead>
<tr>
<th>Date</th>
<th>Nature of claim expense *</th>
<th>Details</th>
<th>Amount</th>
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</table>

Total expenses

I certify that the above claim are my reasonable and bona fide expenses as provided for under section 40 of the *Local Government Act 2020* and that I have attached supporting evidentiary documentation.

Signed: ........................................... Date: ...........................................

* Claim nature is one of the following:
  - Meals and refreshments
  - Training and education expenses
  - Travel expenses
  - Carer expenses
  - Other expenses

---

OFFICE USE ONLY

Approved  Yes / No

Signed: ........................................................... Date: ...........................................

Chief Executive Officer or delegate
1. PURPOSE

Council staff and councillors must observe specific legislative requirements during the period leading up to a council election.

In addition, section 69(1) of the Local Government Act 2020 (LGA 2020) requires that councils include an Election Period Policy in its Governance Rules.

The purpose of this Policy is to:

a) Comply with the legislative requirements of LGA 2020;

b) Assure the community that Wodonga Council (the council) will not use public resources in election campaigning or make decisions that may bind the incoming council, while continuing to function on behalf of the community; and,

c) Explain to councillors and staff the legislative requirements and the protocols that must be observed during the election period.

2. SCOPE

This policy applies to all councillors and staff of the council.

This Policy is chapter 7 of the Wodonga Council Governance Rules.

3. DEFINITIONS

3.1 Election period

This period is defined by section 3(1) of LGA 2020 to commence at the time that nominations close on nomination day, and ends at 6pm on the election day.

Therefore, the election period for the 2020 elections commences at noon on Tuesday, September 22, 2020 and ends at 6pm on Saturday, October 24, 2020.

3.2 Electoral material

Electoral material as defined by LGA 2020 means “an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting”.

3.3 Electoral matter

Electoral matter as defined by LGA 2020 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”.

Further LGA 2020 stipulates that “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”.

4. POLICY

4.1 Prohibited decisions

In accordance with section 69(2) of LGA 2020 the council is prohibited from making a decision during an election period for a general election that:

a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or

b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or

c) the Council considers could be reasonably deferred until the next Council is in place; or

d) the Council considers should not be made during an election period.

In accordance with section 69(3) of LGA 2020 the council is prohibited from making a decision during an 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.

The following decisions will not be made during an Election Period:

- Approval of contracts that require significant funding in future financial years or are regarded as politically sensitive.
- Decisions that have significant impacts on the council’s income or expenditure or that relate to expenditure on politically sensitive matters.
- Allocation of community grants or other direct funding to community organisations.
- Major planning scheme amendments.
- Sale or discontinuance of roads, etc.
- Decisions of a politically sensitive nature.
- Policy or strategy decisions.

4.2 Considerations for officers with delegated authority

Before making any decisions under delegated authority during the election period, officers should consider the following:

- Whether the decision would be likely to affect voting in the election.
- The urgency of the issue (that is, can it wait until after the election?).
- The possibility of financial repercussions if it is deferred.
• Whether the decision is likely to be controversial.

• The best interests of the council.

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

4.3 Public consultation

Public consultation means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

Public consultation should be avoided during the election period. The council should not commission or approve any public consultation if such consultation is likely to run into the election period.

Public consultation required under the Planning and Environment Act 1987, or matters subject to section 223 of the Local Government Act 1989 (LGA 1989) may be approved by the CEO or the council, where such consultation would involve matters that are not prohibited under section 69(2) and (3) of LGA 2020.

Where public consultation is approved to occur during the election period the results of that consultation will not be reported to the council until after the election period.

4.4 Access to information

4.4.1 Councillors

As councillors must continue to perform their elected role during the election period, they will, as a matter of course, receive all necessary information for them to fulfil that role.

Information to be provided to councillors will include:

• Information that is publicly and freely available such as Council Plans, Annual Reports, strategies, policies and the like.

• Information and advice provided by the CEO as part of the council meeting agendas. This information is publicly and freely available.

• Councillor briefing papers in relation to matters to be decided upon at forthcoming council meetings. It is likely that the briefing information provided to councillors during the election period will be of a more routine nature than normal, given the restrictions on major policy or significant decision making during the election period.

Section 123 of LGA 2020 prescribes serious penalties for any councillor who inappropriately makes use of their position or information obtained in the role of councillor, to gain an advantage.

4.4.2 Candidates, including sitting councillors
Once nominations have closed, the CEO, or delegate, will issue advice to all staff of the names of the candidates.

The council affirms that all candidates for the council election, including any sitting councillors, will be treated equally.

Any assistance and advice to be provided to candidates as part of the conduct of the council election will be provided equally to all candidates, subject to the conditions set out in section 4.4.3 of this policy.

All election process related enquiries from candidates will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or delegate for consideration.

All election process related enquiries from candidates will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or delegate for consideration.

All requests received by council staff for information about projects, programs or services will be responded to in a ‘business as normal’ manner. However, a ‘business as normal’ approach does not include extensive research or analysis involving significant council resources, or providing a level of information which would not normally be available.

Any Freedom of Information applications lodged during the election period on matters such as expenses or costs etc regarding current councillors will be dealt with where possible outside of the election period (the Freedom of Information Act 1982 specifies a 30 day period in providing a response to an FOI application).

### 4.4.3 Request for Information Register

During the election period, a request for information register will be maintained by the Governance Officer. This register will be a public document that records all requests relating to electoral matters, routine and non-routine requests for information by candidates (including any sitting councillors), as well as the responses provided. The information will be published to the council’s web page and updated on a daily basis, or as required.

Staff are required to discuss requests for information by all candidates (including any sitting councillors) with their Director to determine an appropriate response, prior to contacting the Governance Officer for inclusion of the request into the register.

Requests for information which require significant resources to be devoted to making a response, or which might be perceived to support an election campaign, will be referred to the CEO, or delegate, for consideration.

### 4.5 Publication of electoral matter

The council will not print, publish or distribute material that is electoral matter during an election period. Electoral matter is broadly defined to be matter which is intended or likely to affect voting in an election. This limitation does not apply to electoral material that is only about the election process.

Material is definitely electoral matter if it:

- Publicises the strengths or weaknesses of a candidate;
• Advocates the policies of the council or of a candidate;
• Responds to claims made by a candidate; or,
• Publicises the achievements of the elected council.

The council will not print, publish or distribute any advertisement, handbill, pamphlet, or notice during the election period unless it is first certified, in writing, by the CEO.

The CEO's certification must be in writing and cannot be delegated to anyone else. Copies of all certifications and certified documents must be retained on council records.

4.5.1 Media, communications and marketing

Council communications are a legitimate way to promote council activities and services and will continue to be used during the election period. However, council communication channels will not be used in any way that might influence the outcome of a council election.

During the election period, the following protocols will be observed.

• The CEO, or a nominated officer, will be the official spokesperson/s in any council media releases. No media releases issued will quote or feature any councillors.

• In response to any media inquiries, only the CEO, Directors or Manager Communications, Marketing and Customer Focus will provide a response and only information related to services and operations will be included. It must not involve the election or possible election outcomes.

• Any requests from councillors for advice or assistance will be referred to the CEO. No media advice or assistance will be provided to councillors in relation to election campaign matters.

• A council employee will not initiate or make any public statement that could be construed as influencing the election or relates to an election issue. Public statements include not only formal media releases but verbal statements at meetings, functions and events they are attending as part of their council role.

• During the election period, publicity campaigns, other than for the purpose of conducting the election, will be avoided where possible. Where deemed necessary for a council activity, any publicity campaign must be approved by the CEO. Council media, publicity and communications will be restricted to promoting normal council activities and services and will not involve specific councillors.

• Councillors must not use their position as an elected representative or their access to council staff and other council resources to gain media attention specifically in support of their election campaign. This includes photographs taken by or provided to the council and applies to all council images
including those on council websites which may be able to be copied. Please refer to section 4.7 of this policy.

Section 304(2) of LGA 2020 is only concerned with electoral matter that is printed or published. It would not prevent a councillor or candidate from responding to a matter by issuing their own media release in their own name and using their own resources (i.e. not using council staff or resources).

### 4.5.2 Publications

Section 304(2) of LGA 2020 limits the council from printing, publishing, or distributing electoral material during an election period. It defines electoral material as “an advertisement, handbill, pamphlet or notice”.

Our interpretation of section 304(2) includes:

- Council newsletters;
- Advertisements and notices;
- Media release;
- Leaflets and brochures;
- Mailouts to multiple addresses;
- Social media posts;
- Council noticeboards;
- New website material;
- Enewsletters;
- Reports;
- Material to publicise an event; and,
- Publication and distribution of councillor speeches.

Any references to councillors or candidates in council publications printed, published, distributed and online during an election period must not include promotional text. Profiles will be removed and details restricted to names, contact details, titles and membership of special committees and groups as part of their council role.

Councillors are, however, able to publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, council. No council logos, images, graphics, letterheads or Wodonga Council branding will be used, or linked, to a candidate’s election campaign.

Publications must be read broadly to include electronic information and web-based productions.
All publications, as defined, must be reviewed by the Manager Communications, Marketing and Customer Focus, and subsequently forwarded to the CEO for certification.

The council must not print, publish or distribute a publication during the election period unless it has been certified in writing by the CEO.

The CEO’s certification must be in writing and cannot be delegated to anyone else. Copies of all certifications and certified documents must be retained on council records.

An internal protocol has been developed for the certification process.

**4.5.3 Online communications**

Online communications including social media, websites and enewsletters offer council a low-cost and effective way to reach a large section of the community with information on council services.

Its fast-paced, interactive and immediate nature present challenges in controlling content.

Wodonga Council has a range of corporate online channels across venues.

As per section 4.5.2 of this policy, any publications on social media sites during the election period must be certified by the CEO. This may mean messages and responses to queries may not be posted as quickly as normal.

Protocols have been developed for managing the council’s social media and online channels.

During the election period, the Manager Communications, Marketing and Customer Focus and the Communications team will monitor and oversee all online channels to ensure they are managed in accordance with this policy.

