

**Macedon  
Ranges**  
Shire Council

# **ATTACHMENTS**

**Council Meeting  
Under Separate Cover**

**Wednesday 26 October 2022**



## Table of Contents

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PE.1	Annual Environment Report 2021/22	
	Attachment 1 Report - Annual Environment Report - 2021-22 - Final.....	4
COR.3	Financial Statements for the year ended 30 June 2022	
	Attachment 1 Annual Financial Statements 2021-22 Final.....	50
COR.5	Governance Rules	
	Attachment 1 Draft Governance Rules with Election Policy - October 2022 - clean .....	101
	Attachment 3 Draft Governance Rules with Election Policy - October 2022 - tracked changes.....	166



**Macedon  
Ranges**  
Shire Council

**Strategic Planning  
& Environment**

# Annual Environment Report 2021/22





# Contents

<b>Acknowledgement of Country .....</b>	<b>2</b>
<b>Introduction.....</b>	<b>3</b>
<b>Theme 1: Climate Emergency .....</b>	<b>4</b>
<b>Theme 2: Biodiversity .....</b>	<b>16</b>
<b>Theme 3: Water .....</b>	<b>31</b>
<b>Theme 4: Waste .....</b>	<b>37</b>
<b>2021 Storm Recovery - Environment Response.....</b>	<b>43</b>



## Acknowledgement of Country

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

# Introduction

The 2021-22 Annual Environment Report provides a summary of Council's environment activities and reports on the indicators included in Council's *Environment Strategy Refreshed 2021*.

In some cases, data collection and methodology for some indicators has been amended or changed, as a result, the 2021-22 report sets the baseline data for some indicators. In other cases, data has been added and compiled to support previous data with the aim of determining trends over time. For some indicators, no data is currently available to enable reporting. This data will need to be collected as a part of future projects.

The 2021-22 year had some big influences on our local environment. The storm events in 2021 had huge impact on our natural environment, and COVID-19 continued to impact the way we work and live.

Highlights from our 2021-22 Annual Environment report include:

- Sourcing all of Council's electricity from renewable sources on 1 July 2021, through the Victorian Energy Collaboration.
- Completing the Snow Gum Project that identified that the Macedon Ranges is an 'epicentre for low lying Snow Gums'.
- 22,245 people exposed to the environmental messages from the Kyneton Museum exhibit, 'A Biodiversity Crisis: Animals and Plants of the Macedon Ranges'.
- Our Healthy Landscapes program winning the Premiers Choice Sustainability Award in 2021.
- Our shire wide response to the 2021 Storm Events.



*Dja Dja Wurrung Smoking Ceremony at Malmsbury Common Reserve as a part of the launch of the Reconciliation Action Plan during the Shire Autumn Festival and Reconciliation Week.*

# Theme 1: Climate Emergency

## Highlights

- ✓ Commenced sourcing all of Council's electricity as 100% renewable energy on 1 July 2021, through the Victorian Energy Collaboration.
- ✓ Completed community climate change action plans for Romsey and Lancefield, Gisborne and Riddells Creek (partnering with Riddells Creek Neighbourhood House).
- ✓ Adopted the Sustainable Buildings Policy in October 2021.
- ✓ Commenced replacement of cost shared street lights with energy efficient LEDs.
- ✓ Secured funds to install three public, fast charging electric vehicle charging stations in Macedon, Kyneton and Lancefield.
- ✓ Secured funds to install charging stations at Council offices in Gisborne, Kyneton and Woodend to support fleet transition.
- ✓ Conducted Bridging the Divide, a project that explored inter-generational health and wellbeing concerns about climate change
- ✓ Commenced development of a Zero Net Emissions Plan for Council operations, including investigations to reduce emissions from high use sites

## Indicator 1: Greenhouse gas emissions from Council operations

### 1.1 Total Council emissions

#### A new target

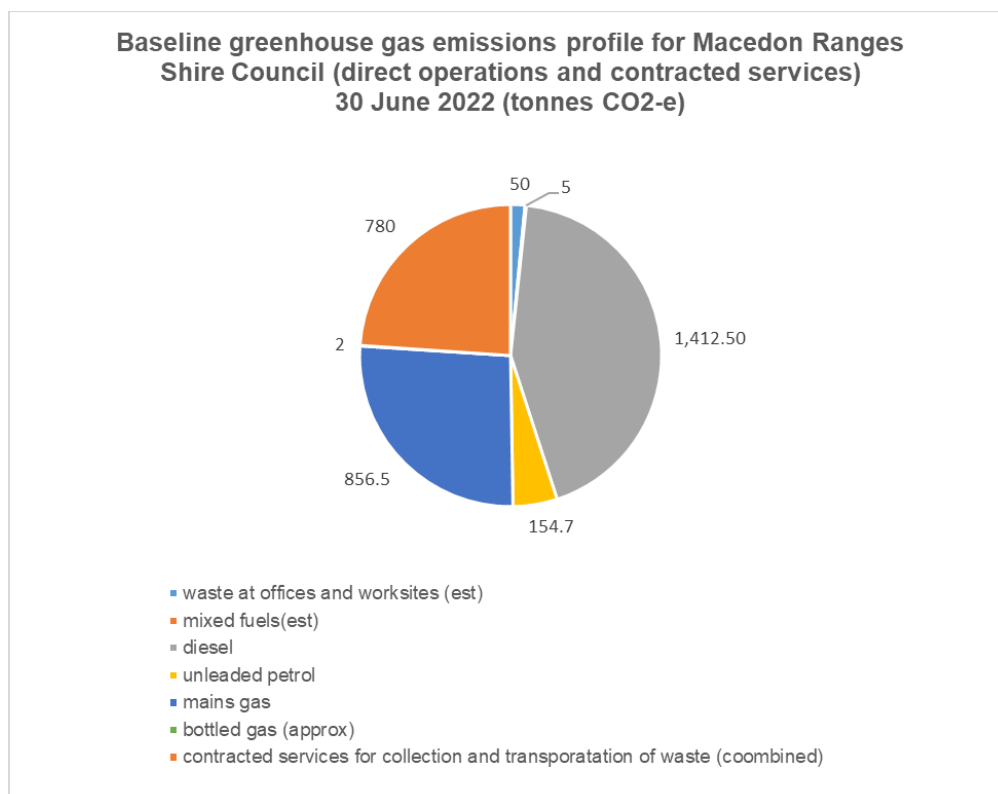
Council's original target to reduce emissions from its operations by 25% from the baseline year of 2014-2015 was exceeded at 30 June 2021. Council is now working towards a target for Zero Net Emissions for Council Operations by 2030. A Zero Net Emissions Plan will guide Council to meet this target.

The new target requires a new baseline from which Council can measure its progress in reducing emissions. The new baseline in the forthcoming Zero Net Emissions Plan will be set at 30 June 2022, when emissions from Council's operations is proposed to be calculated to be 3,260.6 tonnes CO<sub>2</sub><sup>e</sup>.

Council's original target was measured from a limited greenhouse gas emissions profile, which only included emissions Council was directly responsible for generating in undertaking its operations. The proposed new baseline is based on an expanded emissions profile, including emissions that Council is indirectly responsible for generating, via contracted services for the collection and transportation of different waste streams from across the shire. The baseline figure will ultimately be set by Council's Zero Net Emissions Plan when adopted but will also need to be amended over time, as information about other indirect sources of emissions associated with Council operations becomes available and can be included in the greenhouse gas emissions inventory.

The proposed new baseline excludes electricity as a source of greenhouse emissions, as all of Council's electricity is now sourced through a Power Purchase Agreement for 100% renewable energy, the Victorian Energy Collaboration (VECO).

Future annual environment reports will report on emissions reduction from the new baseline when set.



**Figure 1: Emissions from Council operations at 30 June 2022 (tonnes CO<sub>2</sub>-e by source)**

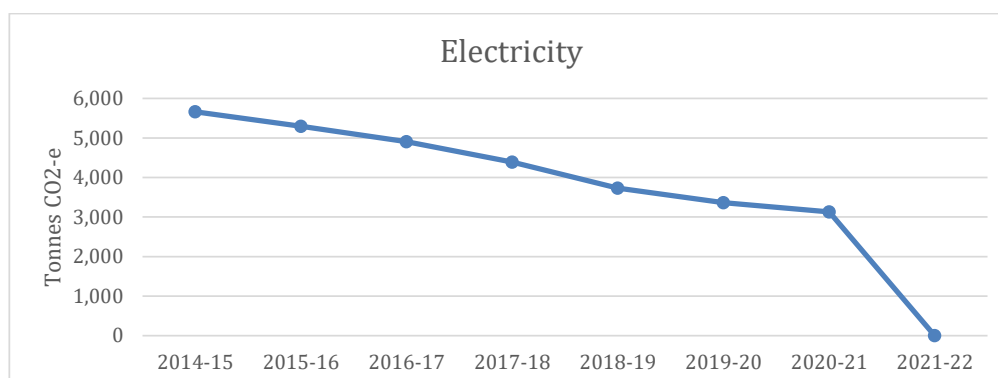
## 1.2 Council emissions from electricity

As noted above, the Victorian Energy Collaboration (VECO) enables Council to source its electricity requirements as 100% renewable energy, effectively meaning that there are no emissions associated with electricity usage at Council managed facilities.

However, this is not a reason for Council to stop investing in energy efficiency or reducing electricity consumption. Council still needs to pay for electricity, and any costs avoided can be allocated to ongoing investment in assets to improve their environmental performance.

Council can measure progress in improving energy efficiency through its total consumption of electricity. In 2021-2022, Council used approximately 3,312MWh to power its buildings and streetlights, equating to 3,543.8 tonnes CO<sub>2</sub>-e.





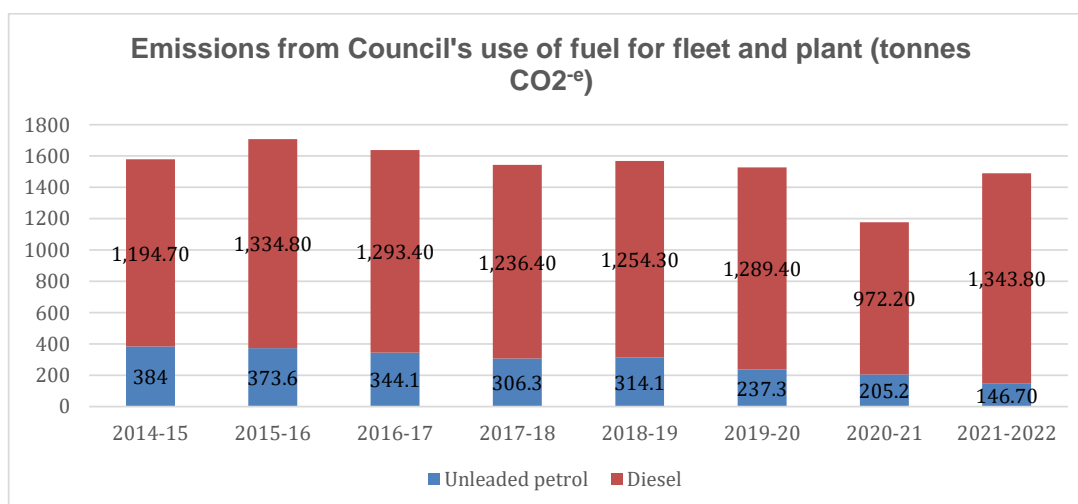
**Figure 2: Council emissions from electricity**

### 1.3 Council emissions from fuel

Figure 3 below shows that in 2021-2022, emissions associated with the use of unleaded petrol and diesel for fleet vehicles and heavy vehicles increased from 2020-2021. The use of unleaded petrol and the corresponding amount of greenhouse gas emissions decreased in 2021-2022.

These changes are largely attributable to reduced travel by staff due to pandemic-induced restrictions. The increases in the use of diesel and the corresponding amount of emissions can be attributed to increased use of heavy vehicles for storm recovery works throughout the shire since the June 2021 and October 2021 storm events.

Note: An additional 69.5 tonnes CO<sub>2</sub>-e is proposed to be included in the new baseline shown in Figure 1, corresponding to emissions associated with the production of unleaded petrol and diesel used by Council in its operations (Scope 3 emissions). This has been omitted from Figure 3 to allow for direct comparison with data from previous years.



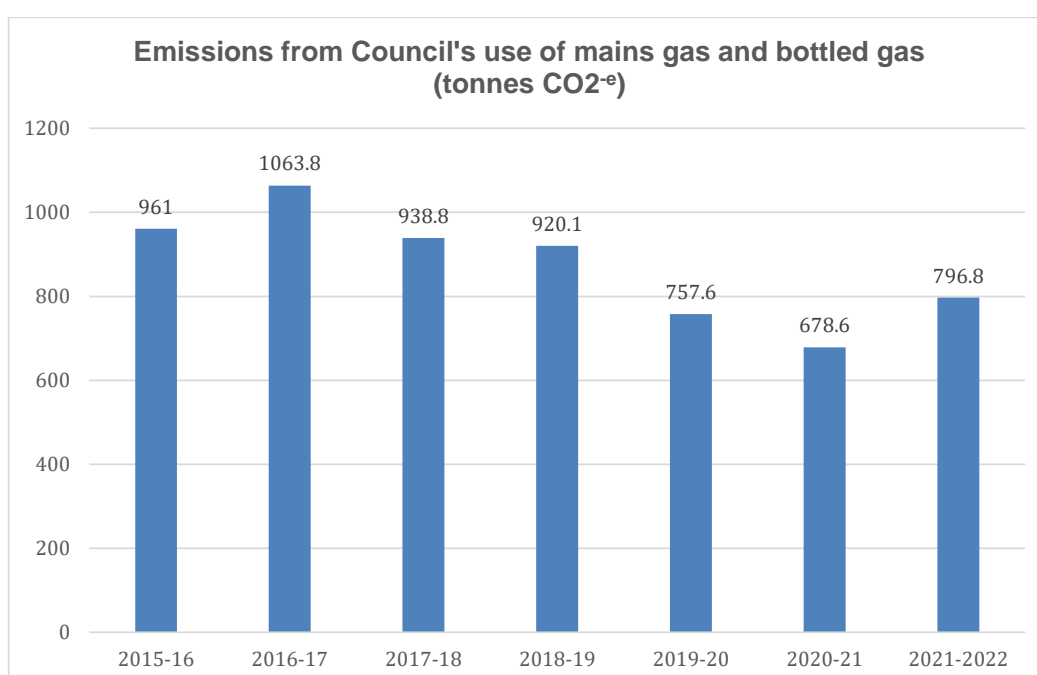
**Figure 3: Emissions from Council's use of fuel for fleet and heavy vehicles (plant)**

#### 1.4 Council emissions from mains gas and LPG

In 2021-2022, Council's use of mains gas resulted in 794.8 tonnes CO<sub>2</sub>-e of greenhouse gas emissions. Allowing for an estimated 2 tonnes CO<sub>2</sub>-e from the use of bottled gas by Council, 796.8 tonnes CO<sub>2</sub>-e is shown in Figure 4, to enable direct comparison with previous years.

The increase of 17.4% in emissions is likely to be due to Council's high gas use sites (the two aquatic centres) being open more in 2021-2022 than in 2020-2021, reflecting changes in pandemic-induced restrictions.

Note: An additional 61.7 tonnes CO<sub>2</sub>-e is included in the proposed new baseline shown in Figure 1, corresponding to emissions associated with the transmission of mains gas used by Council in its operations (Scope 3 emissions). This has been omitted from Figure 4 to allow for direct comparison with data from previous years.

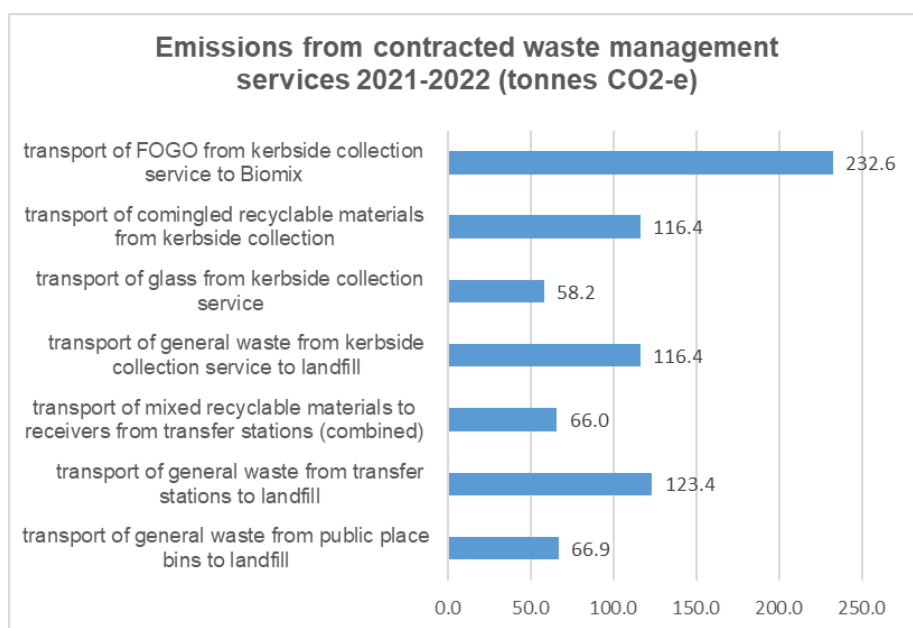


**Figure 4: Emissions from Council's use of mains gas and bottled gas (LPG)**

#### 1.5 Emissions from collection and transportation of waste streams by contracted services

Council engages contractors to collect and transport various waste streams from across the shire. Council has not reported on this source of emissions in previous years, as it was not included in the original greenhouse gas emissions profile. Emissions associated with these services can be calculated where enough information is provided by contractors about distances travelled, vehicle type, fuel type, and fuel consumption.

Figure 5 below shows emissions based on available information at 30 June 2022. The figures may change in future years (meaning the baseline will change) as reporting and accounting methods are refined.



**Figure 5: Emissions from waste management services contracted by Council 2021-2022**

### 1.6 Council emissions from kerbside waste

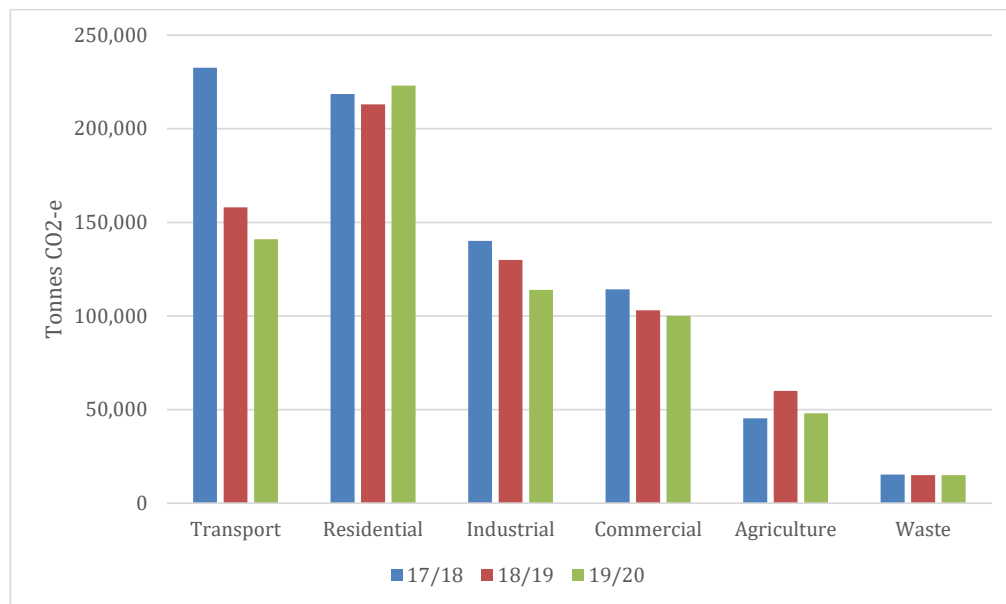
Council currently does not account for emissions associated from the disposal of the four streams of kerbside waste, as the waste is generated by the community and waste management facilities are located outside of the shire. Emissions associated with the collection and transportation of kerbside waste from contracted services commissioned by Council are reported in 1.5 above.

## Indicator 2: Greenhouse gas emissions across the shire

### 2.1 Total community emissions

Snapshot Climate provides the most reliable readily available source of data for emissions from across the shire. This data was compiled by consultants Ironbark Sustainability working with Beyond Zero Emissions for 2019-20 in accordance with the Global Protocol for community-scale greenhouse gas inventories. Data shown is the most recent available and is an update on last year's environment report.

Snapshot Climate estimates that total emissions for Macedon Ranges Shire was 642,000 tonnes CO<sub>2</sub>-e for 2019-2020. More recent data is not yet available. Figure 6 demonstrates how these community emissions by sector over the past three years.



**Figure 6: Community emissions by sector 2017-2018 to 2019-2020**

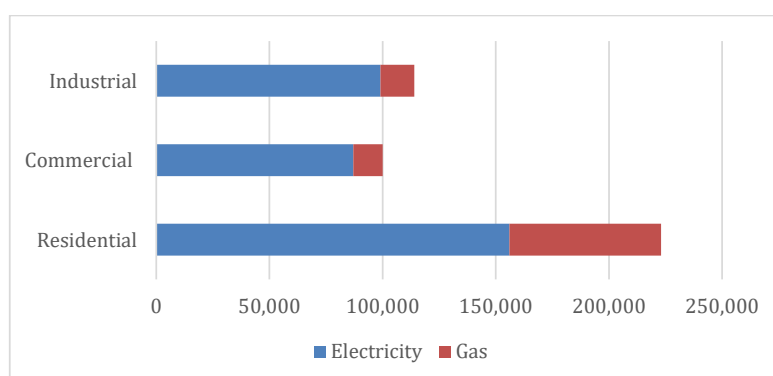
Source: snapshotclimate.com.au

## 2.2 Community emissions from residential uses

For 2019-20, total emissions from the residential sector was 223,000 tonnes CO<sub>2</sub>-e, an increase of 4,385 up from 2017-2018 data – as seen in Figure 6. Figure 7 shows gas use results in 30% of residential emissions.

## 2.3 Community emissions from commercial and industrial uses

For 2019-20, total emissions from the commercial sector was 100,000 tonnes CO<sub>2</sub>-e, 14,279 tonnes down from 2017-18 emissions. Total emissions from the industrial sector was 114,000 tonnes CO<sub>2</sub>-e, 26,043 tonnes down from 2017-18 emissions. Together, emissions from the commercial and industrial sectors accounted for 34% of the shire's emissions.



**Figure 7: Community emissions by sector and source 2019-2020**

Source: snapshotclimate.com.au



## 2.4 Community emissions from transport

For 2019-20, total emissions from transport was 143,000 tonnes CO<sub>2</sub><sup>e</sup>, an 89,586 tonne reduction on 2017-18 data. This figure accounts for emissions from on-road transport only. The model takes into account travel from vehicles registered within the shire as well as inbound and outbound travel. The reduction in emissions may be due to hybrid work models and change in travel due to COVID-19.

## Indicator 3: Extent of the shire's transition to sustainable transport

### 3.1 Extent of the shire's cycling network (on road)

Council continues to support sustainable transport by improving infrastructure and facilities. In this reporting period, an additional 2km of wide shared pathways were added to support cycle transport, expanding to a total of 10km of on road cycling tracks.

#### Macedon Ranges Shared Trails Project

Work has progressed on the \$11.24 million Macedon Ranges Shared Trails Project that will deliver a 24 kilometre trail for walking, running, low-volume cycling and commuting. The first stage of the trail will extend from Woodend in the north to Riddells Creek in the south. The project is expected to take approximately two years to construct, with completion scheduled for mid-2024. The Macedon Ranges Shared Trails Project is supported by the Victorian Government through the Crisis Committee of Cabinet – Infrastructure Stimulus Fund.



*Proposed section for the Macedon Ranges Shared Trail in Macedon.*

### 3.2 Extent of the shire's walking network

In 2021-22, Council maintained 227 kilometres of footpaths and 65 footbridges. This financial year saw the construction of 15.93 km of new footpaths across the Shire.

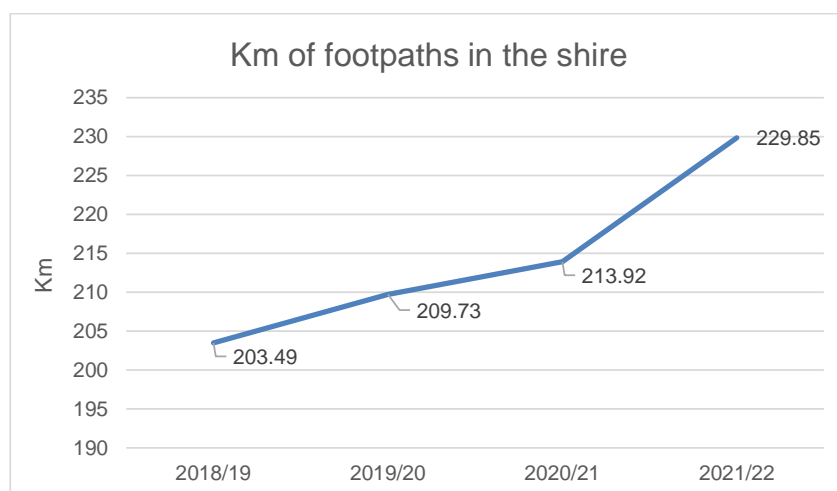


Figure 8: Km of footpaths in the shire

### 3.3 Number of public electric vehicle charging stations in the shire

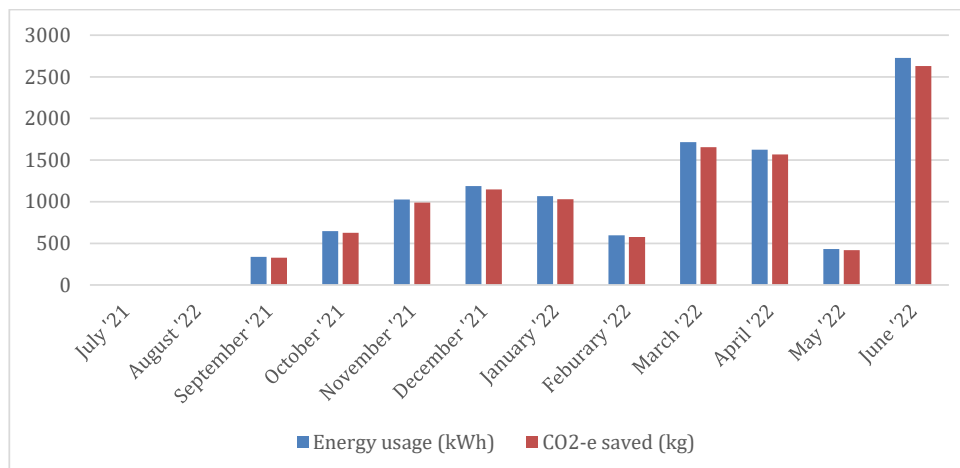
Currently, there are two public universal electric vehicle charging stations in the shire. One located in Kyneton and one in Woodend. A third exclusive Tesla charging station is also available for public use in Kyneton.

At time of reporting in September 2022, Council is supporting the installation of three additional public charging stations in Macedon, Kyneton and Lancefield by an infrastructure provider. Council is continuing to seek funding for charging stations in Malmsbury, Romsey, Gisborne and Riddells Creek to ensure regional electric vehicle connectivity.

State Government funding has also been secured for charging stations at all three of Council office locations (Gisborne, Kyneton & Woodend) to assist the commencement of Council's passenger fleet transition.

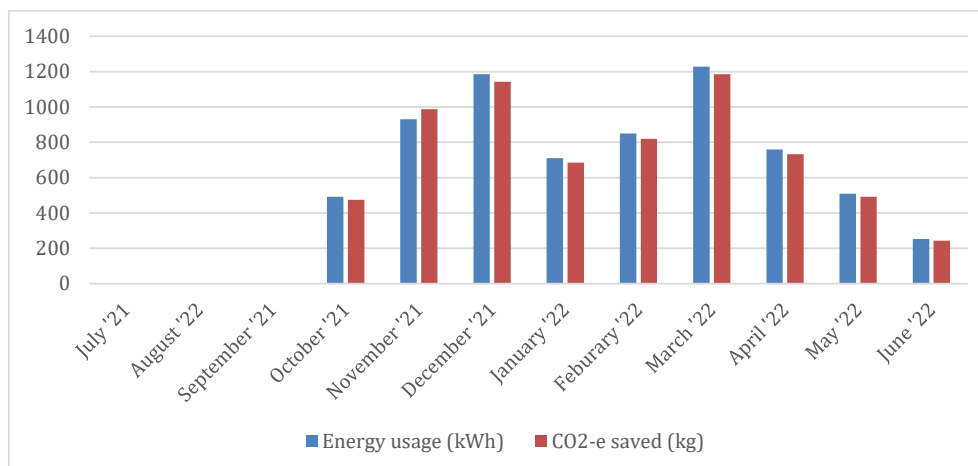
### 3.4 Use of public electric vehicle charging stations

The Kyneton electric vehicle charging station data indicates a total energy usage of 11,264 kWh in 2021-22, equating to 18,599 minutes of charging time and a saving of 10,96 tonnes CO<sub>2</sub><sup>e</sup>. The growing usage of the Kyneton charging station over the past 12 months is shown in Figure 9.



**Figure 9: Energy used/ CO2<sup>e</sup> saved by Kyneton EV Charging Station**

The Woodend electric vehicle charging station data indicates a total energy usage of 6918 kWh in from 2021-22, equating to 10,502 minutes of charging time and 6764 kg saving in in CO2<sup>e</sup>. Figure 10 shows a decline in use in Woodend in April-June 2022 due to a fault in the station. This has now been rectified.



**Figure 10: Energy used/ CO2<sup>e</sup> saved by Woodend EV Charging Station**

### 3.2 Number of electric vehicles in Council fleet

As of 30 June 2021 there were no electric vehicles in Council's fleet. Council has 20 hybrid vehicles and 1 plug in hybrid vehicle in the fleet.

## Indicator 4: Community climate change action

### 4.1 Number of buildings powered by renewable energy

#### Roof top solar

According to the Australian Photovoltaic Institute (APVI), at the time of reporting there were 7,364 roof top solar systems within the shire, an increase of 756 new solar system installations since the 2020-21 report.

Residential rooftop solar equates to approximately 32.6% of total available roofs 20,573. This data is for roof top solar systems only and, therefore, does not capture solar arrays installed at ground level such as the system installed at Hardwicks Meatworks in Kyneton.

**Table 2: No. roof top solar systems in the shire as of 20 July 2022**

Size of solar system	2019-20	2020-21*	2021-22	Increase
<b>Less than 10kW (residential)</b>	4,977	6,131	6,714	583
<b>10kW - 100kW (commercial)</b>	258	474	648	174
<b>Greater than 100kW (commercial)</b>	3	3	2	-1*
<b>Total</b>	<b>5,238</b>	<b>6,608</b>	<b>7,364</b>	<b>756</b>

\*This figure seems unlikely. It is expected that previous years have been reported incorrectly.

#### More Australian Solar Homes (MASH)

In 2021-22, solar systems were installed on 14 residential buildings in the shire totaling 97kW and 8 batteries through the not-for-profit solar bulk buy and installation program, MASH.

**Table 3: No. roof top solar systems installed by MASH on homes in the shire in past two years**

Year	2020/2021	Aug-21	Oct-21	Mar-22	Apr-22	May-22	Jun-22	Whole Program Total
No. homes with solar systems	64	3	2	0	3	4	2	136
Kw	294.28	19.98	13.32	0	16.38	35.88	11.7	594.7
No. Batteries	6	1	0	1	0	5	1	14

*Note: Above data only includes active months. Source: MRSG*



## Community Climate Action Planning - Cool Changes

In 2020-21, Council continued to deliver this community-led, place-based program. Three additional community climate action plans were created for the townships of Romsey & Lancefield, Gisborne and Riddells Creek.

### Romsey & Lancefield

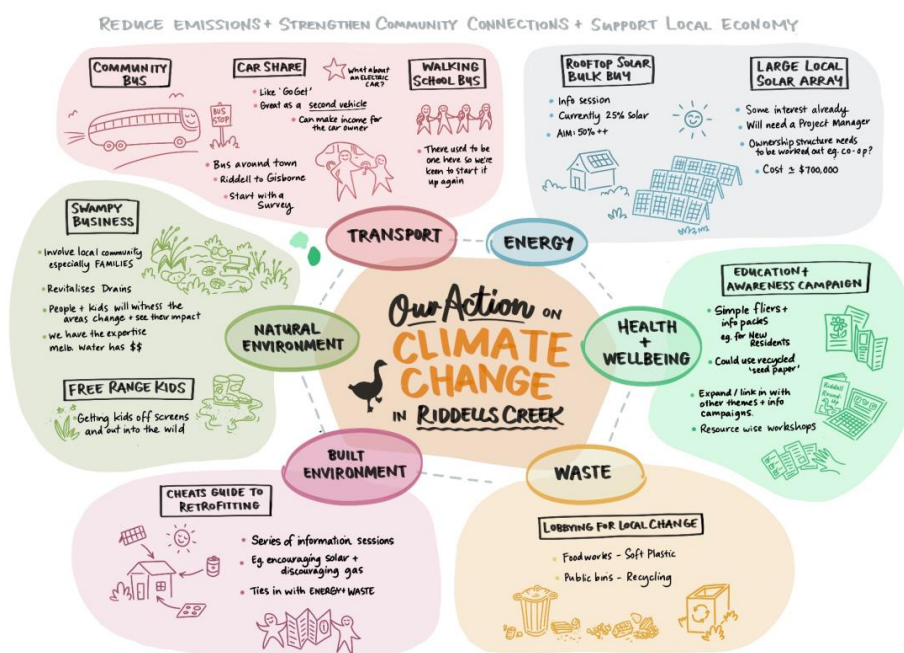
Approximately 25 participants actively engaged in the program. Actions shone a spotlight on grassroots community action groups and discussions centered on supporting them to increase their impact. Both Romsey and Lancefield Neighborhood Houses played an integral role in the program delivery. Since completion, a Gardens for Wildlife and Regenerative Agriculture groups have formed.

### Gisborne

Approximately 30 participant actively engaged in the program. Some actions included creating a sustainability focused community hub, providing community-led educational suites for primary and secondary students, net zero emissions on electricity usage by 2039 and "Buy & Shop Local" campaigns.

### Riddells Creek

Council partnered with Riddells Creek Neighbourhood House to co-design the program for the community. This had an immensely positive influence on program participation and input with approximately 45 participants. Participants framed the climate action plan around the two principals of "connected community", "working together to reduce emissions"



Graphic Recording by Nellie Pierce

**Actions from the Riddells Creek Climate Action Plan: "This program has reignited my passion and belief in my community" Riddells Creek resident**

Actions identified by the Riddells Creek community included home retrofitting workshops, community-owned solar array, provide soft plastic collection, community-led nature connection program for local kids and biodiversity regeneration projects, among others.

Council plans to conduct the Cool Changes program in Kyneton and Macedon/Mt Macedon in late 2022. In addition, the themes and priorities identified in these Community Climate Action Plans will be used in 2023 to shape a shire-wide Climate Emergency Response Plan.

**Table 4: Participants engaged with the Cool Changes Program at public events and tailored workshops.**

What	When	Where	Attendees
Riddells Creek Farmers Market stall	19-Feb-22	Riddells Creek	~100
RCNH Community Group Expo	25-Mar	Riddells Creek	~100
Cool Changes: Romsey & Lancefield	2-Sept-22	Romsey & Lancefield	25
Cool Changes: Riddells Creek	21-Apr	Riddells Creek	39
Cool Changes: Gisborne	17-May	Gisborne	27

## Theme 2: Biodiversity

### Highlights

#### *Fauna monitoring*

- ✓ Completion of nest-box surveys, Bird Blitz and community spotlighting events.

#### *Flora monitoring*

- ✓ Completion of surveys for Clover Glycine at Bald Hill and Black Hill reserves.
- ✓ Completion of the Snow Gum Project that identified that the Macedon Ranges is an 'epicentre for low lying Snow Gums', due to the large number of the trees recorded.

#### *Plans and assessments*

- ✓ Completion of Dalton Street Reserve Network Environmental Management Plan.
- ✓ Update of Hanging Rock Reserve Environment Management Plan.
- ✓ Completion of Kangaroo Management Action Plan for Hanging Rock Reserve.
- ✓ Completed an ecological assessment and commenced development of the Woodend Five Mile Creek Master Plan with Woodend Landcare.

#### *Healthy Landscapes – Practical Regenerative Agricultural Communities Program*

- ✓ Collaborated with Hepburn Shire, City of Greater Bendigo, Melbourne Water and North Central Catchment Management Authority to continue this popular program for our rural landholders.
- ✓ In the Macedon Ranges, the Healthy Landscapes program saw: 27 property visits; 2 equine farm walks, 1 online discussion group, 5 field days/workshops, and a total of approximately 350 participants registered for events.

#### *Conservation Reserves*

- ✓ Storm recovery responses and tree hazards works at Hanging Rock, Bald Hill and Ashbourne Road Reserve.
- ✓ Bald Hill Reserve – Community surveys identified an additional 500 Clover Glycine (*Glycine latrobeana*) plants. This represents an increase in the known population of this nationally threatened species by approximately 25%.
- ✓ Completed Malmsbury Common landscape and Djaara cultural planting areas.
- ✓ Improved protection of Barrm Birrm through the installation of gates and signage.
- ✓ Installed a picnic shelter at Bald Hill and completed track upgrades at Black Hill.

#### *Community involvement*

- ✓ 22,245 people exposed to the environmental messages as part of the 'A Biodiversity Crisis: Animals and Plants of the Macedon Ranges' exhibition.
- ✓ 905 participants in our biodiversity related events.
- ✓ Supported the establishment of the Stanley Park Community Asset Committee.
- ✓ Developed a Guide to the Insects of Central Victoria in partnership with Upper Campaspe Landcare Network.

#### *Vegetation protection*

- ✓ Developed a Native Vegetation Awareness Campaign to ensure community members are aware of the natural values of the shire and the requirements set out under the planning scheme to protect it.
- ✓ Provided environment responses to 231 planning permit referrals ensuring native vegetation removal is kept to a minimum.

## Indicator 1: Biodiversity across the shire

### 1.1 Presence and abundance of biodiversity indicator species

#### Biodiversity Monitoring Program

Council's Biodiversity Monitoring Program assesses how Council is tracking against the five objectives in the *Biodiversity Strategy 2018*. Four species are used as indicators of broader ecosystem health – the Brush-tailed Phascogale, Powerful Owl, Greater Glider and the Brown Tree creeper (as part of the temperate Woodland Bird Community).

To monitor these species, Council undertakes the following annual activities:

Monitoring activity	No. sites	Target species
Nest box checks (x144)	48 sites	Brush-tailed Phascogale
Spotlight surveys	16 sites	Brush-tailed Phascogale, Greater Glider and Powerful Owl
Bird Blitz surveys	84 sites	Woodland birds

The monitoring sites have been selected based on a stratification of Council's six biolink areas plus two forest blocks (Wombat and Cobaw state forests). Additional monitoring activities occur on an ad hoc or as needs basis to monitor the presence and population health of specific species.

#### Birds

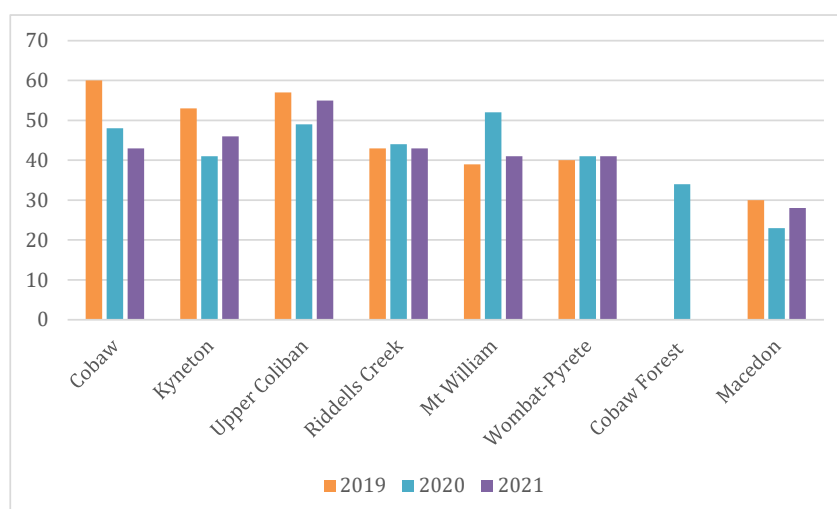
On Saturday 23 October 2021 Council coordinated 84 bird surveys across the shire as part of the third annual Bird Blitz event. The event recorded 83 species with greater species diversity observed in the Mount William, Upper Coliban and Cobaw Biolinks, as shown in Figure 11.

Some notable findings were:

- The Crimson Rosella and Australian Magpie were the two most observed species.
- A pair of nesting Bassian Thrush were detected on Mount Macedon. This is the first record of this species on the mount.
- A rare, all-white (leucistic) Grey Currawong was spotted in Lancefield.
- Satin Flycatchers were detected at several sites with few official records of this species prior to our surveys.
- A Brown Quail was also recorded at Mount Gisborne with only 7 official records of this species in the shire

The outcomes of Council's annual Bird Blitz will become more meaningful each year as annual data is able to be compared and trends are able to be observed.





**Figure 11: Number of bird species recorded during the annual Bird Blitz events by biolink**

Brown-headed Honeyeater was the only member of the Threatened Woodland Bird Community observed in Cobaw, Kyneton Woodlands and Mt William biolinks. These biolinks contain woodland bird habitat, whereas Macedon, Riddell, Wombat Pyrete are forest bird habitat. As Figure 11 indicates, the Upper Coliban Biolink is very diverse in bird species. However, it is lacking in arboreal mammals. Whether this is due to site selection or other factors will be investigated.

Low numbers of introduced bird species were recorded across all biolink areas.

**Table 5: Threatened species and introduced birds recorded during 2021 Bird Blitz**

Biolink	Threatened Species	Introduced birds
Cobaw	Brown-headed Honeyeater	Common Blackbird, European Starling
Kyneton Woodlands	Brown-headed Honeyeater	-
Macedon	-	Common Blackbird
Mount William	Brown-headed Honeyeater	Common Myna
Riddell	-	Common Blackbird, Common Myna
Upper Coliban	Gang-gang Cockatoo	Common Blackbird, Common Myna
Wombat Pyrete	-	European Starling
<b>Total</b>	<b>2 species</b>	<b>3 species</b>

Sadly there is a newly listed threatened species in our region – the Gang-gang Cockatoo, which is now considered Endangered under the federal Environment Protection and Biodiversity Conservation Act 1999. The Gang-gang Cockatoo is known to occur in the forest areas of the Macedon Ranges and was recorded in the Upper Coliban Biolink during the 2021 Bird Blitz.



*Gang-gang Cockatoo, a beautiful and iconic threatened species recorded during the 2021 Bird Blitz*

### Council's Nest Box and Spotlighting Programs

#### Nest box monitoring

The 2021-2022 nest box monitoring was restricted to storm affected areas – especially the Cobaws and Wombat-Pyrete Biolinks. This was to assess any storm damage/ loss of nest boxes ready for the return to full survey in 2022-2023.

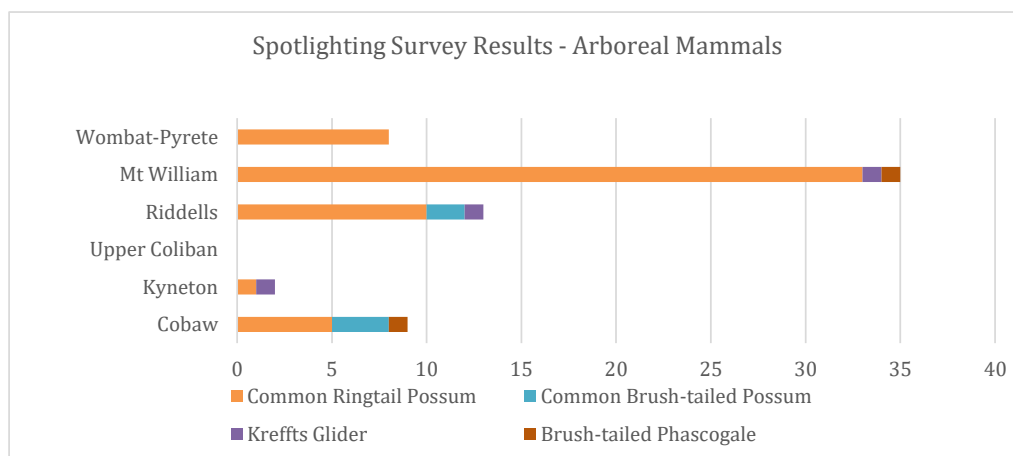
The outcomes of this survey are shown below.