During the election period, the following social media controls will be implemented.

- No posts or comments that may be construed as electoral matter will be permitted on council sites.
- No hosting or responding to political content will be permitted.
- All comments and posts will be moderated in accordance with this policy.
- Any inappropriate posts will be removed, as soon as practicable.
- Councillors will not be profiled on council social media channels during the election period.

During the election period the council’s website will not contain material which is precluded by the statutory requirements or by this policy. Any references to the election will only relate to the election process. References to councillors will be
restricted to titles, names, and contact details and will not include promotional text or photographs.

A disclaimer will be placed on social media channels and the council’s websites to inform the public that throughout the election period the council’s social media channels will have limited postings.

4.5.4 Annual report

The council is required by LGA 1989 to produce an annual report. The 2019-2020 Annual Report must be submitted to the Minister by September 30, 2020. Given that this falls within the election period, the Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual councillors.

The Annual Report is required under LGA 1989 and is not normally considered an advertisement, handbill, pamphlet or notice. It does not require certification by the CEO.

It should be noted that the Annual Report must not include material that is considered electioneering, or that publicises the attributes or achievements of individual councillors.

It may not include information about councillors beyond what is required by any legislated Regulations or Ministerial Guidelines.

The 2019-2020 annual report will not contain a message from the Mayor.

Any publication of any extract, or summary of the Annual Report is regarded as a pamphlet, and must be subjected to certification by the CEO.

4.5.5 Events and functions

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

The council will avoid holding or sponsoring events, citizenship ceremonies and functions during the election period outside of normal council activities including annual events.

If special circumstances require an event, function or ceremony to be held, the reasons must be justified and any risk of affecting voting or influencing the election must be mitigated or prevented and subject to CEO approval.

Councillors must not give speeches or keynote addresses at council-organised or sponsored events and functions during the election period.

Councillors may continue to attend events and functions during the election period. However, councillors attending in their role as a council representative must not use the opportunity for electioneering.
Any promotional material for an event, function or ceremony must be consistent with the publications control detailed in section 4.6.2 of this policy.

4.6 Council resources

It is essential that due propriety is observed in the use of all council resources. It is also important that all councillors have access to the resources necessary to fulfill their elected roles.

In order to ensure the proper use of council resources during the election period the following will apply.

- Council resources, including offices, support staff, hospitality, equipment, email, mobile phones and stationery will be used exclusively for normal council business and will not be used in connection with election campaigning. Council staff are required to exercise appropriate discretion in that regard. In any circumstances where the use of council resources might be construed as being related to a candidate’s election campaign, advice will be sought from the relevant Director or the CEO.

- Reimbursement of councillors’ out-of-pocket expenses in 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.

- Council logos, images, graphics, letterheads, or other branding must not be used for, or linked in any way to, a candidate’s election campaign.

- Council staff must not be asked to undertake any tasks connected with a candidate’s election campaign.

- Photographs and images paid for by the council or developed/taken by council officers are not to be used in electoral material for any candidate. This includes images of councillors, events and the physical realm.

No election material or active campaigning is to be conducted at council sponsored functions or events.

4.7 Disclaimer

While this policy is intended to guide council staff and councillors, it is not a substitute for legal advice. Individuals should seek their own independent advice if they are unsure about any aspect of the legislative provisions for the election period.

5. ATTACHMENTS

Nil.

6. RELATED POLICIES

Nil.
7. RELATED LEGISLATION


8. REFERENCES

Records Management Directive.

9. REVIEW

This policy has been developed for the council election scheduled for October 24, 2020 and any by-elections that may be required in the following four years. The council may review this policy at any time but unless otherwise requested at least 12 months before the commencement of each subsequent council election period.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy eg: typographical errors, a change to the name of a related policy, or a change to the name of legislation.

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<td>D18.55342[v3]</td>
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<td>City Growth, Engagement and People</td>
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<td>Quality Manager - Policy</td>
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<tr>
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<td>Council at its meeting of November 18, 2019</td>
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GOVERNANCE RULES

Introduction

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

2. Date of Commencement
These Governance Rules commence on 1 September 2020.

3. Contents
These Governance Rules are divided into the following Chapters:

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

*Act* means the *Local Government Act 2020*.

*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 Wodonga City Council.

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

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

*Mayor* means the Mayor of *Council*.

*these Rules* means these Governance Rules.
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; and

(b) the following documents adopted or approved by Council:
   - Councillor Code of Conduct
   - Staff Code of Conduct
   - Community Engagement Policy
   - Privacy Policy
   - Council Expenses Policy
   - Public Transparency Policy
   - Councillor Gift Policy
   - Staff Gift Policy

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.
Chapter 2 – Meeting Procedure for Council Meetings

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Part A – Introduction

1. Title
This Chapter will be known as the Meeting Procedure Local Law.

2. Purpose
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
3.1 In this Chapter:
"agenda" means the notice of a meeting setting out the business to be transacted at the meeting;
"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;
"minute book" 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" means a notice of motion to rescind a resolution made by Council; and
"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 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.

6. Determining the election of the Mayor
6.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.
6.2 Any nominations for the office of Mayor must be:
   6.2.1 in writing and in a form prescribed by the Chief Executive Officer; and
   6.2.2 seconded by another councillor.
6.3 Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:
   6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;
   6.3.2 if there is more than one nomination, the councillors present at the meeting must vote for one of the candidates;
   6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
   6.3.4 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 at the meeting must then vote for one of the remaining candidates;
   6.3.5 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. 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;

6.3.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:

(a) a defeated candidate; and

(b) duly elected

the declaration will be determined by lot.

6.3.7 if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:

(a) each candidate will draw one lot;

(b) the order of drawing lots will be determined by the alphabetical order of the surnames of the councillors who received an equal number of votes except that if two or more such councillors’ surnames are identical, the order will be determined by the alphabetical order of the councillors’ first names; and

(c) as many identical pieces of paper as there are councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

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

Any election for:

7.1 any office of Deputy Mayor; or

7.2 Chair of a Delegated Committee

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

7.3 Chief Executive Officer is a reference to the Mayor; and

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

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

8.1 resolving that a specified councillor be so appointed; or

8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.
Part C – Meeting 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

9. Dates and times of meetings fixed by Council
Subject to Rule 11, Council must from time to time fix the date, time and place of all Council meetings.

10. Council may alter meeting dates
Council may change the date, time and place of any Council meeting which has been fixed by it and must provide reasonable notice of the change to the public.

11. Meetings not fixed by Council
11.1 The Mayor or at least 3 councillors may by a written notice call a Council meeting.
11.2 The notice must specify the date and time of the Council meeting and the business to be transacted.
11.3 The Chief Executive Officer must convene the Council meeting as specified in the notice.
11.4 Unless all councillors are present and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council meeting.

12. Notice of meeting
12.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered or sent electronically to every councillor for all Council meetings at least five days before the meeting.
12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be delivered or sent electronically to any councillor who has been granted leave of absence unless the councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting during the period of his or her absence.
12.3 Reasonable notice of each *Council meeting* must be provided to the public. The Chief Executive Officer must arrange for notice of the meeting on council’s website, and in accordance with any protocols in the Community Engagement Policy.

**Explanatory note**

*If a Council meeting is scheduled for a Monday evening, the agenda and any related material must be delivered electronically to each councillor and appear on Council’s website by close of business on the immediately preceding Wednesday. Hard copies of the agenda and any related material must be available for councillors and for public inspection from the Friday morning immediately preceding the Monday evening meeting.*

**Division 2 - Quorums**

13. **Inability to obtain a quorum**

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

13.1 the meeting will be deemed to have lapsed;

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

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

14. **Inability to maintain a quorum**

14.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 13 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.

14.2 Sub-Rule 14.1 does not apply if the inability to maintain a quorum is because of the number of councillors who have a conflict of interest in the matter to be considered.

15. **Adjourned meetings**

15.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any councillor or member of Council staff adjourn a meeting in session to another place.
15.2 The Chief Executive Officer must give written notice to each councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

15.3 If it is impracticable for the notice given under sub-Rule 15.2 to be in writing, the Chief Executive Officer must give notice to each councillor by telephone or in person.

16. Time limits for meetings
16.1 A Council meeting must not continue after four hours from the time it commences unless a majority of councillors present vote in favour of it continuing.

16.2 A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of councillors has already voted to continue it for 30 minutes).

16.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the Chair immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

17. Cancellation or postponement of a meeting
17.1 The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a Council meeting.

17.2 The Chief Executive Officer must present to the immediately following Council meeting a written report on any exercise of the power conferred by sub-Rule 17.1.

Division 3 – Business of meetings

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

Explanatory note
As a guide, the business order might be:

a) Calling to order
19. **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*.

20. **Delegates’ reports**

20.1 The Mayor and councillors who are delegates or representatives of the Council on other bodies may report to the meeting on issues of importance to the Council, notwithstanding that the report is not listed on the agenda.

20.2 No motion (except to receive any such report) can be accepted by the Chairperson unless there is a matter raised in it which is resolved in the manner prescribed for dealing with urgent business.

21. **General business**

21.1 The purpose of general business is to provide councillors with an opportunity to provide an update on their duties and meetings attended and to raise matters such as:

- a) A note of thanks or congratulations

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**Presentation of community awards:**

While not a formal part of a council meeting, the council may wish to present community awards immediately prior to, after, or during the course of, a council meeting. In the latter case the meeting would be adjourned for the duration of the presentation of awards.
b) Advise of attendance at event / meeting

c) Recognition

d) Tributes

21.2 A General Business item is for information only. Matters requiring a council resolution should be raised under urgent business.

21.3 A councillor may speak for up to two minutes in general business.

22. **Urgent business**

If the *agenda* for an *Council meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

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

22.2 cannot safely or conveniently be deferred until the next Council meeting; or

22.3 involves a matter of urgent community concern.

**Division 4 – Motions and debate**

23. **Councillors may propose notices of motion**

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

24. **Notice of motion**

24.1 A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

24.2 Councillors may ensure that an issue is listed on an agenda by completing a “Notice of Motion” form as issued from time to time by the Chief Executive Officer and available from the Governance Officer.

24.3 All notices of motion must be in writing, dated and signed by one or more councillors and given to the Chief Executive Officer not less than seven days prior to the Council meeting at which one of the councillors who signed the notice of motion proposes to move the motion.

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

24.4.1 is vague or unclear in intention
24.4.2 it is beyond Council's power to pass; or
24.4.3 if passed would result in Council otherwise acting invalidly
   but must:
24.4.4 give the councillor who lodged it an opportunity to amend it prior
   to rejection, if it is practicable to do so; and
24.4.5 notify in writing the councillor who lodged it of the rejection and
   reasons for the rejection.
24.5 The full text of any notice of motion accepted by the Chief Executive
   Officer must be included in the agenda.
24.6 The Chief Executive Officer must cause all notices of motion to be
   numbered, dated and entered in the notice of motion register in the order
   in which they were received.
24.7 Except by leave of Council, each notice of motion before any meeting must
   be considered in the order in which they were entered in the notice of
   motion register.
24.8 If a councillor who has given a notice of motion is absent from the meeting
   or fails to move the motion when called upon by the Chair, any other
   councillor may move the motion.
24.9 If a notice of motion is not moved at the Council meeting at which it is
   listed, it lapses.

25. **Chair's duty**
Any motion which is determined by the Chair to be:
25.1 defamatory;
25.2 objectionable in language or nature;
25.3 vague or unclear in intention;
25.4 outside the powers of Council; or
25.5 irrelevant to the item of business on the agenda and has not been
   admitted as urgent, or purports to be an amendment but is not,
   must not be accepted by the Chair

26. **Introducing a report**
26.1 Before a written report is considered by Council and any motion moved in
   relation to such report, a member of Council staff may introduce the report
   by indicating in not more than 2 minutes:
   26.1.1 its background; or
26.1.2 the reasons for any recommendation which appears.

26.2 Unless Council resolves otherwise, a member of Council staff need not read any written report to Council in full.

27. **Introducing a motion or an amendment**

The procedure for moving any motion or amendment is:

27.1 the mover must state the motion without speaking to it;

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

27.3 if a motion or an amendment is moved and seconded the Chair must ask: "Is the motion or amendment opposed? Does any councillor wish to speak to the motion or amendment?"

27.4 if no councillor indicates opposition or a desire to speak to it, the Chair may declare the motion or amendment carried unanimously without the need for a vote;

27.5 if a councillor indicates opposition or a desire to speak to it, then the Chair must call on the mover to address the meeting;

27.6 after the mover has addressed the meeting, the seconder may address the meeting (the seconder may reserve their right to speak until later in the debate);

27.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite debate by calling on any councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and

27.8 if, after the mover has addressed the meeting, the Chair has invited debate and no councillor speaks to the motion, then the Chair must put the motion to the vote.

28. **Right of reply**

28.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.

28.2 After the right of reply has been taken but subject to any councillor exercising his or her right to ask any question concerning or arising out of
the motion, the motion must immediately be put to the vote without any further discussion or debate.

29. **Agreed alterations to a Motion**

At the discretion of the Chairperson, both the mover and seconder of a motion may agree to an alteration to the original motion proposed by any other councillor. This does not necessitate the recording of an amendment into the minutes of the meeting as the alteration would then form part of the substantive motion.

30. **Moving an amendment**

30.1 Subject to sub-Rule 30.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.

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

30.3 An amendment must not be directly opposite to the motion.

31. **Who may propose an amendment**

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

31.2 Any one councillor cannot move more than two amendments in succession.

32. **How many amendments may be proposed**

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

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

33. **An amendment once carried**

33.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.

33.2 The mover of the original motion retains the right of reply to that motion.

34. **Foreshadowing motions**

34.1 At any time during debate a councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in
the meeting, but this does not extend any special right to the foreshadowed motion.

34.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a councillor intends to move an alternative or additional motion.

34.3 The Chief Executive Officer or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

34.4 The Chair is not obliged to accept foreshadowed motions.

35. Withdrawal of motions
35.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of Council.

35.2 If the majority of councillors objects to the withdrawal of the motion, it may not be withdrawn.

36. Separation of motions
Where a motion contains more than one part, a councillor may request the Chair to put the motion to the vote in separate parts.

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

38. Priority of address
In the case of competition for the right of speak, the Chair must decide the order in which the councillors concerned will be heard.

39. Motions in writing
39.1 The Chair may require that a complex or detailed motion be in writing.

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

40. Repeating motion and / or amendment
The Chair may request the person taking the minutes of the Council meeting to read the motion or amendment to the meeting before the vote is taken.
41. **Debate must be relevant to the motion**

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

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

41.3 A speaker to whom a direction has been given under sub-Rule 41.2 must comply with that direction.

42. **Speaking times**

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

42.1 the mover of a motion or an amendment which has been opposed: 5 minutes;

42.2 any other councillor: 3 minutes; and

42.3 the mover of a motion exercising a right of reply: 2 minutes.

43. **Addressing the meeting**

If the Chair so determines:

43.1 any person addressing the Chair must refer to the Chair as:

43.1.1 Madam Mayor; or

43.1.2 Mr Mayor; or

43.1.3 Madam Chair; or

43.1.4 Mr Chair

as the case may be;

43.2 all councillors, other than the Mayor, must be addressed as Cr ............................................... (name).

43.3 all members of Council staff, must be addressed as Mr or Ms ...............................................(name) as appropriate or by their official title.

44. **Chairperson may speak**

The Chairperson may address a Meeting upon any matter under discussion, and is not deemed to have left the Chair on such occasions. However, such address should only take place after all other councillors have had the opportunity to address the Meeting.
45. **Right to ask questions**
45.1 A councillor may, when no other councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
45.2 The Chair has the right to limit questions and direct that debate be commenced or resumed.
45.3 A councillor asking a question is not deemed to be speaking to the motion or amendment before the meeting.

**Division 5 – Procedural motions**

46. **Procedural motions**
46.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
46.2 Procedural motions do not require a seconder.
46.3 The mover of a procedural motion must not have moved, seconded or spoken to the question before the Chairperson or any amendment of it.
46.4 A procedural motion cannot be moved by the Chairperson.
46.5 Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
46.6 Unless otherwise provided, a procedural motion cannot be amended.

47. **Laying the question on the table**
47.1 A motion may be moved – “that the (question, letter, document, report, etc) lay on the table”.
47.2 The motion in clause 47.1:
   a) is a procedural motion which may be debated and, if carried, has the effect of adjourning any further debate on the matter currently before the Council until such time (if any) as the Council resolves to take the question from the table; and
   b) if carried in respect to an amendment, has the effect that both the original motion and the amendment will be adjourned; and
   c) prevents debate on the matter currently before the Council proceeding until a motion to take the question from the table is passed.

48. **Proceeding to the next business**
48.1 A motion may be moved “That the meeting proceed to the next business”.
48.2 The motion in clause 48.1:
a) is a procedural motion which cannot be moved during the election of the Chairperson; and
b) if carried in respect to an original motion, requires the Chairperson to direct the meeting to the next item of business; and
c) if carried in respect to a procedural motion, disposes of the procedural motion immediately and permits debate upon the original motion to resume; and
d) if carried in respect to an amendment, disposes of the amendment immediately and permits debate upon the original motion to proceed but no similar amendment may be moved at that meeting or any adjournment of it.

49. The previous question
49.1 A motion may be moved “That the question be NOT put“-
49.2 The motion in clause 49.1:
   a) is a procedural motion which cannot be moved while there is an amendment before the Chairperson or during the election of a Mayor; and
   b) if carried, prevents the original motion to which it relates being dealt with at that meeting or any adjournment of it; and
   c) if lost, requires that the original or substantive motion to which it relates be put to the vote immediately without any further debate or amendment.
49.3 The Chairperson has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated.
49.4 Adequate debate arises when every councillor who wishes to put a view has had an opportunity to do so.

50. The closure
50.1 A motion may be moved “That the motion be now put“ –
50.2 The motion in clause 50.1:
   a) is a procedural motion which if carried in respect of an original motion requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment: and
b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and

c) if lost, allows debate to continue unaffected.

50.3 The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not been sufficiently debated.

50.4 Sufficient debate arises when those possessing different views have been given an opportunity to state them.

51. **Adjourning the debate**

51.1 A motion may be moved “That the motion and amendment now before the meeting be adjourned until ..........” –

51.2 The motion in clause 51.1:

a) is a procedural motion which cannot be moved while any person is speaking or during the election of the Mayor; and

b) may be debated but may only be amended in relation to time, date and place of the proposed adjournment.

51.3 If the time, date or place is not included in a motion carried under clause 51.1, the matter may be re-listed at the discretion of the Chief Executive Officer or upon a subsequent resolution of the Council.

**Division 6 – Rescission motions**

52. **Notice of rescission**

52.1 A councillor may propose a notice of rescission provided:

52.1.1 it has been signed and dated by at least three councillors;

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

52.1.3 the notice of rescission is delivered to the Chief Executive Officer within 24 hours of the resolution having been made setting out -

(a) the resolution to be rescinded; and

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

**Explanatory note**

*It should be remembered that a notice of rescission is a form of notice of motion.*
Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission, unless otherwise provided under Division 6.

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

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

52.2.2  a statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.

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

52.3.1  has not been acted on; and

52.3.2  is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule 52.1.3,

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

Explanatory note

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

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Sub-Rule 52.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

53.  If lost

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

55. May be moved by any councillor
A motion for rescission listed on an agenda may be moved by any councillor present but may not be amended.

56. When not required
56.1 Unless sub-Rule 56.2 applies, a motion for rescission is not required where Council wishes to change policy.
56.2 The following standards apply if Council wishes to change policy:
   56.2.1 if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to Council; and
   56.2.2 any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 – Points of order

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

58. Chair may adjourn to consider
58.1 The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
58.2 All other questions before the meeting are suspended until the point of order is decided.

59. Dissent from Chair’s ruling
59.1 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".
59.2 When a motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, temporary Chair elected by the meeting) must take his or her place.