Biolink	No. sites	No of boxes damaged	Occupancy
Cobaw	48 sites	0	Brush-tailed Phascogale
Wombat Pyrete	16 sites	2	

#### Spotlighting Program

In April 2022, spotlighting surveys in six of our biolink areas counted 108 individuals of 11 species – show in figure 12. Our most common mammal sighting was the Common Ringtail Possum – 57 Ringtails spotted!

Spotlighting surveys also recorded the threatened Brush-tailed Phascogale. The Brush-tailed Phascogale is an indicator of a healthy ecosystem, and is the target species for the Council's nest box program. This shy animal is rarely seen while spotlighting so participants on the Cobaw and Mount William Range Biolink nights were very lucky indeed.



**Figure 12: Species and numbers of mammals observed by biolink area**

#### Data added to Victorian Biodiversity Atlas

During the 2021-22 reporting period, there has been little input on the Victorian Biodiversity Atlas for key indicator species in the Macedon Ranges. All the Bird Blitz records from 2022 were uploaded. There was one Brush-tailed Phascogale sighting that has been added to the Victorian Biodiversity Atlas, recorded on the 21<sup>st</sup> August 2021.



*A pair of Ringtail Possums photographed by volunteer and photographer Helen Evans in March 2022 at Bald Hill Reserve, Kyneton.*

**Snow Gum Project**

A Snow Gum monitoring program that harnessed community participation and resulted in an insightful report was made possible by funding received from the DELWP climate adaptation program, ADAPT Loddon Mallee.

Local ecologists, Karl Just and Tim D'Ombra, in partnership with Newham & District Landcare Group, Baynton–Sidonia Landcare Group and Ashbourne Landcare Group undertook assessments on public and private land to record and map the size, health and location of Snow Gums across the shire.

The resulting report *Assessment of the Distribution, Health and Ecology of Snow Gum populations in the Macedon Ranges* highlights a number of discoveries, including learning that *Eucalyptus pauciflora* is much more resilient and widespread than previously thought. The study found that the Macedon Ranges is an 'epicentre for low lying Snow Gums', due to the large number of the trees recorded in the region.

In addition, 50 community members participated in the project, recording Snow gums on private property and sending their results to contribute to the report. The successful public launch of the report had over fifty community members attend, indicating the value of place based research projects. Furthermore, this project and report has provided a great example and resource for managing eucalypts and other flora and collaborating with the community into the future.



*Snow Gum identification workshop participants April 2022.*



## Indicator 2: Conservation value of Council managed land

### 2.1 Treated weeds on roadsides

#### Roadside weed control program

Council continued the vital roadside weed control program. 2021-22 saw a similar number of sites treated as the previous year but a smaller area of weed cover treated overall. This has been the continuous trend over the years - as highlighted in figure 13.

**Table 6: Roadside weed control for the past two years**

	2020-21	2021-22
Number of Sites treated	182	187
Area Treated (Hectares)	4.7 ha	3.3 ha

The Roadside Weed Program began with a mixture of treatment methods targeting large weed infestation with mainly grooming and spot spraying. Over the years, Council has gradually moved into a maintenance phase with sites predominantly requiring spot spraying.

In alignment with the Roadside Conservation Management Plan, 140 of the allocated sites were prioritised for their medium to very high conservation value. This enables Council to meeting the objectives under the Plan to further enhance and improve biodiversity conservation values on roadsides as well as being a strategic and efficient cost effective approach.



**Figure 13: Roadside weed control program since 2014-15**

### Targeted weeds

Council continued a focus on treating *Nasella* grass species (Serrated Tussock, Chilean Needle Grass and Texan Needle Grass) with 93 roadside sites identified for treatment. The 2021-22 weed treatment program also targeted specific invasive environmental weeds. Wild *Watsonia* was treated across 25 council managed roadsides and approximately 4km of roadside.

## 2.2 Conservation value of bushland and conservation reserves

Council has continued to control and eradicate invasive weeds and monitor and manage indigenous flora in Bushland and Conservation Reserves. Works have included the protection and monitoring of rare and significant flora species, such as Slender Tick Trefoil (*Desmodium varians*) and Clover Glycine (*Glycine latrobeana*) found at Bald Hill Reserve.

Bushland and Conservation Reserve activities undertaken in 2021-22 include:

- **Hobbs Road Reserve** - completed repairs of heavy duty bollards and fencing upgrades to prevent vehicle access and rubbish dumping.
- **Stanley Park Reserve** – replaced boardwalk section at the base of the steps, preventing damage to the waterway and risk of injury to the public.
- **Stanley Park** - Supported the establishment of the Community Asset Committee.
- **Ashbourne Reserve** – negotiated change to maintenance access and associated mowing, protecting a native grassland from vehicle and mowing damage.
- **Magnet Hill Reserve** – Installed rabbit fencing as part of an Integrated Pest Animal project to protect remnant scoria cone vegetation.
- **Black Hill** - 1.8km of tracks were repaired at Black Hill Reserve during 2021-22. Works included the installation of two metal boardwalk sections, granite rock walling of pipe ends, replacement and installation of new pipes, and installation and compaction of 500 tonnes of road base quarry material. Taungurung Land and Waters Council were engaged during the project development and contributed significantly to the scope of works.
- **Malmsbury Common** - completed the landscape and Djaara cultural planting areas, increasing flora diversity in the reserve and education of environment and culturally significant plants.
- **Barrm Birrm** - improved protection of significant flora and tracks through the installation of gates and signage which has reduced or eliminated vehicle damage.
- **Hanging Rock Reserve** – completed woody weed control programs across the reserve, completed stage 1 of erosion control on the summit, mapped rabbit warrens and completed fumigation program along Smokers Creek and the Racecourse Grassland and expanded the tree protection areas throughout the recreation zone utilizing logs and mulch from the storm damage.
- **Bald Hill** – Commenced stage 2 of the master plan including installation of a picnic shelter.

In the 2021-2022, flora surveys were completed across 32 fixed monitoring plots in Black Hill, Bald Hill and Mt Gisborne. Fixed monitoring plots provide an opportunity to closely monitor incremental changes overtime, forming a longitudinal data set, which will inform adaptive management of the bushland reserve assets. These will complement the existing fauna monitoring to increase our understanding of how environments are changing.



There were a number of flora discoveries during the 2020-2021 flora monitoring program:

#### **Black Hill Reserve**

- Overall weed populations appear to be stable except for Sweet Vernal (*Anthoxanthum odoratum*), which is expanding its presence. This is most likely due to the increased rainfall, which may have a climate change influence. This is concerning as it is a perennial grassy weed that impacts the growth of other species. Long term this is likely to have an impact on species abundance and diversity.
- South African Weed Orchid (*Disa bracteata*) has also established a presence in two new locations (in and adjacent to survey plots).
- Wood-rush (*Luzula meridionalis*), a small charismatic native rush, has increased in multiple locations.
- Targeted Gorse control (*Ulex europaeus*) work has achieved a significant reduction in populations of this classified weed species.

#### **Bald Hill Reserve**

- Bald Hill Reserve has had 8 plots surveyed for the 2nd year in a row with support from Friends of Bald Hill Reserve volunteers.
- Slender Tick Trefoil (*Desmodium varians*), considered rare, was identified in 2019 to have an extensive population on the Bald Hill northern aspect of the volcanic outcrop. This is thought to be the largest population in the shire. The survey in 2021 identified one specimen (found by a community survey volunteer) on the Granitic outcrops. This is a very significant find as it suggested the species is more adaptable to varying soil types and the population may be larger than first thought.
- Lots of kangaroo disturbance (grazing and scats) was observed in multiple plots and the north east corner (granitic soils) had extensive digging disturbance by echidnas. This indicates very healthy populations in the area.
- Both Wattle Mat-rush's (*Lomandra filiformis*) subspecies were identified in 2020; with the additional *Lomandra. nana* found in 2021.
- The volume of the Gorse (*Ulex europaeus*) population has been reduced as a result of multiple years of treatment.
- Sweet Vernal (*Anthoxanthum odoratum*) appears to be expanding its presence in most plots. This is most likely due to the increased rainfall, which may have a climate influence. This is concerning as it's a perennial grassy weed that impacts on the potential growth of other native species.

#### **Mt Gisborne Reserve**

- Mt Gisborne Reserve has had 6 plots surveyed for the 2nd time in 2021, continuing to establish a baseline to inform future changes.
- Serrated Tussock (*Nassella trichotoma*) has been treated extensively in the past but only a small presence was identified in one plot.
- Kangaroo grazing appears to be having a minimal impact with extensive rain is supporting continuous growth of native grasses further restricting the presence of Capeweed (*Arctotheca calendula*)

#### **Bullengarook Capping / Tip Site**

- The site remains dominated by indigenous species: exotic plants only made up 26% of the recorded cover at the site. Indigenous plants made up 30%, while the

remainder was mostly cryptogams (mosses, lichens, algae etc) at about 33%, with just 10% being leaf litter.

- The only significant change since the 2020 survey is a decline in the coverage of Wallaby Grass (*Rytidosperma* spp.). This, however, is matched by an increase in the cover of cryptogams and the native Common Bog-sedge (*Schoenus apogon*). Spring 2021 was wet and cool which has probably affected foliage growth in all these species and categories.
- Two Wallaby Grass species were identified: *Rytidosperma pilosum* and *R. setaceum*. These are both common, widespread grasses and probably most of the Wallaby Grass on the site is of these two species.
- The only Spear Grass species at the site was identified as *Austrostipa rudis*, also a common and widespread species.

### Woodend Grassland

- Woodend Grassland has now been surveyed for 5 years and will be rested to enable surveying of other areas. A follow up survey will be initiated in 2025 to make comparison with the baseline and assess change over that period.

### Hanging Rock Reserve

The Hanging Rock Racecourse Grassland assessment in 2021 found that all three plots were in similar condition to spring 2020.

- A notable difference was that Sweet Vernal-grass (*\*Anthoxanthum odoratum*) had a lower cover in all plots, particularly in Plot 1 (60% cover in 2020 compared to 5% in 2021). The reason for this is not entirely clear, as the total rainfall between the two years between January and September was very similar. It could possibly be explained by the timing of the rainfall, for example April 2021 was well below average (15mm compared to 58mm average).
- Heavy kangaroo grazing within the control sites is depleting native grass cover, particularly Kangaroo Grass (*Themeda triandra*). Within the plots, Kangaroo Grass and other native grasses have significantly declined in vigour due to the accumulation of dense leaf litter and thatch, which has also excluded most of the native forbs and small shrubs.
- It is therefore recommended that the fenced plots are subject to an ecological burn in the next six months to reduce biomass and stimulate the growth of inter-tussock forbs. This will then allow comparison between heavily grazed and unburnt sites (the controls) and those subject to fencing and ecological burning.

For the remainder of the racecourse site, additional measures should be investigated such as:

- Excluding kangaroos entirely for 6-8 months of the year, or only allowing a small number to inhabit the site across the whole year.
- Permanent exclusion from the entire site may have some benefits, but the grass cover would then have to be burnt regularly (every 2-3 years) to reduce fire risk and prevent dense thatch accumulation and senescing of grass tussocks.
- Creation of larger exclusion fences (e.g. one hectare) which can then be subject to regular burning (every 3-5 years).

Table 7: Summary of weed impacts in Bushland Reserves

Reserve	Increase	Decline
Black Hill Reserve	Sweet Vernal South African Weed Orchid	Blackberry Capeweed Gorse
Bald Hill Reserve	Sweet Vernal	Hawthorn Briar Rose Gorse South African Weed Orchid
Mt Gisborne Reserve		Serrated Tussock Capeweed

### 2.3 Ecological and cultural burns completed

Completion of a 2.1ha planned ecological burn at Malmsbury Common Reserve in collaboration with Bushland Contractor and Malmsbury CFA.

Council's Bushland Reserves Officer presented 'Local Government Ecological Burning' Webinar to increase awareness and education of ecological burning as a land management tool to manage biodiversity.

## Indicator 3: Community involvement in conservation

### 3.1 Participation in land management workshops

In 2021-2022 Council continued to deliver the *Healthy Landscapes – Practical Regenerative Agricultural Communities* program in collaboration with Hepburn Shire, the City of Greater Bendigo, Melbourne Water and North Central Catchment Management Authority.



In 2021-2022, the Healthy Landscapes program:

- ✓ Delivered 36 events including;
  - eleven conducted as part of the holistic grazing management course
  - six with the local farmer series
  - four with the grass identification series
  - three conducted for the small property grazing course and
  - twelve other events
- Registered 1551 participants for events representing over 900 individual properties.
- Engaged over 875 participants directly with the program events.
- 780 views of the webinar recordings.
- Responded to 91 property visit requests, with demand almost double the capacity of the program.
- Subscribed 800+ follows to the newsletter

**Table 8: Engagement activities for Healthy Landscapes Program within the Macedon Ranges**

Target	Delivered
<b>20 property visits</b>	27 property visits
<b>4 discussion group</b>	2 equine farm walk - 30 participants 1 online discussion group - 6 participants
<b>2 field days</b>	5 field days/workshops - 114 participants
<b>Courses</b>	30 properties
<b>Total participation</b>	~350 registered for events

### 3.2 Attendance at biodiversity events

In 2021-22 Council focused on broadening face-to-face engagement, working with School groups and citizens science activities. In total, 905 participants took part in Council's biodiversity focused events in 2021-22.

**Table 9: Biodiversity focused events 2021-22**

What	When	Where	Attendees
Biodiversity in Crisis – Scouts visit	08-Feb-22	Kyneton Museum	17
Biodiversity in Crisis – Scouts visit	28-Feb-22	Kyneton Museum	18
Landcare and friends meet and greet	04-Mar-22	Kyneton Museum	31
Habitat Education	17-Mar-22	Macedon PS	30
SWIFFT seminar: nature at home and in my landscape	24-Mar-22	Online	~200
Habitat Education	24-Mar-22	Macedon PS	30
Creatures of the night spotlighting surveys	29-Mar-22	Bullengarook	10
Creatures of the night spotlighting surveys	31-Mar-22	Cobaw	9
Biodiversity in Crisis – Schools visits	01-Apr-22	Kyneton Museum	84
Creatures of the night spotlighting surveys	05-Apr-22	Kyneton	12
Kids Teaching Kids - Nestbox's	05-Apr-22	Hesket PS	20
Creatures of the night spotlighting surveys	07-Apr-22	Lauriston	16
Snow Gum Citizen Science event	10-Apr-22	Newham	23
Creatures of the night spotlighting surveys	12-Apr-22	Riddells Creek	14
Creatures of the night spotlighting surveys	14-Apr-22	Mt William	15
Biodiversity Exhibition holiday program	19-Apr-22	Kyneton Museum	21
Rabbit Control Workshop – Gisborne	04-May-22	Gisborne	43

Rabbit Control Workshop – Lancefield	05-May-22	Lancefield	32
Jocks Gully Biolink Planting event	07-May-22	Ashbourne	40
UL Daly Reserve walk	10-May-22	Daly Reserve	26
Bald Hill - Sacred Heart Secondary	12-May-22	Bald Hill	9
Macedon Ranges PS- nestbox walk	12-May-22	Macedon	26
Pipers Creek Landcare AGM	14-May-22	Ashbourne	22
Jocks Gully Biolink Planting event	14-May-22	Ashbourne	20
Newham PS- biodiversity presentation	01-Jun-22	Newham PS	55
Friends of Baldhill Reserve meeting	04-Jun-22	Bald Hill	12
Snow Gum Project presentation	17-Jun-22	Newham Hall	50
Nature Stewards Graduation	18-Jun-22	Melton Botanic Gardens	20

### Biodiversity in Crisis Exhibition

1319 visitors attended the engaging Biodiversity in Crisis exhibition at Kyneton Museum from 1 October 2021 to 24 of April 2022. During the exhibition, the environment unit delivered guided education sessions and holiday programs to scout groups, school groups and families. In addition, the associated touring program entitled 'On the Prowl' were rotated through four different venues around the shire (Gisborne Library, Woodend Library, Romsey Library, Kyneton Visitor Information Centre) and viewed by an estimated 20,895 people. This resulted in a combined total of 22,245 people exposed to the environmental messages contained in the project 'A Biodiversity Crisis: Animals and Plants of the Macedon Ranges'.



*Kyneton Museum Biodiversity in Crisis Exhibit*



### Nature Stewards

Council celebrated the graduation of the second Nature Stewards group, whereby Council partnered with the City of Melton and Hume City Council to deliver the program to twenty participants, seven of which reside in Macedon Ranges, in environmental leadership. Initially Macedon Ranges had 13 enrolments, but due to COVID, a number of participants were unable to commit to the program.

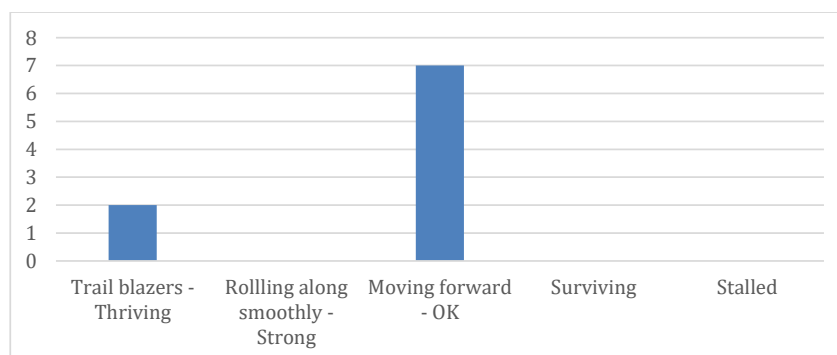


*Nature Stewards participants from the cities of Hume and Melton and the Shire of Macedon Ranges 2022.*

### 3.3 Health and activity of Landcare and Friends Groups

Each year Landcare and Friends groups fill out a “health check” survey if they apply for funding from their relevant Catchment Management Authority. In 2021-22, 9 out of 23 groups applied for funding and, therefore, completed the “health check” survey – the results of which are shown in figure 14.

Feedback is that many groups may have decided not to apply for funding due to the difficulty in conducting working bees and meetings as a result of pandemic induced restrictions. However, of the groups that did apply, they responded that their group was “moving forward” or “thriving”.



**Figure 14: 2021-22 Landcare Group Health Check**

*Source: Melbourne Water and North Central Catchment Management Authority*





### Guide to the Insects of Central Victoria

In 2020-21 Council partnered with the Upper Campaspe Landcare Network to develop a new Guide to the Insects of Central Victoria. This handy booklet is in the same format as Council's flora, weeds and bird guides, and features over 220 local insect species in full colour.

The Upper Campaspe Landcare Network led the project to develop the guide, with partners Wombat Forestcare and local councils including Macedon Ranges Shire Council. The guide features insects that are likely to be observed in local gardens and nearby bushland – with a surprising number of native bee species, moths and native flies.

The guide is available at Council offices and on the Council website (<https://www.mrsc.vic.gov.au/Live-Work/Environment/Animals-of-the-Macedon-Ranges/Insects>) and is being distributed by Landcare groups.

## Theme 3: Water

### Highlights

- ✓ Councils new waterway restoration program, in partnership with Melbourne Water, delivered significant weed control and revegetation along Council-managed waterways within the Shire.
- ✓ The Healthy Coliban Catchment project achieved 11 new On-Ground Works Agreements and installing 6.6km of fencing, 13 off-stream systems, 27ha of woody weed control and 3.8ha of revegetation.
- ✓ Large scale woody weed removal along Jacksons Creek and Bunjil Creek in Gisborne, Deep Creek in Darraweit Guim, and Five Mile Creek in Romsey as part of Melbourne Waters capital works program.

### Indicator 1: Water consumption from Council operations

#### 1.1 Consumption of potable water

Council used 55,805 kL of potable water in 2021-2022, approximately 13,095kL (or 19%) less than the volume of potable water used in 2020-2021, possibly reflecting reduced services and use of facilities due to pandemic-induced restrictions. However, the decrease in the volume of potable water used was not consistent in the north and south of the shire, as shown in Figure 15.

#### 1.2 Consumption of recycled water

In 2021-2022, Council used 55,920kL of recycled water, sourced from Greater Western Water's waste water treatment plant for sports grounds and open space. As shown in Figure 15, this volume is comparable to the 58,008 kL of recycled water used by Council in 2020-2021.

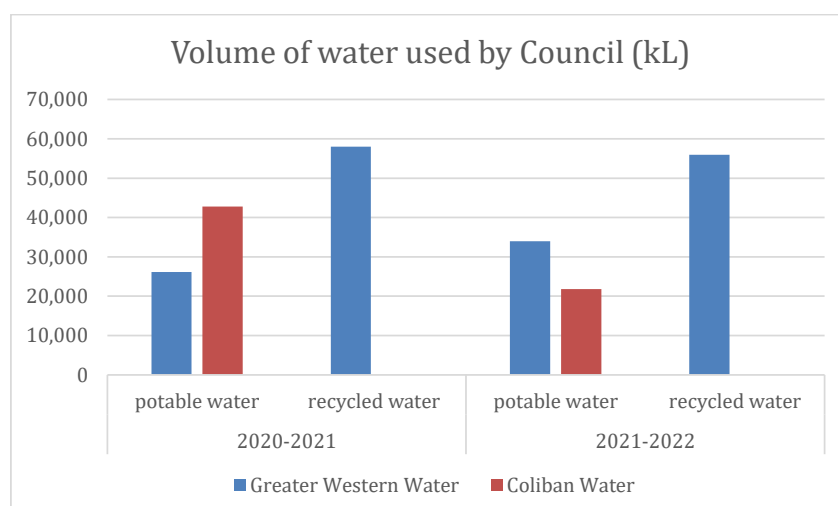


Figure 15: Volume and source of water used by Council from 2020 - 2022

## Indicator 2: Extent of waterway restoration works conducted

Restoring vital waterways across the shire has been a focus for Council, our partner organisations and community groups over the past twelve months.

Working in partnership with Melbourne Water, extensive weed control and revegetation is occurring along Jacksons Creek and Bunjil Creek in Gisborne, Deep Creek in Darraweit Guim, and Five Mile Creek in Romsey. Smaller waterway reserves are receiving attention too, such as Riddells Creek in Macedon, Monument Creek in Rochford and Dry Creek in Riddells Creek.

To the north of the shire, Council is working closely with community groups and the North Central Catchment Management Authority (NCCMA) to undertake planning and works along the Campaspe River in Kyneton and Five Mile Creek in Woodend.

In addition, the Healthy Coliban Catchment Project focuses on the health of the Coliban River and its tributaries upstream of Malmsbury Reservoir. Led by Coliban Water, the NCCMA and Dja Dja Wurrung Clans Aboriginal Corporation, the project has achieved 11 new On-Ground Works Agreements and installing 6.6km of fencing, 13 off-stream systems, 27ha of woody weed control and 3.8ha of revegetation. Council supports this project through representation on the project reference group and through the delivery of the Healthy Landscapes program.

### 2.1 Weed control

In 2021-2022 Council delivered weed control programs on 5 waterway reserves as guided by the Environmental Works Plans for Waterways - Port Phillip & Westernport catchments. High threat weeds including Blackberry, Broom, Gorse, Willow's and Boneseed have been targeted and will be follow up over the next two years.

**Table 10: Weed control conducted along Council managed waterway reserves in 2021-22**

Waterway	Reserve	Locality	Comments
<b>Jacksons Creek</b>	Jacksons Creek A, B, C & D	Gisborne	Elm, Pine, Willow, Poplar & Blackberry removal. Melbourne Water Capital Works Program
<b>Jacksons Creek</b>	Rotary Park Waterway Reserve	Gisborne	Blackberry, Pine, Broom, Elm, Agapanthus & Ivy
<b>Bunjil Creek</b>	Bunjil Creek Waterway Reserve 05, 08, 09 & 10	Gisborne	Blackberry, Willow, Broom, Serrated Tussock, Hemlock and pasture grasses
<b>Howey Creek</b>	Howey Creek 3 & 4	Gisborne	Blackberry, Gorse & Broom removal program
<b>Marram Bulok Creek</b>	Dalton Street Reserve	Gisborne	Broom, Gorse, Bluebell Creeper & Blackberry control program
<b>Riddell's Creek &amp; Railway Creek</b>	Tony Clarke Reserve 1 & 2	Macedon	Blackberry, Gorse, Boneseed, Willow, Hawthorn, Pine & Broom control program
<b>Deep Creek</b>	3 Chain Road Waterway Reserve	Newham	Blackberry, Broom & Gorse control program

<b>Dry Creek</b>	Kathryn Court Waterway Reserve	Riddells Creek	Blackberry, Gorse, Boneseed, Willow, Hawthorn, Pine & Broom control program
<b>Monument Creek</b>	Pascall's Lane Waterway Reserve	Rochford	Blackberry & Broom control program.
<b>Monument Creek</b>	Monument Creek Waterway Reserve	Rochford	Elm, Broom & Blackberry control program
<b>Romsey Five Mile Creek</b>	Romsey Five Mile Creek Reserve	Romsey	Willow, Blackberry & Pine removal Melbourne Water Capital Works Program
<b>Riddells Creek tributary</b>	Bruce St No 3	Macedon	Blackberry, Broom & Pittosporum removal program.

## 2.2 Revegetation

The major revegetation project completed in 2021-22 was along Romsey Five Mile Creek and Jackson's Creek in Gisborne with co-funding by Melbourne Water Capital Works Program.

**Table 11: Revegetation conducted along Council managed waterway reserves**

Waterway	Locality	No. plants	Comments
Smokers Creek	Hanging Rock Reserve	250	Funded by DELWP as per EMP action
Deep Creek	Darraweit Guim	2000	Melbourne Water Capital Works Program
Jacksons Creek	Jacksons Creek A, B, C & D	21,887	Gisborne (Melbourne Water) Capital Works Program
Romsey Five Mile Creek	Romsey	10,500	Melbourne Water Capital Works Program

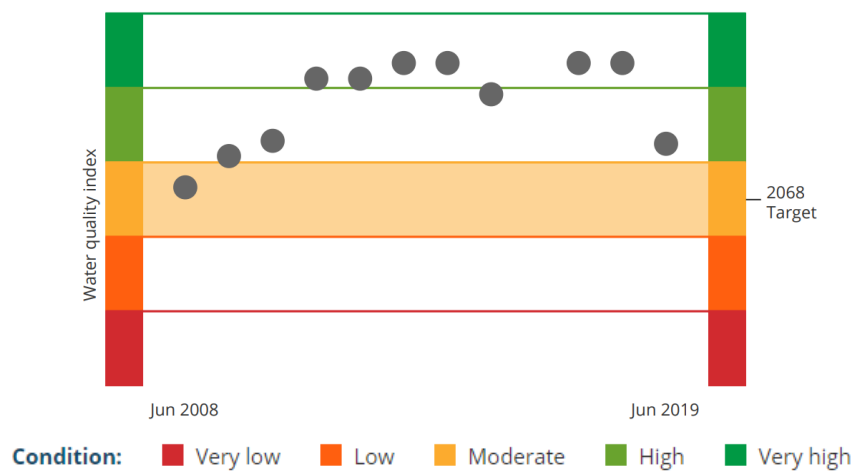
## Indicator 3: Waterway quality in local creeks and rivers

### 3.1 Water quality for the Upper Maribyrnong catchment

Environmental water quality objectives developed in the State Environment Protection Policy (SEPP Waters) are used to evaluate monitoring results. The Victorian Environmental Protection Authority (EPA) developed a Water Quality Index (WQI) based on SEPP Waters which amalgamates the multiple measures of water quality together in a single index.

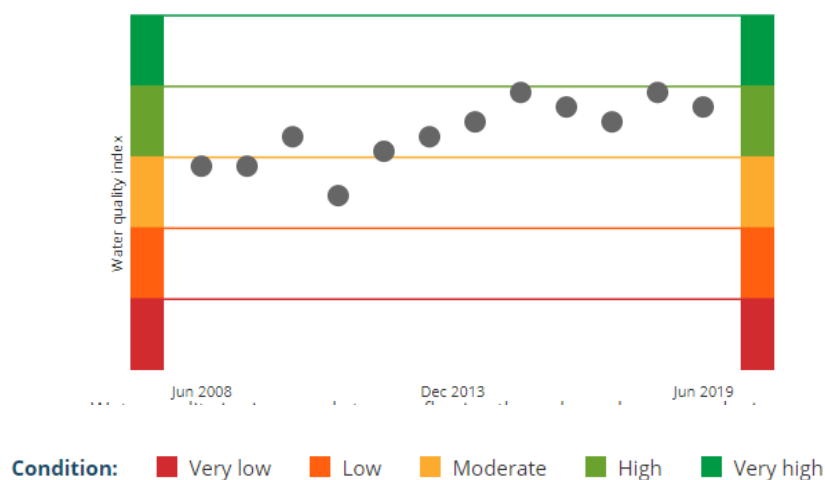
The following charts show the water quality index (WQI) score for the monitoring in the Deep Creek Upper Catchment and Barringo Creek, Macedon. This data shows an overall improvement in water quality at both monitoring station over time.

This following data is from Melbourne Water. It is the most up to date data available.



**Figure 16: Water Quality Index scores for Barringo Creek at Wooling Road, Macedon**

Source: Melbourne Water, <https://healthywaterways.com.au/waterway-conditions/water-quality>



**Figure 17: Water Quality Index scores for Deep Creek at Kennedy's Lane, Romsey**

Source: Melbourne Water, <https://healthywaterways.com.au/waterway-conditions/water-quality#monitoring>

### 3.2 Storm water quality

In 2021-22 Council maintained 282 kilometres of storm water pipes with 10,373 storm water pits in a sustainable and efficient manner.

To improve storm water quality, harvesting is a key performance objective outlined in the Healthy Waterways Strategy. The objective aim is for every hectare of new impervious area harvest 5ML/y, which equates to 169 ML over the life of the Strategy.

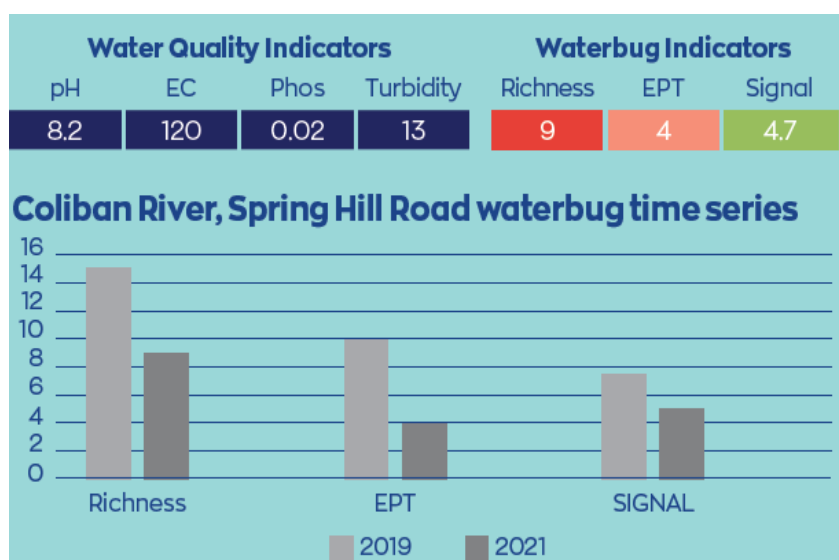
Planning has continued for a large-scale stormwater-harvesting scheme, an Integrated Water Management (IWM) project being led by Macedon Ranges Shire Council. Melbourne Water have initiated planning and investigation in this priority area (Source: [Healthy Waterways](#)).

Further information will be available when preparation of a shire-wide Storm Water Management Strategy that assesses the quality of storm water entering local creeks and rivers and identifies priority locations for different types of treatments and interventions.

### 3.3 Water quality for waterways in the North Central catchment

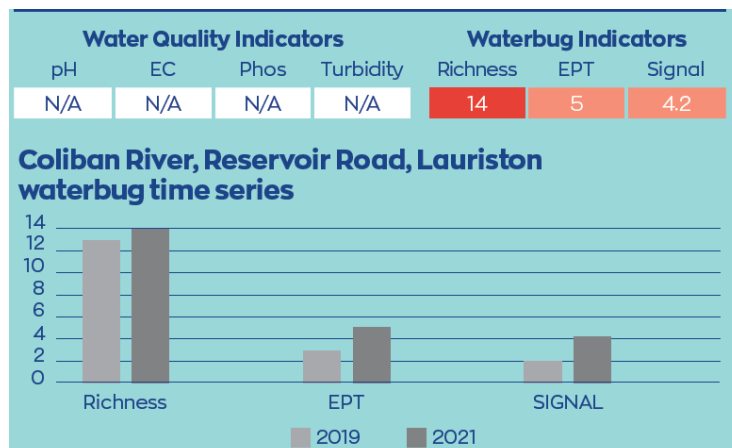
The River Health Snapshot report 2021, *A Healthy Coliban Catchment Citizen Science Project*, provides data on river and waterway health in the North Central Catchment area. In the first few years of the Healthy Coliban Catchment Project, volunteers have been establishing a baseline dataset to help to monitor change in the catchment over time.

Results indicate waterway health in the upper reaches of the Coliban catchment have good water quality and waterbug ratings. Results vary among waterways, but overall catchment and waterway health declines further downstream.

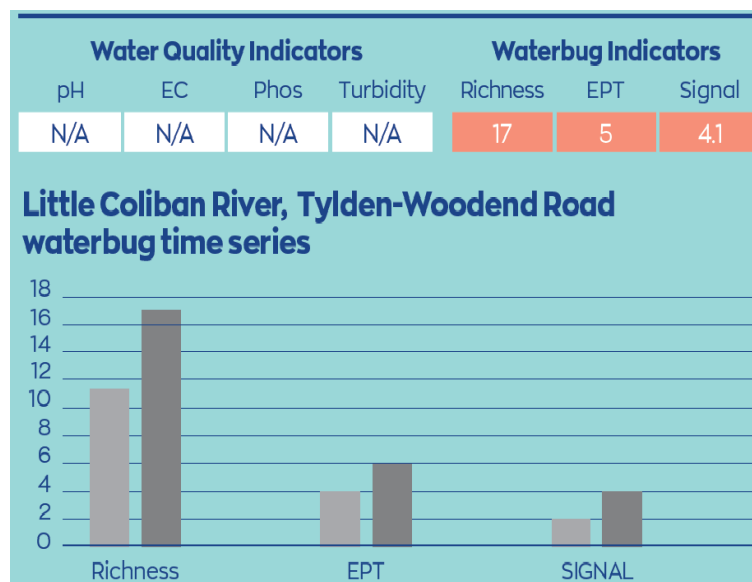


**Figure 18: Coliban River, Spring Hill Road.** Excellent water quality results were recorded at this site for all four parameters.





**Figure 19: Coliban River, Reservoir Road.** Insufficient water quality data was collected for this site during the reporting period.



**Figure 20: Little Coliban River, Tylden-Woodend Road.** Insufficient water quality data was collected for the site during the reporting period.

Source: North Central Catchment Management Authority 2022

Note: restrictions due to the COVID-19 pandemic saw limited opportunities for water quality monitors to collect data during the reporting period.

## Theme 4: Waste

### Highlights

- ✓ Completed roll-out of a four bin kerbside collection service.
- ✓ Completion of a Towards Zero Single-use Plastics Action Plan.
- ✓ Delivered several waste education programs that reached of 500 participants.
- ✓ Significant reduction in household items received at our transfer station.

### Indicator 1: Waste diverted from landfill in the community

#### 1.1 Waste received at transfer stations

##### Total waste received at transfer stations

In 2020-21 8,834 tonnes of waste (combined weight of nine waste streams) was received at Councils transfer stations. For several waste streams, there was a higher amount of materials deposited at transfer stations during 2021-22 compared to 2020-21, particularly in regards to garden waste, paper and cardboard, and aluminium and steel. There was, however, significant reductions in recycled materials and household items such as e-waste, mattresses and tyres.

##### Waste transferred to landfill

Waste diverted from landfill from transfer stations in 2021-22 increased slightly in total, compared with 2020-21 figures, although the percentage of diverted waste remained stable at 28%.

##### Glass and E-waste

The level of glass deposited at transfer stations was lower than the previous reporting period, which is possibly due to behaviour change and uptake usage of the glass disposal bins at all serviced properties, implemented during 2020-21 reporting period.

Table 12 shows that the amount of e-waste deposited at transfer stations during 2021-22 has continued to decrease, likely given it has not been accepted at landfill sites since 1 July 2019. This may be due to both improved recycling services by industry and improved practices by residents.

#### 1.2 Sales at Kyneton Tip Shop

Sales at the Kyneton Tip Shop in 2021-2022 were comparable with 2020-21, however lower than previous years. Sales in the past two years could be a result of intermittent closures of the tip shop due to pandemic induced restrictions. Council has commenced plans to establish a tip shop at the Romsey Transfer Station, and the shop is expected to be operational by July 2023.

Table 12: Waste received at Transfer Stations

Waste stream	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	Unit
Paper and cardboard	224.6	235.5	319.88	220.68	256.84	278.99	tonnes
Aluminium and steel	1,135.30	1609.55	1,709.56	1,683.90	1,729.00	1959.44	tonnes
Comingled recycling	107.8	135.53	149.6	122.1	83.92	79.314	tonnes
e-waste	86.5	103.1	118.84	146.26	105.35	87.82	tonnes
Glass	unknown	unknown	unknown	197.56	166.96	142.32	tonnes
Garden Waste	unknown	24,273	22,605	34,186	38,512	39411	cubic meters
Oil	18,500	16,900	22,200	13,800	20,550	24,052	litres
Tyres	1,391	1,065	1,102	1,821	3,046	2005	number
Mattresses	1,183	1,423	1,447	1,861	2,583	2447	number
Total diverted from landfill	1,553.93	2,083.68	2,297.88	2,566.92	2,342.00	2,547.88	tonnes
% diverted from landfill	24.40%	32.60%	37.80%	44.80%	28.80%	28.80%	%
Total disposed of in landfill	4,812.30	4,314.06	3,789.00	3,162.81	5,789.64	6,286.09	tonnes
<b>Total (all items)</b>	<b>6,366.23</b>	<b>6,397.74</b>	<b>6,086.88</b>	<b>5,729.73</b>	<b>8,131.64</b>	<b>8,833.97</b>	<b>tonnes</b>
(excludes green waste)							

Table 13: Sales from Kyneton Tip Shop

Category	2020-21		2021-22	
	Qty	Revenue (\$)	Qty	Revenue (\$)
Bicycles	79	\$437	76	\$650
Books	2	\$4	1	\$2
DVDs & CDs	35	\$303	21	\$192
Electrical	58	\$377	48	\$290
Furniture	48	\$515	72	\$755
Lawn Mowers	4	\$31	5	\$52
Miscellaneous	108	\$658	185	\$1257
Steel	169	\$1,366	100	\$878
Toys	6	\$28	2	\$4
<b>Revenue (inc GST)</b>		<b>\$4,090.90</b>		<b>\$4,080.00</b>

Table 14: Waste from kerb side collections

Waste stream	2016-2017		2017-2018		2018-2019		2019-2020		2020-21		2021-22	
	Total weight (tonnes)	Weight / serviced property (kg)	Total weight (tonnes)	Weight / serviced property (kg)	Total weight (tonnes)	Weight / serviced property (kg)	Total weight (tonnes)	Weight / serviced property (kg)	Total weight (tonnes)	Weight / serviced property (kg)	Total weight (tonnes)	Weight / serviced property (kg)
General waste	9,180	505	8,983	481	9,222	484	8,351	428	7,170	345	6366	31
Green waste / FOGO	3,275	325	3,033	279	2,969	267	5,259	365	8,505	586	10816	58
Re-cyclable materials	4,251	234	4,261	228	4,509	237	3,503	180	2,716	132	2875	14
Glass							832	43	1,903	92	1955	9
<b>Total</b>	<b>16,705</b>	<b>1,064</b>	<b>16,277</b>	<b>988</b>	<b>16,701</b>	<b>988</b>	<b>17,945</b>	<b>1,016</b>	<b>20,293</b>	<b>1,155</b>	<b>22,012</b>	<b>1,08</b>

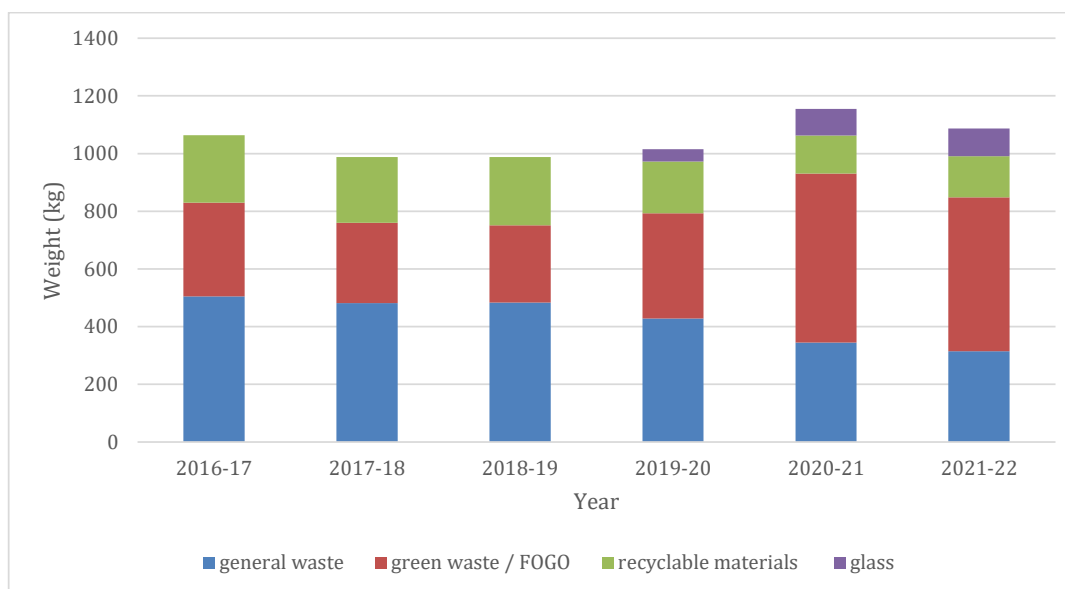


Figure 21: Kerbside waste collected from 2016-2017 to 2021-2022 by waste stream.

Note: 5222 rural properties were brought into FOGO in 2021-22, which is roughly 25% of the municipality.

### 1.3 Waste from public places and events

Not available. Currently Council's waste contractors are not required to report on waste collected from public places or sports facilities. This may change for 2022-23.

## Indicator 2: Resource efficiency within Council operations

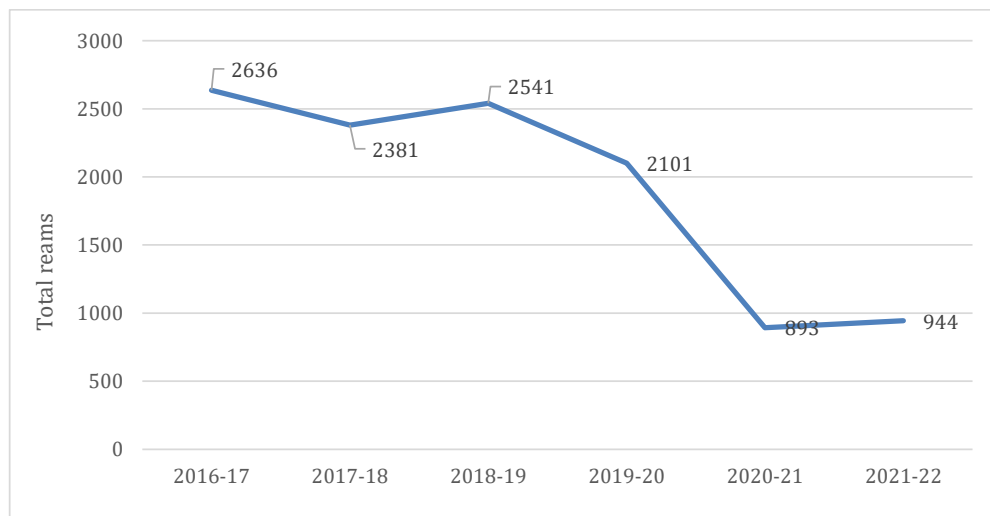
### 2.1 Waste collected from Council facilities

Not available. Waste from Council facilities is collected as a part of Council's general kerbside collection service and is not separated. This means that data for waste from Council facilities is currently not available. Council will aim to conduct audits of worksites to determine the volumes of waste generated at council facilities.