59.3 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.

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

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

59.5 If the vote is in the negative, the Chair resumes the Chair and the meeting proceeds.

59.6 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.

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

60. **Procedure for point of order**
A councillor raising a point of order must:

60.1 state the point of order; and

60.2 state any section, Rule, paragraph or provision relevant to the point of order

before resuming his or her seat.

61. **Valid points of order**
A point of order may be raised in relation to:

61.1 a motion, which, under Rule 25, or a question which, under Rule 62, should not be accepted by the Chair;

61.2 a question of procedure; or

61.3 any act of disorder.

Explanatory note

*Rising to express a difference of opinion or to contradict a speaker is not a point of order.*
Division 8 – Public question time

62. **Question time**

62.1 There must be a public question time at every Council meeting fixed under Rule 9 to enable members of the public to submit questions to Council, and subject to such policy or guidelines that Council may adopt from time to time.

62.2 Sub-Rule 62.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the Act.

62.3 Sub-Rule 62.1 does not apply during a local government Election Period.

62.4 Public question time will have a duration as determined by Council from time to time.

62.5 Questions submitted to Council must be in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council.

62.6 No person may submit more than two questions at any one meeting.

62.7 If a person has submitted two questions to a meeting, the second question:

   62.7.1 may, at the discretion of the Chair, be deferred until all other persons who have asked a question have had their questions asked and answered; or

   62.7.2 may not be asked if the time allotted for public question time has expired.

62.8 The Chair or a member of Council staff nominated by the Chair may read to those present at the meeting a question which has been submitted in accordance with this Rule.

62.9 Notwithstanding sub-Rule 62.1, the Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.

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

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

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

   62.10.3 deals with a subject matter already answered;
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Item 8.5 - Attachment A

62.10.4 is aimed at embarrassing a councillor or a member of Council staff;
62.10.5 relates to personnel matters;
62.10.6 relates to the personal hardship of any resident or ratepayer;
62.10.7 relates to industrial matters;
62.10.8 relates to contractual matters;
62.10.9 relates to proposed developments;
62.10.10 relates to legal advice;
62.10.11 relates to matters affecting the security of Council property; or
62.10.12 relates to any other matter which Council considers would prejudice Council or any person.

62.11 Any question which has been disallowed by the Chair must be made available to any other councillor upon request.
62.12 All questions and answers must be as brief as possible, and no discussion may be allowed other than by councillors for the purposes of clarification.
62.13 Like questions may be grouped together and a single answer provided.
62.14 The Chair may nominate a councillor or the Chief Executive Officer to respond to a question.
62.15 A councillor or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question.
62.16 A councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

Division 9 – Petitions

63. Petitions

63.1 A petition is defined as a formal written application requesting some action by Council and must be in the prescribed form as set out in Schedule 2.
63.2 Notwithstanding clause 63.1 an e-petition will be accepted, with such modifications as necessary, subject to the adoption by council of E-petition Guidelines.
63.3 Every petition presented to Council shall:
a) Be in writing (other than pencil), type or print.
b) Contain the request of the petitioners.
c) Be signed by the person whose names are appended to it by their names or marks and except in cases of incapacity or sickness by no one else.
d) Clearly state the address of every signatory to the petition.
e) Be signed by at least ten persons who are residents or ratepayers of the Wodonga municipal district.

63.4 Any signature appearing on a page which does not bear the wording of the whole of the petition shall not be considered by the Council.

63.5 Every page of a petition shall be a single piece of paper and shall not be pasted, stapled or pinned or otherwise affixed to any piece of paper other than another page of the petition.

63.6 Unless clauses 63.7 or 63.8 apply, the only motions that may be considered on any petition are:
   a) that the petition be received;
   b) that the petition be referred to the Chief Executive Officer for consideration and response; or
   c) that the petition be referred to the Chief Executive Officer for report to a future Council Meeting.

63.7 If a petition relates to:
   (a) a ‘planning matter’ which is the subject of a public notification process under the Planning and Environment Act 1987; or
   (b) a ‘statutory matter’ which is the subject of a public submissions process under section 223 of the Act;
   (c) a community consultation matter under the Community Engagement Policy,
   the petition will be treated as a joint submission in relation to the ‘planning matter’ or the ‘statutory matter’ or the ‘community engagement matter’ (as the case may be).

63.8 Where a petition presented to a Council meeting relates to an item of business on the agenda, the petition is to be considered by Council as part of its deliberations on the item.

63.9 A petition will not be presented to Council if, in the opinion of the Chief Executive Officer, it is:
Division 10 – Voting

64. How motion determined
To determine a motion before a meeting, the Chairperson must:
   a) first call for those in favour of the motion; and
   b) then call for those opposed to the motion; and
   c) if required, identify any councillor who has abstained from voting, and must then declare the result to the meeting. The Chairperson will announce when the vote is carried unanimously.

65. Silence
Voting must take place in silence.

66. Recount
The Chair may direct that a vote be recounted to satisfy himself or herself of the result.

67. Casting vote
In the event of a tied vote, the Chair must exercise a casting vote.

68. By show of hands
Voting on any matter is by show of hands.

69. Procedure for a division
69.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a councillor may call for a division.
69.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.
69.3 Once a division has been requested, the Chairperson will call for those councillors voting for the motion to raise their hand and the Chairperson will duly name those councillors. The Chairperson will then call for those councillors voting against the motion to raise their hand and the Chairperson will duly name those councillors. The Chairperson will then call
for those councillors abstaining to raise their hand and the Chairperson will
duly name those councillors.

69.4 Councillors who were absent from the original vote, but who may have
returned to the meeting in time for voting on the division, may cast a vote.

69.5 The Chairperson must announce the result of the vote immediately after
the division is taken. The result of the division supersedes the result of the
original vote.

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

70.1 a councillor requesting, before the next item of business is considered,
that his or her opposition to a resolution be recorded in the minutes or a
register maintained for that purpose; or

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

Explanatory note

For example, Rule 70 would allow some discussion if, immediately after a
resolution was made, a councillor foreshadowed lodging a notice of rescission to
rescind that resolution.

Equally, Rule 70 would permit discussion about a matter which would otherwise be
left in limbo because a notice of rescission had been successful. For instance,
assume that Council resolved to refuse a planning permit application. Assume
further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted
– the planning permit application will be left in limbo. Hence the reference, in sub-
Rule 70.2, to discussion about a positive motion were a resolution has just been
rescinded.

Division 11 – Minutes

71. Confirmation of minutes
71.1 At every Council meeting the minutes of the preceding meeting(s) must be
dealt with as follows:

71.1.1 a copy of the minutes must be delivered to each councillor no later
than 48 hours before the meeting;
71.1.2 if no councillor indicates opposition, the minutes must be declared to be confirmed;

71.1.3 if a councillor indicates opposition to the minutes:
   (a) he or she must specify the item(s) to which he or she objects;
   (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
   (c) the councillor objecting must move accordingly without speaking to the motion;
   (d) the motion must be seconded;
   (e) the Chair must ask:

"Is the motion opposed?"

   (f) if no councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 71.1.3(k);
   (g) if a councillor indicates opposition, then the Chair must call on the mover to address the meeting;
   (h) after the mover has addressed the meeting, the seconder may address the meeting;
   (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
   (j) if, after the mover has addressed the meeting, the Chair invites debate and no councillor speaks to the motion, the Chair must put the motion; and
   (k) the Chair must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or
"The question is that the minutes, as amended, be confirmed",

"The question is that the minutes be confirmed" or
"The question is that the minutes, as amended, be confirmed",

and he or she must put the question to the vote accordingly;

71.1.4 a resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed;
71.1.5 the minutes must be entered in the minute book and each item in the minute book must be entered consecutively; and

71.1.6 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.

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

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

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

74.1.1 the date, place, time and nature of the meeting;
74.1.2 the names of the councillors present and the names of any councillors who apologised in advance for their non-attendance, or were granted leave of absence for the meeting;
74.1.3 the names of Council officers present and their titles;
74.1.4 any disclosure of a conflict of interest made by a councillor, including the explanation given by the councillor under Chapter 5;
74.1.5 arrivals and departures (including temporary departures) of councillors during the course of the meeting;
74.1.6 each motion and amendment moved, including the mover and the seconder (including motions and amendments that lapse for the want of a seconder);
74.1.7 the outcome of every motion put to the vote, including if it was carried unanimously;
74.1.8 procedural motions;
74.1.9 the vote cast by each councillor upon a division;
74.1.10 the vote cast by any councillor who has requested that his or her vote be recorded in the minutes;
74.1.11 questions upon notice;
74.1.12 the failure of a quorum;
74.1.13 any adjournment of the meeting and the reasons for that adjournment; and
74.1.14 the time at which standing orders were suspended and resumed.

74.2 The Chief Executive Officer must ensure that the minutes of any Council meeting are:
74.2.1 published on Council’s website; and
74.2.2 available for inspection at Council’s office during normal business hours.

74.3 Nothing in sub-Rule 74.2 requires Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

Division 12 – Behaviour

75. Public addressing the meeting
75.1 Members of the public do not have a right to address Council and may only do so with the consent of the Chair or by prior arrangement.
75.2 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.
75.3 A member of the public present at a Council meeting must not disrupt the meeting.

76. 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 75.2

Explanatory note

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.

77. **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, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

78. **Removal from Chamber**
The Chair, or Council in the case of a suspension, may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the Chair has ordered to be removed from the gallery under Rule 79.

**Division 13 – Additional duties of Chair**

79. **The Chair’s duties and discretions**
In addition to the duties and discretions provided in this Chapter, the Chair:

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

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

**Division 14 – Suspension of standing orders**

80. **Suspension of standing orders**
80.1 To expedite the business of a meeting, Council may suspend standing orders.

Explanatory note

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

Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
80.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be:

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

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

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

"That standing orders be resumed."

Division 15 – Miscellaneous

81. Meetings conducted remotely

If:

81.1 by law a meeting may be conducted electronically; and

81.2 Council decides that a meeting is to be conducted electronically,

a) 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; and

b) the Chief Executive Officer may issue Guidelines for the conduct of virtual meetings.

82. Use of recording devices at meetings

82.1 If Council resolves that the proceedings of a Council Meeting be recorded, either as a live stream, video or audio recording, the Chief Executive Officer (or other person authorised by the Chief Executive Officer) must record all the proceedings of the Council Meeting.

82.2 Subject to clause 82.1, a person must not operate an audio, video or still image recording device, or a combination of such devices, at any Council meeting without first obtaining the consent of Council or the Chairperson (as the case may be). Such consent may at any time during the course of such meeting be revoked by Council or the Chairperson (as the case may be).

82.3 Where the use of an audio, video or still image recording device, or a combination of such devices, has been permitted in accordance with this
Local Law, the Chairperson shall at the commencement of the meeting, inform the meeting accordingly.

82.4 Security cameras are excluded from the provisions of clause 82.2 to the extent that they are required for security purposes.

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

84. Criticism of members of Council staff
84.1 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a councillor made at the Council meeting criticising him or her or any member of Council staff.

84.2 A statement under sub-Rule 84.1 must be made by the Chief Executive Officer, through the Chair, as soon as it practicable after the councillor who made the statement has resumed his or her seat.
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.
Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

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

2. Meeting Procedure

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a Community Asset Committee is in the discretion of the Community Asset Committee.
Chapter 5 – Disclosure of Conflicts of Interest

1. Introduction

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

2. Definition

   2. 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

   3. A councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which he or she:

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

   3.2 intends to be 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,

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

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\(^1\) 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. 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.

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

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

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

4.2 intends to present 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

4.2.4 nature of that other person’s interest in the matter,

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

13) 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**

6. A councillor who has a conflict of interest in a matter being considered at a Community Asset Committee meeting at which he or she:

5.1 is present 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 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

5.2.4 nature of that other person’s interest in the matter,

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

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

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

7. 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 must:

6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those 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 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 capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is 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

8. 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 Once a conflict of interest has been declared the member of Council staff must take no further action in relation to the matter. The matter will be resolved in accordance with the processes set out in the Staff Conflict of Interest Directive.

7.3 If it is determined that the member of Council staff is required to contribute to the preparation of a Report in which he or she has a conflict of interest, 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.

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

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

7.4.2 the obligation imposed by sub-Rule 7.3 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 responsible Director or 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.

8.3 Once a conflict of interest has been declared the member of Council staff must take no further action in relation to the matter. The matter will be resolved in accordance with the processes set out in the Staff Conflict of Interest Directive.

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 responsible Director
or 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.

9.3 Once a conflict of interest has been declared the member of Council staff must take no further action in relation to the matter. The matter will be resolved in accordance with the processes set out in the Staff Conflict of Interest Directive.

10. Retention of Written Notices

9. The Chief Executive Officer must retain all written notices received under this Chapter for a period of three years.
Chapter 6 – Miscellaneous

1. Informal meetings of councillors

1. If there is a meeting of councillors that:

1.1 is scheduled or planned for the purpose of discussing the business of Council or briefing councillors;

1.2 is attended by at least one member of Council staff; and

1.3 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting

2. 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, 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.
Chapter 7 – Election Period Policy

Note:
This policy is subject to a separate report to council, and will include a public consultation period to be run concurrently with the main Governance Rules.
Common Seal Local Law (No. 1 of 2020)
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PART 1 - PRELIMINARY PROVISIONS

1. Title
This is the Wodonga Council Common Seal Local Law (No.1 of 2020).

2. Purpose
The objectives of this Local Law are to:
   a) Revoke the Meeting Procedure Local Law (no. 1 of 2019)
   b) Regulate and control the use of the common seal;
   c) Prohibit unauthorised use of the common seal or any device resembling the common seal; and
   d) Provide penalties for non-observance of the provisions of this Local Law.

3. Authorising provision
This Local Law is made in accordance with:
   a) Sections 14(1)(b) and 14(2)(c) of the Local Government Act 2020 (LGA 2020); and
   b) Section 111 of the Local Government Act 1989 (LGA 1989).

4. Commencement, revocation and areas of operation
This Local Law:
   a) Commences operation on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette; and
   b) Unless sooner revoked this Local Law ceases to operate on the 10th anniversary of its commencement; and
   c) From the date of operation of this Local Law the Meeting Procedure Local Law (No. 1 of 2019) is revoked.

5. Definitions


‘Chief Executive Officer’ means the Chief Executive Officer of Council or any person acting in that position during his or her absence.

‘Common seal’ means the common seal of the Council.

‘Council’ means the Wodonga City Council.

‘Councillor’ means a person who is an elected member of the Council.

‘Offence’ means an act or default contrary to this Local Law.

‘Penalty unit’ has the meaning ascribed to it by section 110 (2) of the Sentencing Act 1991.

‘Schedule’ means a schedule to this Local Law.
PART 2 – COMMON SEAL

6. The Council’s common seal

6.1 The Chief Executive Officer, or other member of staff to whom this duty has been delegated, must ensure the security of the Council’s common seal at all times.

6.2 Any person who uses or causes to be used the Council’s common seal without authority shall be guilty of an offence.

6.3 Any person who uses or causes to be used a replica of the Council’s common seal shall be guilty of an offence.

7. Authority for use of the common seal

7.1 The common seal must be affixed to a document only for the purpose of giving effect to a decision that has been:
   a) Made by Council resolution; or
   b) Made by the Chief Executive Officer, or other delegated officer, to whom the power to use the common seal has been delegated.

8. Common seal clause

8.1 Every document to which the common seal is lawfully affixed by the authority of a resolution of Council must be signed by two councillors and the Chief Executive Officer in the form of the following attestation clause:

   “The Common Seal of Wodonga City Council was hereunto affixed by authority of the Council on the _____.day of ________________, in the presence of:

   __________________________ Councillor
   __________________________ Councillor
   __________________________ Chief Executive Officer”.

8.2 Every document to which the common seal is lawfully affixed by an authorised Council officer acting in accordance with an Instrument of Delegation must be signed by the Chief Executive Officer and a witness in the form of the following attestation clause:

   “The Common Seal of Wodonga City Council was affixed on the _____ day of ________________, in the presence of:

   __________________________ Chief Executive Officer
   __________________________ Witness”. 
PART 3 – ENFORCEMENT AND PENALTIES

9. Offences

9.1 A person who contravenes or fails to comply with any provision of this Local Law is guilty of an offence and is liable to:
   a) a maximum penalty of 20 penalty units, unless stated otherwise in this Local Law; and
   b) a further penalty of one penalty unit for each day after conviction during which the contravention continues; and
   c) upon conviction for a second or subsequent offences, 40 penalty units.

9.2 As an alternative to prosecution for an offence, a person may be served with an infringement notice under this Local Law.

10. Infringement notices

10.1 An authorised officer may issue an infringement notice for an offence.

10.2 The penalty fixed for an infringement notice is as listed in Schedule 1 of this Local Law, unless otherwise specified.

11. Payment of penalty

11.1 Payment of the fixed penalty for an infringement notice may be made to Chief Executive Office, Wodonga City Council, PO Box 923 Wodonga VIC 3689 or to a member of Council’s staff authorised for this purpose at the Council offices.

11.2 To avoid prosecution, the penalty indicated in an infringement notice must be paid within 42 days from the date of the issue of the infringement notice.

11.3 The form of an infringement notice shall be in the form as set out in section 13 of the Infringements Act 2006.
### Schedule One

**Penalties Fixed for Infringements**

<table>
<thead>
<tr>
<th>Clause No.</th>
<th>Offence</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.2</td>
<td>Use or cause the use of the common seal without proper authority.</td>
<td>2 penalty units</td>
</tr>
<tr>
<td>6.3</td>
<td>Use or cause the use of a replica common seal.</td>
<td>2 penalty units</td>
</tr>
</tbody>
</table>

The Common Seal of Wodonga City Council was hereunto affixed by authority of the Council on the ___ day of ________________, in the presence of:

- .......................................................... Councillor
- .......................................................... Councillor
- .......................................................... Chief Executive Officer
Council provides the following information to the community in respect of the proposed Common Seal Local Law (proposed local law).

Part A - General comments

Introduction

Wodonga Council is proposing to adopt a new Common Seal Local Law to incorporate changes in local government legislation brought about by the Local Government Act 2020 (LGA 2020).

This Community Impact Statement has been prepared to inform the community about the proposed local law and to assist any member of the public who may wish to make a submission to the Council during the public consultation process required under the Local Government Act 1989 (LGA 1989).

Background

The commencement of LGA 2020 has introduced a requirement for council to adopt Governance Rules for the conduct of its meetings.

Subject to the adoption of Governance Rules by the council the existing Meeting Procedure Local Law (no. 1 of 2019) (MPLL) will be largely superseded. However one part of the MPLL that cannot be included in the Governance Rules is the use of the common seal.

Section 14(1)(b) of LGA 2020 requires that a council have a common seal. Further section 14(2)(c) requires that the common seal be used in accordance with any applicable local law.

Section 111 of LGA 1989 provides the power to make the proposed local law.