### 2.2 Paper use

In 2022 Council's paper use increased by 6% on the previous year. This includes all A4, A3 and coloured paper. This is likely to be attributable to the increase of staff returning to work from the office and increase in customer activity due to less pandemic related restrictions.

**Figure 22: Council paper use**



### Indicator 3: Community engagement with waste education

#### 3.1 Number of waste education events hosted by Council

COVID-19 has continued to impact face-to-face events and education sessions. However, the Waste Team have managed to increase their activity and engagement significantly.



Table 15: Waste Education Events 2020-21

What	When	Where	Attendees
<b>Waste Education Session</b>	14 July	Gisborne Secondary School	40
<b>Council stall and presentation at the Community Expo</b>	26 March	Riddells Creek Neighbourhood house	20
<b>Waste education session – Kerby visit and mini bin demo</b>	31 March and 1 April	Macedon Kindergarten	60
<b>Waste education session - Kerby visit and mini bin demo</b>	7 April	Kyneton Kindergarten	70
<b>Waste education session-Presentation</b>	26 May	Riddell Creel Primary school	60-70
<b>Waste education session-Presentation</b>	31 May – 4 sessions	Macedon Primary School	100-120
<b>Waste education session – Audit and Q&amp;A session</b>	7 June	Gisborne Primary School	40
<b>Waste education session – Kerby visit and mini bin demo</b>	14 and 15 June	Macedon Ranges Montessori Preschool	60
<b>Waste education session – Kerby visit and mini bin demo</b>	21 June	Rothschild Rd Kinder	30



### 3.2 Use of the Wash Against Waste Trailer

The Wash Against Waste trailer is regularly used at the monthly Woodend Community Farmers' Market for the past year. Unfortunately, the dishwasher has been in repair for the past three months. Council is working with the Macedon ranges sustainability group to get the trailer back into action as there is increased community interest.

Going forward, use of the Wash against Waste trailer has a growing demand with several bookings in the Macedon Ranges in the year ahead.



*WASH AGAINST WASTE is a joint venture of Macedon Ranges Sustainability Group and Macedon Ranges Shire Council.*

## 2021 Storm Recovery - Environment Response

### 2021-22 Storm Events

The Macedon Ranges Shire and parts of Victoria endured a severe storm event on June 9 and 10, 2021. Prior to the weather event, weeks of unseasonal rainfall resulted in a very wet soil profile, with the root system of trees becoming saturated and potentially unstable. The event resulted in wide spread devastation to our forest environments and single standing trees. Impacted townships included Carlsruhe, Newham, Woodend, Trentham, Macedon and Mt Macedon.

Unfortunately the Macedon Ranges endured two more storm and flood events in November of 2021 and January 2022. Fortunately, these were not so severe, with a smaller number of residents impacted.



*Ashbourne Road following the 10 June 2022 Storm*

As part of recovery, the Storm Recovery Team contacted over 1400 MRSC residents to determine the extent of the storm impacts and their recovery needs. The Environment Unit have actively supported residents with environment recovery, responded to the damages caused in Bushland reserves and along roadsides, and also assisted with the Storm Recovery Habitat Kit Project.

**DELWP Storm Recovery Habitat Kit Project**

This project, funded by DELWP, saw fifty storm-affected residents received a Storm Recovery Habitat Kit with a further 20 residents receive a selection of free plants. Each Kit contained a box of native plants and two nest boxes made from recycled storm timber. A great partnership was developed with Woodend Men's Shed who built the 100 nest boxes using reclaimed pine timber from the storm. Most of the recipients attended a workshop on environment storm recovery topics to increase understanding of local fauna and flora, habitat restoration and the installation and use of nest boxes.

**Romsey Storm Recovery Site**

The Romsey Wood Processing Site recycled fallen trees from Council managed roadsides. Wood products were created and shared throughout Victoria. These products included fence posts for residents, fire wood, mulch, and tree stakes. The site is managed in partnership with Council and Bushfire Recovery Victoria. The market value of the products produced from Romsey has been estimated at a total of \$27,542,731.

**Table 16: Storm Recovery Recycled Timber Products**

Product	Size	Market Value	Quantity Delivered	total value
<b>Fence Posts</b>	125 x 125 x 2.4	\$ 44.50	10,204	\$ 454,078.00
<b>Corner Posts</b>	200 x 200 x 2.4	\$ 127.50	693	\$ 88,357.50
<b>Droppers</b>	50 x 40 x 1.1	\$ 2.75	6576	\$ 18,084.00
<b>Fence Rails</b>	150 x 50 x 2.4-7	\$ 30.06	690	\$ 20,741.40
<b>Tree stakes</b>	40 x 40 1.8	\$ 4.10	18,300	\$ 75,030.00
<b>Log Seats</b>	800 dia x 2- 3M	\$ 119.00	30	\$ 3,570.00
<b>Sleepers</b>	200 x 75 x 2.4	\$ 33.45	3,480	\$ 116,406.00
<b>Bollards</b>	125 x 125 x 1.6	\$ 44.50	485	\$ 21,582.50
<b>Timber slabs</b>	600 x 50 x 2M	\$ 100.00	292	\$ 29,200.00
<b>Bird box kits</b>	Assorted kit sizes	\$ 28.99	32	\$ 927.68
<b>Mulch</b>	1M M/3	\$ 79.00	300,000	\$ 23,700,000.00
<b>Random logs</b>	300-600 x 3-5M	\$ 100.00	80	\$ 8,000.00
<b>Root balls &amp; Hollow logs</b>	202 truck loads	\$ 100.00	1100	\$ 110,000.00
<b>Kindilings Bags</b>	20 kg	\$ 19.98	2,300	\$ 45,954.00
<b>Saw Dust Bags</b>	1M M/3	\$ 150.00	472	\$ 70,800.00
<b>Firewood</b>	2m	\$ 400.00	6,950	\$ 2,780,000.00

**Bushland and Conservation Reserves Storm Recovery**

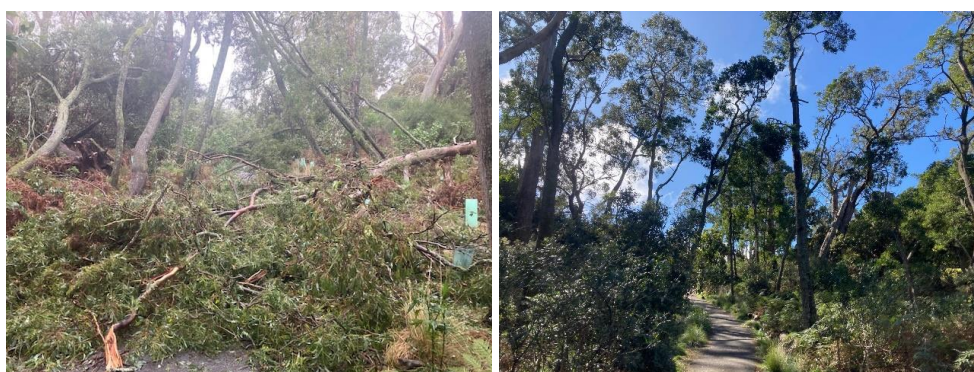
Following the June storm, twenty-one Bushland and Conservation Reserves required tree works to mitigate risk and reinstate access tracks. Works focused primarily on access tracks and high target potential areas. To protect the natural values of the conservation areas, the environment response aimed to retain large logs, restrict the use of machinery to avoid excessive disturbance and damage to understory vegetation, and remove tree heads only (where access could be facilitated).

The post storm works provided a great insight in the benefit of proactive tree works in the protecting environmental assets and reduced cost from storm impacts. The Black Hill storm damage response provides an indicator of financial benefit and reduced risk from proactive tree works. Black Hill and Bald Hill are relatively close in distance size. Black Hill had approximately 400 tree hazards mitigated in 2020. Bald Hill had no works undertaken. Post storm, Black Hill had 15 trees down on tracks and 15 hazards identified by an assessor which required work. Bald Hill had 20 trees identified as hazardous and over 130 requiring works before the reserve could be opened again. Black Hill was opened after 2 weeks, Bald Hill required months of works and 4 times the budget allocation.

**Hanging Rock Reserve Storm Recovery**

Hanging Rock Reserve was severely impacted by the storms on 11 June and 29 October 2021, with over 100+ large trees lost and many badly damaged due to these two weather events. Where possible all trees were left in situ to provide cover and niches for regenerating plants. The mulch was spread across bare areas and extra logs were used to define the pedestrian and conservation areas on the summit walk and enhance the tree protection areas throughout the reserve.

The storm recovery planting program was focused on the areas with the most severe damage throughout Central Forest and Smokers Creek. In total 4,100 trees, shrubs and grasses were planted throughout the core conservation zones increasing biodiversity and soil stability while the site recovered. This also minimised the soil erosion in the following months of heavy rain events and provided a physical barrier to reduce the creation of informal paths through sensitive areas.



*Hanging Rock Central Forest in June 2021 (left) and July 2022 (right)*



As evidenced in the Central Valley at Hanging Rock, many indigenous colonizing plant species have taken up the space and thrived post storms. This is a positive indicator of recovery and shows the resilience of the natural environment.

### **Roadsides Storm Recovery**

The storm event had a huge impact on roadsides across the Shire. Soil disturbance and loss of understorey from recovery efforts to remove fallen and dangerous trees has resulted in a loss of biodiversity. Consequently roadsides vegetation has reduced conservation values with significant impacts to native animals and plants. In response, Councils Environment Unit and Arborist Team worked together to retain and distribute habitat logs on roadsides.

Following the storm events, there was a rise in the illegal collection of firewood on roadsides which raised concerns for further loss of roadside habitat and public safety. In response, signage was installed along high value roadsides across the shire with associated media release to highlight the importance of fallen timber on roadsides.



### ***Soil disturbance and loss of understory plants as a result of storm recovery works on roadsides.***

Long term impacts of the storm may include erosion, weed invasion and habitat connectivity. Over 51 very high to medium value conservation roadsides have been identified requiring restoration works across the shire including Trentham East, Ashbourne, Riddells Creek, Lauriston and Hesket.

**Macedon Ranges Shire Council  
Financial Statements**

*For the Year Ended 30 June 2022*



## Table of Contents

Certification of the Financial Report  
Victorian Auditor-General's Office Report

### Financial Statements

Comprehensive Income Statement  
Balance Sheet  
Statement of Changes in Equity  
Statement of Cash Flows  
Statement of Capital Works

### Overview

### Notes to Financial Statements

- Note 1 Overview
- Note 2 Performance against budget
  - 2.1. Income and expenditure
  - 2.2. Capital works
  - 2.3. Analysis of Council results against budget
- Note 3 Funding for the delivery of our services
  - 3.1. Rates and charges
  - 3.2. Statutory fees and fines
  - 3.3. User fees
  - 3.4. Funding from other levels of government
  - 3.5. Contributions
  - 3.6. Net gain/(loss) on disposal of property, infrastructure, plant and equipment
  - 3.7. Other income
- Note 4 The cost of delivering services
  - 4.1. Employee costs
  - 4.2. Materials and services
  - 4.3. Depreciation
  - 4.4. Amortisation - intangible assets
  - 4.5. Amortisation - right-of-use assets
  - 4.6. Bad and doubtful debts
  - 4.7. Borrowing costs
  - 4.8. Finance cost - leases
  - 4.9. Other expenses
- Note 5 Our financial position
  - 5.1. Financial assets
  - 5.2. Non-financial assets
  - 5.3. Payables, trust funds and deposits and unearned income/revenue
  - 5.4. Interest bearing liabilities
  - 5.5. Provisions
  - 5.6. Financing arrangements
  - 5.7. Commitments
  - 5.8. Leases
- Note 6 Assets we manage
  - 6.1. Property infrastructure plant and equipment
  - 6.2. Investments in associates
  - 6.3. Investment property
- Note 7 People and relationships
  - 7.1. Council and key management remuneration
  - 7.2. Related party disclosure
- Note 8 Managing uncertainties
  - 8.1. Contingent assets and liabilities
  - 8.2. Change in accounting standards
  - 8.3. Financial instruments
  - 8.4. Fair value measurement
  - 8.5. Events occurring after balance date
- Note 9 Other matters
  - 9.1. Reserves
  - 9.2. Reconciliation of cash flows from operating activities to surplus/(deficit)
  - 9.3. Superannuation
- Note 10 Change in accounting policy

## Certification of the Financial Statements

In my opinion, the accompanying financial statements have been prepared in accordance with the *Local Government Act 2020*, the *Local Government (Planning and Reporting) Regulations 2020*, the Australian Accounting Standards and other mandatory professional reporting requirements.

*Travis Harling*  
**Principal Accounting Officer**

26 October 2022  
*Gisborne*

In our opinion the accompanying financial statements present fairly the financial transactions of Macedon Ranges Shire Council for the year ended 30 June 2022 and the financial position of Council as at that date.

As at the date of signing, we are not aware of any circumstances which would render any particulars in the financial statements to be misleading or inaccurate.

We have been authorised by Council and by the *Local Government (Planning and Reporting) Regulations 2020* to certify the financial statements in their final form.

*Mark Ridgeway*  
**Councillor**

26 October 2022  
*Gisborne*

*Geoff Neil*  
**Councillor**

26 October 2022  
*Gisborne*

*Bernie O'Sullivan*  
**Chief Executive Officer**

26 October 2022  
*Gisborne*

## Independent Auditors Report

Report to be added once approval is given by the Victorian Auditor-General's Office (VAGO).

*<INSERT VAGO REPORT - PAGE 1>*

## Independent Auditors Report

Report to be added once approval is given by the Victorian Auditor-General's Office (VAGO).

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## Comprehensive Income Statement for the year ended 30 June 2022

	Note	2022 \$'000	2021 \$'000
<b>Income</b>			
Rates and charges	3.1	56,178	53,185
Statutory fees and fines	3.2	3,474	3,254
User fees	3.3	5,258	4,303
Grants - operating	3.4	27,665	17,563
Grants - capital	3.4	8,839	7,505
Contributions - monetary	3.5	2,475	2,392
Contributions - non monetary	3.5	10,301	2,837
Fair value adjustments for investment property	6.3	64	(18)
Share of net profits of associates	6.2	79	73
Other income	3.7	12,544	1,423
<b>Total income</b>		<b>126,877</b>	<b>92,517</b>
<b>Expenses</b>			
Employee costs	4.1	35,574	35,858
Materials and services	4.2	53,880	28,494
Depreciation	4.3	14,968	16,376
Amortisation - intangible assets	4.4	186	236
Amortisation - right of use assets	4.5	357	357
Bad and doubtful debts	4.6	24	(16)
Borrowing costs	4.7	150	172
Finance cost - leases	4.8	72	48
Net loss on disposal of property, infrastructure, plant & equipment	3.6	2,416	268
Decrease in provision for landfill liability	5.5	(550)	(269)
Other expenses	4.9	2,975	3,038
<b>Total expenses</b>		<b>110,052</b>	<b>84,562</b>
<b>Surplus for the year</b>		<b>16,825</b>	<b>7,955</b>
<b>Other comprehensive income</b>			
<i>Items that will not be reclassified to surplus or deficit in future periods</i>			
Net asset revaluation increment	6.1	117,063	7,021
<b>Total comprehensive result</b>		<b>133,888</b>	<b>14,976</b>

The above comprehensive income statement should be read in conjunction with the accompanying notes.

**Balance Sheet** as at 30 June 2022

	Note	2022 \$'000	2021 \$'000
<b>Assets</b>			
<b>Current assets</b>			
Cash and cash equivalents	5.1(a)	44,384	40,663
Trade and other receivables	5.1(d)	14,577	6,140
Other financial assets	5.1(b)	1,000	5,000
Other assets	5.2	698	479
<b>Total current assets</b>		<b>60,659</b>	<b>52,282</b>
<b>Non-current assets</b>			
Other financial assets	5.1(b)	21	21
Investments in associates	6.2	1,432	1,353
Property, infrastructure, plant and equipment	6.1	1,276,196	1,142,307
Right-of-use assets	5.8	583	940
Investment property	6.3	2,630	2,566
Intangible assets	5.2	546	552
<b>Total non-current assets</b>		<b>1,281,408</b>	<b>1,147,739</b>
<b>Total assets</b>		<b>1,342,067</b>	<b>1,200,021</b>
<b>Liabilities</b>			
<b>Current liabilities</b>			
Trade and other payables	5.3	8,108	6,844
Trust funds and deposits	5.3	5,955	5,491
Provisions	5.5	6,554	6,873
Interest-bearing liabilities	5.4	208	508
Unearned Income	5.3	14,908	7,008
Lease liabilities	5.8	414	400
<b>Total current liabilities</b>		<b>36,147</b>	<b>27,124</b>
<b>Non-current liabilities</b>			
Provisions	5.5	4,113	4,431
Interest-bearing liabilities	5.4	3,308	3,515
Lease liabilities	5.8	268	608
<b>Total non-current liabilities</b>		<b>7,689</b>	<b>8,554</b>
<b>Total liabilities</b>		<b>43,836</b>	<b>35,678</b>
<b>Net assets</b>		<b>1,298,231</b>	<b>1,164,343</b>
<b>Equity</b>			
Accumulated surplus		674,670	659,581
Reserves	9.1	623,561	504,762
<b>Total equity</b>		<b>1,298,231</b>	<b>1,164,343</b>

The above balance sheet should be read in conjunction with the accompanying notes.



## Statement of Changes in Equity for the year ended 30 June 2022

	Note	Total	Accumulated Surplus	Revaluation Reserve	Other Reserves
		\$'000	\$'000	\$'000	\$'000
<b>2022</b>					
Balance at beginning of the financial year		1,164,343	659,581	490,679	14,083
Surplus for the year		16,825	16,825	-	-
Net asset revaluation increment	6.1	117,063	-	117,063	-
Transfers to other reserves	9.1	-	(4,035)	-	4,035
Transfers from other reserves	9.1	-	2,299	-	(2,299)
<b>Balance at end of the financial year</b>		<b>1,298,231</b>	<b>674,670</b>	<b>607,742</b>	<b>15,819</b>

	Note	Total	Accumulated Surplus	Revaluation Reserve	Other Reserves
		\$'000	\$'000	\$'000	\$'000
<b>2021</b>					
Balance at beginning of the financial year		1,149,367	653,364	483,658	12,345
Surplus for the year		7,955	7,955	-	-
Net asset revaluation increment	6.1	7,021	-	7,021	-
Transfers to other reserves	9.1	-	(4,039)	-	4,039
Transfers from other reserves	9.1	-	2,301	-	(2,301)
<b>Balance at end of the financial year</b>		<b>1,164,343</b>	<b>659,581</b>	<b>490,679</b>	<b>14,083</b>

*The above statement of changes in equity should be read with the accompanying notes.*

## Statement of Cash Flows for the year ended 30 June 2022

	Note	2022 Inflows/ (Outflows) \$'000	2021 Inflows/ (Outflows) \$'000
<b>Cash flows from operating activities</b>			
Rates and charges		55,328	52,851
Statutory fees and fines		3,474	5,177
User fees		19,934	11,655
Grants - operating		20,867	15,244
Grants - capital		8,398	9,824
Contributions - monetary		2,916	469
Interest received		101	200
Trust funds and deposits taken		356	2,278
Other receipts		5,189	2,332
Net GST refund		4,400	3,308
Employee costs		(35,580)	(36,495)
Materials and services		(52,914)	(27,916)
Other payments		(7,603)	(7,631)
<b>Net cash provided by operating activities</b>	9.2	<u>24,866</u>	<u>31,296</u>
<b>Cash flows from investing activities</b>			
Net (increase)/decrease in other financial assets		4,000	11,000
Payments for property, infrastructure, plant and equipment		(24,668)	(18,386)
Proceeds from sale of property, infrastructure, plant and equipment		578	226
<b>Net cash used in investing activities</b>		<u>(20,090)</u>	<u>(7,160)</u>
<b>Cash flows from financing activities</b>			
Finance costs		(150)	(172)
Repayment of borrowings		(507)	(485)
Interest paid - lease liability		(72)	(48)
Repayment of lease liabilities		(326)	(335)
<b>Net cash used in financing activities</b>		<u>(1,055)</u>	<u>(1,040)</u>
Net increase in cash and cash equivalents		3,721	23,096
Cash and cash equivalents at the beginning of the financial year		40,663	17,567
<b>Cash and cash equivalents at the end of the financial year</b>	5.1(a)	<u>44,384</u>	<u>40,663</u>
Financing arrangements	5.6		
Restrictions on cash assets	5.1		

The above statement of cash flows should be read with the accompanying notes.

**Statement of Capital Works** for the year ended 30 June 2022

	<b>2022</b>	<b>2021</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Property</b>		
Buildings and building improvements	4,786	4,418
<b>Total property</b>	<b>4,786</b>	<b>4,418</b>
<b>Plant and equipment</b>		
Plant, machinery and equipment	1,908	430
Computers and telecommunications	344	574
<b>Total plant and equipment</b>	<b>2,252</b>	<b>1,004</b>
<b>Infrastructure</b>		
Roads	7,377	7,584
Bridges	1,015	387
Footpaths and cycleways	2,617	1,861
Drainage	389	281
Recreational, leisure and community facilities	1,567	1,362
Parks, open space and streetscapes	1,959	753
Other infrastructure	2,848	739
<b>Total infrastructure</b>	<b>17,772</b>	<b>12,967</b>
<b>Total capital works expenditure</b>	<b>24,810</b>	<b>18,389</b>
<b>Represented by:</b>		
New asset expenditure	4,409	4,132
Asset renewal expenditure	19,262	12,255
Asset upgrade expenditure	1,139	2,002
<b>Total capital works expenditure</b>	<b>24,810</b>	<b>18,389</b>

*The above statement of capital works should be read with the accompanying notes.*

## Notes to the Financial Statements for the year ended 30 June 2022

### Note 1 Overview

#### Introduction

Macedon Ranges Shire Council (Council) was constituted in January 1995 following the amalgamation of the former Shires of Gisborne, Romsey, Newham and Woodend, and Kyneton. The Council's main office is located at 129 Mollison Street Kyneton, Victoria.

#### Statement of compliance

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and Notes accompanying these financial statements. The general purpose financial report complies with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board (AASB), the *Local Government Act 2020*, and the *Local Government (Planning and Reporting) Regulations 2020*.

The Council is a not-for-profit entity and therefore applies the additional AUS paragraphs applicable to a not-for-profit entity under the Australian Accounting Standards.

#### Significant accounting policies

##### (a) Basis of accounting

The accrual basis of accounting has been used in the preparation of these financial statements, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

The financial statements are based on the historical cost convention unless a different measurement basis is specifically disclosed in the notes to the financial statements.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated judgements are based on professional judgement derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

The financial statements have been prepared on a going concern basis. The financial statements are in Australian dollars. The amounts presented in the financial statements have been rounded to the nearest thousand dollars unless otherwise specified. Minor discrepancies in tables between totals and the sum of components are due to rounding.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Judgements and assumptions made by management in the application of AAS's that have significant effects on the financial statements and estimates relate to:

- the fair value of land, buildings, infrastructure, plant and equipment (refer to Note 6.1)
- the determination of depreciation for buildings, infrastructure, plant and equipment (refer to Note 6.1)
- the determination of employee provisions (refer to Note 5.5)
- the determination of landfill provisions (refer to Note 5.5)
- the determination of whether performance obligations are sufficiently specific so as to determine whether an arrangement is within the scope of *AASB 15 Revenue from Contracts with Customers* or *AASB 1058 Income of Not-for-Profit Entities* (refer to Note 3)
- the determination, in accordance with *AASB 16 Leases*, of the lease term, the estimation of the discount rate when not implicit in the lease and whether an arrangement is in substance short-term or low value (refer to Note 5.8)
- the determination, in accordance with *AASB 1059 Service Concession Arrangements*
- other areas requiring judgements

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

## Note 1 Overview (cont.)

### *(b) Impact of COVID 19 pandemic on Council operations and 2021/22 financial report*

During 2021/22 the COVID-19 pandemic continued to impact on Council's operations. Council has noted the following significant impacts on its financial operations:

- Revenue reductions – user fees and charges for Aquatic, Leisure approximately \$1,326,000
- Revenue reductions – user fees and charges for Economic Development approximately \$243,000
- Revenue reduction - user fees and charges for Art and Culture venues approximately \$185,000

### *(c) Impact of June 2021 storm event on Council operations and 2021/22 financial report*

During 2021/22, Council undertook storm recovery works for State Government, the significant nature of the works impacted Council's operations. Council has noted the following significant impacts on its financial operations:

- Revenue increase – non recurrent State Government grants \$7,900,000
- Revenue increase – other income, amounts paid to Council for the reimbursement of site and processing costs of recycled storm timber \$10,500,000
- Expense increase - material and services expenses incurred by Council for storm recovery costs \$22,500,000

## Note 2 Performance against budget

The performance against budget notes compare Council's financial plan, expressed through its annual budget, with actual performance. The *Local Government (Planning and Reporting) Regulations 2020* requires explanation of any material variances. Council has adopted a budget variation materiality threshold of 10% and \$100,000. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its size or nature.

The budget figures detailed below are those adopted by Council on 29 June 2021 and were based on assumptions that were relevant at the time of adoption of the Budget. Council sets guidelines and parameters for income and expense targets in this budget in order to meet Council's planning and financial performance targets for both the short and long-term. The budget did not reflect any changes to equity resulting from asset revaluations, as their impacts were not considered predictable.

These notes are prepared to meet the requirements of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

## Note 2 Performance against budget (cont.)

### 2.1 Income and expenditure

	Budget 2022 \$'000	Actual 2022 \$'000	Variance \$'000	%	Ref
<b>Income</b>					
Rates and charges	55,825	56,178	353	1%	
Statutory fees and fines	2,640	3,474	834	32%	1
User fees	7,293	5,258	(2,035)	-28%	2
Grants - operating	12,675	27,665	14,990	118%	3
Grants - capital	17,100	8,839	(8,261)	-48%	4
Contributions - monetary	1,973	2,475	502	25%	5
Contributions - non monetary	7,920	10,301	2,381	30%	6
Fair value adjustments for investment property	-	64	64	-100%	
Share of net profits/(losses) of associates	-	79	79	100%	
Other income	1,678	12,544	10,866	648%	7
<b>Total income</b>	<b>107,104</b>	<b>126,877</b>	<b>19,773</b>	<b>18%</b>	
<b>Expenses</b>					
Employee costs	38,237	35,574	2,663	7%	
Materials and services	26,575	53,880	(27,305)	-103%	8
Depreciation	14,239	14,968	(729)	-5%	
Amortisation - intangible assets	314	186	128	41%	9
Amortisation - right of use assets	363	357	6	2%	
Bad and doubtful debts	10	24	(14)	-140%	
Borrowing costs	150	150	-	0%	
Finance cost - leases	28	72	(44)	-157%	
Net (gain)/loss on disposal of property, infrastructure, plant & equipment	-	2,416	(2,416)	-100%	10
Increase/(decrease) in provision for landfill liability	-	(550)	550	100%	11
Other expenses	2,950	2,975	(25)	-1%	
<b>Total expenses</b>	<b>82,866</b>	<b>110,052</b>	<b>(27,186)</b>	<b>-33%</b>	
<b>Surplus for the year</b>	<b>24,238</b>	<b>16,825</b>	<b>(7,413)</b>	<b>-31%</b>	

#### (i) Explanation of material variations

Ref	Item	Explanation
1	Statutory fees and fines	Housing development was greater than anticipated thus planning and building permits were above budget.
2	User fees	Due to COVID-19 closures in the early part of the year Aquatic Facilities, Town Hall performances and Economic Development events were under budget.
3	Grants - operating	Due mainly to reimbursement of storm expenses \$7,900,000 and prepayment of \$6,300,000 (75%) of the 2022/23 General Purpose grant from the Victorian Grants Commission.
4	Grants - capital	Macedon Ranges Regional Sports Precinct grant (\$8,000,000) was received in advance of the work being conducted so was not included as income.
5	Contributions - monetary	Housing development was greater than anticipated thus contributions were above budget.
6	Contributions - non monetary	Council received a higher level of infrastructure gifted from developers as subdivisions were completed during the year. The type of infrastructure included is roads, footpaths and drainage assets.
7	Other income	\$10,465,000 received for the reimbursement of site costs and processing costs of storm timber, the income is offset by higher expenditure of materials and services at point 8.
8	Materials and services	Due mainly to the costs associated with the June 2021 storm event recovery work \$15,300,000 (unbudgeted) and the additional costs to transport the material and process the timber at the recovery site \$7,200,000.
9	Amortisation - intangible assets	Less intangible assets purchased than anticipated reduced the depreciation during the year.
10	Net (gain)/loss on disposal	The loss on disposal in 2021/22 relates largely to write down of the asset relating to Council's landfill. As the landfills are no longer used the asset relating to landfill is required to be written down.
11	Increase/(decrease) in provision for landfill liability	The calculation of the landfill liability changes each year depending on projected future costs, discounting and interest rates.



## Note 2 Performance against budget (cont.)

### 2.2 Capital works

	Budget 2022 \$'000	Actual 2022 \$'000	Variance \$'000	%	Ref
<b>Property</b>					
Buildings and building improvements	6,529	4,786	1,743	27%	1
<b>Total property</b>	<b>6,529</b>	<b>4,786</b>	<b>1,743</b>	<b>27%</b>	
Plant, machinery and equipment	2,377	1,908	469	20%	2
Computers and telecommunications	209	344	(135)	-65%	3
<b>Total plant and equipment</b>	<b>2,586</b>	<b>2,252</b>	<b>334</b>	<b>13%</b>	
<b>Infrastructure</b>					
Roads	9,914	7,377	2,537	26%	4
Bridges	1,005	1,015	(10)	-1%	
Footpaths and cycleways	7,689	2,617	5,072	66%	5
Drainage	581	389	192	33%	6
Recreational, leisure and community facilities	6,796	1,567	5,229	77%	7
Parks, open space and streetscapes	693	1,959	(1,266)	-183%	8
Other infrastructure	264	2,848	(2,584)	-979%	9
<b>Total infrastructure</b>	<b>26,942</b>	<b>17,772</b>	<b>9,170</b>	<b>34%</b>	
<b>Total capital works expenditure</b>	<b>36,057</b>	<b>24,810</b>	<b>11,247</b>	<b>31%</b>	
New asset expenditure	13,771	4,409	9,362	68%	
Asset renewal expenditure	20,726	19,262	1,464	7%	
Asset upgrade expenditure	1,560	1,139	421	27%	
<b>Total capital works expenditure</b>	<b>36,057</b>	<b>24,810</b>	<b>11,247</b>	<b>31%</b>	

#### (i) Explanation of material variations

Ref	Item	Explanation
1	Buildings and building improvements	Less than budget due to material and contractor delays.
2	Plant, machinery and equipment	Less than budget due to delivery delays.
3	Computers and telecommunications	Higher than budget due to previous year carry forward projects.
4	Roads	Less than budget due to material and contractor delays.
5	Footpaths and cycleways	Less than budget mainly due to delays to the Shared Trail project.
6	Drainage	Several projects have been delayed and will be completed in 2022/23.
7	Recreational, leisure and community facilities	Macedon Ranges Sports Precinct will now start construction in 2022/23.
8	Parks, open space and streetscapes	Higher than budget due to previous year carry forward projects, the largest being the Romsey Ecotherapy Park of \$650,000.
9	Other infrastructure	Higher than budget due to previous year carry forward projects, the two largest being the Kyneton Livestock Exchange \$1,540,000 and Streetlight replacements \$438,000.

## Note 2 Performance against budget (cont.)

### 2.3 Analysis of Council results by program

Council delivers its functions and activities through the following directorate areas. Each directorate is led by a director who reports through to the Chief Executive Officer (CEO), with the exception of the Chief Executive group which reports directly through to the CEO.

#### 2.3(a) Council directorates

##### *Assets & Operations*

The responsibilities of the Assets and Operations directorate include the maintenance of Council roads, footpaths, bridges, drains, parks, buildings, kerbside bin collection, transfer stations, aquatics, recreation and engineering.

##### *Chief Executive*

The Chief Executive Office manages communications and engagement and the CEO's administrative

##### *Community*

The Community Directorate is responsible for arts and culture, customer service, community development, emergency management, child, youth and family services, and healthy aging programs.

##### *Corporate*

Corporate is responsible for financial services, information technology, property management, rates, governance and human resources.

##### *Planning & Environment*

The responsibilities of the Planning and Environment directorate include strategic planning, environment and conservation services, statutory planning, building services, local laws, environmental health, economic development, tourism and Hanging Rock.

##### *Restructure - February 2022*

The comparative figures for 2021 are representative of the previous structure of the organisation applicable to February 2022. Following the appointment of the new CEO, the decision was made to move from three Directorates back to four Directorates.

#### 2.3(b) Summary of income, expenses, assets and capital expenses by program

	Income \$'000	Expenses \$'000	Surplus/ (Deficit) \$'000	Grants included in income \$'000	Total assets \$'000
<b>2022</b>					
Assets & Operations	53,046	71,619	(18,573)	15,478	707,490
Chief Executive	40	1,646	(1,606)	40	-
Community	10,281	14,268	(3,987)	9,326	-
Corporate	57,371	11,218	46,153	10,580	631,938
Planning & Environment	6,139	11,302	(5,163)	1,080	2,638
	126,877	110,053	16,824	36,504	1,342,066
<b>2021</b>					
Assets & Operations	26,345	45,684	(19,339)	8,975	668,916
Chief Executive	34	2,843	(2,809)	15	-
Community Wellbeing	83	115	(32)	-	-
Corporate & Community Services	57,840	15,901	41,939	12,735	528,467
People Culture & Performance	2,148	7,451	(5,303)	1,975	-
Planning & Environment	6,067	12,568	(6,501)	1,368	2,638
	92,517	84,562	7,955	25,068	1,200,021

## Note 3 Funding for the delivery of our services

### 3.1 Rates and charges

	2022 \$'000	2021 \$'000
Council uses capital improved value as the basis of valuation of all properties within the municipal district. The capital improved value of a property is its estimated market value at the date of valuation. The valuation base used to calculate general rates for 2021/22 was \$19,304 million (2020/21 \$16,393 million). The 2021/22 general rate in the capital improved value dollar was \$0.0019018 (2020/21, \$0.0023814).		
General rates	35,333	34,073
Agricultural land rates	2,255	2,235
Commercial/industrial rates	2,239	2,204
Municipal charge	5,007	4,888
Waste management charge	10,282	8,736
Supplementary rates and rate adjustments	570	678
Other rates	67	70
Interest on rates	425	301
<b>Total rates and charges</b>	<b>56,178</b>	<b>53,185</b>

The date of the general revaluation of land for rating purposes within the municipal district was 1 January 2021, and the valuation was first applied in the rating year commencing 1 July 2021. Annual rates and charges are recognised as revenues when Council issues annual rates notices. Supplementary rates are recognised when a valuation and reassessment is completed and a supplementary rates notice issued.

### 3.2 Statutory fees and fines

	2022 \$'000	2021 \$'000
Animal control fees	772	696
Infringements and costs	177	205
Permits	1,443	1,324
Roads and infrastructure fees	466	592
Town planning fees	337	267
Other statutory fees	279	170
<b>Total statutory fees and fines</b>	<b>3,474</b>	<b>3,254</b>

Statutory fees and fines (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

### 3.3 User fees

	2022 \$'000	2021 \$'000
Aged and health services	267	162
Child care/children's programs	435	220
Cultural activities	64	136
Hanging Rock Reserve fees	425	412
Leisure centre and recreation	2,417	1,946
Saleyards	232	299
Waste management services	1,150	960
Other fees and charges	268	168
<b>Total user fees</b>	<b>5,258</b>	<b>4,303</b>

User fees are recognised as revenue at a point in time, or over time, when (or as) the performance obligation is satisfied. Recognition is based on the underlying contractual terms.

## Note 3 Funding for the delivery of our services (cont.)

### 3.4 Funding from other levels of government

	2022 \$'000	2021 \$'000
Grants were received in respect of the following:		
<b>Summary of grants</b>		
Commonwealth funded grants	18,776	11,832
State funded grants	17,728	13,236
<b>Total grants received</b>	<b>36,504</b>	<b>25,068</b>
<b>(a) Operating Grants</b>		
<i><b>Recurrent - Commonwealth Government</b></i>		
Aged and disability services	2,288	1,025
Financial Assistance Grants	10,454	8,014
<i><b>Recurrent - State Government</b></i>		
Aged and disability services	7	60
Family and children	3,199	3,064
Maternal and child health	634	587
School crossing supervisors	117	119
Youth and culture	191	118
Other	258	261
<b>Total recurrent operating grants</b>	<b>17,148</b>	<b>13,248</b>
<i><b>Non-recurrent - Commonwealth Government</b></i>		
Aged and disability services	(169)	-
Emergency management	59	-
Other	151	20
<i><b>Non-recurrent - State Government</b></i>		
Emergency management	8,541	398
Family and children	1,097	1,415
Maternal and child health	1	15
Plant and equipment	50	-
Recreational, leisure and community facilities	111	-
Working for Victoria	-	1,927
Other	676	540
<b>Total non-recurrent operating grants</b>	<b>10,517</b>	<b>4,315</b>
<b>Total operating grants</b>	<b>27,665</b>	<b>17,563</b>
<b>(b) Capital Grants</b>		
<i><b>Recurrent - Commonwealth Government</b></i>		
Roads to Recovery	2,030	603
<b>Total recurrent capital grants</b>	<b>2,030</b>	<b>603</b>
<i><b>Non-recurrent - Commonwealth Government</b></i>		
Buildings	566	468
Footpaths and cycleways	452	252
Plant and equipment	90	-
Recreational, leisure and community facilities	143	-
Roads and bridges	1,720	1,450
Other	992	-
<i><b>Non-recurrent - State Government</b></i>		
Buildings	260	259
Parks, open space and streetscapes	1,801	746
Recreational, leisure and community facilities	743	2,684
Roads and bridges	(57)	943
Other	99	100
<b>Total non-recurrent capital grants</b>	<b>6,809</b>	<b>6,902</b>
<b>Total capital grants</b>	<b>8,839</b>	<b>7,505</b>

## Note 3 Funding for the delivery of our services (cont.)

### 3.4 Funding from other levels of government (cont.)

	2022 \$'000	2021 \$'000
<b>(c) Unspent grants received on condition that they be spent in a specific manner</b>		
<i>Operational</i>		
Balance at start of year	1,374	190
Received during the financial year and remained unspent at balance date	36	1,374
Received in prior years and spent during the financial year	(1,374)	(190)
<b>Balance at year end</b>	<b>36</b>	<b>1,374</b>
<i>Capital</i>		
Balance at start of year	5,217	323
Received during the financial year and remained unspent at balance date	10,850	5,217
Received in prior years and spent during the financial year	(1,366)	(323)
<b>Balance at year end</b>	<b>14,701</b>	<b>5,217</b>

The high balance at 30 June 2022 relates to two projects for which Council has received grants and where the grant remains unspent at 30 June 2022. The projects are Macedon Ranges Regional Sports Precinct and Macedon Ranges Shared Trails.

Grant income is recognised at the point in time when the council satisfies its performance obligations as specified in the underlying agreement.

#### (d) Recognition of grant income

Before recognising funding from government grants as revenue the Council assesses whether there is a contract that is enforceable and has sufficiently specific performance obligations in accordance with *AASB 15 Revenue from Contracts with Customers*. When both these conditions are satisfied, the Council:

- identifies each performance obligation relating to revenue under the contract/agreement
- determines the transaction price
- recognises a contract liability for its obligations under the agreement
- recognises revenue as it satisfies its performance obligations, at the time or over time when services are rendered.

Where the contract is not enforceable and/or does not have sufficiently specific performance obligations, the Council applies *AASB 1058 Income for Not-for-Profit Entities*.

Grant revenue with sufficiently specific performance obligations is recognised over time as the performance obligations specified in the underlying agreement are met. Where performance obligations are not sufficiently specific, grants are recognised on the earlier of receipt or when an unconditional right to receipt has been established. Grants relating to capital projects are generally recognised progressively as the capital project is completed. The following table provides a summary of the accounting framework under which grants are recognised.

<i>Income recognised under AASB 1058 Income of Not-for-Profit Entities</i>		
General purpose	(10,454)	(8,014)
Specific purpose grants to acquire non-financial assets	(8,838)	(7,505)
Other specific purpose grants	(15,023)	(9,549)
<i>Revenue recognised under AASB 15 Revenue from Contracts with Customers</i>		
Specific purpose grants	(2,189)	(1,407)
	<b>(36,504)</b>	<b>(26,475)</b>

## Note 3 Funding for the delivery of our services (cont.)

### 3.5 Contributions

	2022	2021
	\$'000	\$'000
Monetary	2,475	2,392
Non-monetary	10,301	2,837
<b>Total contributions</b>	<b>12,776</b>	<b>5,229</b>

*Contributions of non monetary assets were received in relation to the following asset classes:*

Buildings	145	-
Land	-	53
Land under roads	1,525	574
Infrastructure	8,631	2,210
<b>Total non-monetary</b>	<b>10,301</b>	<b>2,837</b>

The Non-monetary assets received during 2021/22 relate to developments across Council including the larger developments of Willow Estate Gisborne, Sauer Road New Gisborne and Melvins Road Riddells Creek.

Monetary and non monetary contributions are recognised as revenue at their fair value when Council obtains control over the contributed asset.

### 3.6 Net gain/(loss) on disposal of property, infrastructure, plant and equipment

	2022	2021
	\$'000	\$'000
Proceeds of sale	578	164
Written down value of assets disposed	(2,994)	(432)
<b>Total net gain/(loss) on disposal of property, infrastructure, plant and equipment</b>	<b>(2,416)</b>	<b>(268)</b>

The profit or loss on sale of an asset is determined when control of the asset has passed to the buyer.

The loss on disposal in 2021/22 relates largely to write down of the asset relating to Council's landfill. As the landfills are no longer used the asset relating to landfill is required to be written off.

### 3.7 Other income

	2022	2021
	\$'000	\$'000
Commission	100	78
Interest on investments	125	133
Insurance recoveries	330	211
Investment property rental	472	442
Merchandise and material sales	567	474
Emergency cost recovery	10,465	-
Other	485	85
<b>Total other income</b>	<b>12,544</b>	<b>1,423</b>

Interest is recognised as it is earned. Other income is measured at the fair value of the consideration received or receivable and is recognised when Council gains control over the right to receive the income.

Emergency cost recovery income relates to amounts paid to Council for the sale of recycled storm timber.



## Note 4 The cost of delivering services

### 4.1 Employee costs

	2022	2021
	\$'000	\$'000
Wages and salaries	28,186	29,669
Casual staff	3,478	2,448
Superannuation	3,177	2,982
WorkCover	300	412
Fringe benefits tax	433	347
<b>Total employee costs</b>	<b>35,574</b>	<b>35,858</b>

#### (a) Superannuation

Council made contributions to the following funds:

##### Defined benefit fund

Employer contributions to Local Authorities Superannuation Fund (Vision Super)	81	87
	<u>81</u>	<u>87</u>

##### Accumulation funds

Employer contributions to Local Authorities Superannuation Fund (Vision Super)	1,544	1,261
Employer contributions - other funds	1,830	1,322
	<u>3,374</u>	<u>2,583</u>
Employer contributions payable at reporting date	164	412

Refer to note 9.3 for further information relating to Council's superannuation obligations.