Objectives

The objectives of this Local Law are to:

a) Revoke the Meeting Procedure Local Law (no. 1 of 2019)
b) Regulate and control the use of the common seal;
c) Prohibit unauthorised use of the common seal or any device resembling the common seal; and

d) Provide penalties for non-observance of the provisions of this local law.
Part B – Comments on proposed Local Law overall

In accordance with guidelines issued by the Minister for Local Government in relation to the making of local laws, Council has conducted an evaluation of the proposed Local Law. The evaluation is outlined the following Table.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measures of success of proposed Local Law</td>
<td>The extent to which it effectively controls the use of the common seal.</td>
</tr>
<tr>
<td>Existing legislation which might be used instead</td>
<td>Existing legislation cannot be used to achieve the objectives of the proposed Local Law on the basis that sections 14(1)(b) and 14(2)(c) of LGA 2020 stipulate that the common seal of the council must be used in accordance with a local law.</td>
</tr>
<tr>
<td>State legislation more appropriate</td>
<td>Not applicable. State Legislation compels the Council to make a local law to govern the use of the common seal.</td>
</tr>
<tr>
<td>Overlap of existing legislation</td>
<td>It is not considered that the proposed Local Law overlaps existing legislation, rather it operates in conjunction with the requirements of LGA 1989 and LGA 2020.</td>
</tr>
<tr>
<td>Overlap of planning scheme</td>
<td>There are no provisions in the proposed Local Law which overlap with the Wodonga Planning Scheme.</td>
</tr>
<tr>
<td>Risk assessment</td>
<td>The proposed Local Law ensures appropriate use of the common seal. Council does not believe there are any risks associated with the proposed Local Law.</td>
</tr>
<tr>
<td>Legislative approach adopted</td>
<td>The proposed Local Law is necessitated by the provisions of LGA 2020. It adopts a high impact regulatory approach. This approach is considered appropriate as it provides clear accountability for appropriate use and safekeeping of the Council seal.</td>
</tr>
<tr>
<td>Restriction of competition</td>
<td>There are no National Competition Policy implications associated with the proposal.</td>
</tr>
<tr>
<td>Penalties</td>
<td>The proposed Local Law creates a minimal number of offences. Penalties for these offences are considered reasonable. Benchmarking indicates the penalties prescribed are reasonable when compared with equivalent local laws of other municipalities.</td>
</tr>
<tr>
<td>Permits</td>
<td>The proposed Local Law does not make provision for the issue of permits.</td>
</tr>
<tr>
<td>Fees</td>
<td>The proposed Local Law does not prescribe any fees.</td>
</tr>
<tr>
<td>Performance standards or prescriptive</td>
<td>Drafting of the proposed Local Law has adopted a prescriptive approach which is considered appropriate given its purpose is to describe the use of the Common Seal.</td>
</tr>
</tbody>
</table>
### Issue: Comparison with neighbouring and like councils

Each council in Victoria is required to make a local law to regulate the use of its common seal. The proposed Local Law is generally consistent with that of other Victorian councils.

### Issue: Charter of Human Rights

The proposed Local Law has been reviewed for compatibility with the Charter. The proposed Local Law is considered to be compatible with the Charter.

### Issue: Consultation meetings

The proposed Local Law has been reviewed in consultation with councillors and Council staff. Community consultation will be conducted as a part of the legislated process, and which is described below under ‘submissions’.

### Issue: Submissions

A community consultation process will be conducted in accordance with sections 119(2) and 223 of the Act. This requires that Council give public notice of its intention to make the proposed Local Law and provide members of the public with an opportunity to make a written submission in relation to the proposed Local Law. Council will consider submissions before making a final decision on the proposed Local Law.

A person who makes a written submission is entitled to request (in the submission) to be heard by the Council in support of his/her submission. When the Council makes a final decision on the proposed Local Law, it must notify in writing each submitter of the decision and the reasons for the decision.

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission.
Part B – Comments on specific parts or provisions of the proposed Local Law

This new Local Law is the result of a change to legislation for local government within Victoria. The Local Government Act 2020 (LGA 2020) commenced on 6 April 2020 and is being progressively implemented.

LGA 2020 provides for councils to adopt Governance Rules for the conduct of its meetings, which replaces the need for a local law governing meeting procedures.

Nonetheless there is still the need for a local law to govern the use of the council’s common seal.

The proposed Common Seal Local Law replicates most of the common seal clauses in the existing Meeting Procedure Local Law (no. 1 of 2019) but with the addition of clauses to authorise the use of the common seal where the council has delegated it to the CEO or other officer. For example, at present section 173 agreements under the Planning and Environment Act are delegated to the CEO and to the Director Planning and Infrastructure.
### Two Cities One Community Action Plan 2019-2020 & Ongoing
Anticipated Progress Update up to end June 2020

<table>
<thead>
<tr>
<th>Year</th>
<th>Action Number</th>
<th>Action</th>
<th>Lead Officers</th>
<th>Project % complete</th>
<th>Progress Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-2019</td>
<td>1.1.2</td>
<td>Determine regional infrastructure priorities and facilities to be developed in each city</td>
<td>Directors/DCEOs</td>
<td>100%</td>
<td>A priority list of infrastructure projects has been developed to support the Regional Deal drawing on the existing plans and strategies of each Council, and forward budget allocations (10-year financial plan). Further refinement may be required as work continues on the Regional Deal. The proposed service delivery model for the Albury Animal Management Facility was reported to the Albury Council Pre-meeting Briefing Session meeting on 15 June 2020.</td>
</tr>
<tr>
<td>2017-2019</td>
<td>1.2.1</td>
<td>Partner with Murray Region Tourism and other key stakeholders to raise the tourism profile of the region and plan for future development.</td>
<td>Sue Harper / Kim Strang</td>
<td>65%</td>
<td>A Partner Councils’ Funding Agreement with Murray Region Tourism has been extended for a one year period until 30 June 2021. Murray Regional Tourism (MRT) is launching: ‘Love The Murray’ campaign. This will align with Destination NSW’s Now’s the Time to Love NSW campaign and future projects from Visit Victoria. MRT is working through the media plan and has committed funding to an initial phase of digital marketing activity. This follows on from the successful Facebook acquisition campaign that’s been running for the past four weeks.</td>
</tr>
<tr>
<td>2019+</td>
<td>1.2.2</td>
<td>Create a visitalburywodonga Destination Management Plan</td>
<td>Sue Harper / Kim Strang</td>
<td>100%</td>
<td>The Albury Wodonga Destination Management Plan implementation plan categorises 115 actions and priority actions into short, medium and long term.</td>
</tr>
</tbody>
</table>
### 2019-2020 Year

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1.2.3</td>
<td>Continue to implement the visitalburywodonga Destination Marketing Plan</td>
<td>Sue Harper / Kim Strang</td>
<td>Ongoing</td>
<td>The implementation of the Destination marketing Plan is ongoing</td>
</tr>
<tr>
<td>8.15</td>
<td>Implementation – Visitor Servicing Review</td>
<td>Albury/Wodonga</td>
<td>80%</td>
<td>Sandwalk Partners were engaged to undertake a localised Visitor Servicing and Engagement Review. Desktop and benchmarking research, consultation with key stakeholders, an online survey seeking community and tourism operator feedback have been complete. All information was collated to inform the final report in delivering efficient and progressive visitor services across the Albury Wodonga region. The project was finalised during May 2020.</td>
</tr>
<tr>
<td>9.1</td>
<td>Tactical Marketing Plan</td>
<td>Albury/Wodonga</td>
<td>90%</td>
<td>The tactical marketing plan for 2019 – 2020 was supported by a budget allocation of $206,500.</td>
</tr>
</tbody>
</table>

Key marketing activity includes:
- Development and delivery of the VAW Official Visitor Guide - Complete
- VAW Brand Review - Underway
- VAW tracks and Trails Guide - Complete
- Digital campaigns promoting major events and business events - Ongoing
- Development of a Tone of Voice Guide for the VAW brand - Complete
- Photography - Ongoing
- Media familiarisations - Ongoing
<table>
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</table>
| 2017+ | 1.2.4 | Work in collaboration to attract and facilitate a range of community and major events | Ros Walls / Kim Strang | Ongoing | Events undertaken, currently in planning or underway as joint projects include:  
· Australian Country Junior Basketball Cup – Jan 2021 (Directors have met to review 2020 and at this stage, it is planned to proceed in 2021 with a reduced New Zealand contingent).  
· Chryslers on the Murray - March 2020  
· MG National Car Rally – April 2020, event has been postponed to 2021 due to COVID-19  
· Australian Heritage Motoring Federation Nation Tour 2020 event cancelled due to COVID – 19. October 2020 reschedule planned.  
· Inland Rail Conference – successful but postponed to May 2021  
· Bradman & Kookaburra Cup NSW cricket events - Jan 2020 event cancelled due to smoke. (Organisers have indicated that both events will be rescheduled for January 2021)  
Unsuccessful:  
· Australian Walking & Cycling conference 2020 (approx. 150 delegates) - unsuccessful |
<p>| 2019+ | 1.3.2 | Investigate opportunity for consistency in development standards for new growth areas | David Christy/ John Sidgwick | Ongoing | The review of Part 10 of ADCP2010 has been completed by Albury to reform engineering standards and provide consultation with the development industry. This will build continuity with the Victorian Infrastructure Design Manual and should be considered an ongoing project. |
| 2019-2020 | 1.3.3 | Develop and implement an Albury Wodonga investment attraction campaign | Ange Larkin / Adam Wiseman | 100% | The advertising campaign is ongoing. Digital advertising includes Google display, search and instream video advertising, LinkedIn and Facebook. The latest edition of the Insight eDM was distributed in February 2020 with the next edition due for distribution in August. Decision made to reduce the frequency of eDM distribution to twice per year. A series of videos has been completed by a local provider to support the campaign messaging through the website, social channels and digital advertising streams. |</p>
<table>
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<tbody>
<tr>
<td>2017-2020</td>
<td>1.4.1</td>
<td>Develop an Integrated Transport Plan</td>
<td>Bilee Oliver / Ken Chan / Liona Edwards</td>
<td>30%</td>
<td>AlburyCity to continue developing tender documentation to engage a consultant for the Integrated Transport Plan. The Albury Transport Model Study is complete and the Riverina Highway Corridor Strategy is in development. Joint budget with Albury Wodonga Traffic Model project. No further action has been taken at this stage as works focus on the Albury Wodonga Integrated Transport Plan.</td>
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<tr>
<td></td>
<td>1.4.2</td>
<td>Develop a Cycling Strategy</td>
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<td></td>
<td></td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>2017 +</td>
<td>1.4.3</td>
<td>Continue to advocate for improvements to the Hume Passenger Rail Corridor</td>
<td>Tracey Squire / Leon Schultz</td>
<td>Ongoing</td>
<td>The Australian Government confirmed investment of $235M and the proposed project scope for the rail infrastructure upgrade, which was subsequently endorsed by the Victorian Government. ARTC contractors have commenced early works and main works are expected to commence by Q4 2019 with project completion in 2021. Exploration of opportunities to leverage existing and proposed investment including the North-East Rail Line Upgrade and business cases for faster rail between Melbourne and Albury Wodonga included in development of Regional Deal.</td>
</tr>
<tr>
<td>2017 +</td>
<td>1.4.4</td>
<td>Advocate for High Speed Rail within close proximity to Albury and Wodonga’s CBDs</td>
<td>Tracey Squire / Mark Dixon</td>
<td>Ongoing</td>
<td>On 25 March 2019, the Australian Government announced $8 million to fund a business case for faster rail between Melbourne and Albury-Wodonga. It was confirmed that the corridor warrants investigation due to: • the opportunity to shift commuter demand from road to rail, • the potential to stimulate regional growth, and • to provide access to jobs, services, housing and lifestyle amenity. The funding for this business case will be provided on a 50:50 basis, with the relevant state government, and/or the private sector. The business case will undertake an options analysis to determine the optimal rail solution, determine requirements for integration with the existing rail network, and provide patronage assessment, economic appraisal and funding and financial analysis.</td>
</tr>
</tbody>
</table>
### Ordinary meeting – July 20, 2020

#### 8 - Officers reports for determination

**Item 8.15 - Attachment A**

<table>
<thead>
<tr>
<th>Year</th>
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<th>Progress Update</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td><strong>2017 +</strong></td>
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<tr>
<td></td>
<td></td>
<td>1.5.1  Continue to leverage Evocities campaign activity to promote jobs in Albury and Wodonga</td>
<td>Ange Larkin / Adam Wiseman</td>
<td>Ongoing</td>
<td>AlburyCity continues to load vacant positions on the Evojobs platform on behalf of businesses within 100km of Albury Wodonga. Visitation to the Evojobs platform has remained strong over the past 11 months (July 2019 to May 2020) with an average of 6,400 sessions each month. The platform will be extended until December 31, 2020 following increased activity during COVID-19.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.5.2  Promote Albury Wodonga to new residents</td>
<td>Ange Larkin / Adam Wiseman</td>
<td>Ongoing</td>
<td>Following decision by two participating Evocity Councils not to enter into the MOU for the period 2019-2023, AlburyCity will investigate potential avenues for resident attraction into the future. Implementation of the campaign will continue until a direction is reached in how to service the considerable number of potential ‘relocators’ still enquiring via the Evocities channels. Visitation to the Evocities website has remained relatively strong despite zero advertising this financial year. Over the past 11 months (July 2019 to May 2020), there have been an average of 2,400 sessions each month, indicating strong brand awareness and interest in regional relocation. AlburyCity and Wodonga Council continue to promote the benefits to industries for development/relocation to the region.</td>
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<tr>
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<td></td>
<td><strong>2017-2021</strong></td>
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</tbody>
</table>
|           |               | 2.1.1  Present the Sustainable Living Festival                      | Steve Millett / Mark Verbaken  | 80%                | 2020 event will be hosted by AlburyCity and planned for Thursday 12 November 2020 (Pending COVID-19) in conjunction with QEII Twilight market with a Green Market Element. Partnership Sponsors:  
- WAW Credit Union  
- HalveWaste  
- Elmwood Living  
- North East Heating and Cooling |

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### Year | Action Number | Action | Lead Officers | Project % complete | Progress Update
--- | --- | --- | --- | --- | ---
2017-2018 (ongoing) | 2.1.2 | Continue to collaborate on Waste Management and Halve Waste Program marketing and education | Andrea Baldwin / Mark Verbaken | 100% | The 2020/21 Halve Waste Project plan has been drafted and presented to the Regional Kerbside Group of Councils for acceptance.
Both Albury and Wodonga Councils along with partner Councils of Halve Waste (Towong, Indigo, Federation and Greater Hume) will continue to work together to reduce the regions waste by active recycling, engagement and providing information to the community about waste management.
Residential Waste/Municipal generated waste achieved a 50% reduction by 30 June 2020.

2018-2020 | 2.2.1 | Review and implement the Gateway Island and Murray River Experience Master Plans | David Armstrong / Theo Panagopoulos | 35% | AlburyCity has engaged a consultant to review the Murray River Experience Master Plan. Funding for the project will be carried over to the 2020-21 financial year.
Wodonga Council is currently undertaking design & costing works on the creation of a loop walking trail along the Murray River frontage located between the Porta Sculpture to the east and the lower reaches of the Wodonga Creek to the west.

2018-2020 | 2.3.1 2.4.2 | Gateway Island Holiday Park Feasibility | Tracey Squire / Leon Schultz | 25% | Preliminary investigations into the feasibility of a Destination Holiday Park at Gateway Island have been completed and options to progress explored.
Land tenure secured for limited period to enable further investigations to be undertaken, which are underway.
The draft Due Diligence report has been received from planning/engineering consultants. CHMP and Environmental consultants are waiting for the outcome from the Ancestral Remains Unit – some further tests to be done on remains found some years ago. This is likely to occur within the next few weeks, allowing the CHMP to continue and the environmental drilling to commence.

2018-2020 | 2.3.1 2.4.2 | Develop a joint Natural Resource Management Strategy
Develop a Regional Natural Environment Strategy | Steve Millett / Claire Coulson | 90% | This item has been combined with item 2.4.2 and is titled the Albury Wodonga Regional Natural Environment Strategy. This Strategy will incorporate both biodiversity and natural resource management.
<table>
<thead>
<tr>
<th>Year</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2019-2020</td>
<td>2.3.2</td>
<td>Develop an integrated plan for public land and Hilltops</td>
<td>Steve Millett / Claire Coulson</td>
<td>0%</td>
<td>Following background analysis, spatial analysis and stakeholder and community engagement during 2019 a final draft Strategy, and supporting documents, were presented to both councils in April/May 2020. The final draft and supporting documents are on exhibition during June 2020. It is anticipated a final Strategy, revised in response to any feedback, will be presented to councils for adoption in late 2020.</td>
</tr>
<tr>
<td>2017-2018</td>
<td>2.4.1</td>
<td>Explore renewable energy opportunities for implementation across the two cities</td>
<td>Steve Millett / Mark Verbaken</td>
<td>50%</td>
<td>Project yet to commence. The Plan will be developed following finalisation the Albury Wodonga Regional Natural Environment Strategy, which is currently on public exhibition to be presented to Council in August 2020. AlburyCity has acquired the Albury Environmental Lands from the Crown. The Environmental Lands Coordinator is undertaking background research to support development of a Land Management Strategy.</td>
</tr>
<tr>
<td>2018-2020</td>
<td>3.1.2</td>
<td>Review existing Cultural Plans and opportunities for consolidation</td>
<td>Simona Coad / Simone Hogg</td>
<td>0%</td>
<td>A number of “waste to energy” companies have visited both councils with offers to develop locally. Should a suitable business proposal be lodged it would follow usual planning/development processes. Council’s will continue to monitor opportunities for cross border collaboration. Both have been approached by Enova Power, via Border Trust, who are a Community Energy Retailer and propose to offer services in our region.</td>
</tr>
<tr>
<td>2019-2020</td>
<td>3.3.2</td>
<td>Investigate a consolidated Sports and Recreation Strategy</td>
<td>David Armstrong / Liona Edwards</td>
<td>45%</td>
<td>Baranduda Fields funding has been confirmed and (stage 1) the Regional Cricket Hub completed. Councils are now working on consolidating a list of the sport and recreation current facilities across the two cities. Once the consolidated list is finalised the intent is to review with participation demands that will inform the future needs and planning required. Findings to be formally presented when completed.</td>
</tr>
<tr>
<td>Year</td>
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</tr>
<tr>
<td>2019-2020</td>
<td>3.3.3</td>
<td>Review existing Social Plans and opportunities for consolidation</td>
<td>Elizabeth Sayers / Claire Taylor</td>
<td>50%</td>
<td>Exploring the development of a Social Framework (in consultation with Wodonga) that will bring all existing strategies and actions together. An overarching Two Cities One Community (Social Framework) and Action Plan will be prepared aligning appropriate initiatives and events.</td>
</tr>
<tr>
<td>2019-2020</td>
<td>3.4.1</td>
<td>Prepare a (combined) Youth Strategy</td>
<td>Mandy Wilson / Simone Hogg</td>
<td>10%</td>
<td>An overarching Two Cities One Community (Youth) Action Plan will be prepared that includes alignment of initiatives and events where appropriate. Both Albury and Wodonga Youth strategies (2018 and 2019 respectively) need an alignment of objectives for execution and measure success.</td>
</tr>
<tr>
<td>2019+</td>
<td>4.1.2</td>
<td>Investigate and identify cross-border anomalies impacting the local community – understand their economic impact</td>
<td>Tracey Squire / Mark Dixon</td>
<td>Ongoing</td>
<td>Priority areas for the Albury Wodonga Regional Deal include Harmonisation. Cross-border Commissioners will actively participate in the development of the Regional Deal Agreement. The NSW &amp; Victorian Government MOU signing is imminent.</td>
</tr>
<tr>
<td>2019-2020</td>
<td>4.1.3</td>
<td>Investigate the establishment of a regional aquatic facility</td>
<td>Michael Stanton / Liona Edwards</td>
<td>90%</td>
<td>Preliminary investigations have been undertaken and confirmed that both the Lauren Jackson Sports Centre and Waves sites have the capacity to accommodate a regional indoor facility. The upcoming Albury Wodonga Regional Deal Agreement provides an opportunity for the project to be considered for further investigation against a range of other significant opportunities over the next 5-10 years and beyond.</td>
</tr>
<tr>
<td>2017+</td>
<td>4.2.1</td>
<td>Develop and implement the Albury Wodonga Smart Community Framework.</td>
<td>Imogen Schifferle / Matt Garoni</td>
<td>100%</td>
<td>The draft Strategy has been endorsed for by both councils for exhibition 30/5/2020 and will conclude 29/6/2020. Final Strategy will be presented to both Councils in August Council Meetings.</td>
</tr>
<tr>
<td>2017+</td>
<td>4.3.1</td>
<td>Explore additional opportunities for shared services and joint purchasing / procurement</td>
<td>Elisha Lieschke / Alison Hughes</td>
<td>100%</td>
<td>Ongoing discussions are occurring between both Councils in relation to shared procurement opportunities.</td>
</tr>
<tr>
<td>Year</td>
<td>Action Number</td>
<td>Action</td>
<td>Lead Officers Albury/Wodonga</td>
<td>Project % complete</td>
<td>Progress Update</td>
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<td></td>
<td></td>
<td>• Collaboration on the procurement of Albury Wodonga city entrance signage</td>
<td></td>
<td>100%</td>
<td>Complete</td>
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<tr>
<td></td>
<td></td>
<td>• Consultancy and reporting for environmental management</td>
<td></td>
<td></td>
<td>Contract awarded to supplier – Reference Action No. 2.4.2</td>
</tr>
<tr>
<td>2017+</td>
<td>4.4.1</td>
<td>• Strengthen working relationships with State and Federal Government through provision of a shared vision and integrated approach to planning and service provision.</td>
<td>Frank Zaknich / Mark Dixon</td>
<td>Ongoing</td>
<td>Advocacy is ongoing with both State and Federal politicians and officials. A Regional Deal for Albury Wodonga has been announced by Morrison Government and $3.2M included in the Federal budget. NSW &amp; Victorian State Governments have confirmed acceptance of the opportunity. Next steps: - Signing of Statement of Intent by all (July 6) - Consultation and engagement to identify opportunities for consideration - Further investigation into priority initiatives - Development of Regional Deal Agreement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Joint advocacy to attract funding for regional priority projects.</td>
<td>Frank Zaknich / Mark Dixon</td>
<td>Ongoing</td>
<td>Priority projects and funding support continually being sought from both State and Federal government as required. Regular Albury Wodonga Health roundtable meetings are held in support of joint advocacy and information sharing.</td>
</tr>
<tr>
<td>2017+</td>
<td>4.4.2</td>
<td>• Advocacy for Regional Health Services and Victorian Government Infrastructure Funding</td>
<td>Tracey Squire / Adam Wiseman</td>
<td>Ongoing</td>
<td>Economic Development and Harmonisation are priority areas for the Regional Deal which will formalise the exploration of opportunities for the future. Also recommended as an initiative in the Albury Wodonga Regional Economic Development Strategy.</td>
</tr>
<tr>
<td></td>
<td>4.4.3</td>
<td>Explore the establishment of a Special Economic Zone</td>
<td>Tracey Squire / Adam Wiseman</td>
<td>Ongoing</td>
<td>Economic Development and Harmonisation are priority areas for the Regional Deal which will formalise the exploration of opportunities for the future. Also recommended as an initiative in the Albury Wodonga Regional Economic Development Strategy.</td>
</tr>
</tbody>
</table>
## COMPLETED ITEMS