### 4.2 Materials and services

	2022	2021
	\$'000	\$'000
Administration	1,656	2,138
Building maintenance	898	679
Consultants	2,220	1,782
Contract payments - Parks Maintenance	2,321	1,456
Contract payments - Resource Recovery	32,193	10,095
Contract payments - Other	7,876	6,418
General maintenance	558	663
Information technology	1,077	1,005
Insurance	752	616
Materials and supplies	2,315	1,722
Utilities	2,014	1,920
<b>Total materials and services</b>	<b>53,880</b>	<b>28,494</b>

Expenses are recognised as they are incurred and reported in the financial year to which they relate.

### 4.3 Depreciation

	2022	2021
	\$'000	\$'000
Land and buildings	1,986	2,971
Plant and equipment	1,440	1,595
Infrastructure	11,542	11,810
<b>Total depreciation</b>	<b>14,968</b>	<b>16,376</b>

Refer to note 5.2(b) and 6.1 for a more detailed breakdown of depreciation and amortisation charges and accounting policy.

## Note 4 The cost of delivering services (cont.)

### 4.4 Amortisation - intangible assets

	2022 \$'000	2021 \$'000
Software	186	236
<b>Total amortisation</b>	<b>186</b>	<b>236</b>

### 4.5 Amortisation - right of use assets

	2022 \$'000	2021 \$'000
Right of use assets	357	357
<b>Total amortisation</b>	<b>357</b>	<b>357</b>

Refer to note 5.2(b) and 6.1 for a more detailed breakdown of depreciation and amortisation charges and accounting policy.

### 4.6 Bad and doubtful debts

	2022 \$'000	2021 \$'000
Other debtors	24	(16)
<b>Total bad and doubtful debts</b>	<b>24</b>	<b>(16)</b>

#### Movement in provisions for doubtful debts

Balance at the beginning of the year	14	33
New provisions recognised during the year	24	2
Amounts already provided for and written off as uncollectible	(9)	(2)
Amounts provided for but recovered during the year	-	(19)
<b>Balance at end of year</b>	<b>29</b>	<b>14</b>

Provision for doubtful debt is recognised based on an expected credit loss model. This model considers both historic and forward looking information in determining the level of impairment.

### 4.7 Borrowing costs

	2022 \$'000	2021 \$'000
Interest - borrowings	150	172
<b>Total borrowing costs</b>	<b>150</b>	<b>172</b>

Borrowing costs are recognised as an expense in the period in which they are incurred.

### 4.8 Finance Costs - Leases

	2022 \$'000	2021 \$'000
Interest - right of use assets	72	48
<b>Total finance costs</b>	<b>72</b>	<b>48</b>

### 4.9 Other expenses

	2022 \$'000	2021 \$'000
Auditors' remuneration - VAGO - External audit	32	31
Auditors' remuneration - Internal audit	49	41
Contributions and donations	2,129	2,284
Councillors' allowances	340	294
Operating lease rentals	176	155
Other expenses	249	233
<b>Total other expenses</b>	<b>2,975</b>	<b>3,038</b>

## Note 5 Our financial position

### 5.1 Financial assets

	2022 \$'000	2021 \$'000
<b>(a) Cash and cash equivalents</b>		
<i>Current</i>		
Cash on hand	23	59
Cash at bank	6,580	6,861
Money market call accounts	22,781	27,712
Term deposits	15,000	6,031
<b>Total cash and cash equivalents</b>	<b>44,384</b>	<b>40,663</b>
<b>(b) Other financial assets</b>		
<i>Current</i>		
Term deposits - current	1,000	5,000
<i>Non current</i>		
Shares in Lancefield Community Bank - at fair value	12	12
Shares in Gisborne Community Bank - at fair value	9	9
<b>Total other financial assets</b>	<b>1,021</b>	<b>5,021</b>
<b>(c) Restrictions on cash</b>		
Council's cash and cash equivalents are subject to external restrictions that limit amounts available for discretionary use. These include:		
- Trust funds and deposits (Note 5.3)	5,955	5,491
<b>Total restricted funds</b>	<b>5,955</b>	<b>5,491</b>
<b>Total unrestricted cash and cash equivalents</b>	<b>38,429</b>	<b>35,172</b>
<b>Intended allocations</b>		
Although not externally restricted the following amounts have been allocated for specific future purposes by Council:		
- Cash held to fund carried forward capital works	28,049	15,977
- Cash held for statutory reserves (Note 9.1)	8,120	7,032
- Cash held for non-statutory reserves (Note 9.1)	7,699	7,051
<b>Total funds subject to intended allocations</b>	<b>43,868</b>	<b>30,060</b>

Cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of three months or less, net of outstanding bank overdrafts.

Other financial assets are valued at fair value, at balance date. Term deposits are measured at original cost. Any unrealised gains and losses on holdings at balance date are recognised as either a revenue or expense.

Other financial assets include term deposits and those with original maturity dates of three to 12 months are classified as current, whilst term deposits with maturity dates greater than 12 months are classified as non-current.

Cash held in statutory reserves have some restrictions on how the funds can be spent but there is limited restrictions on the timing of expenditure so these funds are classified under intended allocations.

### (d) Trade and other receivables

#### Statutory receivables

Rates debtors	5,056	4,100
Net GST receivable	868	1,304

#### Non statutory receivables

Other debtors	6,835	732
Accrued income	1,817	12
Accrued interest income	30	6
Provision for doubtful debts - other debtors	(29)	(14)

#### Total trade and other receivables

	14,577	6,140
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Short term receivables are carried at invoice amount. A provision for doubtful debts is recognised when there is objective evidence that an impairment has occurred.

## Note 5 Our financial position (cont.)

### 5.1 Financial assets (cont.)

	2022 \$'000	2021 \$'000
<b>(e) Ageing of other debtors</b>		
The ageing of the Council's other receivables was:		
Current (not yet due)	6,693	512
Past due by up to 30 days	76	34
Past due between 31 and 180 days	41	66
Past due between 181 and 365 days	8	52
Past due by more than 1 year	17	68
<b>Total other debtors</b>	<b>6,835</b>	<b>732</b>

### (f) Ageing of individually impaired Receivables

At balance date, other debtors representing financial assets with a nominal value of \$29,000 (2021: \$14,000) were impaired. The amount of the provision raised against these debtors was \$29,000 (2021: \$14,000). They individually have been impaired as a result of their doubtful collection. Many of the long outstanding past due amounts have been lodged with Council's debt collectors or are on payment arrangements.

The ageing of receivables that have been individually determined as impaired at reporting date was:

Current (not yet due)	7	-
Past due between 181 and 365 days	-	2
Past due by more than 1 year	22	12
<b>Total trade &amp; other receivables</b>	<b>29</b>	<b>14</b>

### 5.2 Non-financial assets

	2022 \$'000	2021 \$'000
<b>(a) Other assets</b>		
<b>Current</b>		
Prepayments	698	479
<b>Total other assets</b>	<b>698</b>	<b>479</b>
<b>(b) Intangible assets - software</b>		
<b>Non current</b>		
Opening carrying amount	3,013	2,857
Additions	180	156
<b>Closing carrying amount</b>	<b>3,193</b>	<b>3,013</b>
Opening accumulated amortisation	(2,461)	(2,225)
Amortisation expense	(186)	(236)
Closing accumulated amortisation	(2,647)	(2,461)
<b>Net intangible assets</b>	<b>546</b>	<b>552</b>

Intangible assets with finite lives are amortised as an expense on a systematic basis over the asset's useful life. Amortisation is generally calculated on a straight line basis, at a rate that allocates the asset value over its estimated useful life. Estimates of the remaining useful lives and amortisation method are reviewed at least annually, and adjustments made where appropriate.

## Note 5 Our financial position (cont.)

### 5.3 Payables, trust funds and deposits and unearned income / revenue

	2022 \$'000	2021 \$'000
<b>(a) Trade and other payables</b>		
<i>Current</i>		
Trade payables	5,612	4,254
Accrued general expenses	1,573	1,607
Accrued payroll expense	468	323
Accrued interest expense	3	3
Other payables	452	657
<b>Total trade and other payables</b>	<b>8,108</b>	<b>6,844</b>
<b>(b) Trust funds and deposits</b>		
<i>Current</i>		
Fire services levy	824	716
Trust funds and deposits	5,131	4,775
<b>Total trust funds and deposits</b>	<b>5,955</b>	<b>5,491</b>
<b>(c) Unearned income</b>		
<i>Current</i>		
Grants received in advance - operating	36	1,374
Grants received in advance - capital	14,701	5,217
Other	171	417
<b>Total unearned income</b>	<b>14,908</b>	<b>7,008</b>

Unearned income/revenue represents contract liabilities and reflect consideration received in advance from customers in respect of aquatic and arts and culture fees in advance and grants. Unearned income/revenue are derecognised and recorded as revenue when promised goods and services are transferred to the customer. Refer to Note 3.

Amounts received as deposits and retention amounts controlled by Council are recognised as trust funds until they are returned, transferred in accordance with the purpose of the receipt, or forfeited. Trust funds that are forfeited, resulting in council gaining control of the funds, are to be recognised as revenue at the time of forfeit.

#### *Purpose and nature of items*

Fire Service Levy - Council is the collection agent for fire services levy on behalf of the State Government. Council remits amounts received on a quarterly basis. Amounts disclosed here will be remitted to the state government in line with that process.

Retention Amounts - Council has a contractual right to retain certain amounts until a contractor has met certain requirements or a related warrant or defect period has elapsed. Subject to the satisfactory completion of the contractual obligations, or the elapsing of time, these amounts will be paid to the relevant contractor in line with Council's contractual obligations.

### 5.4 Interest-bearing liabilities

	2022 \$'000	2021 \$'000
Current borrowings - secured	208	508
Non-current borrowings - secured	3,308	3,515
<b>Total interest-bearing loans and borrowings</b>	<b>3,516</b>	<b>4,023</b>

The borrowings are secured by a charge over the rates of Council.

#### **a) The maturity profile for Council's borrowings is:**

Not later than one year	208	508
Later than one year and not later than five years	3,308	3,515
Later than five years	-	-
<b>Total interest-bearing loans and borrowings</b>	<b>3,516</b>	<b>4,023</b>

Borrowings are measured at fair value, being the cost of the interest bearing liabilities. Council determines the classification of its interest bearing liabilities at initial recognition.

## Note 5 Our financial position (cont.)

### 5.5 Provisions

	2022 \$'000	2021 \$'000
<b>Current</b>		
Employee	6,242	6,556
Landfill	312	317
<b>Total</b>	<b>6,554</b>	<b>6,873</b>
<b>Non current</b>		
Employee	1,196	827
Landfill	2,917	3,604
<b>Total</b>	<b>4,113</b>	<b>4,431</b>

	Employee \$ '000	Landfill restoration \$ '000	Total \$ '000
<b>2022</b>			
Balance at beginning of the financial year	7,383	3,921	11,304
Additional provisions	2,731	(175)	2,556
Amounts used	(2,828)	(142)	(2,970)
Increase/(decrease) in the discounted amount arising because of time and the effect of any change in the discount rate	152	(375)	(223)
<b>Balance at the end of the financial year</b>	<b>7,438</b>	<b>3,229</b>	<b>10,667</b>
<b>2021</b>			
Balance at beginning of the financial year	7,189	4,266	11,455
Additional provisions	3,087	(320)	2,767
Amounts used	(2,614)	(76)	(2,690)
Increase in the discounted amount arising because of time and the effect of any change in the discount rate	(279)	51	(228)
<b>Balance at the end of the financial year</b>	<b>7,383</b>	<b>3,921</b>	<b>11,304</b>

**(a) Employee provisions**

*Current provisions expected to be wholly settled within 12 months*

Annual leave	2,396	2,423
Long service leave	2,195	2,112
	<b>4,591</b>	<b>4,535</b>

*Current provisions expected to be wholly settled after 12 months*

Annual leave	385	46
Long service leave	1,266	1,975
	<b>1,651</b>	<b>2,021</b>

**Total current employee provisions**

	<b>6,242</b>	<b>6,556</b>
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**Non-current**

Long service leave	1,196	827
<b>Total non-current employee provisions</b>	<b>1,196</b>	<b>827</b>

**Aggregate carrying amount of employee provisions:**

Current	6,242	6,556
Non-current	1,196	827
<b>Total aggregate carrying amount of employee provisions</b>	<b>7,438</b>	<b>7,383</b>

The calculation of employee costs and benefits includes all relevant on-costs and are calculated as follows at reporting date.



## Note 5 Our financial position (cont.)

### 5.5 Provisions (cont.)

#### Annual leave

A liability for annual leave is recognised in the provision for employee benefits as a current liability because the Council does not have an unconditional right to defer settlement of the liability. Liabilities for annual leave are measured at:

- nominal value if the Council expects to wholly settle the liability within 12 months
- present value if the Council does not expect to wholly settle within 12 months.

Liabilities that are not expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits as current liabilities, measured at the present value of the amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

#### Long service leave

Liability for long service leave (LSL) is recognised in the provision for employee benefits. Unconditional LSL is disclosed as a current liability as the Council does not have an unconditional right to defer settlement. Unconditional LSL is measured at nominal value if expected to be settled within 12 months or at present value if not expected to be settled within 12 months. Conditional LSL that has been accrued, where an employee is yet to reach a qualifying term of employment, is disclosed as a non-current liability and measured at present value.

	2022	2021
<b>Key assumptions:</b>		
- discount rate	3.69%	1.13%
- index rate	3.85%	2.95%
	<b>2022</b>	<b>2021</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>(b) Landfill restoration</b>		
Current	312	317
Non-current	2,917	3,604
<b>Total landfill restoration</b>	<b>3,229</b>	<b>3,921</b>

Council is obligated to restore three landfill sites in Bullengarook, Kyneton and Lancefield to a particular standard. All three landfill sites are closed and are not receiving any further infill. The provision for landfill restoration has been calculated based on the present value of the expected cost of works to be undertaken. The expected cost of works has been estimated based on the current understanding of work required to reinstate the site to a suitable standard. Accordingly, the estimation of the provision required is dependent on the accuracy of the forecast timing of the work, work required and related costs.

	2022	2021
<b>Key assumptions:</b>		
- discount rate	3.69%	1.32%
- index rate	2.00%	2.00%

### 5.6 Financing arrangements

	2022	2021
	<b>\$'000</b>	<b>\$'000</b>
The Council has the following funding arrangements in place as at 30 June 2022:		
Credit card facilities	100	100
Used facilities	(11)	(8)
<b>Unused facilities</b>	<b>89</b>	<b>92</b>

## Note 5 Our financial position (cont.)

### 5.7 Commitments

The Council has entered into the following commitments. Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value and presented inclusive of the GST payable.

	Not later than 1 year \$'000	Later than 1 year and not later than 2 years \$'000	Later than 2 years and not later than 5 years \$'000	Later than 5 years \$'000	Total \$'000
<b>2022</b>					
<b>Operating</b>					
Animal pound services	200	200	-	-	400
Cleaning contracts	400	-	-	-	400
Consultancies	63	-	-	-	63
Housing management	52	52	-	-	104
Landfill services	1,680	380	380	-	2,440
Security Services	150	-	-	-	150
Software support	272	-	-	-	272
Waste Collection	7,040	1,760	-	-	8,800
<b>Total</b>	<b>9,857</b>	<b>2,392</b>	<b>380</b>	<b>-</b>	<b>12,629</b>
<b>Capital</b>					
Buildings	358	-	-	-	358
Roads	1,450	100	-	-	1,550
Footpaths	100	-	-	-	100
Recreational, leisure and community	18,607	4,000	-	-	22,607
Open space & streetscapes	4,935	2,223	-	-	7,158
Other infrastructure	-	-	-	-	-
<b>Total</b>	<b>25,450</b>	<b>6,323</b>	<b>-</b>	<b>-</b>	<b>31,773</b>
<b>2021</b>					
<b>Operating</b>					
Animal pound services	195	200	-	-	395
Cleaning contracts	600	250	-	-	850
Consultancies	196	-	-	-	196
Housing management	19	-	-	-	19
Software support	157	137	-	-	294
Waste Collection	6,028	6,119	1,530	-	13,677
<b>Total</b>	<b>7,195</b>	<b>6,706</b>	<b>1,530</b>	<b>-</b>	<b>15,431</b>
<b>Capital</b>					
Buildings	403	-	-	-	403
Roads	739	-	-	-	739
Bridges	102	-	-	-	102
Landfill	84	-	-	-	84
Recreational, leisure and community	333	309	-	-	642
Open space & streetscapes	1,500	428	-	-	1,928
Other infrastructure	1,567	-	-	-	1,567
<b>Total</b>	<b>4,728</b>	<b>737</b>	<b>-</b>	<b>-</b>	<b>5,465</b>

## Note 5 Our financial position (cont.)

### 5.7 Commitments (cont.)

	2022 \$'000	2021 \$'000
<b>Operating lease receivables</b>		
Council has entered into commercial property leases on its investment property. These properties held under operating leases have remaining non-cancellable lease terms of between 1 and 10 years. All leases include a CPI based revision of the rental charge annually.		
Future minimum rentals receivable under non-cancellable operating leases are as follows:		
Not later than one year	96	86
Later than one year and not later than five years	319	279
Later than five years	53	48
<b>Total operating lease receivables</b>	<b>468</b>	<b>413</b>

### 5.8 Leases

At inception of a contract, all entities would assess whether a contract is, or contains, a lease. A contract is, or

- The contract involves the use of an identified asset;
- The customer has the right to obtain substantially all of the economic benefits from use of the asset throughout the period of use; and
- The customer has the right to direct the use of the asset.

This policy is applied to contracts entered into, or changed, on or after 1 July 2019.

As a lessee, Council recognises a right-of-use asset and a lease liability at the lease commencement date. The right-of-use asset is initially measured at cost which comprises the initial amount of the lease liability adjusted for:

- any lease payments made at or before the commencement date less any lease incentives received; plus
- any initial direct costs incurred; and
- an estimate of costs to dismantle and remove the underlying asset or to restore the underlying asset or the site on which it is located.

The right-of-use asset is subsequently depreciated using the straight-line method from the commencement date to the earlier of the end of the useful life of the right-of-use asset or the end of the lease term. The estimated useful lives of right-of-use assets are determined on the same basis as those of property, plant and equipment. In addition, the right-of-use asset is periodically reduced by impairment losses, if any, and adjusted for certain measurements of the lease liability.

The lease liability is initially measured at the present value of the lease payments that are not paid at the commencement date, discounted using the interest rate implicit in the lease or, if that rate cannot be readily determined, an appropriate incremental borrowing rate. Generally, Council uses an appropriate incremental borrowing rate as the discount rate.

Lease payments included in the measurement of the lease liability comprise the following:

- Fixed payments
- Variable lease payments that depend on an index or a rate, initially measured using the index or rate as at the commencement date;
- Amounts expected to be payable under a residual value guarantee; and
- The exercise price under a purchase option that Council is reasonably certain to exercise, lease payments in an optional renewal period if Council is reasonably certain to exercise an extension option, and penalties for early termination of a lease unless Council is reasonably certain not to terminate early.

When the lease liability is remeasured in this way, a corresponding adjustment is made to the carrying amount of the right-of-use asset, or is recorded in profit or loss if the carrying amount of the right-of-use asset has been reduced to zero.

Council has elected to apply the temporary option available under **AASB 16 Leases** which allows not-for-profit entities to not measure right-of-use assets at initial recognition at fair value in respect of leases that have significantly below-market terms.

## Note 5 Our financial position (cont.)

### 5.8 Leases (cont.)

<b>Right-of-use Assets</b>	<b>Property \$'000</b>	<b>Equipment \$'000</b>	<b>Total \$'000</b>
Balance at 1 July 2021	810	130	940
Additions	-	-	-
Amortisation charge	(324)	(33)	(357)
<b>Balance at 30 June 2022</b>	<b>486</b>	<b>97</b>	<b>583</b>
Balance at 1 July 2020	1,134	162	1,296
Additions	-	-	-
Amortisation charge	(324)	(32)	(356)
<b>Balance at 30 June 2021</b>	<b>810</b>	<b>130</b>	<b>940</b>

<b>Lease Liabilities</b>	<b>2022 \$'000</b>	<b>2021 \$'000</b>
<i>Maturity analysis - contractual undiscounted cash flows</i>		
Less than one year	659	433
One to five years	300	703
More than five years	-	-
<b>Total undiscounted lease liabilities as at 30 June:</b>	<b>959</b>	<b>1,136</b>
<i>Lease liabilities included in the Balance Sheet at 30 June:</i>		
Current	414	400
Non-current	268	608
<b>Total lease liabilities</b>	<b>682</b>	<b>1,008</b>

## Note 6 Assets we manage

### 6.1 Property, infrastructure, plant and equipment

#### Summary of property, infrastructure, plant and equipment

	Note	Carrying amount 30 June 2021	Additions	Contributions	Revaluation	Depreciation	Disposal	Transfers	Carrying amount 30 June 2022
		\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Property	6.1(a)	566,247	-	1,670	96,328	(1,986)	(2,449)	4,192	664,002
Plant and equipment	6.1(b)	10,309	-	-	-	(1,441)	(447)	2,101	10,522
Infrastructure	6.1(c)	548,855	-	8,631	20,735	(11,542)	5	14,979	581,663
Work in progress		16,896	24,488	-	-	-	(103)	(21,272)	20,009
<b>Total property, infrastructure, plant and equipment</b>		<b>1,142,307</b>	<b>24,488</b>	<b>10,301</b>	<b>117,063</b>	<b>(14,969)</b>	<b>(2,994)</b>	<b>-</b>	<b>1,276,196</b>

#### Summary of Work In Progress (WIP)

		Opening WIP	Transfers to assets	Additions	Write offs	Closing WIP
		\$'000	\$'000	\$'000	\$'000	\$'000
Property	6.1(a)	3,371	(4,192)	4,756	(103)	3,832
Plant and equipment	6.1(b)	-	(2,101)	2,101	-	-
Infrastructure	6.1(c)	13,525	(14,979)	17,631	-	16,177
<b>Total Work In Progress</b>		<b>16,896</b>	<b>(21,272)</b>	<b>24,488</b>	<b>(103)</b>	<b>20,009</b>

## Note 6 Assets we manage (cont.)

### 6.1 Property, infrastructure, plant and equipment (cont.)

#### (a) Property

	Land - specialised	Land - non specialised	Land improvements	Total land and land improvements	Buildings - specialised	Buildings - non specialised	Total buildings	Work In Progress	Total property
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2021	387,883	83,921	681	472,485	48,941	50,346	99,287	3,371	575,143
Accumulated depreciation at 1 July 2021	(2,730)	-	-	(2,730)	(1,227)	(1,568)	(2,795)	-	(5,525)
	<b>385,153</b>	<b>83,921</b>	<b>681</b>	<b>469,755</b>	<b>47,714</b>	<b>48,778</b>	<b>96,492</b>	<b>3,371</b>	<b>569,618</b>
<i>Movements in fair value</i>									
Additions	-	-	73	73	2,391	1,728	4,119	4,756	8,948
Contributions	1,525	-	-	1,525	-	145	145	-	1,670
Revaluation	65,079	31,364	-	96,443	(3,125)	(1,771)	(4,896)	-	91,547
Disposal	(5,179)	-	-	(5,179)	-	-	-	(103)	(5,282)
Transfers	(533)	533	-	-	704	(704)	-	(4,192)	(4,192)
	<b>60,892</b>	<b>31,897</b>	<b>73</b>	<b>92,862</b>	<b>(30)</b>	<b>(602)</b>	<b>(632)</b>	<b>461</b>	<b>92,691</b>
<i>Movements in accumulated depreciation</i>									
Depreciation and amortisation	-	-	-	-	(993)	(993)	(1,986)	-	(1,986)
Accumulated depreciation of disposals	2,730	-	-	2,730	-	-	-	-	2,730
Revaluation increments/ decrements	-	-	-	-	2,220	2,561	4,781	-	4,781
	<b>2,730</b>	<b>-</b>	<b>-</b>	<b>2,730</b>	<b>1,227</b>	<b>1,568</b>	<b>2,795</b>	<b>-</b>	<b>5,525</b>
At fair value 30 June 2022	448,775	115,818	754	565,347	48,911	49,744	98,655	3,832	667,834
Accumulated depreciation at 30 June 2022	-	-	-	-	-	-	-	-	-
<b>Carrying amount</b>	<b>448,775</b>	<b>115,818</b>	<b>754</b>	<b>565,347</b>	<b>48,911</b>	<b>49,744</b>	<b>98,655</b>	<b>3,832</b>	<b>667,834</b>



## Note 6 Assets we manage (cont.)

### 6.1 Property, infrastructure, plant and equipment (cont.)

#### (b) Plant and Equipment

	Plant machinery and equipment	Fixtures fittings and furniture	Computers and telecomms	Cultural assets	Work In Progress	Total plant and equipment
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2021	12,234	1,446	2,531	2,638	-	18,849
Accumulated depreciation at 1 July 2021	(5,559)	(913)	(2,068)	-	-	(8,540)
	<b>6,675</b>	<b>533</b>	<b>463</b>	<b>2,638</b>	<b>-</b>	<b>10,309</b>
<i>Movements in fair value</i>						
Additions	1,941	-	160	-	2,101	4,202
Disposal	(1,142)	-	-	-	-	(1,142)
Transfers	-	-	-	-	(2,101)	(2,101)
	<b>799</b>	<b>-</b>	<b>160</b>	<b>-</b>	<b>-</b>	<b>959</b>
<i>Movements in accumulated depreciation</i>						
Depreciation and amortisation	(1,006)	(104)	(331)	-	-	(1,441)
Accumulated depreciation of disposals	695	-	-	-	-	695
	<b>(311)</b>	<b>(104)</b>	<b>(331)</b>	<b>-</b>	<b>-</b>	<b>(746)</b>
At fair value 30 June 2022	13,033	1,446	2,691	2,638	-	19,808
Accumulated depreciation at 30 June 2022	(5,870)	(1,017)	(2,399)	-	-	(9,286)
<b>Carrying amount</b>	<b>7,163</b>	<b>429</b>	<b>292</b>	<b>2,638</b>	<b>-</b>	<b>10,522</b>

## Note 6 Assets we manage (cont.)

### 6.1 Property, infrastructure, plant and equipment (cont.)

#### (c) Infrastructure

	Roads	Bridges	Footpaths and cycleways	Drainage	Recreational, leisure and community	Parks open spaces and streetscapes	Other infrastructure	Work In Progress	Total infrastructure
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2021	556,176	50,874	33,717	75,622	41,431	3,941	5,350	13,525	780,636
Accumulated depreciation at 1 July 2021	(154,564)	(18,547)	(10,880)	(18,826)	(13,117)	(1,028)	(1,294)	-	(218,256)
	<b>401,612</b>	<b>32,327</b>	<b>22,837</b>	<b>56,796</b>	<b>28,314</b>	<b>2,913</b>	<b>4,056</b>	<b>13,525</b>	<b>562,380</b>
<b>Movements in fair value</b>									
Additions	11,119	276	2,228	801	387	7	161	14,979	29,958
Contributions	4,825	276	1,533	1,971	26	-	-	-	8,631
Revaluation	24,178	-	-	-	-	-	-	-	24,178
Disposal	(52)	(9)	(13)	(47)	(228)	-	-	-	(349)
Transfers	-	-	-	-	-	-	-	(17,631)	(17,631)
	<b>40,070</b>	<b>543</b>	<b>3,748</b>	<b>2,725</b>	<b>185</b>	<b>7</b>	<b>161</b>	<b>(2,652)</b>	<b>44,787</b>
<b>Movements in accumulated depreciation</b>									
Depreciation and amortisation	(7,607)	(414)	(701)	(773)	(1,514)	(275)	(258)	-	(11,542)
Accumulated depreciation of disposals	26	7	(2)	22	301	-	-	-	354
Revaluation increments/ decrements	(3,443)	-	-	-	-	-	-	-	(3,443)
Transfers	-	-	-	-	-	-	-	-	-
	<b>(11,024)</b>	<b>(407)</b>	<b>(703)</b>	<b>(751)</b>	<b>(1,213)</b>	<b>(275)</b>	<b>(258)</b>	<b>-</b>	<b>(14,631)</b>
At fair value 30 June 2022	596,246	51,417	37,465	78,347	41,616	3,948	5,511	16,177	830,727
Accumulated depreciation at 30 June 2022	(165,588)	(18,954)	(11,583)	(19,577)	(14,330)	(1,303)	(1,552)	-	(232,887)
<b>Carrying amount</b>	<b>430,658</b>	<b>32,463</b>	<b>25,882</b>	<b>58,770</b>	<b>27,286</b>	<b>2,645</b>	<b>3,959</b>	<b>16,177</b>	<b>597,840</b>

## Note 6 Assets we manage (cont.)

### 6.1 Property, infrastructure, plant and equipment (cont.)

#### (d) Property, infrastructure, plant and equipment accounting policies

##### Acquisition

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date. Where assets are constructed by Council, cost includes all materials used in construction, direct labour, and an appropriate share of directly attributable variable and fixed overheads. In accordance with Council's policy, the threshold limits have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year.

##### Asset recognition thresholds and depreciation periods

	Depreciation Period	Threshold Limit \$'000
<b>Land and land improvements</b>		
land	-	10
land improvements	-	10
landfill	30 years	10
<b>Buildings</b>		
heritage buildings	50 years	10
buildings	50 years	10
building improvements	50 years	10
leasehold improvements	50 years	10
<b>Plant and equipment</b>		
plant, machinery and equipment	3 - 26 years	2.5
fixtures, fittings and furniture	5 - 20 years	2.5
computers and telecommunications	3 - 5 years	2.5
<b>Infrastructure</b>		
road pavement - spray seal	18 years	10
road pavement - asphalt	35 years	10
road pavement - sealed pavement	60 - 90 years	10
road pavement - sealed sub-pavement	-	10
road pavements - unsealed roads	20 - 25 years	10
road formation and earthworks	-	10
road kerb, channel	50 - 150 years	10
bridges and major culvers	70 - 200 years	10
footbridges	30 - 100 years	10
footpaths and cycleways	15 - 60 years	10
drainage	80 years	10
recreational, leisure and community facilities	10 - 50 years	10
parks, open space and streetscapes	10 - 15 years	10
other infrastructure	10 - 50 years	10
<b>Intangible assets</b>		
intangible assets	3 - 5 years	10

##### Land under roads

Council recognises land under roads it controls at fair value.

## Note 6 Assets we manage (cont.)

### 6.1 Property, infrastructure, plant and equipment (cont.)

#### (d) Property, infrastructure, plant and equipment accounting policies (cont.)

##### *Depreciation and amortisation*

Buildings, plant and equipment, infrastructure, and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually. Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component. Road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life. Straight line depreciation is charged based on the residual useful life as determined each year. Depreciation periods used are listed above and are consistent with the prior year unless otherwise stated.

##### *Repairs and maintenance*

Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

##### *Valuation of land and buildings*

Valuation of land and buildings were undertaken by qualified valuer, Hayley Drummond AAPI, Municipal Valuer. The valuation of land and buildings is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement. See note 8.4 for description of fair value measurement.

Specialised land is valued at fair value using site values adjusted for englobo (undeveloped and/or unserviced) characteristics, access rights and private interests of other parties and entitlements of infrastructure assets and services. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Any significant movements in the unobservable inputs for land and land under roads will have a significant impact on the fair value of these assets.

The date of the current valuation is detailed in the following table. Details of the Council's land and buildings and information about the fair value hierarchy as at 30 June 2022 are as follows.

	Level 1 \$'000	Level 2 \$'000	Level 3 \$'000	Date of Valuation
Land - non-specialised	-	115,818	-	Jun-22
Land - specialised	-	-	448,775	Jun-22
Land Improvements	-	-	754	Jun-22
Buildings - non-specialised	-	49,744	-	Jun-22
Buildings - specialised	-	-	48,911	Jun-22
<b>Total</b>	-	165,562	498,440	

## Note 6 Assets we manage (cont.)

### 6.1 Property, infrastructure, plant and equipment (cont.)

#### (d) Property, infrastructure, plant and equipment accounting policies (cont.)

##### Valuation of infrastructure

Valuation of infrastructure assets has been determined utilising our internal resources and expertise, overseen by Cameron McFarlane, Coordinator Asset Management, Bachelor of Surveying. The date of the current valuation is detailed in the following table. The valuation is at fair value (see Note 8.4 for fair value measurement) based on replacement cost less accumulated depreciation as at the date of valuation. Details of Council's infrastructure and information about the fair value hierarchy as at 30 June 2022 are as follows:

	Level 1 \$'000	Level 2 \$'000	Level 3 \$'000	Date of Valuation
Roads	-	-	430,658	Jun-22
Bridges	-	-	32,463	Jun-21
Footpaths and cycleways	-	-	25,882	Jun-20
Drainage	-	-	58,770	Jun-20
Recreational, leisure and community facilities	-	-	27,286	Jun-21
Parks, open space and streetscapes	-	-	2,645	Jun-21
Other infrastructure	-	-	3,959	Apr-16
<b>Total</b>	-	-	581,663	

##### Description of significant unobservable inputs into level 3 valuations

**Specialised land and land under roads** is valued using a market based direct comparison technique. Significant unobservable inputs include the extent and impact of restriction of use and the market cost of land per square metre. The extent and impact of restrictions on use varies and results in a reduction to surrounding land values of up to 85%. The market value of land varies significantly depending on the location of the land and the current market conditions. Currently land values range between \$1.33 (Land under Roads Rural-Low) and \$1,000 (central Kyneton prime business land) per square metre.

**Specialised buildings** are valued using a depreciated replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. Current replacement costs is calculated on a square metre basis and ranges from \$550 to \$3,500 per square metre. The remaining useful lives of buildings are determined on the basis of the current condition of buildings at 50 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend the useful lives of buildings.

**Infrastructure assets** are valued based on the depreciated replacement cost. Significant unobservable inputs include the current replacement cost and remaining useful lives of infrastructure. The remaining useful lives of infrastructure assets are determined on the basis of the current condition of the asset and vary from 1 year to 200 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of infrastructure are sensitive to changes in use, expectations or requirements that could either shorten or extend the useful lives of infrastructure assets.

##### Reconciliation of specialised land

	2022 \$'000	2021 \$'000
Land under roads	402,435	350,783
Landfill	-	2,621
Other	46,340	31,750
<b>Total specialised land</b>	448,775	385,154

## Note 6 Assets we manage (cont.)

### 6.2 Investments in associates

Council has one investment in an associate which is the North Central Goldfields Library Corporation. The equity holders in the North Central Goldfields Library Corporation and their relevant holdings are:

	2022	2021
Macedon Ranges Shire Council	23.40%	23.24%
Greater Bendigo City Council	61.01%	61.05%
Loddon Shire Council	4.82%	4.89%
Mount Alexander Shire Council	10.77%	10.82%
	2022	2021
	\$'000	\$'000
<b>Fair value of Council's investment in North Central Goldfields Library Corporation</b>	1,432	1,353
<b>Council's share of accumulated surplus/(deficit)</b>		
Council's share of accumulated surplus(deficit) at start of year	522	421
Reported surplus(deficit) for year	70	62
Transfers (to) from reserves	(4)	34
Adjustment arising from change to equity share	4	5
<b>Council's share of accumulated surplus(deficit) at end of year</b>	<b>592</b>	<b>522</b>
<b>Council's share of reserves</b>		
Council's share of reserves at start of year	258	290
Adjustment arising from change to equity share	2	2
Transfers (to) from reserves	4	(34)
<b>Council's share of reserves at end of year</b>	<b>264</b>	<b>258</b>
<b>Movement in carrying value of specific investment</b>		
Carrying value of investment at start of year	1,353	1,280
Share of surplus(deficit) for year	70	62
Adjustment arising from change to equity share	9	11
<b>Carrying value of investment at end of year</b>	<b>1,432</b>	<b>1,353</b>
<b>Council's share of expenditure commitments</b>		
Operating commitments	19	37
<b>Council's share of expenditure commitments</b>	<b>19</b>	<b>37</b>

(Council's share of equity as per the un-audited 30 June 2022 financial statements of the Library Service)

Associates are all entities over which Council has significant influence but not control or joint control. Investments in associates are accounted for using the equity method of accounting, after initially being recognised at cost.

### 6.3 Investment property

	2022	2021
	\$'000	\$'000
Balance 1 July	2,566	2,584
Fair value adjustments	64	(18)
<b>Balance 30 June</b>	<b>2,630</b>	<b>2,566</b>

Investment property is held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Costs incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of the originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the comprehensive income statement in the period that they arise.

#### Valuation of investment property

Valuation of investment property has been determined by a qualified Valuer, Hayley Drummond AAPI, who has recent experience in the location and category of the property being valued. The valuation is at fair value, based on the current market value for the property at 30 June 2022.

## Note 7 People and relationships

### 7.1 Council and key management remuneration

#### (a) Related Parties

##### **Parent entity**

Macedon Ranges Shire Council is the parent entity.

##### **Subsidiaries and Associates**

Macedon Ranges Shire Council does not have any subsidiaries. Interests in associates are detailed in Note 6.2.

#### (b) Key Management Personnel

Key management personnel (KMP) are those people with the authority and responsibility for planning, directing and controlling the activities of Council. The Councillors, Chief Executive Officer, Directors and Manager Communications and Engagement are deemed KMP.

##### **Councillors**

Councillor Jennifer Anderson (*Mayor*)  
 Councillor Janet Pearce  
 Councillor Bill West  
 Councillor Annette Death  
 Councillor Geoff Neil  
 Councillor Dominic Bonanno  
 Councillor Rob Guthrie (*Deputy Mayor from 24/11/2021*)  
 Councillor Ann Moore  
 Councillor Mark Ridgeway (*Deputy Mayor to 23/11/2021*)

##### **Chief Executive Officer and other Key Management Personnel**

Chief Executive Officer - Bernie O'Sullivan

Director Assets & Operations - Shane Walden	
Director Corporate - John Hausler	01/07/2021 - 16/07/2021
Director Corporate - Gina Lyons	01/07/2021 - 30/03/2022
Director Corporate - Travis Harling	31/03/2022 - 25/04/2022
Director Corporate - Adele Drago-Stevens	26/04/2022 - 30/06/2022
Director Planning & Environment - Angela Hughes	01/07/2021 - 29/10/2021
Director Planning & Environment - Stephen Pykett	01/11/2021 - 20/03/2022
Director Planning & Environment - Rebecca Stockfeld	21/03/2022 - 30/06/2022
Manager People, Risk and Wellbeing - Nathan Upson	
Director Community - Maria Weiss	21/03/2022 - 30/06/2022
Executive Manager People, Culture, Performance - Sarah Noel	01/07/2021 - 02/07/2021
Executive Manager People, Culture, Performance - Carmen Lawrence	05/07/2021 - 28/04/2022
Manager Communication & Engagement - Corey Ramsey	01/07/2021 - 13/08/2021
Manager Communication & Engagement - Fleur Marshall	09/08/2021 - 04/02/2022
Manager Communications & Engagement - Lauren Wall	07/03/2022 - 30/06/2022

	2022	2021
	No.	No.
Total Number of Councillors	9	15
Total Number of Chief Executive Officer and other Key Management Personnel	16	8
<b>Total Key Management Personnel</b>	<b>25</b>	<b>23</b>



## Note 7 People and relationships (cont.)

### 7.1 Council and key management remuneration (cont.)

#### (c) Remuneration of Key Management Personnel

Total remuneration of key management personnel was as follows:

	2022 \$'000	2021 \$'000
Short-term benefits	1,916	1,385
Long-term benefits	164	106
Termination benefits	38	67
<b>Total</b>	<b>2,118</b>	<b>1,558</b>

The numbers of key management personnel whose total remuneration from Council fall within the following bands:

	2022 No.	2021 No.
\$1,000 - \$9,999	-	6
\$10,000 - \$19,999	1	6
\$20,000 - \$29,999	10	1
\$30,000 - \$39,999	1	-
\$40,000 - \$49,999	3	3
\$60,000 - \$69,999	1	-
\$70,000 - \$79,999	1	1
\$90,000 - \$99,999	2	1
\$100,000 - \$109,999	1	-
\$110,000 - \$119,999	1	-
\$120,000 - \$129,999	-	1
\$180,000 - \$189,999	-	1
\$230,000 - \$239,999	1	-
\$240,000 - \$249,999	1	-
\$250,000 - \$259,999	1	3
\$380,000 - \$389,999	1	-
<b>Total</b>	<b>25</b>	<b>23</b>

The amounts above are calculated as the total remuneration, which includes salaries paid, superannuation, value of vehicles provided and any movement in provision for annual leave.

#### (d) Senior Officer Remuneration

A Senior Officer is an officer of Council, other than Key Management Personnel, who:

- a) has management responsibilities and reports directly to the Chief Executive; or
- b) whose total annual remuneration exceeds \$151,000

	2022 \$'000	2021 \$'000
Total remuneration for the reporting year for Senior Officers included above, amounted to:	1,610	1,147
The number of Senior Officers are shown below in their relevant income bands:		
	2022 No.	2021 No.
Less than \$151,000*	2	4
\$151,000 - \$159,999	1	1
\$160,000 - \$169,999	2	3
\$170,000 - \$179,999	4	1
\$180,000 - \$189,000	1	0
<b>Total</b>	<b>10</b>	<b>9</b>

\* Two senior officers with annual remuneration over \$151,000 resigned during the year so full annual salary was not paid hence their disclosed income range was less than \$151,000.

## 7.2 Related party disclosure

### (a) Transactions with related parties

During the year Council provided buildings rent free to Goldfields Library Corporation for Gisborne Library, Kyneton Library, Romsey Hub and Woodend Community Centre and Library. This also occurred in 2020/21.

### (b) Outstanding balances with related parties

There were no balances outstanding at the end of the reporting period in relation to transactions with related parties (2020/21, \$0).

### (c) Loans to/from related parties

There were no loans in existence at balance date that have been made, guaranteed or secured by the Council to a related party (2020/21, \$0).

### (d) Commitments to/from related parties

There were no commitments in existence at balance date that have been made, guaranteed or secured by the Council to a related party (2020/21, \$0).

## Note 8 Managing uncertainties

### 8.1 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the Balance Sheet, but are disclosed and if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable, respectively.

#### (a) Contingent assets

Contingent assets are possible assets that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the council.

During June 2021 there was a significant storm event which impacted the Macedon Ranges Shire Council with costs in excess of \$22.5m. The Council has lodged claims with the Victorian state government for assessment in line with the Disaster Recovery Funding Arrangements 2018. The Council has incurred claimable costs associated with the clean up and recovery works in excess of \$17.0m. The Council is notified progressively as to whether the expenditure under a claim is eligible for reimbursement with amounts received recognised as income. At 30 June 2022 a large number of claims are awaiting or undergoing a formal assessment. Until each claim is independently assessed the Council is unable to reliably quantify the amount of expenditure that will be confirmed as eligible expenditure and reimbursed in a future reporting period. The total amount repaid to Council will not be known for several months.

#### (b) Contingent liabilities

##### Superannuation

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme, matters relating to this potential obligation are outlined in section 9.3. As a result of the volatility in financial markets the likelihood of making such contributions in future periods exists.

##### Liability Mutual Insurance

Council is a participant of the MAV Liability Mutual Insurance (LMI) Scheme. The LMI scheme provides public liability and professional indemnity insurance cover. The LMI scheme states that each participant will remain liable to make further contributions to the scheme in respect of any insurance year in which it was a participant to the extent of its participant's share of any shortfall in the provision set aside in respect of that insurance year, and such liability will continue whether or not the participant remains a participant in future insurance years.

#### (c) Guarantees for loans to other entities

Council is not guarantee for any externally funded loans.

Financial guarantee contracts are not recognised as a liability in the balance sheet unless the lender has exercised their right to call on the guarantee or Council has other reasons to believe that it is probable that the right will be exercised.

### 8.2 Change in accounting standards

Certain new Australian Accounting Standards and interpretations have been published that are not mandatory for the 30 June 2022 reporting period. Council assesses the impact of these new standards. As at 30 June 2022 there were no new accounting standards or interpretations issued by the AASB which are applicable for the year ending 30 June 2023 that are expected to impact Council.

### 8.3 Financial instruments

#### Objectives and policies

The Council's principal financial instruments comprise cash assets, term deposits, receivables (excluding statutory receivables), payables and bank borrowings. Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument is disclosed in the Notes of the financial statements. Risk management is carried out by senior management under policies approved by the Council. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.

## Note 8 Managing uncertainties (cont.)

### 8.3 Financial instruments (cont.)

#### a) Market risk

Market risk is the risk that the fair value or future cash flows of Council financial instruments will fluctuate because of changes in market prices. The Council's exposure to market risk is primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk.

#### b) Interest rate risk

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Our interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes us to fair value interest rate risk. Cash flow interest rate risk is the risk that the future cash flows of a financial instrument will fluctuate because of changes in market interest rates. Council has some exposure to cash flow interest rate risk through its cash and term deposits that are at floating rates. Investment of surplus funds is made with approved financial institutions under the Local Government Act 2020. Council manages interest rate risk by adopting an investment policy that ensures:

- diversification of investment product;
- monitoring of return on investment; and
- benchmarking of returns and comparison with budget.

There has been no significant change in the Council's exposure, or its objectives, policies and processes for managing interest rate risk or the methods used to measure this risk from the previous reporting period. Interest rate movements have not been sufficiently significant during the year to have an impact on the Council's year end result.

#### c) Credit risk

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause Council to make a financial loss. Council have exposure to credit risk on some financial assets included in the balance sheet. Particularly significant areas of credit risk exist in relation to outstanding fees and fines as well as loans and receivables from sporting clubs and associations. To help manage this risk:

- council have a policy for establishing credit limits for the entities council deal with;
- council may require collateral where appropriate; and
- council only invest surplus funds with financial institutions which have a recognised credit rating specified in council's investment policy.

Receivables consist of a large number of customers, spread across the ratepayer, business and government sectors. Credit risk associated with the council's financial assets is minimal because the main debtor is secured by a charge over the rateable property.

There are no material financial assets which are individually determined to be impaired.

Council may also be subject to credit risk for transactions which are not included in the balance sheet, such as when council provide a guarantee for another party. Details of our contingent liabilities are disclosed in Note 8.1(b).

The maximum exposure to credit risk at the reporting date to recognised financial assets is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements. Council does not hold any collateral.

There are no material financial assets which are individually determined to be impaired.

Council may also be subject to credit risk for transactions which are not included in the balance sheet, such as when council provide a guarantee for another party. Details of our contingent liabilities are disclosed in Note 8.1(b).

The maximum exposure to credit risk at the reporting date to recognised financial assets is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements. Council does not hold any collateral.

## Note 8 Managing uncertainties (cont.)

### 8.3 Financial instruments (cont.)

#### (d) Liquidity risk

Liquidity risk includes the risk that, as a result of Council's operational liquidity requirements it will not have sufficient funds to settle a transaction when required or will be forced to sell a financial asset below value or may be unable to settle or recover a financial asset. To help reduce these risks Council:

- has an investment policy which targets a minimum and average level of cash and cash equivalents to be maintained;
- has a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments; and
- monitors budget to actual performance on a regular basis.

The Council's maximum exposure to liquidity risk is the carrying amounts of financial liabilities as disclosed on the face of the balance sheet and the amounts related to financial guarantees disclosed in Note 8.1(c), and is deemed insignificant based on prior periods' data and current assessment of risk. There has been no significant change in Council's exposure, or its objectives, policies and processes for managing liquidity risk or the methods used to measure this risk from the previous reporting period. With the exception of borrowings, all financial liabilities are expected to be settled within normal terms of trade. Details of the maturity profile for borrowings are disclosed at Note 5.4.

Unless otherwise stated, the carrying amounts of financial instruments reflect their fair value.

#### (e) Sensitivity disclosure analysis

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, Council believes the following movements are 'reasonably possible' over the next 12 months:

- A parallel shift of + 1.0% and -0.25% in market interest rates (AUD) from year-end rates of 0.85%.

These movements will not have a material impact on the valuation of Council's financial assets and liabilities, nor will they have a material impact on the results of Council's operations.

### 8.4 Fair value measurement

#### *Fair value hierarchy*

Council's financial assets and liabilities are not valued in accordance with the fair value hierarchy. Council's financial assets and liabilities are measured at amortised cost.

Council measures certain assets and liabilities at fair value where required or permitted by Australian Accounting Standards. AASB 13 Fair value measurement, aims to improve consistency and reduce complexity by providing a definition of fair value and a single source of fair value measurement and disclosure requirements for use across Australian Accounting Standards.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within a fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

Level 1 — Quoted (unadjusted) market prices in active markets for identical assets or liabilities;

Level 2 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and

## Note 8 Managing uncertainties (cont.)

### 8.4 Fair value measurement (cont.)

Level 3 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, Council has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy, as explained above.

In addition, Council determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

#### *Revaluation*

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, are Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use of an asset result in changes to the permissible or practical highest and best use of the asset. In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis ranging from 1 to 5 years. The valuation is performed either by experienced council officers or independent experts.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

#### *Impairment of assets*

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the comprehensive income statement, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

### 8.5 Events occurring after balance date

Council is not aware of any events occurring after balance date.

## Note 9 Other matters

### 9.1 Reserves

#### (a) Asset revaluation reserves

	Balance at beginning of reporting period \$'000	Increment (decrement) \$'000	Balance at end of reporting period \$'000
<b>2022</b>			
<b>Property</b>			
Land	98,199	47,059	145,258
Land under roads	44,677	49,384	94,061
Buildings	21,499	(115)	21,384
	<b>164,375</b>	<b>96,328</b>	<b>260,703</b>
<b>Infrastructure</b>			
Roads	248,975	24,128	273,103
Kerb and channel	8,129	(3,393)	4,736
Bridges	13,990	-	13,990
Drainage	32,991	-	32,991
Footpaths	2,470	-	2,470
Parks, Open Space & Streetscapes	197	-	197
Recreational, leisure and community facilities	16,912	-	16,912
	<b>323,664</b>	<b>20,735</b>	<b>344,399</b>
<b>Other assets</b>			
Cultural assets	2,491	-	2,491
Equity in North Central Goldfields Library	149	-	149
	<b>2,640</b>	<b>-</b>	<b>2,640</b>
<b>Total asset revaluation reserves</b>	<b>490,679</b>	<b>117,063</b>	<b>607,742</b>
<b>2021</b>			
<b>Property</b>			
Land	98,199	-	98,199
Land under roads	44,677	-	44,677
Buildings	21,499	-	21,499
	<b>164,375</b>	<b>-</b>	<b>164,375</b>
<b>Infrastructure</b>			
Roads	248,975	-	248,975
Kerb and channel	8,129	-	8,129
Bridges	13,239	751	13,990
Drainage	32,991	-	32,991
Footpaths	2,470	-	2,470
Parks, Open Space & Streetscapes	6	191	197
Recreational, leisure and community facilities	10,833	6,079	16,912
	<b>316,643</b>	<b>7,021</b>	<b>323,664</b>
<b>Other Assets</b>			
Cultural assets	2,491	-	2,491
Equity in North Central Goldfields Library	149	-	149
	<b>2,640</b>	<b>-</b>	<b>2,640</b>
<b>Total asset revaluation reserves</b>	<b>483,658</b>	<b>7,021</b>	<b>490,679</b>

The asset revaluation reserve is used to record the increased (net) value of Council's assets over time.



## Note 9 Other matters (cont.)

### 9.1 Reserves (cont.)

#### (b) Other reserves

	Balance at beginning of reporting period \$'000	Transfer from accumulated surplus \$'000	Transfer to accumulated surplus \$'000	Balance at end of reporting period \$'000
<b>2022</b>				
Asset conversion	744	-	-	744
Car parking*	136	-	-	136
Commercial development	3,237	-	(55)	3,182
Community facilities*	398	193	-	591
Debt repayment	491	400	-	891
Drainage*	699	35	-	734
Footpaths*	142	-	-	142
Gisborne development plan*	1,039	506	-	1,545
Gravel pit operations	674	854	-	1,528
Hanging Rock	427	-	(215)	212
Plant replacement	1,478	986	(1,322)	1,142
Public open space*	3,752	1,019	(582)	4,189
Road contributions*	531	-	-	531
Romsey development plan*	59	26	(32)	53
Senior citizens accommodation maintenance*	276	16	(93)	199
<b>Total other reserves</b>	<b>14,083</b>	<b>4,035</b>	<b>(2,299)</b>	<b>15,819</b>
<b>2021</b>				
Asset conversion	864	-	(120)	744
Car parking*	136	-	-	136
Commercial development	3,599	-	(362)	3,237
Community facilities*	418	-	(20)	398
Debt repayment	91	400	-	491
Drainage*	446	253	-	699
Footpaths*	128	24	(10)	142
Gisborne development plan*	759	366	(86)	1,039
Gravel pit operations	545	129	-	674
Hanging Rock	612	-	(185)	427
Plant replacement	257	1,439	(218)	1,478
Public open space*	3,697	1,190	(1,135)	3,752
Road contributions*	427	104	-	531
Romsey development plan*	113	46	(100)	59
Senior citizens accommodation maintenance*	253	88	(65)	276
<b>Total other reserves</b>	<b>12,345</b>	<b>4,039</b>	<b>(2,301)</b>	<b>14,083</b>

\* Non-discretionary reserves subject to statutory requirements and/or other agreements - \$8.12m (\$7.032m 2020/21)

## Note 9 Other matters (cont.)

### 9.1 Reserves (cont.)

#### (b) Other reserves (cont)

**Asset conversion** - net proceeds from the sale of land for capitals works projects.

**Car parking** - developer contributions for car parking projects.

**Commercial development** – net proceeds from the sale of industrial/commercial land for the purchase and development of land to be used for industrial/commercial purposes.

**Community facilities** - developer contributions for community infrastructure facilities.

**Debt repayment** - budget allocation to accumulate the required amount of funds to repay the borrowed money when it is due to be repaid.

**Drainage** - developer contributions for drainage works.

**Footpaths** - developer contributions for footpath works.

**Gisborne development plan** - developer contributions for capital works projects in Gisborne.

**Gravel pit operations** - surplus from gravel pit operations for capital works projects.

**Hanging rock** - surplus from Hanging Rock operations for capital works projects and operational projects.

**Plant replacement** – surplus from plant operations for capital replacements.

**Public open space** - developer contributions for open space projects.

**Roads contributions** - developer contributions for roads works.

**Romsey development plan** - developer contributions for capital works projects in Romsey.

**Senior citizens accommodation maintenance** – resident contributions for maintenance of units.

### 9.2 Reconciliation of cash flows from operating activities to surplus/(deficit)

	2022 \$'000	2021 \$'000
<b>Surplus/(deficit) for the year</b>	16,825	7,955
Depreciation/amortisation	15,511	16,969
Loss on disposal of property, infrastructure, plant and equipment	2,416	268
Fair value adjustments for investment property	(64)	18
Contributions - non-monetary assets	(10,301)	(2,837)
Share of net profits/losses of associates	(79)	(73)
Borrowing costs	222	220
<b>Change in assets and liabilities:</b>		
(Increase)/decrease in trade and other receivables	(8,438)	131
(Increase)/decrease in other assets	(219)	33
Increase/(decrease) in trade payables	1,264	(237)
Increase/(decrease) in unearned income	7,901	6,581
Increase/(decrease) in trust funds and deposits	464	2,419
Increase/(decrease) in provisions	(637)	(151)
<b>Net cash provided by/(used in) operating activities</b>	<b>24,865</b>	<b>31,296</b>

## Note 9 Other matters (cont.)

### 9.3 Superannuation

Macedon Ranges Shire makes the majority of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has two categories of membership, accumulation and defined benefit, each of which is funded differently. Obligations for contributions to the Fund are recognised as an expense in Comprehensive Operating Statement when they are made or due.

#### *Accumulation*

The Fund's accumulation categories, Vision MySuper/Vision Super Saver, receives both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ended 30 June 2022, this was 10% as required under Superannuation Guarantee (SG) legislation (2021: 9.5%)).

#### *Defined Benefit*

Council does not use defined benefit accounting for its defined benefit obligations under the Fund's Defined Benefit category. This is because the Fund's Defined Benefit category is a pooled multi-employer sponsored plan.

There is no proportional split of the defined benefit liabilities, assets or costs between the participating employers as the defined benefit obligation is a floating obligation between the participating employers and the only time that the aggregate obligation is allocated to specific employers is when a call is made. As a result, the level of participation of Council in the Fund cannot be measured as a percentage compared with other participating employers. Therefore, the Fund Actuary is unable to allocate benefit liabilities, assets and costs between employers for the purposes of AASB 119.

#### *Funding arrangements*

Council makes employer contributions to the Defined Benefit category of the Fund at rates determined by the Trustee on the advice of the Fund Actuary.

As at 30 June 2021, an interim actuarial investigation was held as the Fund provides lifetime pensions in the Defined Benefit category.

The vested benefit index (VBI) of the Defined Benefit category of which Macedon Ranges Shire is a contributing employer was 109.8%. The financial assumptions used to calculate the VBI were:

Net investment returns	4.75% pa
Salary information	2.75% pa
Price inflation (CPI)	2.25% pa.

As at 30 June 2022, an interim actuarial investigation is underway as the Fund provides lifetime pensions in the Defined Benefit category. It is expected to be completed by 31 October 2022.

Vision Super has advised that the VBI at 30 June 2022 was 102.2%. Council was notified of the 30 June 2022 VBI during August 2022 (2021: August 2021). The financial assumptions used to calculate this VBI were:

Net investment returns 5.5% pa	5.5% pa
Salary information	2.5% pa to 30 June 2023, and 3.5% pa thereafter
Price inflation (CPI)	3% pa

The VBI is used as the primary funding indicator. Because the VBI was above 100%, the 30 June 2021 actuarial investigation determined the Defined Benefit category was in a satisfactory financial position and that no change was necessary to the Defined Benefit category's funding arrangements from prior years.

## Note 9 Other matters (cont.)

### 9.3 Superannuation (cont.)

#### *Employer contributions*

##### ***Regular contributions***

On the basis of the results of the 2021 triennial actuarial investigation conducted by the Fund Actuary, Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. For the year ended 30 June 2022, this rate was 10% of members' salaries (9.5% in 2020/21). This rate is expected to increase in line with any increases in the SG contribution rate and was reviewed as part of the 30 June 2020 triennial valuation.

In addition, Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit.

##### ***Funding calls***

If the Defined Benefit category is in an unsatisfactory financial position at an actuarial investigation or the Defined Benefit category's VBI is below its shortfall limit at any time other than the date of the actuarial investigation, the Defined Benefit category has a shortfall for the purposes of SPS 160 and the Fund is required to put a plan in place so that the shortfall is fully funded within three years of the shortfall occurring. The Fund monitors its VBI on a quarterly basis and the Fund has set its shortfall limit at 97%.

In the event that the Fund Actuary determines that there is a shortfall based on the above requirement, the Fund's participating employers (including Council) are required to make an employer contribution to cover the shortfall.

Using the agreed methodology, the shortfall amount is apportioned between the participating employers based on the pre-1 July 1993 and post-30 June 1993 service liabilities of the Fund's Defined Benefit category, together with the employer's payroll at 30 June 1993 and at the date the shortfall has been calculated.

Due to the nature of the contractual obligations between the participating employers and the Fund, and that the Fund includes lifetime pensioners and their reversionary beneficiaries, it is unlikely that the Fund will be wound up.

If there is a surplus in the Fund, the surplus cannot be returned to the participating employers.

In the event that a participating employer is wound-up, the defined benefit obligations of that employer will be transferred to that employer's successor.

## Note 9 Other matters (cont.)

### 9.3 Superannuation (cont.)

#### *The 2021 triennial actuarial investigation surplus amounts*

An actuarial investigation is conducted annually for the Defined Benefit category of which Council is a contributing employer. Generally, a full actuarial investigation is conducted every three years and interim actuarial investigations are conducted for each intervening year. An interim investigation was conducted as at 30 June 2021 and the last full investigation was conducted as at 30 June 2020.

The Fund's actuarial investigation identified the following for the Defined Benefit category of which Council is a contributing employer:

	2021 (Triennial) \$m	2020 (Triennial) \$m
- A VBI Surplus	214.7	100.0
- A total service liability surplus	270.3	200.0
- A discounted accrued benefits surplus	285.2	217.8

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2021.

The total service liability surplus means that the current value of the assets in the Fund's Defined Benefit category plus expected future contributions exceeds the value of expected future benefits and expenses as at 30 June 2021.

The discounted accrued benefit surplus means that the current value of the assets in the Fund's Defined Benefit category exceeds the value of benefits payable in the future but accrued in respect of service to 30 June 2021.

Council was notified of the 30 June 2021 VBI during August 2021 (2020: August 2020).

#### *The 2022 interim actuarial investigation*

An interim actuarial investigation is being conducted for the Fund's position as at 30 June 2022 as the Fund provides lifetime pensions in the Defined Benefit category. It is anticipated that this actuarial investigation will be completed by October 2022. Council was notified of the 30 June 2022 VBI during August 2022 (2021: August 2021).

#### *Superannuation contributions*

Contributions by Council (excluding any unfunded liability payments) to the above superannuation plans for the financial year ended 30 June 2022 are detailed below:

Scheme	Rate	2022 \$'000	2021 \$'000
Vision Super - defined benefits	10.0%	81	87
Vision Super - Accumulation	10.0%	1,544	2,905

There were \$163,720 contributions outstanding to the above schemes as at 30 June 2022 (2021 \$412,313).

The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2023 is \$81,000.

## Note 10 Change in Accounting Policy

*There have been no changes to accounting policies in the 2021/22 year.*





# Macedon Ranges Shire Council Governance Rules





<b>Part 1: Preliminary .....</b>	<b>4</b>
1. Context.....	4
2. Definitions and key terms.....	5
3. Role of Council.....	9
4. Purpose of Council meetings.....	10
5. Principles of Council decision-making .....	10
6. Meeting roles .....	10
<b>Part 2: Election of the Mayor.....</b>	<b>13</b>
7. Scheduling the Mayoral election .....	13
8. Chairing the Mayoral election .....	13
9. Nominations for Mayor .....	13
10. Determining the election of the Mayor .....	13
11. Determining a Deputy Mayor.....	15
12. Acting Mayor .....	15
<b>Part 3: Meeting Preparation.....</b>	<b>16</b>
13. Scheduled Council meeting .....	16
14. Unscheduled Council meeting.....	16
15. Notice of meetings .....	16
16. Determine to hold an electronic meetings.....	16
17. Business at meetings.....	17
18. Urgent business .....	18
19. Notice of motion.....	18
20. Notice of motion may be rejected.....	19
21. Notice of rescission .....	20
22. Notice of amendment.....	21
23. Attendance - electronically.....	22
24. Apologies.....	22
25. Leave .....	22
26. Adjourned meeting .....	23
27. Postponement or cancellation of Council meetings.....	23
<b>Part 4: Meeting Procedures .....</b>	<b>24</b>
28. Matters not provided for.....	24
29. Time limits for Meetings.....	24
30. Addressing the meeting .....	24
31. Quorum.....	24
32. Disclosure of a conflict of interest by a Councillor .....	25
33. Broadcast and recording of meeting.....	26

34. Public question time .....	26
35. Public forum .....	27
36. Petitions (not electronic) and joint letters .....	28
37. Electronic and online petitions .....	29
38. Behaviour at meetings .....	29
<b>Part 5: Meeting Conduct.....</b>	<b>31</b>
39. Speaking times.....	31
40. Voting process .....	31
41. Division.....	31
42. Introducing a Report .....	32
43. Debate from the Chair.....	32
44. Moving a motion .....	32
45. Rejecting a motion .....	33
46. Lapsed motion or amendment.....	33
47. Right of reply .....	34
48. Debating the motion .....	34
49. Moving an Amendment.....	34
50. Foreshadowing motions or amendments .....	35
51. Withdrawal of motion or amendment .....	35
52. Separation of motions .....	35
53. Debate for notice of motion, rescission or amendment .....	35
54. Rescission motion not required .....	36
55. Raising a point of order .....	36
56. Dissenting a decision .....	37
57. Points of clarification.....	37
58. Procedural motions .....	37
59. Adjourning a matter .....	41
60. Setting aside a motion .....	41
61. Putting the motion .....	41
62. Adjourning a meeting .....	41
63. Suspension of standing orders.....	42
<b>Part 6: Record Keeping .....</b>	<b>43</b>
64. Keeping of minutes.....	43
65. Confirmation of minutes .....	43
66. Other meeting records .....	44
67. Conflict of interest register .....	44
<b>Part 7: Meetings under the auspice of a Council meeting .....</b>	<b>45</b>
68. Disclosure of a conflict of interest at a meeting under the auspices of Council .....	45

<b>Part 8: Delegated Committees .....</b>	<b>46</b>
69. Rules apply to Delegated Committees.....	46
<b>Part 9: Community Asset Committees .....</b>	<b>47</b>
70. Community Asset Committees .....	47
<b>Part 10: Joint Council Meetings .....</b>	<b>48</b>
71. Participate in Joint Council Meetings .....	48
<b>Part 11: Disclosure of Conflicts of Interest for Staff .....</b>	<b>49</b>
72. Disclosure of a conflict of interest by a member of Council staff .....	49
<b>Part 12: Election Period (Caretaker) Policy .....</b>	<b>50</b>
73. Election Period (Caretaker) Policy .....	50

#### Revision and review history

Version control	Approved, Amended, Rescinded	Date effective	Approved by	Document Reference	Summary of Changes
1	Approved	28/08/2020	Council	D22-91434	New. Required under section 60 of <i>Local Government Act 2020</i> .
2	Approved	24/08/2022	Council	D22-101343	Updated to allow for electronic meetings.
3					Re-structured and improved clarity around various provisions

## Part 1: Preliminary

### 1. Context

- a) The purpose of these Governance Rules is to provide for:
- i) the conduct of Council meetings;
  - ii) the conduct of meetings of delegated committees;
  - iii) the form and availability of meeting records;
  - iv) the election of the Mayor and the Deputy Mayor;
  - v) the appointment of an Acting Mayor;
  - vi) an election period policy;
  - vii) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee at a meeting of the Council or a delegated committee;
  - viii) the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a delegated committee;
  - ix) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
  - x) the consideration and making of decisions on any matter being considered by the Council fairly and on the merits;
  - xi) the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered; and
  - xii) any other matters prescribed by the regulations made under the Act.
- b) These Governance Rules should be read in conjunction with:
- i) the overarching governance principles specified in section 9(2) and (3) of the Act; and
  - ii) related policies prepared under the Act that relate to Councillor and staff conduct at Council meetings and during decision-making, such as the Councillor Code of Conduct; Public Transparency Policy, and Councillor Gifts, Benefits and Hospitality Policy.

## 2. Definitions and key terms

In these Governance Rules:

Term	Definition
<b>Absolute majority</b>	As defined in the <i>Local Government Act 2020</i> this is the number of Councillors which is greater than half the number of the Councillors of the Council. For Macedon Ranges Shire Council an absolute majority is five (5) Councillors.
<b>Abstain</b>	Means when a Councillor who is present at a meeting does not vote on a matter. Under section 61(5)(e) of the <i>Local Government Act 2020</i> , if a Councillor is present at the meeting and does not vote on a motion, this is taken to be a vote against the question.
<b>Act</b>	Means the <i>Local Government Act 2020</i> .
<b>Agenda</b>	Means the notice of meeting setting out the business to be transacted at the meeting.
<b>Alternative (motion)</b>	Means a new or substantially different motion to the motion being considered by Council.
<b>Amendment (motion)</b>	Means proposed changes to a motion being considered by Council.
<b>Broadcast</b>	Means the visual or aural transmission of proceedings on any medium, including radio, television and the internet.
<b>Carried</b>	Means that the relevant motion or amendment is determined in the affirmative.
<b>Chairperson</b>	Means the person presiding over the meeting. In these Rules this is the Mayor for Council meetings and Chair for delegated committee meetings.
<b>Chief Executive Officer</b>	<p>Means the Chief Executive Officer or Acting Chief Executive Officer appointed under section 94 of the <i>Local Government Act 1989</i> or section 44 of the <i>Local Government Act 2020</i>, whichever applies.</p> <p>If the Chief Executive Officer or Acting Chief Executive Officer is absent or unable to perform a function required under these Governance Rules, the Director of Corporate must perform that function.</p> <p>Note: The Chief Executive Officer, at the time of preparing these Governance Rules, was appointed under the <i>Local Government Act 1989</i>.</p>

Term	Definition
<b>Closed meeting</b>	Means a meeting of Council at which confidential items as defined in section 3 of the Act are considered. The public is unable to attend closed meetings. There will be no livestream or recording of a closed Council meeting.
<b>Community Asset Committee</b>	Means a Community Asset Committee established by Council under section 65 of the Act
<b>Council</b>	Means Macedon Ranges Shire Council.
<b>Councillor</b>	Means a Councillor of the Macedon Ranges Shire Council.
<b>Council Meeting</b>	Meetings defined in section 61 of the Act to conduct Council business, including scheduled and unscheduled meetings of the Council.
<b>Delegate</b>	Means a Council staff member nominated by the Chief Executive Officer to assist with meeting functions and requirements.
<b>Delegated Committee</b>	Means a delegated committee established by Council under section 63 of the Act. Part 8 outlines how the Governance Rules apply to a delegated committee meeting.
<b>Deputy Mayor</b>	Means the Deputy Mayor of the Council and any person appointed by Council to act as Deputy Mayor.
<b>Division</b>	Means the counting and identifying the way Councillors have voted on a matter i.e. for or against.
<b>Electronic meeting</b>	Means the attendance at Council meetings virtually via videoconferencing technology, where Councillors can be seen and heard by all other Councillors present at the meeting.
<b>Foreshadowed motion</b>	Means a motion, whether fully formed or an intention, identified by a Councillor, in a Council meeting, that they intend to raise at a later point in the meeting. It is not a motion considered by Council until it receives a seconder.
<b>Hybrid</b>	Means a combination of in-person and electronic format (usually for a meeting) undertaken concurrently at the same time.
<b>Lapses</b>	Means a motion before Council has not been progressed that is it is on the agenda but has not been moved or moved but not seconded.
<b>Lost</b>	Means a motion before Council that has not been supported

Term	Definition
	by a majority of Councillors present at a meeting.
<b>Majority</b>	Means a number of votes that is more than one-half of the number of Councillors in attendance in the meeting when the vote is taken.
<b>Mayor</b>	Means the Mayor of Council and any person appointed by Council to be acting as Mayor.
<b>Member</b>	Means a member of a delegated committee.
<b>Minutes</b>	Means the official record of the proceedings and decisions of a Council meeting.
<b>Motion</b>	Means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted. In the <i>Local Government Act 2020</i> motions are referred to as a 'question' before Council for decision.
<b>Notice of amendment</b>	Means a notice to amend a decision of Council. The motion is consistent with the original motion but allows for details such as dates, figures and locations to be amended.
<b>Notice of motion</b>	<p>Means a notice setting out the text of a motion which a Councillor proposes to move at a Council meeting.</p> <p>A 'notice of motion' is a formal notice by a Councillor of their intention to propose a motion to be resolved upon at a meeting. The process is a direct method for a Councillor to ensure a particular matter is brought before the meeting.</p> <p>The 'Good Governance Guide' produced by the Municipal Association of Victoria, Victorian Local Governance Association and LGPro provides the following advice on the appropriate use of notices of motion:</p> <p><i>[A notice of motion] can be a useful way for a Councillor to raise an issue, which doesn't require advice or a lot of consideration on a Council agenda. For example, it might involve asking the Council to recognise a significant achievement of a local community member which is already generally well-known.</i></p>
<b>Notice of rescission</b>	Means a notice of motion to rescind (revoke, cancel, repeal) a decision of Council.
<b>Overarching governance principles</b>	<p>Means the overarching governance principles outlined in section 9(2) of the Act. The following are the overarching governance principles—</p> <p>a) Council decisions are to be made and actions taken in accordance with the relevant law;</p>



Term	Definition
	<ul style="list-style-type: none"> <li>b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;</li> <li>c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risk, is to be promoted;</li> <li>d) the municipal community is to be engaged in strategic planning and strategic decision making;</li> <li>e) innovation and continuous improvement is to be pursued;</li> <li>f) collaboration with other Councils and Governments and statutory bodies is to be sought;</li> <li>g) the ongoing financial viability of the Council is to be ensured;</li> <li>h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;</li> <li>i) the transparency of Council decisions, actions and information is to be ensured.</li> </ul> <p>Note: The overarching governance principles stated in the Act override any omissions in these Governance Rules.</p>
<b>Officer recommendation</b>	<p>Means the recommendation provided to Councillors to consider moving in a Council meeting.</p> <p>An amended officer recommendation may be prepared to address errors or update identified after publication of the agenda and provided to Councillors to move in the meeting.</p>
<b>Point of order</b>	Means a query in the debate as to whether a correct procedure is being followed or factual information is being expressed.
<b>Procedural motion</b>	Means a motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.
<b>Quorum</b>	Means the minimum number of Councillors or members who must be present in order to constitute a valid meeting of the Council. For Macedon Ranges Shire Council a quorum for a Council meeting is five (5) Councillors.
<b>Recording</b>	Means a recording of proceedings made using any device that is capable of recording speech or actions, including a tape recorder, video camera, mobile phone and portable computer.

Term	Definition
<b>Record of meeting</b>	Means a document, in an form approved by the Chief Executive Officer, providing a high level account of a meeting attended by five (5) or more Councillors and at least one (1) staff member.
<b>Regulations</b>	Means any regulations established for the <i>Local Government Act 2020</i> .
<b>Resolution</b>	Means a decision of Council made at a Council meeting.
<b>Scheduled Council meeting</b>	Means a Council meeting fixed by Council from time to time in accordance with Rule 13.
<b>Supporting Principles</b>	<p>Means the overarching governance principles outlined in section 9(3) of the Act. In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—</p> <ul style="list-style-type: none"> <li>a) the community engagement principles;</li> <li>b) the public transparency principles;</li> <li>c) the strategic planning principles;</li> <li>d) the financial management principles;</li> <li>e) the service performance principles;</li> </ul> <p>Note: The supporting principles stated in the Act override any omissions in these Governance Rules.</p>
<b>Unscheduled Council meeting</b>	Means a Council meeting called in accordance with Rule 14.

### 3. Role of Council

- a) The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Macedon Ranges municipal community.
- b) Council will provide good governance through—
  - i) the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and
  - ii) the Councillors of the Council performing their roles in accordance with the requirements of the Act.
- c) In performing its role, Council may—
  - i) perform any duties or functions or exercise any powers conferred on Council by or under the Act or any other Act; and
  - ii) perform any other functions that Council determines are necessary to enable Council to perform its role.

- d) If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

#### **4. Purpose of Council meetings**

- a) Council holds scheduled meetings and, when required unscheduled meetings, to conduct the business of Council.

#### **5. Principles of Council decision-making**

- a) Council will before making a decision that will directly affect the rights of a person, consider and make decisions on, any matter being considered by Council fairly and on its merits, free from favouritism or self-interest and without regards to irrelevant or unauthorised considerations.
- b) Any person whose rights will be directly affected by a decision of the Council is entitled to:
  - i) communicate their views; and
  - ii) have their interests considered.
- c) For the purposes of sub-rules (a) and (b), a decision of Council means a resolution made at a Council meeting.

#### **6. Meeting roles**

- a) Mayor
  - i) Subject to the Mayor's discretion, the Mayor takes precedence at all municipal proceedings within the municipal district, unless outlined in the terms of reference for a committee, and must chair all Council meetings at which they are present.
  - ii) The Mayor will ensure good Council decision-making by endeavouring to ensure:
    - 1) decision making is transparent to Councillors and observers;
    - 2) Councillors have sufficient information to make good decisions;
    - 3) Councillors are supported to contribute to decisions;
    - 4) any person whose rights are affected have their interests considered;
    - 5) debate and discussion are focused on the issues at hand;
    - 6) meetings are conducted in an orderly and courteous manner; and
    - 7) decisions are made on the merits of the matter.
- b) Chief Executive Officer
  - i) The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Mayor and Councillors.
  - ii) The Chief Executive Officer should:
    - 1) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
    - 2) advise if there are operational, legal, financial or other risks, including non-compliance with statutory obligations arising from a proposed resolution;

- 3) help clarify the intent of any unclear resolution to facilitate implementation; or
  - 4) on request, assist with procedural issues that may arise.
- c) Deputy Mayor
  - i) If the Mayor is not in attendance at a Council meeting, the Deputy Mayor (if one has been elected) will chair the meeting and assume the role of Mayor.
  - ii) If a Deputy Mayor has been elected, the references in these Rules to the Mayor includes reference to the Deputy Mayor when performing the role of the Mayor.
- d) Acting Mayor
  - i) If the Mayor or Deputy Mayor is not in attendance at a Council meeting, the Acting Mayor will chair the meeting and assume the role of Mayor.
  - ii) If an Acting Mayor has been appointed, the references in these Rules to the Mayor includes reference to the Acting Mayor when performing the role of the Mayor.
- e) Councillors
  - i) Councillors contribute to good governance and decision making by:
    - 1) seeking views of community members and reading the agendas prior to the meeting;
    - 2) preparing by reviewing materials provided and seeking information on matters from Council officers at briefing sessions;
    - 3) demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers or during the meeting;
    - 4) attending meetings and participating in debate and discussion;
    - 5) demonstrating respect for the role of the Mayor and the rights of other Councillors to contribute to the decision-making; and
    - 6) being courteous and orderly.
- f) Community
  - i) Community members may participate in Council meetings in accordance with Rules 34-37.
  - ii) Community members are encouraged to participate in Council's engagement processes.
  - iii) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Council meetings.
  - iv) Community members may attend open Council meetings or view livestream Council meetings online.
    - 1) At times due to exceptional circumstances the public gallery may be closed.
    - 2) If the public gallery is closed, Council meetings will be livestreamed and recordings will be available online.

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## Part 2: Election of the Mayor

### 7. Scheduling the Mayoral election

- a) Following a local government election, the Chief Executive Officer will determine the date, time and venue for the election of the Mayor in compliance with section 26 of the Act.
- b) Council will resolve the date, time and venue for the election of the Mayor not covered by sub-rule (a) as part of the annual schedule of meetings.
- c) If the office of the Mayor becomes vacant, the Chief Executive Officer will determine the date, time and venue for the election of the Mayor.
- d) The election of the Mayor will be conducted in person only, unless exceptional circumstances require Council to resolve a different format.
- e) The date, time and venue for the election of the Mayor will be made publicly available on Council's website.
- f) The agenda for the meeting for the election of the Mayor will be made public five (5) days prior to the meeting.

### 8. Chairing the Mayoral election

- a) At any meeting to elect the Mayor the Chief Executive Officer must open the meeting and chair the election as required in section 25 of the Act.
- b) Prior to the election of the Mayor, Council will agree the term of the Mayor; which will be either one (1) or two (2) years as required in section 26 of the Act.

### 9. Nominations for Mayor

- a) The Chief Executive Officer must invite nominations for the office of Mayor.
- b) Councillors can self-nominate or be nominated by another Councillor for the office of Mayor.
- c) A nominee will be required to accept or refuse the nomination.
- d) Nominations must be seconded.
- e) The Chief Executive Officer may invite each candidate to make a speech.
- f) Candidates to speak in the order in which they were nominated.
- g) Candidates may speak for 3 minutes in support of their nomination.

### 10. Determining the election of the Mayor

- a) The election of the Mayor must be carried out by a show of hands.
- b) If there is only one (1) nomination, the nominated candidate must be declared to be elected.
- c) If there is more than one (1) nomination, the Chief Executive Officer must conduct an election in the following manner:
  - i) each Councillor present at the meeting must vote for one (1) of the candidates;
  - ii) if one (1) candidate receives an absolute majority of the votes, that candidate must be declared to be elected; or

- iii) if no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes must be declared to be a defeated candidate;
  - iv) each Councillor present at the meeting must then vote for one (1) of the remaining candidates;
  - v) if one (1) of the remaining candidates receives an absolute majority of the votes, that candidate must be declared to be elected; or
  - vi) if none of the remaining candidates receives a 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 (1) of the candidates receives an absolute majority of the votes. That candidate must then be declared to be elected; or
  - vii) if none of the remaining candidates receives an absolute majority and two (2) or more candidates have an equal number of fewest votes, each Councillor present at the meeting must vote for one (1) of the candidates with the equal fewest votes. The candidate who receives the fewest of those votes must be declared to be a defeated candidate.
  - viii) if after conducting a vote to declare a candidate defeated under sub-rule (vii), two (2) or more candidates receive the equal fewest votes, the determination of which of those candidates must be declared to be defeated must be determined by lot;
  - ix) following the elimination of the candidate with the fewest votes in either sub-rule (vii) or (d) a further vote must be taken on the remaining candidates, each Councillor present at the meeting must vote for one (1) of the remaining candidates.
- d) If a lot must be conducted under this rule, the Chief Executive Officer shall arrange for the conduct of the lot and the following provisions must apply:
- i) each candidate will draw one (1) lot;
  - ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes except that if two (2) or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names; and
  - iii) as many identical pieces of paper as there are candidates who received an equal number of votes must be placed in a receptacle.
  - iv) the word **Defeated** shall be written on one (1) of the pieces of paper, and the candidate who draws the paper with the word **Defeated** written on it must be declared the defeated candidate
- e) The process of voting in sub-rules (c) and (d) is to be repeated until two (2) candidates remain, if one (1) of the remaining candidates receives an absolute majority of the votes, that candidate must be declared to be elected.
- f) If there are only two candidates remaining and an absolute majority has not been attained by either candidate, the Chief Executive Officer will conduct a second ballot in an attempt to achieve an absolute majority.
- g) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
- i) The date and time must be no sooner than 24 hours later and no later than 7 days post the meeting.



- h) At the conclusion of the election process, the Chief Executive Officer shall invite the elected Mayor to address Councillors and the community.
- i) The elected Mayor may speak for 3 minutes on their upcoming term as Mayor.
- j) After their speech, the Mayor will take the chair and oversee any election of the Deputy Mayor.

#### **11. Determining a Deputy Mayor**

- a) At the meeting to elect the Mayor, Council may resolve:
  - i) to establish the position of Deputy Mayor;
  - ii) the term of the Deputy Mayor, which shall be the same as the term of the Mayor; and
  - iii) elect a Councillor to the position of Deputy Mayor.
- b) Any election by Council of a Deputy Mayor will follow the same procedure as that for an election of the Mayor save that the Mayor will chair the election.
- c) At the conclusion of the election for Deputy Mayor the Mayor will continue to preside over the meeting.

#### **12. Acting Mayor**

- a) If Council has not established position of Deputy Mayor and it needs to appoint an Acting Mayor, it can do so by:
  - i) resolving that a specified Councillor be appointed for a specified period of time; or
  - ii) following the procedure set out in Rules 9 and 10.
    - 1) if an Acting Mayor is elected under Rule 12(a)(ii) Council will resolve the specified period for the appointment.

## Part 3: Meeting Preparation

### 13. Scheduled Council meeting

- a) The dates, times and places of scheduled meetings will be fixed by a Council resolution from time to time.
- b) Subject to the requirements of sub-rule (a), the date, time or place of a scheduled Council meeting may be altered by resolution of the Council.

### 14. Unscheduled Council meeting

- a) Council may by resolution call an unscheduled meeting of the Council.
- b) The Mayor or three (3) Councillors may by a written notice delivered to the Chief Executive Officer call an unscheduled meeting of the Council.
- c) A notice delivered under sub-rule (b) must specify the date and time of the meeting and the business to be transacted.
- d) The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting.

### 15. Notice of meetings

- a) A schedule of Council meetings, as resolved by Council at least once each year, must be published on Council's website.
- b) Any changes to the published schedule of Council meetings resolved by Council will be included on Council's website as soon as practical after the resolution.
- c) Public notice will be given at least seven (7) days before a scheduled or unscheduled meeting of the Council.
- d) If an extraordinary circumstance prevents the giving of seven (7) days' notice, the Chief Executive Officer will provide as much notice as is practicable and the nature of the extraordinary circumstance will be specified in the minutes.

### 16. Determine to hold an electronic meetings

- a) Council may determine by resolution, the proposed and preferred format style of meetings (in-person, electronic, or hybrid).
- b) If Council has determined a meeting to be a certain format, Council may by resolution change the format.
- c) If circumstances require the format of a meeting to be changed from that resolved by Council, the Chief Executive Officer, after consultation with the Mayor, may advise a change in format to all Councillors and include changes on the website and agenda for the meeting.
- d) The Chief Executive Officer must include in the minutes of the meeting with a changed format the nature of the circumstances for the change.
- e) Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings. Council must determine, by resolution, if a meeting is to be held solely in person, prior to public notice being given of the meeting; noting that Mayoral elections are in person only under Rule 7(d).
- f) If Council determines that a meeting is to be conducted electronically, the Mayor may, with consent of the meeting (through a resolution), modify the application of any of these

Governance Rules to facilitate the most efficient and effective transaction of the business of the meeting.

- g) Hybrid Council meetings are dependent on the availability of appropriate technology within Council to enable broadcasting and livestreaming simultaneously.

### **17. Business at meetings**

- a) The agenda for a Council meeting, including the order of business, is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.
- b) The Chief Executive Officer may include any matter on an agenda for consideration by the meeting following consultation with the Mayor.
- c) An agenda must include:
  - i) a description of the date, time and place of the meeting;
  - ii) the proposed meeting format;
  - iii) a description of the matters to be considered at the meeting;
  - iv) any validly lodged notice of motion, amendment or rescission:
    - 1) must be included on the agenda for the next available meeting.
    - 2) each notice of motion before any Council meeting shall be considered in the order in which they were received, unless there are similar motions that can be considered together, in the order they were received.
    - 3) if more than one notice of rescission or amendment is received in regard to a particular matter, the notices must be listed on the agenda in the order they were received.
  - v) any leave of absence request (notice of motion) received from a Councillor:
    - 1) a leave of absence not included in a Council meeting agenda may still be considered by Council if a written request (notice of motion) has been received by the Mayor prior to the meeting.
  - vi) reports prepared for consideration at the meeting.
- d) At least five (5) days before a meeting is scheduled to occur, an agenda must be:
  - i) delivered electronically to each Councillor; and
  - ii) published on Council's website.
- e) If it is not possible to comply with sub-rule (d) for any reason, the Chief Executive Officer must ensure delivery and publication of the agenda as soon as is reasonably possible.
- f) Once an agenda has been sent to Councillors and published on Council's website, the order of business for that Council meeting may only be altered by resolution of Council.
- g) If a Councillor is on leave or absent from the municipality, an agenda does not have to be delivered electronically to the Councillor unless they have requested delivery.

**18. Urgent business**

- a) At a scheduled Council meeting, business that is not included in the agenda must not be considered unless a majority of Councillors present at the meeting resolve to admit the business and only if:
  - i) it relates to or arises out of a matter which has arisen since the distribution of the agenda; and
  - ii) deferring the item until the next Council meeting will have any effect on the matter; or
  - iii) involves a matter of urgent community concern; or
  - iv) cannot be safely or conveniently deferred until the next Council meeting; or
  - v) the item involves a matter of urgency as determined by the Chief Executive Officer; and
  - vi) it cannot be addressed through an operational service request process.
- b) Despite sub-rule (a), a matter that is not included in the agenda must not be considered at the meeting if it will:
  - i) directly and significantly affect the exercise of a person's rights; or
  - ii) alter the Council Plan or the Budget.
- c) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 3pm on the day of the Council meeting.
- d) The Chief Executive Officer will advise the Mayor of any matter they determine as appropriate for Council to consider admitting as urgent business.
- e) Prior to the consideration of the urgent business item, Council must resolve to accept the urgent business item and will require a mover and a seconder:
  - i) A Councillor shall explain why the item has been classified as urgent business without speaking to it and then move it without speaking to it.
- f) At an unscheduled Council meeting, business that has not been included on the agenda may only be considered if all the Councillors that are present unanimously resolve that the matter is urgent.
- g) The Chief Executive Officer, may prepare a written supplementary report on any item of business that has arisen since the preparation of the Agenda.
- h) Councillors must receive a copy of any supplementary report at least 24 hours before the time fixed for holding the meeting.