<table>
<thead>
<tr>
<th>Year</th>
<th>Action Number</th>
<th>Action</th>
<th>Budget Albury</th>
<th>Budget Wodonga</th>
<th>Lead Officers Albury/Wodonga</th>
<th>Project % complete</th>
<th>Comments</th>
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<tbody>
<tr>
<td>2017-2019</td>
<td>3.2.1</td>
<td>Establish welcome signage (visitalburywodonga branded) at the Albury Airport and other major gateways into the two cities</td>
<td></td>
<td></td>
<td>Megan Whitsed / Kellie Davies</td>
<td>100%</td>
<td>Signs By Knight appointed to install new city entrance signage. First installation was at the northern entrance into Albury in late October 2018 with completion of all signage finalised by end November 2018.</td>
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<tr>
<td>2017-2018</td>
<td>4.1.1</td>
<td>Aquatics Management – Joint contract investigations</td>
<td></td>
<td></td>
<td>Michael Stanton / Liona Edwards</td>
<td>100%</td>
<td>Aligned Leisure commenced management of the Albury Wodonga Aquatics Facilities on July 1, 2018. Their key focus has been training and transitioning staff, and the operation and preparation of facilities. There have been some concerns from user groups regarding lane hire fees being applied to clubs, as a result, adjustments were made for the 2018-2019 year. Both Albury and Wodonga Councils have endorsed a revised Monthly Licence Fee model and Aligned Leisure will continue to work with an elected group of club stakeholders on the implementation of the new management model from July 2019.</td>
</tr>
<tr>
<td>2017 +</td>
<td>4.2.2</td>
<td>Establish the Two Cities – One Community online platform and ensure it incorporates tools and mechanisms to engage with the community</td>
<td></td>
<td></td>
<td>Megan Whitsed</td>
<td>100%</td>
<td>Content is subject to continuous review and is expanded/updated as initiatives are implemented or progressed. Engagement via the platform has included Smart Community Have a Say and exhibition of the Draft Albury Wodonga Destination Management Plan.</td>
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<tr>
<td>Year</td>
<td>Item</td>
<td>Description</td>
<td>Responsible Officers</td>
<td>Completion %</td>
<td>Notes</td>
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<td>2017-18</td>
<td>1.1.1</td>
<td>Conduct internal high level review of all plans and strategies that exist for each city and identify strategic priorities</td>
<td>Kate de Hennin / Kellie Davies</td>
<td>100%</td>
<td>The reviews have been completed and the strategies mapped for Albury and Wodonga. The next stage of the project has also been completed which included a review of the maps for each city to identify strategic priorities.</td>
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<tr>
<td>2018-19</td>
<td>3.4.2</td>
<td>Investigate cross border initiatives for the Aboriginal community</td>
<td>Mark Dodd / Claire Taylor</td>
<td>100%</td>
<td>Cross-border collaboration exists through the Wodonga Aboriginal Network and the Aboriginal Community Working Party with attendances occurring from both sides of the border.</td>
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<td>The cross-border NAIDOC committee will be established and coordinate the NAIDOC week calendar of events for 2020.</td>
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<td>Wodonga Council is currently working with the Aboriginal community to develop an Aboriginal Reconciliation Plan in the 2019-2020 financial year.</td>
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<td>AlburyCity will embark on developing a Reconciliation Action Plan in consultation with the Albury Aboriginal community, Wodonga Council and other stakeholders, in the 2019-2020 financial year.</td>
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<tr>
<td>2018-19</td>
<td>1.3.3</td>
<td>Develop and implement an Albury Wodonga investment attraction campaign</td>
<td>Jo Hewitt / Adam Wiseman</td>
<td>100%</td>
<td>The team exhibited at National Manufacturing Week 14 – 17 May 2019. Insight eDM was distributed in May 2019. Whole of campaign results (September 2018 to June 2019) reveal more than 42,000 website sessions, 478 LinkedIn followers and close to 100 enquiries to the economic development teams. The digital advertising contract has been awarded for 2019-2020, which we anticipate, will see ongoing increases to visitation and engagement.</td>
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### 8 - Officers reports for determination

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<thead>
<tr>
<th>Year</th>
<th>Code</th>
<th>Object</th>
<th>Responsible Officers</th>
<th>Status</th>
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<tbody>
<tr>
<td>2018-2019</td>
<td>3.3.1</td>
<td>Develop an Albury Wodonga Emergency response plan</td>
<td>Steve Millett / Mark Verbaken</td>
<td>100%</td>
</tr>
<tr>
<td>2018-2019</td>
<td>3.1.1</td>
<td>Explore the establishment of an Albury Wodonga signature arts/cultural event or festival – new or expansion of an existing event</td>
<td>Ros Walls / Kim Strang</td>
<td>100%</td>
</tr>
<tr>
<td>2017+</td>
<td>1.2.4</td>
<td></td>
<td>Ros Walls / Kim Strang</td>
<td>Ongoing</td>
</tr>
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</table>

#### 8.15 - Attachment A

The MOU has been signed by both councils.

Upstream Festival of Art + Culture was held from March 6 to 9, 2020. AlburyCity and Wodonga Council delivered the inaugural festival, as per the Two Cities One Community Strategic Plan 2017-2021.

- Festival estimated attendance: more than 16,700 attendees
- Visitation from outside of the region: 17.7%
- The festival generated an estimated total direct and indirect effect of $1.5m to the Albury Wodonga economy.
- Over 100 events and activities were showcased in the festival program
- Visit Victoria - Regional Events Fund; secured funds to support marketing and communications to the value of $20,000.
- Upstream Business Competition - 17 entrants in the first year with a hope to grow in future.
- Media attention was positive with more than 6 million impressions and 20,000 click-throughs to the Upstream website and readership of more than 1 million people through targeted print publications in metro Melbourne, regional Victoria and NSW.

Completed:
- The National over 70s cricket tournament –
<table>
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<th>Item 8.15 - Attachment A</th>
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<th>Work in collaboration to attract and facilitate a range of community and major events</th>
</tr>
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- **Hume Centenary Celebration**
- **Community event staging and placemaking infrastructure QEII Square**

Nov 2019
- Margaret Court Cup – Jan 2020
- Tennis Victoria Country Week – Feb 2020
- Victorian State Dragon Boat Championship – March 2020

The above events have generated an estimated total direct and indirect effect of $14.3m to the Albury Wodonga economy.

Albury and Wodonga Councils are working to respond to approximately 25 leads generated from the Asia Incentives Meeting Event, where Albury represented both cities in March.

- Community Coach Tours: The Wodonga community coach tours project continues and a similar project has been conducted in Albury. The first tour ran on 20 November with around 30 passengers taking part.

- Hume Centenary Celebration: The Governor General was invited to attend celebrations on 28 November 2019 in a letter signed by both Mayors. A response was received after the new GG was sworn in which advised that the invitation was declined. The celebration event was held on 28 November where interpretive storyboards adjacent to the wall were unveiled.

- 'Re-activation of QEII Square following the COVID crisis will be
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<tr>
<th>8 - Officers reports for determination</th>
<th>Item 8.15 - Attachment A</th>
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<tbody>
<tr>
<td>100%</td>
<td>conducted in collaboration with the Cultural Services and other teams within AlburyCity. Previous events included the Sustainable Living Festival and elements of Upstream Festival of Arts and Culture.</td>
</tr>
</tbody>
</table>