**19. Notice of motion**

- a) A notice of motion given by a Councillor must be given in writing to the Chief Executive Officer no later than 5.00 pm on the seventh (7) day before the meeting at which it is to be proposed to be considered.
- b) A Councillor may give a notice of motion on any matter the Councillor wants to be considered at a scheduled Council meeting.
- c) A notice of motion must relate to the objectives, roles and functions of Council as outlined in the Act.

- d) If a Councillor proposes to use a notice of motion for a significant item, consideration should be given to a motion requesting that a report on the matter be presented to a subsequent meeting.
- e) A notice of motion must call for a Council report if the notice of motion proposes any action that:
  - i) impacts the levels of Council service;
  - ii) commits Council to either a loss of income or expenditure that is not included in the adopted Council budget, to the value of \$25,000 or greater;
  - iii) proposes to establish, amend or extend Council policy;
  - iv) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
  - v) commits Council to any contractual arrangement; or
  - vi) concerns any litigation in respect of which Council is a party.

## **20. Notice of motion may be rejected**

- a) The Chief Executive Officer must reject a notice of motion if:
  - i) it is vague or unclear in its intention;
  - ii) it is outside the powers of Council;
  - iii) it is defamatory or otherwise objectionable in language or nature;
  - iv) it would result in the direct allocation of funds outside Council's adopted budget or would otherwise have a material financial impact;
  - v) passed would result in Council otherwise acting invalidly;
  - vi) it can be addressed through the operational request process;
  - vii) it is not lodged in accordance with Rule 19; or
  - viii) it is similar in form or substance to a notice of motion which has been put to the vote and lost in the past three months;
- b) If the Chief Executive Officer rejects a notice of motion, they must:
  - i) notify the Councillor of the reason for the rejection; and
  - ii) if reasonably possible before the agenda is published, give the Councillor an opportunity to amend the notice.
- c) A notice of motion must be moved as written and listed in the agenda and requires a seconder.
- d) Where a notice of motion has been submitted but is not moved at the relevant Council meeting the notice of motion lapses.
- e) A notice of motion may be amended in accordance with Rules 49 and 53.

**21. Notice of rescission**

- a) A notice of rescission is a form of notice of motion.
- b) All provisions in the Governance Rules relating to a notice of motion apply to notices of rescission except as expressed in the sub-rules of Rule 0.
- c) A Councillor may give notice of a motion to rescind a resolution of the Council provided:
  - i) it is in writing, and has been signed and dated by at least two Councillors, including the Councillor proposing the rescission;
    - 1) this condition is satisfied by receiving an email from the Councillor in support of the rescission;
  - ii) the resolution proposed to be rescinded has not been acted on; and
  - iii) the notice of rescission is delivered to the Chief Executive Officer within 48 hours of the resolution being made, setting out –
    - 1) the resolution to be rescinded; and
    - 2) the meeting and date when the resolution was carried.
- d) The Councillor providing a notice of rescission motion is required to provide written justification, as part of the notice of rescission, why one or more of the following reasons apply:
  - i) the vote may not have accurately reflected the opinion held by the Council due to misunderstanding of the motion or for some other reason;
  - ii) new information not previously available has come to hand that, if presented earlier, could reasonably have affected the outcome of the vote for or against the motion; or
  - iii) vital information that was missing, or had been overlooked that, if presented earlier, could reasonably have affected the outcome of the vote for or against the motion.
- e) The Chief Executive Officer must reject a notice of rescission that does not comply with sub-rules (c) and ii)d).
- f) The Chief Executive Officer or an appropriate member of Council staff is entitled to implement a resolution of the Council at any time after the close of the meeting at which it was made. A resolution of the Council will therefore be deemed to be acted on if:
  - i) its contents have or substance has been communicated in writing to any person whose interests are materially affected by it; or
  - ii) statutory processes have commenced so as to vest enforceable rights in or obligations on Council or any other person.
- g) Once a notice of rescission has been given in writing no further action is to be taken on the resolution, if sub-rules (f)(i) or (ii) do not apply:
  - i) a Councillor considering submitting a notice of rescission should advise the Chief Executive Officer ahead of preparing the written notice of rescission (either verbally or in writing via an email or other means); and
  - ii) once notified, the Chief Executive Officer should ensure that no action is taken prior to the written notice of rescission being submitted within 48 hours of the resolution.

- h) The lodgement and acceptance by the Chief Executive Officer of a notice of rescission does not prevent the Chief Executive Officer or an appropriate member of Council staff from giving notice to any person that a notice to rescind has been lodged.

## 22. Notice of amendment

- a) A notice of amendment is a form of notice of motion.
- b) All provisions in the Governance Rules relating to a notice of motion apply to notices of amendment except as expressed in the sub-rules of Rule 22.
- c) A Councillor may give notice of a motion to amend a resolution of the Council provided:
- i) it is in writing, and has been signed and dated by at least two Councillors, including the Councillor proposing the amendment;
    - 1) this condition is satisfied by receiving an email from the Councillor in support of the amendment;
  - ii) the resolution proposed to be amended has not been acted on; and
  - iii) the notice of amendment is delivered to the Chief Executive Officer within 48 hours of the resolution being made, setting out –
    - 1) the resolution to be amended; and
    - 2) the meeting and date when the resolution was carried.
- d) The Councillor providing a notice of amendment motion is required to provide written justification, as part of the notice of amendment, why one or more of the following reasons apply:
- i) is consistent with the intent of the motion but clarifies the decision on matters such as dates, timing, figures and location; or
  - ii) is consistent with the intent of the motion but includes vital information that was not included or was overlooked when making the decision and should be included for fullness of decision.
- e) The Chief Executive Officer must reject a notice of amendment that does not comply with sub-rules (c).
- f) The Chief Executive Officer or an appropriate member of Council staff is entitled to implement a resolution of the Council at any time after the close of the meeting at which it was made. A resolution of the Council will therefore be deemed to be acted on if:
- i) its contents have or substance has been communicated in writing to any person whose interests are materially affected by it; or
  - ii) statutory processes have commenced so as to vest enforceable rights in or obligations on Council or any other person.
- g) Once a notice of amendment has been given in writing no further action is to be taken on the resolution, if sub rules (f)(i) or (ii) do not apply.
- i) a Councillor considering submitting a notice of amendment should advise the Chief Executive Officer ahead of preparing the written notice of amendment (either verbally or in writing via an email or other means); and
  - ii) once notified, the Chief Executive Officer should ensure that no action is taken prior



to the written notice of amendment being submitted within 48 hours of the resolution.

- h) The lodgement and acceptance by the Chief Executive Officer of a notice of amendment does not prevent the Chief Executive Officer or an appropriate member of Council staff from giving notice to any person that a notice to amend has been lodged.

### **23. Attendance - electronically**

- a) Councillors who wish to attend a meeting via electronic means must submit a written request to the Mayor and/or the Chief Executive Officer by 5pm on the day of the meeting except when attending electronic only meetings.
- b) The Mayor must grant any reasonable request from a Councillor to attend a meeting by electronic means, except for attendance at those meetings resolved to be in-person.
- c) At the commencement of each meeting, the Mayor will advise the meeting of any Councillors that have been granted approval to attend the meeting by electronic means.
- d) It will remain the responsibility of the Councillor attending electronically to ensure that they have the required access and environment suitable for electronic communications. This includes ensuring that they are in a private and secure place when attending a closed meeting.
- e) A Councillor that has applied to attend electronically can only be recorded as present where the member can confirm that:
  - i) They can hear proceedings
  - ii) They can see other members in attendance and can be seen by other members; and
  - iii) They can be heard (to speak).
- f) If a Councillor is unable to meet the conditions in accordance with Rule 23(e)(i)-(iii) they will be recorded as absent.
- g) Where a Councillor loses connection when they are attending a meeting electronically they will be recorded as having left the meeting for the purpose of continuing the meeting. If they rejoin the meeting their attendance will be noted.
- h) If a Councillor that loses connection is the Mayor, then the Deputy Mayor (or alternative Councillor) will become the temporary chair until the Mayor is able to reconnect, at which time they will resume the chair.
- i) The Mayor may adjourn the meeting at any time, in accordance with Rule 26, if a lost connection is preventing the meeting from conducting its business.

### **24. Apologies**

- a) Councillors who are unable to attend a meeting may submit an apology:
  - i) in writing to the Mayor or Chief Executive Officer who will advise the meeting; or
  - ii) by seeking another Councillor to submit it at the meeting on their behalf.
- b) An apology submitted to a meeting will be recorded in the minutes.

### **25. Leave**

- a) A Councillor intending to take a leave of absence should submit it in writing to the Mayor or

Chief Executive Officer:

- i) A notice of motion from the Councillor (requesting to take leave) outlining the period of leave requested and any other relevant matters.
- b) Council will not unreasonably withhold its approval for a leave of absence request.
- c) A Councillor who has not submitted an apology, in accordance with Rule 24, or had a leave of absence approved under sub-rule (a), who is not in attendance at a Council meeting will be recorded as absent.

## **26. Adjourned meeting**

- a) The Council may adjourn any meeting.
- b) If a Council meeting is adjourned to another day for any reason:
  - i) Rules 13 and 14 apply to the adjourned meeting; and
  - ii) Rule 14 applies to the adjourned meeting to the extent that it is reasonably practicable.

## **27. Postponement or cancellation of Council meetings**

- a) The Chief Executive Officer may postpone or cancel a Council meeting after consulting the Mayor if:
  - i) they have been informed by Councillors that a quorum will not be reached;
  - ii) other circumstances exist which mean the Council meeting cannot be safely or effectively convened or if exceptional circumstances apply.
- b) If the Council meeting is postponed or cancelled under sub-rule (a) the Chief Executive Officer or their delegate must give notice of that postponement or cancellation as soon as reasonably practicable, provided that all Councillors are notified.

## Part 4: Meeting Procedures

### 28. Matters not provided for

- a) Where a situation has not been provided for under these Governance Rules, the Council may determine the matter by resolution.
- b) If there is a typographical error or omission in a Council Report, a Council resolution or any document endorsed or adopted by Council, the Chief Executive Officer may, at any time, correct the error or omission without a resolution of Council.

### 29. Time limits for Meetings

- a) A scheduled or unscheduled Council meeting must not continue after 10.30 pm or for more than 3½ hours after commencement unless a majority of Councillors present vote in favour of its continuance by:
  - i) A motion stating the length of the continuance; and
  - ii) The motion is seconded.
- b) In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Mayor.
- c) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

### 30. Addressing the meeting

- a) Councillors must conduct themselves in a courteous and respectful manner during meetings.
- b) Any person addressing the Mayor should refer to the Mayor as:
  - i) Mayor; or
  - ii) Mayor 'last name'
- c) All Councillors, other than the Mayor, should be addressed as Cr (last name).
- d) All members of Council staff should be addressed by title/position.

### 31. Quorum

- a) If after 30 minutes from the scheduled starting time of any Council meeting, a quorum cannot be obtained:
  - i) those Councillors present; or
  - ii) if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, Director Corporate or other delegate,

may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- b) A Councillor attending a meeting by electronic means of communication with the approval of the Mayor is deemed present for the purposes of a quorum.
- c) If during any Council meeting or any adjournment of such meeting, a quorum cannot be maintained:

- i) those Councillors or members present; or
- ii) if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, Director Corporate or other delegate,

may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

- d) If Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision in regard to a matter, Council must consider whether the decision can be made by dealing with the matter in an alternative manner.
- e) For the purposes of sub-rule (d)d), an alternative manner as outlined in section 67 of the Act may include—
  - i) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
  - ii) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.
- f) Subject to complying with any requirements under any other Act, if Council is unable to use an alternative manner, Council must establish a delegated committee under section 63(2) of the Act to make the decision in regard to the matter consisting of—
  - i) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
  - ii) any other person or persons that Council considers suitable.

### **32. Disclosure of a conflict of interest by a Councillor**

- a) If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council, the Councillor must, if they are attending the meeting, disclose the conflict of interest in accordance with sub-rule (b), and if applicable, sub-rule (c).
- b) A Councillor who has a conflict of interest and is attending the meeting of the Council must make a full disclosure of that interest by either advising:
  - i) the Council at the meeting immediately before the matter is considered at the meeting; or
  - ii) the Chief Executive Officer in writing before the meeting

whether the interest is a general conflict of interest or a material conflict of interest, and the nature of the interest.

- c) If the Councillor advised the Chief Executive Officer of the details under paragraph (i) of sub-rule (b), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.
- d) A Councillor who makes a disclosure under sub-rule (b) must complete and submit a conflict of interest form.
- e) The Chief Executive Officer must—
  - i) keep written disclosures received under this rule in a secure place for 3 years after the date the Councillor who made the disclosure ceases to be a Councillor or member of a committee; and

- ii) destroy the written disclosure when the 3 year period referred to in paragraph (i) has expired.
- f) While the matter is being considered or any vote is taken in relation to the matter, the Councillor must—
  - i) leave the meeting and notify the Mayor of their departure; and
  - ii) remain outside the room and any gallery or other area in view or hearing of the meeting.
- g) The Mayor must cause the Councillor to be notified that they may return to the meeting after—
  - i) consideration of the matter; and
  - ii) all votes have been cast on the matter.

### **33. Broadcast and recording of meeting**

- a) Council may resolve to record and/or broadcast its scheduled and unscheduled meetings in any form.
- b) Despite sub-rule (a), a meeting that is closed to the public under section 66 of the Act must not be broadcast or a recording made available to the public in any form.
- c) Without the authority of Council (as the case may be) a person must not:
  - i) make or distribute a recording of any Council meeting; or
  - ii) broadcast any Council meeting.

### **34. Public question time**

- a) Any member of the public may submit up to two written questions to the Chief Executive Officer at each scheduled Council meeting.
- b) No questions will be submitted to an unscheduled Council meeting, unless the purpose of the meeting is to hear from the municipal community or at a meeting to elect the Mayor;
- c) Questions from a member of the public:
  - i) must be in writing (e.g. legible handwriting, typed, email, or other approved form) and state the name and address of the person submitting the question; and
  - ii) may relate to a matter of business on the agenda or another matter that is generally accepted to be within the jurisdiction of the Council, either directly or indirectly.
- d) Questions must be received by the Chief Executive Officer no later than 5.00pm on the business day prior to the meeting day.
- e) The Mayor or a member of Council staff nominated by the Mayor may read a question and response, if available, to those present.
- f) The Mayor or Chief Executive Officer or delegate may reject a question that does not comply with sub-rule (c), or if it:
  - i) relates to a matter outside the duties, functions and powers of the Council;
  - ii) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in

language or substance;

- iii) seeks to intentionally embarrass a Councillor or a member of Council staff;
  - iv) relates to personnel matters;
  - v) relates to the personal hardship of any identifiable resident or ratepayer/s;
  - vi) relates to industrial matters;
  - vii) relates to contractual matters;
  - viii) relates to proposed developments, including statutory and strategic planning matters subject to established consultation processes;
  - ix) relates to legal advice;
  - x) relates to matters affecting the security of Council property; or
  - xi) relates to any other matter which the Council considers would prejudice the Council or any person.
- g) Questions relating to statutory or strategic planning matters on the agenda for a Council meeting will not be accepted due to the established consultation processes for these matters.
- h) Notwithstanding the provisions of sub-rule (f) the Council will endeavour to, and where appropriate shall, answer questions from the public that relate to these matters in a way that does not disclose confidential information and or compromise any other parties.
- i) If multiple questions related to a decision made by the Council or a matter to be considered by the Council at the meeting are asked and it is appropriate to do so, the Mayor or nominated staff member may collectively summarise these questions and make reference to the decision or the impending consideration of the matter.
- j) If a question cannot be dealt with adequately or appropriately during public question time, the Mayor or a nominated staff member may advise that they will provide a written answer in response to the question.

### **35. Public forum**

- a) The Council may, from time to time, hold a public forum for up to 30 minutes, or for a length of time as determined by the Mayor, at the beginning of a scheduled Council meeting to allow public submissions to Council on:
- i) matters listed on an agenda; or
  - ii) any other matter that is generally accepted to be within the jurisdiction of the Council, either directly or indirectly.
- b) Public submissions under sub-rule (a) will not be allowed for any matter that has been heard or may be heard by the Planning Delegated Committee or a Submitters Delegated Committee.
- c) Public submissions relating to statutory or strategic planning matters on the agenda of a Council meeting will not be allowed due to the established consultation processes for these matters.
- d) Members of the public who wish to be heard at public forum are required to give prior notice to the Council in writing to the Chief Executive Officer by 5pm on the business day prior to

the meeting day.

- e) Any group or association that wishes to be heard at a public forum is required to nominate a spokesperson.
- f) Unless otherwise decided by the Mayor, the maximum speaking time for a member of the public addressing the Council is three (3) minutes.
- g) There will be no discussion or debate with the member of the public, however the Councillors may ask questions of clarification.
- h) If a response is required, the Mayor will ask the Chief Executive Officer to prepare a response within 10 business days of the meeting, or via referral to another process.

### **36. Petitions (not electronic) and joint letters**

- a) A member of the public may present a petition or a joint letter to a Councillor or the Chief Executive Officer.
- b) Where a petition has been signed by fewer than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- c) Petitions relating to planning issues or matters for which Council is engaging with the community shall be considered along with other submissions either supporting or objecting to the application/proposal.
- d) A petition must:
  - i) be signed by 10 or more people;
  - ii) be legible and in permanent writing (i.e. no pencil);
  - iii) be addressed to the Mayor and Councillors of the Macedon Ranges Shire Council;
  - iv) on the first page, contain the name and contact details of the person forwarding the petition plus the request for action being made of Council;
  - v) contain the date the petition commences as part of the request for action on each page;
  - vi) the request for action being made of Council must be on each subsequent page of the petition;
  - vii) any page not containing the request for action will not be considered part of the petition;
  - viii) contain the name, residential /property addresses and signature of each person signing the petition or letter;
  - ix) contain signatures that are original signatures – they cannot be photocopies or scanned;
  - x) include a page number on each page, and the total number of pages should be written on the front page of the petition when submitted;
  - xi) not include any statement that is offensive, defamatory or disrespectful to the Council or any Councillor or member of Council staff;
  - xii) not relate to matters outside the powers of Council;



- xiii) not contain false or misleading information;
  - xiv) not contain alterations; and
  - xv) be comprised of pages, including pages containing signatories of the petition that are original pieces of paper and not pasted, stapled or otherwise affixed to any other piece of paper.
- e) A petition that complies with the provisions of sub-rule (d) must be tabled at a scheduled Council meeting at the first reasonable opportunity by the Chief Executive Officer.
- f) A petition may only be presented to a scheduled Council meeting.
- g) A Councillor who tables a petition must acquaint themselves with the contents of the petition and to ascertain that it complies with sub-rule (d).
- i) A Councillor presenting a petition to the Council must write their name at the beginning of the petition.
- h) A petition tabled at a Council meeting may be dealt with as follows:
- i) a motion may be proposed to accept the petition, forward it to the relevant Director for investigation and reporting back to Council, and advising the head petitioner accordingly; or
  - ii) a motion may be proposed to receive and note the petition and refer it to another process, such as attending to the matter operationally.

### **37. Electronic and online petitions**

- a) To be valid, an online or electronic petition must:
- i) be addressed to the Mayor and Councillors of the Macedon Ranges Shire Council
  - ii) contain the request of Council on every page of the petition, including the date the petition was commenced;
  - iii) contain the name, residential property and email address of each petitioner;
  - iv) be signed by at least fifty (50) electronic signatures;
  - v) not relate to matters outside the powers of Council;
  - vi) not be derogatory, defamatory or objectionable in language or nature;
  - vii) not contain alterations; or
  - viii) not contain false or misleading signatures or content.
- b) Council prefers and gives greater consideration to electronic petitions that have a majority of residents and ratepayers, firstly of the Shire of Macedon Ranges, secondly, of Victoria and thirdly, of Australia, rather than residents of other jurisdictions outside these areas who may not have a relevant understanding of the issues.
- c) Electronic petitions will be presented to Council and addressed in the same manner as written petitions under Rule 36(c) and (h).

### **38. Behaviour at meetings**

- a) The Mayor may call to order any Councillor:

- i) who is disruptive, discourteous or acting in an unruly manner during a meeting; or
  - ii) who makes a statement that is offensive, insulting or defamatory.
- b) Without detracting from sub-rule (a), the Mayor may call to order any Councillor who is acting contrary to the Councillor Code of Conduct in a Council meeting comprised solely of Councillors.
- c) If the Mayor calls a Councillor to order, the Mayor may direct the Councillor:
  - i) to cease the actions for which the Councillor has been called to order; or
  - ii) to retract a statement, or apologise for a statement, or action.
- d) If a Councillor fails to comply with a direction under sub-rule (c), the Mayor may direct the Councillor to leave the meeting for a specified time.
- e) The direction by the Mayor under sub-rule (d) may be overruled by a resolution of the meeting.
- f) Unless sub-rule (e) applies, a Councillor who is directed by the Mayor to leave the meeting for a specified time must comply with that direction.
- g) The Mayor may direct a member of the public to leave a meeting if, in the opinion of the Mayor, the person is disrupting the orderly conduct of the meeting.
- h) A person directed to leave a meeting under sub-rule (g) must not return to the meeting unless authorised by the Mayor.
- i) The Mayor may adjourn a meeting at any time if a disruption is preventing the meeting from conducting its business in an orderly manner.
- j) Unless otherwise resolved by the Council, an adjournment under sub-rule (i) will be for a period of 15 minutes.
- k) A member of the public addressing the Council must extend due courtesy and respect to the Councillors, the Council and Council staff and must take direction from the Mayor.

## Part 5: Meeting Conduct

### 39. Speaking times

- a) Unless a motion for extension of time has been passed, a Councillor or member must not speak longer than the time set out below:
  - i) the mover of a motion or an amendment five (5) minutes and any other Councillor or member three (3) minutes; and
  - ii) the mover of a motion exercising a right of reply two (2) minutes
- b) An extension of speaking time for any member may be granted by resolution of the meeting.
- c) A motion to extend speaking time must not be permitted after another Councillor or member has commenced speaking.
- d) An extension of speaking time:
  - i) must not exceed three (3) minutes;
  - ii) may only be granted once for each speaker on a motion or amendment.

### 40. Voting process

- a) All members of the Council present at the meeting are entitled to a single vote on each motion and each amendment.
- b) As provided in section 61(5)(d) of the Act, if exactly half the Councillors present in the meeting vote in favour of a motion or amendment the Mayor may cast a second vote to determine whether the matter is carried.
- c) When putting a motion or amendment to a vote, the Mayor will first call for those in favour of the motion and then those opposed to the motion.
- d) Unless the meeting resolves otherwise, all voting must be by a show of hands and must not be by secret ballot.
- e) If a majority of the Councillors in the meeting votes in favour of the motion or amendment, the Mayor must declare the motion or amendment carried.
- f) If the motion or amendment is not carried, the Mayor must declare the motion or amendment lost.
- g) Any Councillor may request that the way they voted on a motion or amendment be recorded in the minutes.
- h) A Councillor intending to abstain from the vote may decide to leave or stay in the meeting while the matter is being considered.
- i) If a Councillor who abstains from the vote stays in the meeting but does not vote, their vote will be considered to have been a vote in the negative, in accordance with section 61(5)(e) of the Act.

### 41. Division

- a) Any Councillor may request a division immediately after a vote is taken under rule 39.
- b) A division cannot be requested after the next item of business has commenced.

- c) If a division is requested, the Mayor must:
- i) first ask each Councillor wishing to vote in the affirmative to raise a hand and upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands;
  - ii) the Mayor must then state, and the Chief Executive Officer or authorised person must record, the names of those Councillors voting in the affirmative;
  - iii) then ask each Councillor wishing to vote in the negative to raise a hand and upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands; and
  - iv) the Mayor must then state, and the Chief Executive Officer or authorised person must record, the names of those Councillors voting in the negative.
- d) If a prior vote has been taken on the motion or amendment, a Councillor or member is not prevented from changing his or her original vote at the division.
- e) Once a vote has been taken under a division, no further vote may be taken on the relevant motion or amendment in that meeting.

#### **42. Introducing a Report**

- a) Before a written report is considered by Council and any motion moved in relation to such report, a member of Council staff may, at the request of the Mayor, introduce the report by outlining in not more than two (2) minutes:
- i) its background; and/or
  - ii) the reason for any officer recommendation which appears.
- b) Unless Council resolves otherwise, a member of Council staff need not read any written report to Council in full.

#### **43. Debate from the Chair**

- a) The Mayor may address a Council meeting on any matter under discussion including speaking in favour of or opposing a motion,
- i) if the Mayor is speaking on a matter, points of order or other procedural matters may be raised with the Deputy Mayor.
- b) The Mayor must vacate the chair to move a motion or amendment.
- c) The Deputy Mayor (or alternative Councillor) will become the temporary chair until the Mayor has concluded their debate, at which time they will resume the chair
- i) where the Deputy Mayor is not present, or declines to take the chair, a temporary chair elected by resolution shall take the chair until such item has been voted on.

#### **44. Moving a motion**

- a) The procedure for any motion is:
- i) the Mayor calls for a motion to be put to the Council;
  - ii) the mover must state the motion without speaking to it;
  - iii) the motion must be seconded and the seconder must be a Councillor other than the

mover; and

- iv) if the motion is not seconded, the motion lapses;
  - v) if there is a seconder, then the Mayor must ask: "Is the motion opposed? Does any Councillor wish to speak on the motion?";
  - vi) if no Councillor indicates opposition or a desire to speak to it, the Mayor must declare the motion carried without discussion;
  - vii) a Councillor may seek leave from the Mayor to make a statement on the matter once the motion is carried in this manner;
  - viii) if a Councillor indicates opposition or a desire to speak to it, then the Mayor must call on the mover to address the meeting;
  - ix) after the mover has addressed the meeting, the seconder may address the meeting or reserve the right to speak later in the debate;
  - x) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder reserves their right to speak), the Mayor must invite debate by calling on any Councillor who wishes to speak for the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
  - xi) if after the mover has addressed the meeting, the Mayor has invited debate and no Councillor speaks to the motion, then the Mayor must put the motion to the vote.
- b) The Mayor may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.
  - c) The Mayor may adjourn the meeting while a motion is being written or request that the matter be deferred until later in the meeting.

#### **45. Rejecting a motion**

- a) The Mayor must reject any motion or amendment which:
  - i) is offensive or defamatory;
  - ii) is outside the powers of the Council otherwise contrary to the Council's legal obligations or is not relevant to the item of business on the agenda and has not been admitted as urgent business under Rule 18; or
  - iii) purports to be an amendment but would have the effect of negating the principal intent of the motion it seeks to amend.
- b) If it appears to the Chief Executive Officer that a proposed motion or amendment is contrary to the Council's legal obligations, the Chief Executive Officer must advise the Mayor in a timely manner.

#### **46. Lapsed motion or amendment**

- a) A motion or amendment lapses under these Governance Rules if it is not moved or seconded.
- b) Lapsed motions or amendments are not required to be recorded in the minutes of the meeting.
- c) Nothing in these Governance Rules prohibits a lapsed motion from being considered at a

later meeting of the Council.

#### **47.Right of reply**

- a) The mover of a motion has a single right of reply to matters raised during the debate.
- b) No new material or comments may be raised during the right of reply.
- c) If a Councillor (other than the mover) has not spoken against the motion there is no right of reply.
- d) After the right of reply has been exercised, the motion must be immediately put to the vote without further discussion or debate.

#### **48.Debating the motion**

- a) Debate must always be relevant to the motion and the Chairperson may:
  - i) request a speaker to confine debate to the subject motion; or
  - ii) direct a speaker to cease speaking if he or she continues to debate irrelevant matters. The speaker must then cease speaking.
- b) No Councillor or member may speak more than once in debating a motion, except where the mover of the motion has a right of reply
- c) A Councillor with leave of the Chairperson may briefly make comment on a motion adopted by the Council for the purposes of informing the public and or highlighting the significance of the decision.

#### **49.Moving an Amendment**

- a) A motion, which has been moved or seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the motion.
- b) An amendment to a motion cannot be negative, or substantially contrary, to the motion.
- c) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion.
- d) If a Councillor proposes an amendment and the original mover and seconder of the motion both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote, and the debate of the motion continues in accordance with Rules 44, 47 and 48.
- e) If a Councillor proposes an amendment to which either the original mover or seconder does not agree, the following will apply:
  - i) The amendment must be moved and seconded.
  - ii) Debate will proceed in accordance with Rules 44, 47 and 48
  - iii) A Councillor may speak on any amendment once, whether or not they have spoken to the substantive motion, but debate must be confined to the terms of the amendment.
- f) Any number of amendments may be proposed to a motion, but only one amendment may be accepted by the Mayor at any one time. 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 and voted on.

- g) The mover of an amendment does not have a right of reply.
- h) If an amendment is carried then the motion is altered accordingly and becomes the matter before the meeting (known as the substantive motion).
- i) Unless subject to further amendment and debate on the proposed amendment, the motion (as amended) must be put to the vote by the Mayor.
  - i) Prior to the vote in sub-rule (i) above, only Councillors who did not speak to the original motion, prior to the amendment debate and vote, may speak on the original or amended motion.
- j) The mover of the original motion retains the right of reply to the motion (either the original or the substantive motion following amendment).

#### **50. Foreshadowing motions or amendments**

- a) At any time during debate, a Councillor may foreshadow their intention to move a motion or amendment at a later stage in the meeting. This does not extend any special right to the foreshadowed motion.
- b) A foreshadowed motion is not required to be recorded in the minutes until or unless it is proposed as a motion and seconded.

#### **51. Withdrawal of motion or amendment**

- a) Before any motion or amendment is put to the vote it may be withdrawn by the mover..

#### **52. Separation of motions**

- a) Where a motion contains more than one part the Mayor may decide to put the motion to the vote in separate parts, achieved by:
  - i) proposing an alternate motion for each part, seeking a mover and seconder and voting; or
  - ii) the motion is moved and seconded but the Mayor seeks a vote on each part of the motion.
- b) If a motion is to be separated due to conflict of interest of one or more Councillors, as per Rule 31, those Councillors with a conflict of interest cannot move or second the part of the motion in which they have a conflict of interest.
- c) Rule 52(a)(ii) cannot be used to manage a conflict of interest situation.

#### **53. Debate for notice of motion, rescission or amendment**

- a) Debate on notices of motion and notices of rescission or amendment shall be conducted in accordance with the Rules outlined in Part 5.
- b) If a notice of motion or motion for rescission or amendment is lost a similar motion may not be put before the Council for at least three (3) months from the date it was last lost.
- c) Council may resolve that a lost motion be re-listed at a future meeting.
- d) If a notice of motion or motion for rescission or amendment is not moved at the meeting for which it is listed, it lapses.
- e) A notice of motion or notice for rescission or amendment listed on an agenda may be moved by any Councillor present;



- f) Where the notice is moved by a Councillor other than the Councillor listed for the notice in the meeting agenda, that Councillor moving the notice cannot amend the notice.
  - i) Amendments to a notice of motion will be made in accordance with Rule 49.
  - ii) Notices of motion seeking leave may only be amended to correct errors in fact or omission.

#### **54. Rescission motion not required**

- a) A motion for rescission or amendment is not required where Council wishes to change policy.
- b) Notwithstanding sub-rule (a), the following standards should generally apply if the Council wishes to change policy:
  - i) if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission should be presented to the Council; and
  - ii) 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.
- c) The Council may determine the extent to which these standards should be followed, which will depend on the circumstances of each case.

#### **55. Raising a point of order**

- a) A Councillor may raise a point of order at any time if they consider that:
  - i) a procedural error has occurred, where the Act or these Governance Rules are not being complied with;
  - ii) there has been an error in fact, or misrepresentation of facts;
  - iii) the speaker lacks relevance to the motion before Council; or
  - iv) a Councillor should be called to order under rule 38.
- b) A Councillor raising a point of order must:
  - i) state the point of order; and/or
  - ii) state the relevant rule or provision supporting the point of order.
- c) A Councillor raising a point of order is not deemed to be speaking to the motion or amendment before the meeting.
- d) All other matters before the Council are suspended until the point of order is decided; it is not necessary to suspend standing orders.
- e) The Mayor must decide all points of order without entering into discussion or debate.
- f) The Mayor may adjourn the meeting to consider a point of order or otherwise must rule on it as soon as it is raised.
- g) The decision of the Mayor in respect to a point of order is final and conclusive unless the meeting dissents.

**56. Dissenting a decision**

- a) A Councillor may move a motion of dissent in the Mayor's decision on a point of order.
- b) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Mayor.
- c) A motion of dissent in relation to a point of order is not a motion of dissent in the Mayor.
- d) The Mayor remains in the chair and may exercise a second vote if exactly half the members vote in favour of the motion of dissent.

**57. Points of clarification**

- a) A Councillor may, when no other Councillor is speaking raise a point of clarification through the Mayor in order to clear up confusion, ask a question about a motion or report, or enquire as to the correct motion.
- b) A point of clarification should be limited to the facts and should not seek opinions of members of Council staff beyond what is expressed in a report.
- c) A point of clarification may relate to the facts on a notice of motion or item of urgent business.
- d) A point of clarification may be raised to understand the point in the process of debate on a motion or an amendment.
- e) Points of clarification may not be used to further debate of a motion, or air opinion beyond what is required to ask the question to provide clarification.
- f) Where a Councillor is determined by the Mayor to be:
  - i) intentionally mischievous and/or disruptive to the meeting by calling for frivolous or repetitive points of clarification;
  - ii) calling points of clarification as a means to further debate; or
  - iii) calling for points of clarification where the relevant information or response has already been provided,

the Councillor may be called to order and refused any further requests for clarification by the Mayor.

- g) The Mayor has the right to limit points of clarification and direct that debate be commenced or resumed.

**58. Procedural motions**

- a) Subject to sub-rule (b), a procedural motion may be moved at any time and must be dealt with immediately by the Mayor.:
- b) A procedural motion must not be moved:
  - i) during the election of the Mayor, unless it is to adjourn a meeting; or
  - ii) while any Councillor is speaking.
- c) A procedural motion cannot be moved:
  - i) by the Mayor; or

- ii) by a Councillor or member who has moved, seconded or spoken on the motion or amendment to which the procedural motion relates.
- d) A procedural motion must be seconded.
- e) Unless otherwise provided, debate on a procedural motion is not permitted.
- f) Unless otherwise provided, a procedural motion cannot be amended.
- g) Table 1 (below) outlines common procedural motions and the methodology for each.

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Table 1: Procedural Motions

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Deferral of a matter (to a future meeting)</b>	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a <i>Chairperson</i> ; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
<b>Closure (of debate)</b>	'That the motion now be put'	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a <i>Chairperson</i>	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
<b>Laying a motion on the table (pausing debate)</b>	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No
<b>Take a motion from the table (resume debate on a matter)</b>	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
<b>Alter the order of business</b>	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the <i>Agenda</i>	No

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Suspension of Standing Orders</b>	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion  No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
<b>Resumption of Standing Orders</b>	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
<b>Consideration of confidential matter(s)</b> (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx is  <i>confidential as it relates to [insert reason]</i>	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes
<b>Reopen the meeting</b>	'That the meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The meeting remains closed to the public	No

**59. Adjourning a matter**

- a) A Councillor may move that the matter be adjourned.
- b) If a motion to adjourn a matter under this rule is passed the motion under consideration and any amendments proposed to that motion are adjourned.
- c) A motion under sub-rule (a) may specify that the matter be adjourned until a specific meeting or until a specific time or place.
- d) If a motion under sub-rule (a) does not state when debate will be resumed, it may be included on the agenda for another meeting:
  - i) if resolved by the Council; or
  - ii) at the discretion of the Chief Executive Officer.
- e) A motion under this rule may be debated, but may only be amended in respect to the time and place when debate will be resumed.

**60. Setting aside a motion**

- a) A Councillor may move that the motion be NOT put.
- b) A motion under sub-rule (a) that relates to a motion:
  - i) if carried, prevents the motion from being dealt with and the meeting proceeds to the next matter; or
  - ii) if lost, allows debate on the motion to continue.
- c) A motion under sub-rule (a) that relates to an amendment:
  - i) if carried, prevents the amendment from being dealt with and the meeting proceeds with debate on the motion; or
  - ii) if lost, allows debate on the amendment to continue.
- d) A motion under this rule must not be debated.

**61. Putting the motion**

- a) A Councillor may move that the question be now put.
- b) A motion under sub-rule (a):
  - i) if carried, requires the motion or amendment that is currently before the meeting to be voted upon immediately; or
  - ii) if lost, allows debate on the motion or amendment to continue.
- c) The Mayor may reject a motion to put the motion if the Mayor considers that the matter is contentious and has not been adequately debated.
- d) A motion under this rule must not be debated.

**62. Adjourning a meeting**

- a) A Councillor, including the Mayor, may move that the meeting be adjourned.

- b) A motion under sub-rule (a) may specify when the meeting will resume, which may be:
  - i) at a specific time, date and place;
  - ii) at the conclusion of another scheduled meeting; or
  - iii) at a time to be determined by the Chief Executive Officer.
- c) A motion to adjourn a meeting may be debated, but may only be amended in respect to the time and place when a meeting will be resumed.

### **63. Suspension of standing orders**

- a) The Council may, by resolution, suspend standing orders for:
  - i) the purposes of enabling a full discussion of an issue; or
  - ii) any other reasonable purpose determined by the meeting.
- b) During a period when standing orders are suspended, no decision, motion or other formal proceeding may be allowed, other than:
  - i) the raising of a point of order; or
  - ii) a motion to resume standing orders.
- c) The minutes of a meeting do not have to include a detailed account of matters considered during a period when standing orders are suspended.
- d) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the Council. An appropriate motion is contained in Table 1.
- e) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion is contained in Table 1.



## Part 6: Record Keeping

### 64. Keeping of minutes

- a) The Chief Executive Officer must ensure that minutes of Council meetings are kept.
- b) The minutes of a Council meeting must record:
  - i) the date, place, and time of a Council meeting;
  - ii) the names of Councillors and whether they are present, an apology, on leave of absence, or absent;
  - iii) the titles of the members of Council staff present who are not part of the gallery;
  - iv) the disclosures of conflicts of interest made by a Councillor and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed;
  - v) the arrivals and departures of Councillors during the course of the meeting, including at temporary departures or arrivals, including lost connections if attending electronically;
  - vi) every motion and amendment moved, including procedural motions;
  - vii) the outcome of any motion moved;
  - viii) where a division is called the names of every Councillor and the way their vote was cast – noting under the Act abstaining is a vote against the motion;
  - ix) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any motion – noting under the Act abstaining is a vote against the motion;
  - x) details of any failures to achieve or maintain a quorum;
  - xi) a summary of any question asked and the response provided as part of the public question time;
  - xii) details of any petitions made to Council but not the petition signatures;
  - xiii) details of any extraordinary circumstances regarding an unscheduled meeting;
  - xiv) the time the Council meeting was opened and closed, including any part of the Council meeting that was closed to members of the public; and
  - xv) any other matter, which the Chief Executive Officer or delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the minutes.
- c) The draft (unconfirmed) minutes of Council meetings, excluding those parts of meetings that are closed to the public, must be published on the Council's website within five (5) working days after the relevant meeting.
- d) Minutes of any closed Council meetings should record the same information where appropriate, however these minutes remain confidential and are not made available on Council's website.

### 65. Confirmation of minutes

- a) The Chief Executive Officer must ensure that the draft (unconfirmed) minutes of Council

meetings, are submitted to the next scheduled Council meeting for confirmation.

- b) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- c) If a Councillor is dissatisfied with the accuracy of the minutes, then the Councillor must propose a motion specifying the alternative wording to amend the minutes.
- d) Following confirmation, the confirmed minutes are to be displayed on Council's website.
- e) Council will confirm the minutes of any closed Council meeting at the next scheduled Council meeting, however these minutes will only be circulated to Councillors and not publicly available.

#### **66. Other meeting records**

- a) The Chief Executive Officer must ensure that a written record of the matters discussed at other specified meetings organised by Council, which involve Councillors and Council staff, will be kept.

- b) For the purposes of sub-rule (a) the specified meetings are as follows:

- i) An advisory committee of the Council, if at least one Councillor is present; or
- ii) A planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -
  - 1) the subject of a decision of the Council; or
  - 2) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee

but does not include a meeting of the Council, a delegated committee of the Council, a meeting of the audit and risk committee, a club, association, peak body, political party or other organisation.

- c) For the purposes of sub-rule (a), the written record of meetings must include:

- i) the names of attending Councillors, staff members and other persons;
- ii) a short title of the matters discussed; and
- iii) any conflicts of interest disclosed by Councillors or Council staff and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed.

- d) The Chief Executive Officer must ensure that the written record of meetings is, as soon as practicable, reported at a scheduled meeting of the Council and incorporated in the minutes of that Council meeting.

#### **67. Conflict of interest register**

- a) Disclosures of conflicts of interest by Councillors in accordance with these Governance Rules will be captured in a conflict of interest register, a summary of which will be available on Council's website.
- b) Disclosures of conflicts of interest by Council staff in accordance with these Governance Rules will be captured in the Council staff conflict of interest register.

## Part 7: Meetings under the auspice of a Council meeting

### 68. Disclosure of a conflict of interest at a meeting under the auspices of Council

- a) At a meeting under the auspices of Council that is not a meeting of the Council, the Chief Executive Officer must ensure that a written record is kept of—
  - i) the names of all Councillors and members of Council staff attending;
  - ii) the matters considered;
  - iii) any conflict of interest disclosures made by a Councillor attending under sub-rule (c);
  - iv) whether a Councillor who has disclosed a conflict of interest as required by sub-rule (c) leaves the meeting.
- b) The Chief Executive Officer must ensure that the written record of a meeting held under this rule is, as soon as practicable—
  - i) reported at a meeting of the Council; and
  - ii) incorporated in the minutes of that Council meeting.
- c) If a Councillor attending a meeting held under this Rule knows, or would reasonably be expected to know, that a matter being considered by the meeting is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest, the Councillor must, at the time set out in sub-rule (d), disclose to the meeting that they have a conflict of interest and leave the meeting whilst the matter is being considered by the meeting.
- d) A Councillor must disclose the conflict of interest either—
  - i) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
  - ii) if the Councillor realises that they have a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that they have a conflict of interest.
- e) A Councillor who makes a disclosure under sub-rule (c) or (d) must complete and submit a conflict of interest form.
- f) The Chief Executive Officer must—
  - i) keep written disclosures received under this rule in a secure place for 3 years after the date the Councillor who made the disclosure ceases to be a Councillor; and
  - ii) destroy the written disclosure when the 3 year period referred to in paragraph (i) has expired.

## Part 8: Delegated Committees

### 69. Rules apply to Delegated Committees

- a) The Governance Rules will apply to the delegated committee meetings:
  - i) with the exception of:
    - 1) Part 2: Election of the Mayor;
    - 2) Part 7 Meetings under the auspice of a Council meeting;
    - 3) Part 9: Community Asset Committee;
    - 4) Part 10: Joint Council Meetings;
    - 5) Part 12: Election Period Policy; and
  - ii) with any necessary modifications outlined in the terms of reference for the individual delegated committee
- b) For the purpose of sub-rule (a):
  - i) a Council meeting is to be read as a reference to a delegated committee meeting;
  - ii) a Councillor is to be read as a reference to a member of a delegated committee;
  - iii) a reference to the Mayor is to be read as a reference to the Chair or Chairperson of the delegated committee.
- c) Public notice will be given at least seven (7) days before a meeting of any delegated committee comprised entirely of Councillors.
- d) If a delegated committee is not comprised entirely of Councillors, the Chairperson must provide reasonable notice of a meeting of the delegated committee to the public.
- e) An agenda for a meeting of a delegated committee which is not comprised solely of Councillors must be prepared by or on behalf of the Chief Executive Officer, and be provided to each member at least 48 hours before the meeting.
- f) A member of a delegated committee may give a notice of motion on any motion the member wants to be considered at a meeting of the delegated committee.
  - i) A notice of motion given by a member must be given in writing to the Chief Executive Officer in sufficient time for the Chief Executive Officer to include it in the agenda for the meeting at which it is proposed to be considered.
- g) At a delegated committee meeting, business that is not included in the agenda must not be considered unless the committee solely comprises all the elected Councillors, in which case sub-rules (a) and (b) apply.
- h) The approved minutes of a delegated committee that is not comprised of all Councillors must be submitted to the next practicable Council meeting.

## Part 9: Community Asset Committees

### 70. Community Asset Committees

- a) A community asset committee established by Council under section 65 of the Act:
- i) is not required to comply with these Governance Rules unless the committee is exercising delegated authority conferred by the Chief Executive Officer in;
    - 1) which case Rule 32 will apply concerning the disclosure of a conflict of interest, and a reference to a Councillor in Rule 32 is to be construed as a reference to a member of the community asset committee;
  - ii) is required to keep meeting minutes which must be submitted to the Chief Executive Officer following confirmation of the minutes at the next meeting; and
  - iii) must act in accordance with its Charter, Instrument of Delegation and any Terms of Reference established by the Chief Executive Officer.

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## Part 10: Joint Council Meetings

### 71. Participate in Joint Council Meetings

- a) Council may resolve to participate in a Joint Council meeting to consider:
  - i) matters subject to discussion of any existing alliance;
  - ii) collaborative projects;
  - iii) collaborative procurement;
  - iv) collaborative response.
- b) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on Governance Rules with the participating Councils.
- c) Where the Macedon Ranges Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to chair the Joint Council meeting.
- d) A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- e) Consistent information will be provided to Councillors prior to any Joint Council meeting and every endeavor will be made by the Chief Executive Officer to facilitate a joint briefing.
- f) A joint briefing arranged in accordance with sub-rule (e) may be held electronically.

## Part 11: Disclosure of Conflicts of Interest for Staff

### 72. Disclosure of a conflict of interest by a member of Council staff

- a) A member of Council staff who is providing information to:
- i) a meeting of the Council, a delegated committee or a community asset committee; or
  - ii) another member of Council staff exercising a power of delegation or performing a statutory function –
- and who has a conflict of interest in a matter to which the information relates, must disclose the conflict of interest when providing the information and before the information is considered by the applicable meeting referred to in paragraph (i) or another member of staff referred to in paragraph (ii).
- b) A disclosure made by a person under sub-rule (a) must be recorded:
- i) in the minutes of the applicable meeting referred to in paragraph (a)(i); and
  - ii) in a conflict of interest disclosure register maintained by the Chief Executive Officer;
  - iii) if the information is provided to another member of Council staff referred to in paragraph (a)(ii) in a conflict of interest disclosure register maintained by the Chief Executive Officer.
- c) A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must—
- i) not exercise the power or discharge the duty or function; and
  - ii) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest to—
    - 1) the Mayor, in writing, as soon as they become aware of the conflict of interest in the matter; and
    - 2) the Council by no later than the next meeting of the Council; and
  - iii) in the case of any other member of staff, disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as they become aware of the conflict of interest in the matter.
- d) The Chief Executive Officer does not have a conflict of interest in a matter if the matter only relates to—
- i) the adoption or amendment of a policy relating to Council staff generally;
  - ii) the adoption of a code of conduct for Council staff; or
  - iii) a decision to delegate a power, duty or function to a member of Council staff.

## **Part 12: Election Period (Caretaker) Policy**

### **73. Election Period (Caretaker) Policy**

- a) Council's Election Period (Caretaker) Policy adopted under section 69 of the Act is contained in Appendix 1.

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<b>Policy Title:</b>	<b>Election Period (Caretaker) Policy</b>	
<b>Date of Adoption:</b>	26 August 2020	
<b>Adoption Method:</b>	<input checked="" type="checkbox"/> <b>Council</b> <input type="checkbox"/> <b>CEO</b> <input type="checkbox"/> <b>Other (please specify)</b>	
<b>CEO Signature:</b>		<b>Date:</b> 28 August 2020
<b>Responsible Officer and Unit:</b>	Coordinator Governance	
<b>Nominated Review Period:</b>	<input type="checkbox"/> <b>Annually</b> <input checked="" type="checkbox"/> <b>Other: 12 months prior to each General Election</b>	
<b>Last Review Date:</b>	June 2020	
<b>Next Review Date:</b>	To be completed by 23 September 2023. (At least once in each Council term and, no later than 12 months prior to the commencement of an election period.	
<b>Purpose / Objective:</b>	To ensure that the ordinary business of Council continues throughout the election period in a responsible and transparent manner, and in accordance with statutory requirements and established 'caretaker conventions'.	
<b>Background / Reasons for Policy:</b>	<p>Section 69 of the <i>Local Government Act 2020 (Vic)</i> (The Act) requires Council to include an election period policy in its Governance Rules. The Act stipulates that: the policy prohibit certain decisions during the election period (ss.69(2) and (3); that certain decisions if made in the election period will be invalid (69(4)) and that any person who suffers loss or damage as a result of acting in good faith on an invalid Council decision is entitled to compensation (69(5)).</p> <p>These statutory requirements are minimum governance standards only and this policy, to be read in conjunction with the Councillor Code of Conduct, further defines the expectations on Council, Councillors and Council staff during the period prior to the conduct of Council elections.</p>	
<b>Related Policies:</b>	Councillor Code of Conduct Staff Code of Conduct Councillor Support and Expenses Policy Community Engagement Policy  Media Policy Social Media Policy Social Media Guidelines	
<b>Related Legislation:</b>	<i>Local Government Act 1989 (Vic)</i> <i>Local Government Act 2020 (Vic) (the Act)</i>	

## Contents

### Introduction

1. Definitions.....	4
2. Scope .....	5
3. Policy principles.....	5
4. Decisions during the election period .....	5
4.1 Prohibited decisions during election period .....	5
4.2 Scheduling of Decisions.....	6
4.3 Decisions by the CEO.....	6
4.4 Announcement of decisions made prior to the election period.....	7
4.5 Conduct of Council Meetings.....	7
5. Council publications.....	7
5.1 Prohibition on publishing materials during the election period .....	7
5.2 Considerations of CEO in granting publication approval.....	7
5.3 Council websites.....	8
5.4 Social media.....	8
5.5 Email usage.....	8
5.6 Annual Report .....	8
5.7 Council publications .....	8
5.8 Council noticeboards and buildings.....	8
6. Consultations .....	8
7. Events and functions .....	8
8. Council resources .....	9
8.1 Council resources .....	9
8.2 Correspondence.....	9
8.3 Expenses incurred by Councillors.....	9
8.4 Council branding and stationery .....	9
8.5 Photographs and images .....	9
8.7 Forums .....	9
9. Access to Council information .....	10
9.1 Information and briefing material .....	10
9.2 Information requests from Councillors and candidates.....	10
10. Media and media services.....	10
10.1 Media advice.....	10
10.2 Media releases/spokespersons .....	10
10.3 Publicity campaigns.....	10
10.4 Councillors.....	10
10.5 Council staff .....	11
11. Equity in assistance to candidates .....	11

11.1 Candidate assistance and advice .....	11
11.2 Election process enquiries .....	11
11.3 Misuse of position .....	11
12. Council staff member standing for election .....	11
13. Election signage .....	11
13.1 Election signs on private land .....	11
13.2 Election signs on public land and roads .....	12
13.3 Election signs on vehicles and trailers .....	12
14. Notification and distribution of policy .....	12
15. Suspension of matters during election period .....	12
16. Monitoring, enforcement and amendment .....	12
Request for approval of publication during the election period .....	13
Submission to information request register form .....	14

#### Revision and review history

Version control	Approved, Amended, Rescinded	Date effective	Approved by	Document Reference	Summary of Changes
		7/11/2019	Chief Executive Officer		Correct date of commencement of election period
		06/2020	Chief Executive Officer		Replace repealed provisions and terminology from the <i>Local Government Act 1989</i> and incorporate new provisions of <i>Local Government Act 2020</i>
					Minor updates as part of review of Governance Rules

## Introduction

The election period starts at the time that nominations close on nomination day; and ends at 6pm on election day.

## 1. Definitions

Term	Definition
<b>Caretaker conventions</b>	Arrangements implemented in the period prior to an election that aim to ensure Council actions do not interfere with the integrity of the election process and aim to protect the authority of the incoming Council.
<b>Election date</b>	Means the day of an election determined under section 257 or 260 of the <i>Local Government Act 2020</i> .
<b>Election manager</b>	The Victorian Electoral Commission (VEC) or a person appointed in writing by the VEC.
<b>Election period:</b>	The period that starts at the time that nominations close on nomination day and ends at 6pm on election day. This period is commonly referred to as the caretaker period.
<b>Electoral material</b>	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.
<b>Electoral matter:</b>	<p>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.</p> <p>Without limiting the generality of the definition, electoral matter is to be taken to be matter intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on –</p> <ul style="list-style-type: none"> <li>a) The election; or</li> <li>b) A candidate in the election; or</li> <li>c) An issue submitted to, or otherwise before, the voters in connection with the election.</li> </ul>
<b>Events and functions:</b>	Gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities and social occasions such as dinners, receptions and balls.
<b>Prohibited decision</b>	Any Council decision during the election period for a general election that— <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(c) the Council considers could be reasonably deferred until the next Council is in place; or</li> <li>(d) the Council considers should not be made during an election period; and</li> </ul>

	Any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
<b>Publish:</b>	Any means, including by publication on the internet.

## 2. Scope

This policy applies during an election period to cover:

- decisions that are made by Council, a committee having Council delegated power, or person acting under delegation by Council
- any material that is published by Council or on Council's behalf
- public consultation activities
- scheduling, attendance and participation in functions and events
- the use of Council resources
- access to Council information
- media services issues (including media advice, media releases / spokespersons) and publicity campaigns.

Any such decisions or actions, if allowed at all, must only be made or taken subject to the following principles.

## 3. Policy principles

This policy must be complied with during an election period, or such longer period as resolved by Council, if any of the following apply:

- a prohibited decision is being considered
- written material which has reference in it to a candidate (which includes sitting Councillors) or the election or an issue before the voters in connection with the election) is about to be published
- a Council publication is being created
- a public consultation process is being considered
- a sitting Councillor is planning to attend a function or event
- Council staff supply administrative or resource support to Councillors
- a Councillor requests access to Council information
- a sitting Councillor requests media advice or services.

## 4. Decisions during the election period

Council, a committee acting under delegation given by Council, or a person acting under delegation given by the Council or the Chief Executive Officer, must not make a prohibited decision during the election period for a general election.

### 4.1 Prohibited decisions during election period

Section 69(2) of the Act requires that the election period policy prohibits Council making certain decisions during the election period for a general election. These are defined in clause 1 of this policy and are outlined further below in clauses 4.1.1 to 4.1.4.

Additionally, section 69(3) of the Act requires that the policy prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election. These matters are considered below in clauses 5-10 of this policy.

#### **4.1.1 Decisions regarding appointment and remuneration of the Chief Executive Officer**

Decisions that relate to the appointment or remuneration of the Chief Executive Officer will not be made during the election period for a general election.

#### **4.1.2 Decisions regarding Council expenditure**

Decisions that commit 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 will not be made during the election period for a general election. []

#### **4.1.3 Decisions that could be reasonably deferred until the next Council is in place**

Decisions that could reasonably be deferred until the next Council is in place will be scheduled for determination by the incoming Council. In determining whether a decision could be reasonably deferred, consideration will be given to whether the matter under consideration is urgent and cannot be deferred without having a negative impact on the Council, the municipality or the local community.

#### **4.1.4 Decisions that should not be made during the election period**

The following is a non-exhaustive list of decisions (whether made by Council, a delegated committee of Council or a staff member with delegated authority) that Council considers should not be made during the election period:

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

#### **4.2 Scheduling of Decisions**

Unless 'extraordinary circumstances' apply the CEO will ensure that the types of decisions outlined in 4.1.3 and 4.1.4 are either:

- considered by Council prior to the election period, or
- scheduled for determination by the incoming Council.

#### **4.3 Planning decisions that can be made**

During the election process, the normal processing of planning applications and planning scheme amendments may continue, so that Council can comply with statutory obligations in a timely manner.

#### **4.4 Decisions by the CEO**

In the case of a decision referred to the CEO for approval during the election period, in deciding whether to give approval, the CEO will have regard to a number of factors including:

- 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 Council
- Council's legislative responsibilities.

#### 4.5 Announcement of decisions made prior to the election period

This policy applies only to the actual making of decisions, not the announcement of decisions which have been made prior to the election period. However, as far as practicable such announcements should be made before the election period begins.

#### 4.6 Conduct of Council Meetings

The following adjustments will be made to the conduct of Council Meetings during the election period:

- public question time will be suspended.
- councillors will limit their discussion during debate to the topic under consideration and will avoid raising electoral matter where possible.
- councillors will not raise items that contain or relate to electoral matter.
- no officer report shall be presented to Council during the election period unless it contains an express statement by the CEO that a decision on the matter would not constitute a prohibited decision.

### 5. Council publications

#### 5.1 Prohibition on publishing materials during the election period

It is prohibited under section 304(2) of the Act for a Councillor or a member of Council staff to use Council resources to intentionally or recklessly print, publish or distribute, or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, the Council, unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Councillors are, however, able to publish campaign material on their own behalf and at their own cost, but must assume responsibility for compliance with the relevant sections of the Act and cannot purport for that material to be originating from, or authorised by Council (i.e. by use of Council logos).

The word 'publication' should be read broadly to include printed material, electronic information and web-based productions.

##### 5.1.1 Publication approval process

The CEO will ensure that information is provided to Councillors, staff and contractors prior to the election period to preclude unauthorised publication of materials during an election period.

All advertisements, handbills, pamphlets or notices for printing, publication (including updates to Council's websites) or distribution during the election period will be approved by the CEO using the *Request for approval of publication* form (see sample form in Attachment 1) during the election period and the process for approval will be as follows:

- publication authors are to check that no electoral matter is included when preparing a publication and submit the completed publication to the Coordinator Governance for review
- the Coordinator Governance is to confirm that no electoral matter is included, and return the publication to the author (if electoral matter is present) or submit it to the CEO for approval (if it complies with the requirements of the Act).
- the CEO is to approve or reject the publication and return it to the Coordinator Governance
- the Coordinator Governance is to maintain a register of all documents approved under this section.

#### 5.2 Considerations of CEO in granting publication approval

Except as described more specifically elsewhere in this policy, in considering whether to grant approval for the publication of material during the election period, the CEO will not permit any materials to be published which include reference to the following:

- a candidate in the election
- a current Councillor

- the strengths or weaknesses of a candidate
- response to claims made by a candidate
- advocacy for, or criticism of, the policies of Council or of a candidate
- publicity for the achievements of the elected Council or Councillor
- an issue before the voters in connection with the election.

### 5.3 Council websites

During the election period Council websites will not contain material precluded by this policy under clause 5.2. Any references to the election will only relate to the election process. Information about Councillors will be restricted to names and contact details.

### 5.4 Social media

For the duration of the election period, administrator access to Council's social media channels will be restricted to the Communications Unit to ensure the risk of publishing material in breach of the policy is minimised. The CEO will determine any other processes and resourcing necessary to moderate social media in accordance with this policy.

### 5.5 Email usage

The CEO will ensure that information is provided to Councillors, staff and contractors prior to the election period to preclude unauthorised publication of materials via the Council email system during an election period. Such information will include support in recognition of material that may be defined as 'electoral material', such as described in clause 5.2, and instruction to ensure that material that may be considered pertinent to the election is not circulated more widely than normal without authorisation.

### 5.6 Annual Report

Should the publication date of the Annual Report occur during the election period, information about Councillors will be restricted to what is required by *the Local Government (Planning and Reporting) Regulations 2014* and membership of special committees and other bodies to which they have been appointed by Council.

### 5.7 Council publications

Any Council publication which is potentially affected by this policy will be reviewed by the Coordinator Governance, Manager Communications or the CEO to ensure that any circulated, displayed or otherwise publicly available material during the election period does not contain content that may be construed as 'electoral matter'.

### 5.8 Council noticeboards and buildings

During the election period Council noticeboards and buildings will only be used for display of material that only contains information about the election process itself or information that would not reasonably be determined to be 'electoral material'.

## 6. Consultations

Public consultation of a limited kind normally associated with the routine administration of planning, building, traffic, or other matters will continue through the election period. However, significant community or ward-wide consultation on major strategy or policy issues will not occur, or if already commenced should be discontinued during the election period.

Public consultations required by Section 223 of the *Local Government Act 1989* or by the *Planning and Environment Act 1987* may need to occur during the election period. If required, these processes will be conducted in accordance with the legislative requirements and Council's Community Engagement Policy.

## 7. Events and functions

Councillors are able to continue to attend meetings, events and functions during the election period which are relevant to the Council and the community.



Council's annual program of events will continue during the election period however speeches will be limited to a short welcome, and should not contain any express or implied reference to the election. Any publicity will be mindful of the controls on electoral material outlined in these guidelines.

Councillors are able to attend events or functions conducted by external bodies during the election period, however when attending as a representative of Council, Councillors must be mindful that they do not use that opportunity to promote their election campaign.

## **8. Council resources**

Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Council staff should avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes.

Staff, including support staff for the Mayor and Councillors, must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

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 Coordinator Governance or the CEO.

### **8.1 Council resources**

Council resources, including officers, support staff, hospitality services, equipment (including mobile telephones, computers and any other technology), email addresses, and stationery should be used exclusively for normal Council business during the election period, and should not be used in connection with an election.

### **8.2 Correspondence**

Councillors will sign only the necessary minimum, if any, correspondence during the election period, eg the Mayor cannot sign letters of congratulations during the election period. Consistent with current standard practice, correspondence addressed to Councillors that relates to operational matters will be referred to the relevant Director for response. Correspondence in respect to significant, sensitive or controversial matters, or to policy matters, should be signed by the CEO. Replies will be prepared in all cases to protect Council staff from any perception of political bias.

### **8.3 Expenses incurred by Councillors**

Payment or reimbursement of costs relating to Councillors' out-of-pocket expenses incurred during the election period should only apply to necessary costs that have been incurred in the performance of normal Council duties, not campaigning, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign. In the case of Councillor claims that cover a combination of Council and electoral business, the CEO will only approve a partial reimbursement to cover Council activities.

### **8.4 Council branding and stationery**

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

### **8.5 Photographs and images**

Photographs and images taken by or provided by Council are not to be used by Councillors for the purpose of electioneering or in support of their election campaign.

This applies equally to images on the Council website that may be able to be copied.

### **8.7 Forums**

No local community forums, ward meetings or any other forums where matters affecting Council services, major projects, planning matters and issues with Shire-wide impacts will be held by Councillors during the election period.

## 9. Access to Council information

All candidates have equal rights to access public information relevant to their election campaign from the Council administration. Council information sought by candidates will be listed on Council's website. Candidates may seek, through the CEO, copies of the Council information listed on the website and provided to another candidate or candidates. Neither Councillors nor candidates will be provided information or advice from Council staff that might be perceived to support and advise them during the election period.

### 9.1 Information and briefing material

Information and briefing material prepared or secured by staff for a Councillor during the election period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

### 9.2 Information requests from Councillors and candidates

The Coordinator Governance will maintain an Information Request Register during the election period. This Register is a public document and will record all requests for information by Councillors or candidates, and the response given to those requests. Staff will be required to provide details of requests and responses to the Coordinator Governance for inclusion in the register.

Any enquiries by staff regarding information requests or briefing material perceived to be of an electoral nature or related to election issues will be referred by staff in the first instance to the Coordinator Governance for a determination. The *Candidate Information request form* as approved by the CEO and available on Council's website (see sample form in Attachment 2) is to be completed for this purpose.

## 10. Media and media services

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

### 10.1 Media advice

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

### 10.2 Media releases/spokespersons

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

### 10.3 Publicity campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO or Manager Communications. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

### 10.4 Councillors

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

### 10.5 Council staff

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

## 11. Equity in assistance to candidates

All candidates for the Council election will be treated equally.

### 11.1 Candidate assistance and advice

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. The types of assistance that are available will be documented and communicated to all candidates in advance.

### 11.2 Election process enquiries

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

### 11.3 Misuse of position

Using Council resources for campaigning may be a criminal misuse of a Councillor's position under *section 123 of the Local Government Act 2020*. Serious penalties are prescribed for any Councillor who inappropriately makes use of their position or information obtained in the role of Councillor, to gain an advantage for themselves or for any other person.

## 12. Council staff member standing for election

In accordance with section 34(2)(d) of the Act, a person is not qualified to be a Councillor if they are a member of Council staff of the Council. However, staff members are not prevented from nominating as a candidate (s.256(8)).

In the event that a member of Council's staff stands for election as a Councillor for the Macedon Ranges Shire, they are required to:

- take leave from their position to stand for election to the office of Councillor for the duration of the election period (with leave commencing, at the latest, from the time of nominating as a candidate);
- not perform any duties of their position for the duration of the election period; and
- if elected, resign from their position before taking the oath or affirmation of office.

## 13. Election signage

The content of election signage must meet the requirements for electoral material under section 291 of the Act. Council provides guidance in relation to the rules which apply to signage that promotes candidates in an election, or relates to election issues.

### 13.1 Election signs on private land

Election signs are allowed to be displayed on private land without a permit with permission from the owner of the land, subject to the following restrictions which are set out in clause 52.05-10 of the Macedon Ranges Planning Scheme:

- the advertisement area of the sign must not exceed 5 square metres
- only one sign may be displayed on the land
- the sign must not be animated or internally illuminated, and it must not be displayed longer than 14 days after the event is held or 3 months without a permit. (whichever is sooner).

### 13.2 Election signs on public land and roads

The placement of election signs on land that is owned or managed by Council (including recreation reserves, halls, facilities, nature strips, median strips, and road reserves) is prohibited. The erection of such signs will be dealt with as a breach of the Council's General Purposes and Amenity Local Law No.10.

In relation to roads and road infrastructure, penalties may also apply under section 66 of the *Road Management Act 2004*, which outlines the controls on advertising, signs and bills on roads and road infrastructure.

### 13.3 Election signs on vehicles and trailers

Portable or moveable election signs that are attached to a vehicle, trailer or similar may only be displayed if a permit is granted in accordance with Council's General Purposes and Amenity Law Local Law No. 10 and provided that:

- the sign does not unreasonably restrict the use of the road, or endanger the safety of members of the public
- the relevant parking restrictions and requirements are observed.

## 14. Notification and distribution of policy

A copy of this policy will:

- be given to each Councillor as soon as possible after it is adopted
- be available for inspection by the public at the Council Customer Service Centres
- be published on Council's website.

Additionally, as soon as possible and no later than 30 days prior to the commencement of the election period, the CEO will ensure that all staff are informed of the requirements of this policy.

## 15. Suspension of matters during election period

In accordance with section 173 of the Act, any applications made, or proceedings before a Councillor Conduct Panel or the Victorian Civil and Administrative Tribunal regarding the misconduct or serious misconduct of a person who is a Councillor, must be suspended during the election period.

If an application is made to a Councillor Conduct Panel for a finding of serious misconduct against a person who is a Councillor before a general election, and that person is not returned to the office of Councillor as a result of the general election, the application made against that person who was a Councillor before the election lapses.

If an application is made to a Councillor Conduct Panel for a finding of serious misconduct against a person who is a Councillor before a general election, and that person is returned to the office of Councillor as a result of the general election, the application made against the Councillor may resume, whether or not any applicant was returned to the office of Councillor as a result of the general election.

## 16. Monitoring, enforcement and amendment

The implementation of this policy shall be overseen by the Coordinator Governance.

Breaches of the policy shall be brought to the attention of the CEO without delay. Breaches of the policy sufficient to constitute a breach of the Act shall be referred to the Local Government Inspectorate.

The CEO has the discretion to introduce additional provisions to this policy where they believe the new provisions are necessary to support the achievement of its stated policy objectives.

Any changes made by the CEO will be reflected in an update to this policy and published on Council's website and a notification of this change will be sent to all Councillors and candidates.

## Attachment 1

## Request for approval of publication during the election period

### 1 Author to complete

**Document description (*attach document*):**

**Intended distribution channel:**


I declare that this material contained in the attached document has been checked by me and to the best of my knowledge does not contain any electoral matter.

**Name and title:**

**Signature:**

**Date:**


### 2 Coordinator Governance (or delegate) to complete

☐ I have reviewed the material contained in the attached document and have returned the document to the author as I am of the view it contains electoral matter.

☐ I have reviewed the material contained in the attached document and can advise that to the best of my knowledge it does not contain any electoral matter.

**Name and title:**

**Signature:**

**Date:**


### 3 CEO to complete

☐ I have reviewed the material contained in the attached document and do not approve that it be printed, published or distributed during the election period on behalf of Macedon Ranges Shire Council.

☐ I approve that the attached advertisement, handbill, pamphlet or notice may be printed, published or distributed during the election period on behalf of Macedon Ranges Shire Council.

**Name and title:**

**Signature:**

**Date:**

Chief Executive Officer

## Attachment 2



## Candidate information request form

### 1 Council officer to complete

Name of Councillor or candidate making the request:

Date of request:

Information requested (*attach documents if required*):

Was information provided? Yes ☐ No (if no, go to 2) ☐

Date information provided:

Information provided (*attach documents if required*):

### 2 Submit to Coordinator Governance (or delegate) within 24 hours

### 3 Coordinator Governance (or delegate) to place on register





# Macedon Ranges Shire Council Governance Rules



<b>Part 1: Preliminary .....</b>	<b>4</b>
1. Context.....	4
2. Definitions and key terms.....	5
3. Role of Council.....	<del>109</del>
4. Purpose of Council meetings.....	10
5. Principles of Council decision-making .....	10
6. Meeting roles .....	<del>1110</del>
<b>Part 2: Election of the Mayor.....</b>	<b><del>1413</del></b>
7. Scheduling the Mayoral election .....	<del>1413</del>
8. Chairing the Mayoral election .....	<del>1413</del>
9. Nominations for Mayor .....	<del>1413</del>
10. Determining the election of the Mayor .....	<del>1413</del>
11. Determining a Deputy Mayor.....	<del>1615</del>
12. Acting Mayor .....	<del>1615</del>
<b>Part 3: Meeting Preparation.....</b>	<b><del>1716</del></b>
13. Scheduled Council meeting .....	<del>1716</del>
14. Unscheduled Council meeting.....	<del>1716</del>
15. Notice of meetings .....	<del>1716</del>
16. Determine to hold an electronic meetings.....	<del>1716</del>
17. Business at meetings.....	<del>1817</del>
18. Urgent business .....	<del>1817</del>
19. Notice of motion.....	<del>1918</del>
20. Notice of motion may be rejected.....	<del>2019</del>
21. Notice of rescission .....	<del>2019</del>
22. Notice of amendment.....	<del>2221</del>
23. Attendance - electronically.....	<del>2322</del>
24. Apologies.....	<del>2322</del>
25. Leave .....	<del>2322</del>
26. Adjourned meeting .....	<del>2423</del>
27. Postponement or cancellation of Council meetings.....	<del>2423</del>
<b>Part 4: Meeting Procedures .....</b>	<b><del>2524</del></b>
28. Matters not provided for.....	<del>2524</del>
29. Time limits for Meetings.....	<del>2524</del>
30. Addressing the meeting .....	<del>2524</del>
31. Quorum.....	<del>2524</del>
32. Disclosure of a conflict of interest by a Councillor .....	<del>2625</del>
33. Broadcast and recording of meeting.....	<del>2726</del>



34. Public question time .....	<u>2726</u>
35. Public forum .....	<u>2827</u>
36. Petitions (not electronic) and joint letters .....	<u>2928</u>
37. Electronic and online petitions .....	<u>3029</u>
38. Behaviour at meetings .....	<u>3129</u>
<b>Part 5: Meeting Conduct.....</b>	<b><u>3234</u></b>
39. Speaking times.....	<u>3234</u>
40. Voting process .....	<u>3234</u>
41. Division.....	<u>3234</u>
42. Introducing a Report .....	<u>3332</u>
43. Debate from the Chair.....	<u>3332</u>
44. Moving a motion .....	<u>3332</u>
45. Rejecting a motion .....	<u>3433</u>
46. Lapsed motion or amendment.....	<u>3433</u>
47. Right of reply .....	<u>3534</u>
48. Debating the motion .....	<u>3534</u>
49. Moving an Amendment.....	<u>3534</u>
50. Foreshadowing motions or amendments .....	<u>3635</u>
51. Withdrawal of motion or amendment .....	<u>3635</u>
52. Separation of motions .....	<u>3635</u>
53. Debate for notice of motion, rescission or amendment .....	<u>3635</u>
54. Rescission motion not required .....	<u>3736</u>
55. Raising a point of order .....	<u>3736</u>
56. Dissenting a decision .....	<u>3836</u>
57. Points of clarification.....	<u>3837</u>
58. Procedural motions .....	<u>3837</u>
59. Adjourning a matter .....	<u>4241</u>
60. Setting aside a motion .....	<u>4241</u>
61. Putting the motion .....	<u>4241</u>
62. Adjourning a meeting .....	<u>4241</u>
63. Suspension of standing orders.....	<u>4342</u>
<b>Part 6: Record Keeping .....</b>	<b><u>4443</u></b>
64. Keeping of minutes .....	<u>4443</u>
65. Confirmation of minutes .....	<u>4443</u>
66. Other meeting records .....	<u>4544</u>
67. Conflict of interest register .....	<u>4544</u>
<b>Part 7: Meetings under the auspice of a Council meeting .....</b>	<b><u>4645</u></b>
68. Disclosure of a conflict of interest at a meeting under the auspices of Council .....	<u>4645</u>

<b>Part 8: Delegated Committees .....</b>	<b><u>4746</u></b>
<b>69. Rules apply to Delegated Committees.....</b>	<b><u>4746</u></b>
<b>Part 9: Community Asset Committees .....</b>	<b><u>4847</u></b>
<b>70. Community Asset Committees .....</b>	<b><u>4847</u></b>
<b>Part 10: Joint Council Meetings .....</b>	<b><u>4948</u></b>
<b>71. Participate in Joint Council Meetings .....</b>	<b><u>4948</u></b>
<b>Part 11: Disclosure of Conflicts of Interest for Staff .....</b>	<b><u>5049</u></b>
<b>72. Disclosure of a conflict of interest by a member of Council staff .....</b>	<b><u>5049</u></b>
<b>Part 12: Election Period (Caretaker) Policy .....</b>	<b><u>5150</u></b>
<b>73. Election Period (Caretaker) Policy .....</b>	<b><u>5150</u></b>

#### Revision and review history

Version control	Approved, Amended, Rescinded	Date effective	Approved by	Document Reference	Summary of Changes
1	Approved	28/08/2020	Council	D22-91434	New. Required under section 60 of <i>Local Government Act 2020</i> .
2	Approved	24/08/2022	Council	D22-101343	Updated to allow for electronic meetings.
3					Re-structured and improved clarity around various provisions

## Part 1: Preliminary

### 1. Context

- a) The purpose of these Governance Rules is to provide for:
- i) the conduct of Council meetings;
  - ii) the conduct of meetings of delegated committees;
  - iii) the form and availability of meeting records;
  - iv) the election of the Mayor and the Deputy Mayor;
  - v) the appointment of an Acting Mayor;
  - vi) an election period policy;
  - vii) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee at a meeting of the Council or a delegated committee;
  - viii) the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a delegated committee;
  - ix) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
  - x) the consideration and making of decisions on any matter being considered by the Council fairly and on the merits;
  - xi) the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered; and
  - xii) any other matters prescribed by the regulations made under the Act.
- b) These Governance Rules should be read in conjunction with:
- i) the overarching governance principles specified in section 9(2) and (3) of the Act; and
  - ii) related policies prepared under the Act that relate to Councillor and staff conduct at Council meetings and during decision-making, such as the Councillor Code of Conduct; Public Transparency Policy, and Councillor Gifts, Benefits and Hospitality Policy.

## 2. Definitions and key terms

In these Governance Rules:

Term	Definition
<b>Absolute majority</b>	As defined in the <i>Local Government Act 2020</i> this is the number of Councillors which is greater than half the number of the Councillors of the Council. <a href="#">For Macedon Ranges Shire Council an absolute majority is five (5) Councillors.</a>
<b>Abstain</b>	<a href="#">Means when a Councillor who is present at a meeting does not vote on a matter. Under section 61(5)(e) of the <i>Local Government Act 2020</i>, if a Councillor is present at the meeting and does not vote on a motion, this is taken to be a vote against the question.</a>
<b>Act</b>	Means the <i>Local Government Act 2020</i> .
<b>Agenda</b>	Means the notice of meeting setting out the business to be transacted at the meeting.
<del><b>Authorised Officer</b></del>	<del>Means a member of Council staff appointed under</del>
<b>Alternative <a href="#">(motion)</a></b>	<a href="#">Means a new or substantially different motion to the motion being considered by Council.</a>
<b>Amendment <a href="#">(motion)</a></b>	<a href="#">Means proposed changes to a motion being considered by Council.</a>
<b>Broadcast</b>	Means the visual or aural transmission of proceedings on any medium, including radio, television and the internet.
<b>Carried</b>	Means that the relevant motion or amendment is determined in the affirmative.
<b>Chairperson</b>	<del>Means the person who chairs a meeting and includes</del> <a href="#">Means the person presiding over the meeting. In these Rules this is the Mayor for Council meetings and Chair for delegated committee meetings.</a>
<b>Chief Executive Officer</b>	Means the Chief Executive Officer or Acting Chief Executive Officer appointed under section 94 of the <i>Local Government Act 1989</i> or section 44 of the <i>Local Government Act 2020</i> , <a href="#">whichever applies.</a>  If the Chief Executive Officer or Acting Chief Executive Officer is absent or unable to perform a function required under these Governance Rules, the Director of Corporate must perform that function.  <a href="#">Note: The Chief Executive Officer, at the time of preparing these Governance Rules, was appointed under the <i>Local Government Act 1989</i>.</a>

Term	Definition
<b>Closed meeting</b>	<a href="#">Means a meeting of Council at which confidential items as defined in section 3 of the Act are considered. The public is unable to attend closed meetings. There will be no livestream or recording of a closed Council meeting.</a>
<b><a href="#">Community Asset Committee</a></b>	<a href="#">Means a Community Asset Committee established by Council under section 65 of the Act</a>
<b>Council</b>	Means Macedon Ranges Shire Council.
<b>Councillor</b>	Means a Councillor of the <a href="#">Macedon Ranges Shire Council</a> .
<b>Council Meeting</b>	<a href="#">Meetings defined in section 61 of the Act to conduct Council business, including <del>includes</del> scheduled and unscheduled meetings of the Council.</a>
<b>Delegate</b>	<a href="#">Means a Council staff member nominated by the Chief Executive Officer to assist with meeting functions and requirements.</a>
<b>Delegated Committee</b>	Means a delegated committee established by Council under section 63 of the Act. <a href="#">Part 8 outlines how the Governance Rules apply to a delegated committee meeting.</a>
<b><a href="#">Deputy Mayor</a></b>	<a href="#">Means the Deputy Mayor of the Council and any person appointed by Council to act as Deputy Mayor.</a>
<b>Division</b>	<a href="#">Means the counting and identifying the way Councillors have voted on a matter i.e for or against.</a>
<b>Electronic meeting</b>	<a href="#">Means the attendance at Council meetings virtually via videoconferencing technology, where Councillors can be seen and heard by all other Councillors present at the meeting.</a>
<b>Foreshadowed motion</b>	<a href="#">Means a motion, whether fully formed or an intention, identified by a Councillor, in a Council meeting, that they intend to raise at a later point in the meeting. It is not a motion considered by Council until it receives a seconder.</a>
<b>Hybrid</b>	Means a combination of in-person and electronic format (usually for a meeting) undertaken concurrently at the same time.
<b>Lapses</b>	<a href="#">Means a motion before Council has not been progressed that it is on the agenda but has not been moved or moved but not seconded.</a>
<b>Lost</b>	<a href="#">Means a motion before Council that has not been supported</a>

Term	Definition
	<a href="#">by a majority of Councillors present at a meeting.</a>
<b>Majority</b>	Means a number of votes that is more than one-half of the number of Councillors in attendance in the meeting when the vote is taken.
<b>Mayor</b>	<a href="#">Means the Mayor of Council and any person appointed by Council to be acting as Mayor.</a>
<b>Member</b>	Means a member of a delegated committee.
<b>Minutes</b>	<a href="#">Means the official record of the proceedings and decisions of a Council meeting.</a>
<b>Minister</b>	<a href="#">Means the Minister responsible for administering the Act.</a>
<b>Motion</b>	<a href="#">Means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted. In the <i>Local Government Act 2020</i> motions are referred to as a 'question' before Council for decision.</a>
<b>Notice of amendment</b>	<a href="#">Means a notice to amend a decision of Council. The motion is consistent with the original motion but allows for details such as dates, figures and locations to be amended.</a>
<b>Notice of motion</b>	<p><a href="#">Means a notice setting out the text of a motion which a Councillor proposes to move at a Council meeting.</a></p> <p>A 'notice of motion' is a formal notice by a Councillor of their intention to propose a motion to be resolved upon at a meeting. The process is a direct method for a Councillor to ensure a particular matter is brought before the meeting.</p> <p>The 'Good Governance Guide' produced by the <a href="#">Municipal Association of Victoria</a>, <a href="#">Victorian Local Governance Association</a> and LGPro <a href="#">provides the following advice</a> on the appropriate use of notices of motion:</p> <p><i>[A notice of motion] can be a useful way for a Councillor to raise an issue, which doesn't require advice or a lot of consideration on a Council agenda. For example, it might involve asking the Council to recognise a significant achievement of a local community member which is already generally well-known.</i></p>
<b>Notice of rescission</b>	Means a notice of motion to rescind (revoke, cancel, repeal) a decision of Council.
<b>Overarching governance principles</b>	<a href="#">Means the overarching governance principles outlined in section 9(2) of the Act. The following are the overarching</a>

Term	Definition
	<p><u>governance principles—</u></p> <ul style="list-style-type: none"> <li>a) <u>Council decisions are to be made and actions taken in accordance with the relevant law;</u></li> <li>b) <u>priority is to be given to achieving the best outcomes for the municipal community, including future generations;</u></li> <li>c) <u>the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risk, is to be promoted;</u></li> <li>d) <u>the municipal community is to be engaged in strategic planning and strategic decision making;</u></li> <li>e) <u>innovation and continuous improvement is to be pursued;</u></li> <li>f) <u>collaboration with other Councils and Governments and statutory bodies is to be sought;</u></li> <li>g) <u>the ongoing financial viability of the Council is to be ensured;</u></li> <li>h) <u>regional, state and national plans and policies are to be taken into account in strategic planning and decision making;</u></li> <li>i) <u>the transparency of Council decisions, actions and information is to be ensured.</u></li> </ul> <p><u>Note: The overarching governance principles stated in the Act override any omissions in these Governance Rules.</u></p>
<b>Officer recommendation</b>	<p><u>Means the recommendation provided to Councillors to consider moving in a Council meeting.</u></p> <p><u>An amended officer recommendation may be prepared to address errors or update identified after publication of the agenda and provided to Councillors to move in the meeting.</u></p>
<b>Point of order</b>	<p><u>Means a query in the debate as to whether a correct procedure is being followed or factual information is being expressed.</u></p>
<b>Procedural motion</b>	<p><u>Means a motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.</u></p>
<b>Penalty unit</b>	<p><u>Means penalty units as prescribed in the Sentencing-</u></p>
<b>Quorum</b>	<p>Means the minimum number of Councillors or members who must be present in order to constitute a valid meeting of the Council <del>or committee</del>. <u>For Macedon Ranges Shire Council a quorum for a Council meeting is five (5)</u></p>



Term	Definition
	<u>Councillors.</u>
<b>Recording</b>	Means a recording of proceedings made using any device that is capable of recording speech or actions, including a tape recorder, video camera, mobile phone and portable computer.
<b>Record of meeting</b>	<u>Means a document, in a form approved by the Chief Executive Officer, providing a high level account of a meeting attended by five (5) or more Councillors and at least one (1) staff member.</u>
<b>Regulations</b>	<u>Means any regulations established for the Local Government Act 2020.</u>
<b>Resolution</b>	<u>Means a decision of Council made at a Council meeting.</u>
<b>Scheduled Council meeting</b>	Means a Council meeting fixed by Council from time to time in accordance with Rule 13.
<b>Supporting Principles</b>	<p><u>Means the overarching governance principles outlined in section 9(3) of the Act. In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—</u></p> <ul style="list-style-type: none"> <li>a) <u>the community engagement principles;</u></li> <li>b) <u>the public transparency principles;</u></li> <li>c) <u>the strategic planning principles;</u></li> <li>d) <u>the financial management principles;</u></li> <li>e) <u>the service performance principles;</u></li> </ul> <p><u>Note: The supporting principles stated in the Act override any omissions in these Governance Rules.</u></p>
<b>Unscheduled Council meeting</b>	Means a Council meeting called <del>by the Mayor or 3 Councillors</del> in accordance with Rule 14.
<b><del>Urgent business</del></b>	<del>Business that relates to a matter which has arisen since the distribution of the agenda and cannot safely or conveniently be deferred until the next Council meeting.</del>
<b><del>In writing / written</del></b>	<p><del>When referring to a notice of motion, amendment or rescission submitted by a Councillor, includes a notice that is conveyed by an electronic means and that can be identified as originating from the Councillor. This includes an email from a Councillor's Council email address.</del></p> <p><del>When referring to a notice issued by the Council, includes a notice that is published on the Council website or a notice</del></p>

## Term

## Definition

~~issued by a member of Council staff authorised to issue the notice and sent from an email address with a Council domain address.~~

**3. Role of Council**

- a) The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Macedon Ranges municipal community.
- b) Council will provide good governance through —
  - i) the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and
  - ii) the Councillors of the Council performing their roles in accordance with the requirements of the Act.
- c) In performing its role, Council may—
  - i) perform any duties or functions or exercise any powers conferred on Council by or under the Act or any other Act; and
  - ii) perform any other functions that Council determines are necessary to enable Council to perform its role.
- d) If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

**4. Purpose of Council meetings**

- a) Council holds scheduled meetings and, when required unscheduled meetings, to conduct the business of Council.

**5. Principles of Council decision-making**

- a) Council will before making a decision that will directly affect the rights of a person, consider and make decisions on, any matter being considered by Council fairly and on the its merits, free from favouritism or self-interest and without regards to irrelevant or unauthorised considerations.
- b) Any person whose rights will be directly affected by a decision of the Council is entitled to:
  - i) communicate their views by written submission; and
  - ii) have their interests considered.
- c) For the purposes of sub-rules (a) and (b), a decision of Council means a resolution made at a Council meeting.
  - ~~iii) a resolution made at a meeting of a delegated committee; or~~
  - ~~iv) the exercise of a power or the performance of a duty or function of Council by a member of Council staff or a Community Asset Committee under delegation.~~
- ~~a) In any matter 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 regards to irrelevant or unauthorised considerations.~~

b) ~~Council must, when making any decisions 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 interest considered).~~

c) ~~Without limiting anything in sub-rule (b):~~

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~~

~~a member of Council staff proposes to make a decision under delegations 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 a person or persons and such persons or persons were provided with an opportunity to communicate their views and their interests considered~~

## 6. Meeting roles

### a) Mayor

i) Subject to the Mayor's discretion, the Mayor takes precedence at all municipal proceedings within the municipal district, unless outlined in the terms of reference for a committee, and must chair all Council meetings ~~of the Council~~ at which they are present.

ii) The Mayor will ensure good Council decision-making by endeavouring to ensure:

- 1) decision making is transparent to Councillors and observers;
- 2) Councillors have sufficient information to make good decisions;
- 3) Councillors are supported to contribute to decisions;
- 4) any person whose rights are affected have their interests considered;
- 5) debate and discussion are focused on the issues at hand;
- 6) meetings are conducted in an orderly and courteous manner; and

7) decisions are made on the merits of the matter.

b) Chief Executive Officer

- i) The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Mayor and Councillors.
- ii) The Chief Executive Officer should:
  - 1) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
  - 2) advise if there are operational, legal, financial or other risks, including non-compliance with statutory obligations arising from a proposed resolution;
  - 3) help clarify the intent of any unclear resolution to facilitate implementation; or
  - 4) on request, assist with procedural issues that may arise.

c) Deputy Mayor

- i) If the Mayor is not in attendance at a Council meeting, the Deputy Mayor (if one has been elected) will chair the meeting and assume the role of Mayor.
- ii) If a Deputy Mayor has been elected, the references in these Rules to the Mayor includes reference to the Deputy Mayor when performing the role of the Mayor.

d) Acting Mayor

- i) If the Mayor or Deputy Mayor is not in attendance at a Council meeting, the Acting Mayor will chair the meeting and assume the role of Mayor.
- ii) If an Acting Mayor has been appointed, the references in these Rules to the Mayor includes reference to the Acting Mayor when performing the role of the Mayor.

e) Councillors

- i) Councillors contribute to good governance and decision making by:
  - 1) seeking views of community members and reading the agendas prior to the meeting;
  - 2) preparing by reviewing materials provided and seeking information on matters from Council officers at briefing sessions;
  - 3) demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers or during the meeting;
  - 4) attending meetings and participating in debate and discussion;
  - 5) demonstrating respect for the role of the Mayor and the rights of other Councillors to contribute to the decision-making; and
  - 6) being courteous and orderly.

f) Community

- i) Community members may participate in Council meetings in accordance with Rules 34-37.

- ii) [Community members are encouraged to participate in Council's engagement processes.](#)
- iii) [Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Council meetings.](#)
- iv) [Community members may attend open Council meetings or view livestream Council meetings online.](#)
  - 1) [At times due to exceptional circumstances the public gallery may be closed.](#)
  - 2) [If the public gallery is closed, Council meetings will be livestreamed and recordings will be available online.](#)

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## Part 2: Election of the Mayor

### 7. Scheduling the Mayoral election

- a) [Following a local government election, the Chief Executive Officer will determine the date, time and venue for the election of the Mayor in compliance with section 26 of the Act.](#)
- b) [Council will resolve the date, time and venue for the election of the Mayor not covered by sub-rule \(a\) as part of the annual schedule of meetings.](#)
- c) [If the office of the Mayor becomes vacant, the Chief Executive Officer will determine the date, time and venue for the election of the Mayor.](#)
- d) [The election of the Mayor will be conducted in person only, unless exceptional circumstances require Council to resolve a different format.](#)
- e) [The date, time and venue for the election of the Mayor will be made publicly available on Council's website.](#)
- f) [The agenda for the meeting for the election of the Mayor will be made public five \(5\) days prior to the meeting.](#)

### 8. Chairing the Mayoral election

- a) At any meeting to elect the Mayor the Chief Executive Officer must open the meeting and chair the election as required in section 25 of the Act.
- b) Prior to the election of the Mayor, Council will agree the term of the Mayor; which will be either one (1) or two (2) years as required in section 26 of the Act.

### 9. Nominations for Mayor

- a) [The Chief Executive Officer must invite nominations for the office of Mayor.](#)
- b) [Councillors can self-nominate or be nominated by another Councillor for the office of Mayor.](#)
- c) [A nominee will be required to accept or refuse the nomination.](#)
- d) [Nominations must be seconded.](#)
- e) [The Chief Executive Officer may invite each candidate to make a speech.](#)
- f) [Candidates to speak in the order in which they were nominated.](#)
- g) [Candidates may speak for 3 minutes in support of their nomination.](#)

### 10. Determining the election of the Mayor

- a) The election of the Mayor must be carried out by a show of hands.
- b) If there is only one (1) nomination, the nominated candidate must be declared to be elected.
- c) If there is more than one (1) nomination, the Chief Executive Officer must conduct an election in the following manner:
  - i) each Councillor present at the meeting ~~and wishing to vote~~ must vote for one (1) of the candidates;
  - ii) if one (1) candidate receives an absolute majority of the votes, that candidate must

- be declared to be elected; or
- iii) if no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes must be declared to be a defeated candidate;
  - iv) each Councillor present at the meeting ~~and wishing to vote~~ must then vote for one (1) of the remaining candidates;
  - v) if one (1) of the remaining candidates receives an absolute majority of the votes, that candidate must be declared to be elected; or
  - vi) if none of the remaining candidates receives a 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 (1) of the candidates receives an absolute majority of the votes. That candidate must then be declared to be elected; or
  - vii) if none of the remaining candidates receives an absolute majority and two (2) or more candidates have an equal number of fewest votes, each Councillor present at the meeting ~~who wishes to vote~~ must vote for one (1) of the candidates with the equal fewest votes. The candidate who receives the fewest of those votes must be declared to be a defeated candidate.
  - viii) if after conducting a vote to declare a candidate defeated under sub-rule (vii), two (2) or more candidates receive the equal fewest votes, the determination of which of those candidates must be declared to be defeated must be determined by lot;
  - ix) following the elimination of the candidate with the fewest votes in either sub-rule (vii) or (d) a further vote must be taken on the remaining candidates, each Councillor present at the meeting ~~who wishes to vote~~ must vote for one (1) of the remaining candidates.
- d) If a lot must be conducted under this rule, the Chief Executive Officer shall arrange for the conduct of the lot and the following provisions must apply:
- i) each candidate will draw one (1) lot;
  - ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes except that if two (2) or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names; and
  - iii) as many identical pieces of paper as there are candidates who received an equal number of votes must be placed in a receptacle.
  - iv) the word **Defeated** shall be written on one (1) of the pieces of paper, and the candidate who draws the paper with the word **Defeated** written on it must be declared the defeated candidate
- e) The process of voting in sub-rules (c) and (d) is to be repeated until two (2) candidates remain, if one (1) of the remaining candidates receives an absolute majority of the votes, that candidate must be declared to be elected.
- f) If there are only two candidates remaining and an absolute majority has not been attained by either candidate, the Chief Executive Officer will conduct a second ballot in an attempt to achieve an absolute majority.
- g) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.

- i) The date and time must be no sooner than 24 hours later and no later than 7 days post the meeting.
- h) At the conclusion of the election process, the Chief Executive Officer shall invite the elected Mayor to address Councillors and the community.-
- i) The elected Mayor may speak for 3 minutes on their upcoming term as Mayor.
- j) After their speech, the Mayor will take the chair and oversee any election of the Deputy Mayor.

## **11. Determining a Deputy Mayor**

- a) At the meeting to elect the Mayor, Council may resolve:
  - i) to establish the position of Deputy Mayor;
  - ii) the term of the Deputy Mayor, which shall be the same as the term of the Mayor; and
  - iii) elect a Councillor to the position of Deputy Mayor.
- b) Any election by Council of a Deputy Mayor will follow the same procedure as that for an election of the Mayor save that the Mayor will chair the election.
- c) At the conclusion of the election for Deputy Mayor the Mayor will continue to preside over the meeting.

## **12. Acting Mayor**

- a) If Council has not established position of Deputy Mayor and it needs to appoint an Acting Mayor, it can do so by:
  - i) resolving that a specified Councillor be appointed for a specified period of time; or
  - ii) following the procedure set out in Rules 9 and 10.
    - 1) if an Acting Mayor is elected under Rule 12(a)(ii) Council will resolve the specified period for the appointment.



## Part 3: Meeting Preparation

### 13. Scheduled Council meeting

- a) The dates, times and places of scheduled meetings will be fixed by ~~the a~~ Council [resolution](#) from time to time.
- b) Subject to the requirements of sub-rule (a), the date, time or place of a scheduled Council meeting may be altered by resolution of the Council.

### 14. Unscheduled Council meeting

- a) Council may by resolution call an unscheduled meeting of the Council.
- b) The Mayor or three (3) Councillors may by a written notice delivered to the Chief Executive Officer call an unscheduled meeting of the Council.
- c) A notice delivered under sub-rule (b) must specify the date and time of the meeting and the business to be transacted.
- d) The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting.

### 15. Notice of meetings

- a) [A schedule of Council meetings, as resolved by Council at least once each year, must be published on Council's website.](#)
- b) [Any changes to the published schedule of Council meetings resolved by Council will be included on Council's website as soon as practical after the resolution.](#)
- c) Public notice will be given at least seven (7) days before a scheduled or unscheduled meeting of the Council.
- d) If an extraordinary circumstance prevents the giving of seven (7) days' notice, the Chief Executive Officer will provide as much notice as is practicable and the nature of the extraordinary circumstance will be specified in the minutes.

### 16. Determine to hold an electronic meetings

- a) Council may determine by resolution, the proposed and preferred format style of meetings (in-person, electronic, or hybrid).
- b) [If Council has determined a meeting to be a certain format, Council may by resolution change the format.](#)
- c) [If circumstances require the format of a meeting to be changed from that resolved by Council, the Chief Executive Officer, after consultation with the Mayor, may advise a change in format to all Councillors and include changes on the website and agenda for the meeting.](#)
- d) [The Chief Executive Officer must include in the minutes of the meeting with a changed format the nature of the circumstances for the change.](#)
- e) Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings. Council must determine, by resolution, if a meeting is to be held solely in person, prior to public notice being given of the meeting; [noting that Mayoral elections are in person only under Rule 7\(d\).](#)
- f) If Council determines that a meeting is to be conducted electronically, the Mayor may, with consent of the meeting [\(through a resolution\)](#), modify the application of any of these

Governance Rules to facilitate the most efficient and effective transaction of the business of the meeting.

- g) Hybrid Council meetings are dependent on the availability of appropriate technology within Council to enable broadcasting and livestreaming simultaneously.

### 17. Business at meetings

- a) The agenda for a Council meeting, including the order of business, is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.
- b) The Chief Executive Officer may include any matter on an agenda for consideration by the meeting following consultation with the Mayor.
- c) An agenda must include:
- i) a description of the date, time and place of the meeting;
  - ii) the proposed meeting format;
  - iii) a description of the matters to be considered at the meeting;
  - iv) any validly lodged notice of motion, amendment or rescission:
    - 1) must be included on the agenda for the next available meeting.
    - 2) each notice of motion before any Council meeting shall be considered in the order in which they were received, unless there are similar motions that can be considered together, in the order they were received.
    - 3) if more than one notice of rescission or amendment is received in regard to a particular matter, the notices must be listed on the agenda in the order they were received.
  - v) any leave of absence request (notice of motion) received from a Councillor:
    - 1) a leave of absence not included in a Council meeting agenda may still be considered by Council if a written request (notice of motion) has been received by the Mayor prior to the meeting. ~~and~~
  - vi) reports prepared for consideration at the meeting.
- d) At least five (5) days before a meeting is scheduled to occur, an agenda must be:
- i) delivered electronically to each Councillor; ~~and 's residence or usual place of business or if determined by Council by electronic means;~~
  - ii) published on Council's website.
- e) If it is not possible to comply with sub-rule (d) for any reason, the Chief Executive Officer must ensure delivery and publication of the agenda as soon as is reasonably possible.
- f) Once an agenda has been sent to Councillors and published on Council's website, the order of business for that Council meeting may only be altered by resolution of Council.
- g) If a Councillor is on leave or absent from the municipality, an agenda does not have to be delivered electronically to the Councillor unless they have requested delivery.

### 18. Urgent business

- a) At a scheduled Council meeting, business that is not included in the agenda must not be considered unless a majority of Councillors present at the meeting resolve to admit the business and only if:
- i) it relates to or arises out of a matter which has arisen since the distribution of the agenda; and
  - ii) deferring the item until the next Council meeting will have any effect on the matter; or
  - iii) involves a matter of urgent community concern; or
  - iv) cannot be safely or conveniently deferred until the next Council meeting; or
  - v) the item involves a matter of urgency as determined by the Chief Executive Officer; and
  - vi) it cannot be addressed through an operational service request process.
- b) Despite sub-rule (a), a matter that is not included in the agenda must not be considered at the meeting if it will:
- i) directly and significantly affect the exercise of a person's rights; or
  - ii) alter the Council Plan or the Budget.
- c) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 3pm on the day of the Council meeting.
- d) The Chief Executive Officer will advise the Mayor of any matter they determine as appropriate for Council to consider admitting as urgent business.
- e) Prior to the consideration of the urgent business item, Council must resolve to accept the urgent business item and will require a mover and a seconder:
- i) A Councillor shall explain why the item has been classified as urgent business without speaking to it and then move it without speaking to it.
- f) At an unscheduled Council meeting, business that has not been included on the agenda may only be considered if all the Councillors that are present ~~and~~ unanimously resolve that the matter is urgent.
- g) The Chief Executive Officer, may prepare a written supplementary report on any item of business that has arisen since the preparation of the Agenda.
- g)h) Councillors must receive a copy of any supplementary report at least 24 hours before the time fixed for holding the meeting.

### 19. Notice of motion

- a) A notice of motion given by a Councillor must be given in writing to the Chief Executive Officer no later than 5.00 pm on the seventh (7) day before the meeting at which it is to be proposed to be considered.
- b) A Councillor may give a notice of motion on any matter the Councillor wants to be considered at a scheduled Council meeting.
- c) A notice of motion must relate to the objectives, roles and functions of Council as outlined in the Act.
- d) If a Councillor proposes to use a notice of motion for a significant item, consideration should

be given to a motion requesting that a report on the matter be presented to a subsequent meeting.

- e) A notice of motion must call for a Council report if the notice of motion proposes any action that:
- i) impacts the levels of Council service;
  - ii) commits Council to either a loss of income or expenditure that is not included in the adopted Council budget, to the value of \$25,000 or greater;
  - iii) proposes to establish, amend or extend Council policy;
  - iv) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
  - v) commits Council to any contractual arrangement; or
  - vi) concerns any litigation in respect of which Council is a party.

## **20. Notice of motion may be rejected**

- a) The Chief Executive Officer must reject a notice of motion if:
- i) it is vague or unclear in its intention;
  - ii) it is outside the powers of Council;
  - iii) it is defamatory or otherwise objectionable in language or nature;
  - iv) it would result in the direct allocation of funds outside Council's adopted budget or would otherwise have a material financial impact;
  - v) passed would result in Council otherwise acting invalidly;
  - vi) it can be addressed through the operational request process;
  - vii) it is not lodged in accordance with Rule 19; or
  - viii) it is similar in form or substance to a notice of motion which has been put to the vote and lost in the past three months;
- b) If the Chief Executive Officer rejects a notice of motion, they must:
- i) notify the Councillor of the reason for the rejection; and
  - ii) if reasonably possible before the agenda is published, give the Councillor an opportunity to amend the notice.
- c) A notice of motion must be moved as written and listed in the agenda and requires a seconder.
- d) Where a notice of motion has been submitted but is not moved at the relevant Council meeting the notice of motion lapses.
- e) A notice of motion may be amended in accordance with Rules 49 and 53.

## **21. Notice of rescission**

- a) A notice of rescission is a form of notice of motion.

- b) All provisions in the Governance Rules relating to a notice of motion apply to notices of rescission except as expressed in the sub-rules of Rule 21.
- c) A Councillor may give notice of a motion to rescind a resolution of the Council provided:
- i) it is in writing, and has been signed and dated by at least two Councillors, including the Councillor proposing the rescission;
    - 1) this condition is satisfied by receiving an email from the Councillor in support of the rescission;
  - ii) the resolution proposed to be rescinded has not been acted on; and
  - iii) the notice of rescission is delivered to the Chief Executive Officer within 48 hours of the resolution being made, setting out –
    - 1) the resolution to be rescinded; and
    - 2) the meeting and date when the resolution was carried.
- d) The Councillor providing a notice of rescission motion is required to provide written justification, as part of the notice of rescission, why one or more of the following reasons apply:
- i) the vote may not have accurately reflected the opinion held by the Council due to misunderstanding of the motion or for some other reason;
  - ii) new information not previously available has come to hand that, if presented earlier, could reasonably have affected the outcome of the vote for or against the motion; or
  - iii) vital information that was missing, or had been overlooked that, if presented earlier, could reasonably have affected the outcome of the vote for or against the motion.
- e) The Chief Executive Officer must reject a notice of rescission that does not comply with sub-rules (c) and ~~ii)~~(d).
- f) The Chief Executive Officer or an appropriate member of Council staff is entitled to implement a resolution of the Council at any time after the close of the meeting at which it was made. A resolution of the Council will therefore be deemed to be acted on if:
- i) its contents have or substance has been communicated in writing to any person whose interests are materially affected by it; or
  - ii) statutory processes have commenced so as to vest enforceable rights in or obligations on Council or any other person.
- g) Once a notice of rescission has been given in writing no further action is to be taken on the resolution, if sub-rules (f)(i) or (ii) do not apply:
- i) a Councillor considering submitting a notice of rescission should advise the Chief Executive Officer ahead of preparing the written notice of rescission (either verbally or in writing via an email or other means); and
  - ii) once notified, the Chief Executive Officer should ensure that no action is taken prior to the written notice of rescission being submitted within 48 hours of the resolution.
- h) The lodgement and acceptance by the Chief Executive Officer of a notice of rescission does not prevent the Chief Executive Officer or an appropriate member of Council staff from giving notice to any person that a notice to rescind has been lodged.

**22. Notice of amendment**

- a) A notice of amendment is a form of notice of motion.
- b) All provisions in the Governance Rules relating to a notice of motion apply to notices of amendment except as expressed in the sub-rules of Rule 22.
- c) A Councillor may give notice of a motion to amend a resolution of the Council provided:
  - i) it is in writing, and has been signed and dated by at least two Councillors, including the Councillor proposing the amendment;
    - 1) this condition is satisfied by receiving an email from the Councillor in support of the amendment;
  - ii) the resolution proposed to be amended has not been acted on; and
  - iii) the notice of amendment is delivered to the Chief Executive Officer within 48 hours of the resolution being made, setting out –
    - 1) the resolution to be amended; and
    - 2) the meeting and date when the resolution was carried.
- d) The Councillor providing a notice of amendment motion is required to provide written justification, as part of the notice of amendment, why one or more of the following reasons apply:
  - i) is consistent with the intent of the motion but clarifies the decision on matters such as dates, timing, figures and location; or
  - ii) is consistent with the intent of the motion but includes vital information that was not included or was overlooked when making the decision and should be included for fullness of decision.
- e) The Chief Executive Officer must reject a notice of amendment that does not comply with sub-rules (c).
- f) The Chief Executive Officer or an appropriate member of Council staff is entitled to implement a resolution of the Council at any time after the close of the meeting at which it was made. A resolution of the Council will therefore be deemed to be acted on if:
  - i) its contents have or substance has been communicated in writing to any person whose interests are materially affected by it; or
  - ii) statutory processes have commenced so as to vest enforceable rights in or obligations on Council or any other person.
- g) Once a notice of amendment has been given in writing no further action is to be taken on the resolution, if sub rules (f)(i) or (ii) do not apply.
  - i) a Councillor considering submitting a notice of amendment should advise the Chief Executive Officer ahead of preparing the written notice of amendment (either verbally or in writing via an email or other means); and
  - ii) once notified, the Chief Executive Officer should ensure that no action is taken prior to the written notice of amendment being submitted within 48 hours of the resolution.
- h) The lodgement and acceptance by the Chief Executive Officer of a notice of amendment does not prevent the Chief Executive Officer or an appropriate member of

Council staff from giving notice to any person that a notice to amend has been lodged.

### 23. Attendance - electronically

- a) Councillors who wish to attend a meeting via electronic means must submit a written request to the Mayor [and/or the Chief Executive Officer](#) by 5pm on the day of the meeting except when attending electronic only meetings.
- b) The Mayor must grant any reasonable request from a Councillor to attend a meeting by electronic means, except for attendance at those [meetings](#) resolved to be in-person.
- c) At the commencement of each meeting, the Mayor will advise the meeting of any Councillors that have been granted approval to attend the meeting by electronic means.
- d) It will remain the responsibility of the Councillor attending electronically to ensure that they have the required access and environment suitable for electronic communications. This includes ensuring that they are in a private and secure place when attending a closed meeting.
- e) A Councillor that has applied to attend electronically can only be recorded as present where the member can confirm that:
  - i) They can hear proceedings
  - ii) They can see other members in attendance and can be seen by other members; and
  - iii) They can be heard (to speak).
- f) If a Councillor is unable to meet the conditions in accordance with Rule 23(e)(i)-(iii) they will be recorded as absent.
- g) Where a Councillor loses connection when they are attending a meeting electronically they will be recorded as having left the meeting for the purpose of continuing the meeting. If they rejoin the meeting their attendance will be noted.
- h) If a Councillor that loses connection is the Mayor, then the Deputy Mayor (or alternative Councillor) will become the temporary chair until the Mayor is able to reconnect, at which time they will resume the chair.
- i) The Mayor may adjourn the meeting at any time, in accordance with Rule 26, if a lost connection is preventing the meeting from conducting its business.

### 24. Apologies

- a) [Councillors who are unable to attend a meeting may submit an apology:](#)
  - i) [in writing to the Mayor or Chief Executive Officer who will advise the meeting; or](#)
  - ii) [by seeking another Councillor to submit it at the meeting on their behalf.](#)
- b) [An apology submitted to a meeting will be recorded in the minutes.](#)

### 25. Leave

- a) [A Councillor intending to take a leave of absence should submit it in writing to the Mayor or Chief Executive Officer:](#)
  - i) [A notice of motion from the Councillor \(requesting to take leave\) outlining the period of leave requested and any other relevant matters.](#)

- b) Council will not unreasonably withhold its approval for a leave of absence request.
- c) A Councillor who has not submitted an apology, in accordance with Rule 24, or had a leave of absence approved under sub-rule (a), who is not in attendance at a Council meeting will be recorded as absent.

## **26. Adjourned meeting**

- a) The Council may adjourn any meeting.
- b) If a Council meeting is adjourned to another day for any reason:
  - i) Rules 13 and 14 apply to the adjourned meeting; and
  - ii) Rule 14 applies to the adjourned meeting to the extent that it is reasonably practicable.

## **27. Postponement or cancellation of Council meetings**

- a) The Chief Executive Officer may postpone or cancel a Council meeting after consulting the Mayor if:
  - i) they have been informed by Councillors that a quorum will not be reached;
  - ii) other circumstances exist which mean the Council meeting cannot be safely or effectively convened or if exceptional circumstances apply.
- b) If the Council meeting is postponed or cancelled under sub-rule (a) the Chief Executive Officer or their delegate must give notice of that postponement or cancellation as soon as reasonably practicable, provided that all Councillors are notified.



## Part 4: Meeting Procedures

### 28. Matters not provided for

- a) Where a situation has not been provided for under these Governance Rules, the Council may determine the matter by resolution.
- b) If there is a typographical error or omission in a Council Report, a Council resolution or any document endorsed or adopted by Council, the Chief Executive Officer may, at any time, correct the error or omission without a resolution of Council.

### 29. Time limits for Meetings

- a) A scheduled or unscheduled Council meeting must not continue after 10.30 pm or for more than 3½ hours after commencement unless a majority of Councillors present vote in favour of its continuance by:
  - i) A motion stating the length of the continuance; and
  - ii) The motion is seconded.
- b) In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Mayor.
- c) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

### 30. Addressing the meeting

- a) Councillors must conduct themselves in a courteous and respectful manner during meetings.
- b) Any person addressing the Mayor should refer to the Mayor as:
  - i) Mayor; or
  - ii) Mayor 'last name'
- c) All Councillors, other than the Mayor, should be addressed as Cr (last name).
- d) All members of Council staff should be addressed by title/position.

### 31. Quorum

- a) If after 30 minutes from the scheduled starting time of any Council meeting, a quorum cannot be obtained:
  - i) those Councillors present; or
  - ii) if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, Director Corporate or other delegate,

may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- b) A Councillor attending a meeting by electronic means of communication with the approval of the Mayor is deemed present for the purposes of a quorum.
- c) If during any Council meeting or any adjournment of such meeting, a quorum cannot be maintained:

- i) those Councillors or members present; or
- ii) if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, Director Corporate or other delegate,

may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

- d) ~~This rule applies if~~ Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision in regard to a matter, Council must consider whether the decision can be made by dealing with the matter in an alternative manner.
- e) For the purposes of sub-rule (d)~~d~~, an alternative manner as outlined in section 67 of the Act may include—
  - i) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
  - ii) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.
- f) Subject to complying with any requirements under any other Act, if Council is unable to use an alternative manner, Council must ~~decide to~~ establish a delegated committee under section 63(2) of the Act to make the decision in regard to the matter consisting of—
  - i) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
  - ii) any other person or persons that Council considers suitable.

### 32. Disclosure of a conflict of interest by a Councillor

- a) If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council, the Councillor must, if they are attending the meeting, disclose the conflict of interest in accordance with sub-rule (b), and if applicable, sub-rule (c).
- b) A Councillor who has a conflict of interest and is attending the meeting of the Council must make a full disclosure of that interest by either advising:
  - i) the Council at the meeting immediately before the matter is considered at the meeting; or
  - ii) the Chief Executive Officer in writing before the meeting

whether the interest is a general conflict of interest or a material conflict of interest, and the nature of the interest.

- c) If the Councillor advised the Chief Executive Officer of the details under paragraph (i) of sub-rule (b), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.
- d) A Councillor who makes a disclosure under sub-rule (b) must complete and submit a conflict of interest form.
- e) The Chief Executive Officer must—
  - i) keep written disclosures received under this rule in a secure place for 3 years after the date the Councillor who made the disclosure ceases to be a Councillor or member of a committee; and

- ii) destroy the written disclosure when the 3 year period referred to in paragraph (i) has expired.
- f) While the matter is being considered or any vote is taken in relation to the matter, the Councillor must—
  - i) leave the meeting and notify the Mayor of their departure; and
  - ii) remain outside the room and any gallery or other area in view or hearing of the meeting.
- g) The Mayor must cause the Councillor to be notified that they may return to the meeting after—
  - i) consideration of the matter; and
  - ii) all votes have been cast on the matter.

### 33. Broadcast and recording of meeting

- a) Council may resolve to [record and/or](#) broadcast its scheduled and unscheduled meetings in any form.
- b) Despite sub-rule (a), a meeting that is closed to the public under section 66 of the Act must not be broadcast or a recording made available to the public in any form.
- c) Without the authority of Council (as the case may be) a person must not:
  - i) make or distribute a recording of any Council meeting; or
  - ii) broadcast any Council meeting.

### 34. Public question time

- a) Any member of the public may submit up to two [written](#) questions to [the Chief Executive Officer at each](#) scheduled Council meeting.
- b) [No questions will be submitted to an unscheduled Council meeting, unless the purpose of the meeting is to hear from the municipal community or at a meeting to elect the Mayor;](#)
- c) Questions from a member of the public:
  - i) must be in writing ([e.g. legible handwriting, typed, email, or other approved form](#)) and state the name and address of the person submitting the question; ~~and generally be in a form approved or permitted by the Council~~ and
  - ii) may relate to a matter of business on the agenda or another matter that is generally accepted to be within the jurisdiction of the Council, either directly or indirectly.
- d) Questions must be received [by the Chief Executive Officer](#) no later than 5.00pm on the business day prior to the meeting [day](#).
- ~~e) If the Council has received a question from the public under sub-rule (a), the Council must suspend standing orders at an appropriate time for the question to be read.~~
- ~~f)e)~~ The Mayor or a member of Council staff nominated by the Mayor may read a question [and response, if available,](#) to those present.
- ~~g)f)~~ The Mayor or [Chief Executive Officer or delegate nominated Council staff member](#) may reject a question that does not comply with sub-rule (c), or if it:

- i) relates to a matter outside the duties, functions and powers of the Council;
  - ii) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - iii) seeks to intentionally embarrass a Councillor or a member of Council staff;
  - iv) relates to personnel matters;
  - v) relates to the personal hardship of any identifiable resident or ratepayer/s;
  - vi) relates to industrial matters;
  - vii) relates to contractual matters;
  - viii) relates to proposed developments, including statutory and strategic planning matters subject to established consultation processes;
  - ix) relates to legal advice;
  - x) relates to matters affecting the security of Council property; or
  - xi) relates to any other matter which the Council considers would prejudice the Council or any person.
- h)g) Questions relating to statutory or strategic planning matters on the agenda for a Council meeting will not be accepted due to the established consultation processes for these matters.
- i)h) Notwithstanding the provisions of sub-rule (f)g) the Council will endeavour to, and where appropriate shall, answer questions from the public that relate to these matters in a way that does not disclose confidential information and or compromise any other parties.
- ~~j) All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.~~
- k)i) If multiple questions related to a decision made by the Council or a matter to be considered by the Council at the meeting are asked and it is appropriate to do so, the Mayor or nominated staff member may collectively summarise these questions and make reference to the decision or the impending consideration of the matter.
- l)j) If a question cannot be dealt with adequately or appropriately during public question time, the Mayor or a nominated staff member may advise ~~the Council~~ that they will provide a written answer in response to the question.

### 35. Public forum

- a) The Council may, from time to time, hold a public forum for up to 30 minutes, or for a length of time as determined by the Mayor, at the beginning of a scheduled Council meeting to allow public submissions to Council on:
  - i) matters listed on an agenda; or
  - ii) any other matter that is generally accepted to be within the jurisdiction of the Council, either directly or indirectly.
- b) Public submissions under sub-rule (a) will not be allowed for any matter that has been heard or may be heard by the Planning Delegated Committee or a Submitters Delegated Committee.

- c) Public submissions relating to statutory or strategic planning matters on the agenda of a Council meeting will not be allowed due to the established consultation processes for these matters.
- d) Members of the public who wish to be heard at public forum are required to give prior notice to the Council in writing to the Chief Executive Officer by 5pm on the business day prior to the meeting day.
- e) Any group or association that wishes to be heard at a public forum is required to nominate a spokesperson.
- f) Unless otherwise decided by the Mayor, the maximum speaking time for a member of the public addressing the Council is three (3) minutes.
- g) There will be no discussion or debate with the member of the public, however the Councillors may ask questions of clarification.
- h) If a response is required, the Mayor will ask the Chief Executive Officer to prepare a response within 10 business days of the meeting, or via referral to another process.

### **36. Petitions (not electronic) and joint letters**

- a) A member of the public may present a petition or a joint letter to a Councillor or the Chief Executive Officer.
- b) Where a petition has been signed by fewer than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- c) Petitions relating to planning issues or matters for which Council is engaging with the community shall be considered along with other submissions either supporting or objecting to the application/proposal.
- d) A petition ~~or joint letter~~ must:
  - i) be signed by 10 or more people;
  - ii) be legible and in permanent writing (i.e. no pencil);
  - iii) be addressed to the Mayor and Councillors of the Macedon Ranges Shire Council;
  - iv) on the first page, contain ~~state~~ the name and contact details of the person forwarding the petition and an address to which notice of the Council's response may be forwarded plus the request for action being made of Council;
  - v) contain the date the petition commences as part of the request for action on each page;
  - vi) the request for action being made of Council must be on each subsequent page of the petition;
  - vii) any page not containing the request for action will not be considered part of the petition;
  - viii) contain the name, ~~residential /property addresses full address (either postal or electronic)~~ and signature of each person signing the petition or letter;
  - ix) contain signatures that are original signatures – they cannot be photocopies or scanned;

- x) include a page number on each page, and the total number of pages should be written on the front page of the petition when submitted;
  - xi) not include any statement that is offensive, defamatory or disrespectful to the Council or any Councillor or member of Council staff;
  - xii) not relate to matters outside the powers of Council;
  - xiii) not contain false or misleading information;
  - xiv) not contain alterations; and
  - xv) not have any letters or other documents attached to it, be comprised of pages, including pages containing signatories of the petition that are original pieces of paper and not pasted, stapled or otherwise affixed to any other piece of paper.
- e) A petition that complies with the provisions of sub-rule (d) must be tabled at a scheduled Council meeting at the first reasonable opportunity by the Chief Executive Officer.
- f) A petition may only be presented to a scheduled Council meeting.
- g) A Councillor who tables a petition must acquaint themselves with the contents of the petition or joint letter and to ascertain that it complies with sub-rule (d).
- i) A Councillor presenting a petition or joint letter to the Council must write their name at the beginning of the petition or joint letter.
- h) A petition tabled at a Council meeting may be dealt with as follows:
- i) a motion may be proposed to accept the petition, forward it to the relevant Director for investigation and reporting back to Council, and advising the head petitioner accordingly; or
  - ii) a motion may be proposed to accept receive and note the petition or joint letter and resolve to deal with it earlier or and refer it to another process, such as attending to the matter operationally.

### 37. Electronic and online petitions

- a) To be valid, an online or electronic petition must:
- i) be addressed to the Mayor and Councillors of the Macedon Ranges Shire Council
  - ii) contain the request of Council on every page of the petition, including the date the petition was commenced;
  - iii) contain the name, residential property and email address of each petitioner;
  - iv) be signed by at least fifty (50) electronic signatures;
  - v) not relate to matters outside the powers of Council;
  - vi) not be derogatory, defamatory or objectionable in language or nature;
  - vii) not contain alterations; or
  - viii) not contain false or misleading signatures or content.
- b) Council prefers and gives greater consideration to electronic petitions that have a majority of residents and ratepayers, firstly of the Shire of Macedon Ranges, secondly, of Victoria and

thirdly, of Australia, rather than residents of other jurisdictions outside these areas who may not have a relevant understanding of the issues.

- c) Electronic petitions will be presented to Council and addressed in the same manner as written petitions under Rule 36(c) and (h).

### **38. Behaviour at meetings**

- a) The Mayor may call to order any Councillor:
- i) who is disruptive, discourteous or acting in an unruly manner during a meeting; or
  - ii) who makes a statement that is offensive, insulting or defamatory.
- b) Without detracting from sub-rule (a), the Mayor may call to order any Councillor who is acting contrary to the Councillor Code of Conduct in a Council meeting comprised solely of Councillors.
- c) If the Mayor calls a Councillor to order, the Mayor may direct the Councillor:
- i) to cease the actions for which the Councillor has been called to order; or
  - ii) to retract a statement, or apologise for a statement, or action.
- d) If a Councillor fails to comply with a direction under sub-rule (c), the Mayor may direct the Councillor to leave the meeting for a specified time.
- e) The direction by the Mayor under sub-rule (d) may be overruled by a resolution of the meeting.
- f) Unless sub-rule (e) applies, a Councillor who is directed by the Mayor to leave the meeting for a specified time must comply with that direction.
- g) The Mayor may direct a member of the public to leave a meeting if, in the opinion of the Mayor, the person is disrupting the orderly conduct of the meeting.
- h) A person directed to leave a meeting under sub-rule (g) must not return to the meeting unless authorised by the Mayor.
- i) The Mayor may adjourn a meeting at any time if a disruption is preventing the meeting from conducting its business in an orderly manner.
- j) Unless otherwise resolved by the Council, an adjournment under sub-rule (i) will be for a period of 15 minutes.
- k) A member of the public addressing the Council must extend due courtesy and respect to the Councillors, the Council and Council staff and must take direction from the Mayor.

## Part 5: Meeting Conduct

### 39. Speaking times

- a) Unless a motion for extension of time has been passed, a Councillor or member must not speak longer than the time set out below:
  - i) the mover of a motion or an amendment five (5) minutes and any other Councillor or member three (3) minutes; and
  - ii) the mover of a motion exercising a right of reply two (2) minutes
- b) An extension of speaking time for any member may be granted by resolution of the meeting.
- c) A motion to extend speaking time must not be permitted after another Councillor or member has commenced speaking.
- d) An extension of speaking time:
  - i) must not exceed three (3) minutes;
  - ii) may only be granted once for each speaker on a motion or amendment.

### 40. Voting process

- a) All members of the Council present at the meeting are entitled to a single vote on each motion and each amendment.
- b) As provided in section 61(5)(d) of the Act, if exactly half the Councillors present in the meeting vote in favour of a motion or amendment the Mayor may cast a second vote to determine whether the matter is carried.
- c) When putting a motion or amendment to a vote, the Mayor will first call for those in favour of the motion and then those opposed to the motion.
- d) Unless the meeting resolves otherwise, all voting must be by a show of hands and must not be by secret ballot.
- e) If a majority of the Councillors in the meeting votes in favour of the motion or amendment, the Mayor must declare the motion or amendment carried.
- f) If the motion or amendment is not carried, the Mayor must declare the motion or amendment lost.
- g) Any Councillor may request that the way they voted on a motion or amendment be recorded in the minutes.
- h) A Councillor intending to abstain from the vote may decide to leave or stay in the meeting while the matter is being considered.
- i) If a Councillor who abstains from the vote stays in the meeting but does not vote, their vote will be considered to have been a vote in the negative, in accordance with section 61(5)(e) of the Act.
- ~~j) As provided in section 61 of the Act, voting in a meeting that is open to the public must not be by secret ballot.~~

### 41. Division

- a) Any Councillor may request a division immediately after a vote is taken under rule 39.:



~~i) immediately before a vote is taken under rule ; or~~

~~ii) immediately after a vote is taken under rule.~~

b) A division cannot be requested after the next item of business has commenced.

c) If a division is requested, the Mayor must:

- i) first ask each Councillor wishing to vote in the affirmative to raise a hand and upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands;
- ii) the Mayor must then state, and the Chief Executive Officer or authorised person must record, the names of those Councillors voting in the affirmative;
- iii) then ask each Councillor wishing to vote in the negative to raise a hand and upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands; and
- iv) the Mayor must then state, and the Chief Executive Officer or authorised person must record, the names of those Councillors voting in the negative.

d) If a prior vote has been taken on the motion or amendment, a Councillor or member is not prevented from changing his or her original vote at the division.

e) Once a vote has been taken under a division, no further vote may be taken on the relevant motion or amendment in that meeting.

#### **42. Introducing a Report**

a) Before a written report is considered by Council and any motion moved in relation to such report, a member of Council staff may, at the request of the Mayor, introduce the report by outlining in not more than two (2) minutes:

- i) its background; and/or
- ii) the reason for any officer recommendation which appears.

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

#### **43. Debate from the Chair**

a) The Mayor may address a Council meeting on any matter under discussion including speaking in favour of or opposing a motion.

- i) if the Mayor is speaking on a matter, points of order or other procedural matters may be raised with the Deputy Mayor.

b) The Mayor must vacate the chair to move a motion or amendment.

c) The Deputy Mayor (or alternative Councillor) will become the temporary chair until the Mayor has concluded their debate, at which time they will resume the chair

- i) where the Deputy Mayor is not present, or declines to take the chair, a temporary chair elected by resolution shall take the chair until such item has been voted on.

#### **44. Moving a motion**

a) The procedure for any motion is:

- i) the Mayor calls for a motion to be put to the Council;
  - ii) the mover must state the motion without speaking to it;
  - iii) the motion must be seconded and the seconder must be a Councillor other than the mover; and
  - iv) if the a-motion is not seconded, the motion lapses;
  - v) if there is a seconder, then the Mayor must ask: "Is the motion opposed? Does any Councillor wish to speak on the motion?";
  - vi) if no Councillor indicates opposition or a desire to speak to it, the Mayor must declare the motion carried without discussion;
  - vii) a Councillor may seek leave from the Mayor to make a statement on the matter once the motion is carried in this manner;
  - viii) if a Councillor indicates opposition or a desire to speak to it, then the Mayor must call on the mover to address the meeting;
  - ix) after the mover has addressed the meeting, the seconder may address the meeting or reserve the right to speak later in the debate;
  - x) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder reserves their right to speak), the Mayor must invite debate by calling on any Councillor who wishes to speak for the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
  - xi) if after the mover has addressed the meeting, the Mayor has invited debate and no Councillor speaks to the motion, then the Mayor must put the motion to the vote.
- b) The Mayor may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.
- c) The Mayor may suspend-adjourn the meeting while a motion is being written or request that the matter be deferred until later in the meeting.

#### 45. Rejecting a motion

- a) The Mayor must reject any motion or amendment which:
- i) is offensive or defamatory;
  - ii) is outside the powers of the Council otherwise contrary to the Council's legal obligations or is not relevant to the item of business on the agenda and has not been admitted as urgent business under Rule 18; or
  - iii) purports to be an amendment but would have the effect of negating the principal intent of the motion it seeks to amend.
- b) If it appears to the Chief Executive Officer that a proposed motion or amendment is contrary to the Council's legal obligations, the Chief Executive Officer must advise the Mayor in a timely manner.

#### 46. Lapsed motion or amendment

- a) A motion or amendment lapses under these Governance Rules if it is not moved or seconded.;

- ~~i) the motion or amendment is no longer debated or voted upon at that meeting;~~
  - ~~ii) it is an amendment, debate on the principal motion resumes; and~~
  - ~~iii) if it is a motion, the meeting proceeds to the next matter on the agenda.~~
- b) Lapsed motions or amendments are not required to be recorded in the minutes of the meeting.
- c) Nothing in these Governance Rules prohibits a lapsed motion from being considered at a later meeting of the Council.

#### **47. Right of reply**

- a) The mover of a motion has a single right of reply to matters raised during the debate.
- b) No new material or comments may be raised during the right of reply.
- c) If a Councillor (other than the mover) has not spoken against the motion there is no right of reply.
- d) After the right of reply has been exercised, the motion must be immediately put to the vote without further discussion or debate.

#### **48. Debating the motion**

- a) Debate must always be relevant to the motion and the Chairperson may:
  - i) request a speaker to confine debate to the subject motion; or
  - ii) direct a speaker to cease speaking if he or she continues to debate irrelevant matters. The speaker must then cease speaking.
- b) No Councillor or member may speak more than once in debating a motion, except where the mover of the motion has a right of reply
- c) A Councillor with leave of the Chairperson may briefly make comment on a motion adopted by the Council for the purposes of informing the public and or highlighting the significance of the decision.

#### **49. Moving an Amendment**

- a) A motion, which has been moved or seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the motion.
- b) An amendment to a motion cannot be negative, or substantially contrary, to the motion.
- c) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion.
- d) If a Councillor proposes an amendment and the original mover and seconder of the motion both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote, and the debate of the motion continues in accordance with Rules 44, 47 and 48.
- e) If a Councillor proposes an amendment to which either the original mover or seconder does not agree, the following will apply:
  - i) The amendment must be moved and seconded.

- ii) Debate will proceed in accordance with Rules 44, 47 and 48
- iii) A Councillor may speak on any amendment once, whether or not they have spoken to the substantive motion, but debate must be confined to the terms of the amendment.
- f) Any number of amendments may be proposed to a motion, but only one amendment may be accepted by the Mayor at any one time. 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 and voted on.
- g) The mover of an amendment does not have a right of reply.
- h) If an amendment is carried then the motion is altered accordingly and becomes the matter before the meeting (known as the substantive motion).
- i) Unless subject to further amendment and debate on the proposed amendment, the motion (as amended) must be put to the vote by the Mayor.
  - i) Prior to the vote in sub-rule (i) above, only Councillors who did not speak to the original motion, prior to the amendment debate and vote, may speak on the original or amended motion.
- j) The mover of the original motion retains the right of reply to the motion (either the original or the substantive motion following amendment).

#### **50. Foreshadowing motions or amendments**

- a) At any time during debate, a Councillor may foreshadow their intention to move a motion or amendment at a later stage in the meeting. This does not extend any special right to the foreshadowed motion.
- b) A foreshadowed motion is not required to be recorded in the minutes until or unless it is proposed as a motion and seconded.

#### **51. Withdrawal of motion or amendment**

- a) Before any motion or amendment is put to the vote it may be withdrawn by the mover. ~~with leave from the meeting.~~

#### **52. Separation of motions**

- a) Where a motion contains more than one part the Mayor may decide to put the motion to the vote in separate parts, achieved by:
  - i) proposing an alternate motion for each part, seeking a mover and seconder and voting; or
  - ii) the motion is moved and seconded but the Mayor seeks a vote on each part of the motion.
- b) If a motion is to be separated due to conflict of interest of one or more Councillors, as per Rule 31, those Councillors with a conflict of interest cannot move or second the part of the motion in which they have a conflict of interest.
- c) Rule 52(a)(ii) cannot be used to manage a conflict of interest situation.

#### **53. Debate for notice of motion, rescission or amendment**

- a) Debate on notices of motion and notices of rescission or amendment shall be conducted in

accordance with [the Rules outlined in](#) Part 5.

- b) If a notice of motion or motion for rescission or amendment is lost ~~or lapses for want of a seconder,~~ a similar motion may not be put before the Council for at least three (3) months from the date it was last lost ~~or lapsed~~.
- c) Council may resolve that a lost motion be re-listed at a future meeting.
- d) If a notice of motion or motion for rescission or amendment is not moved at the meeting for which it is listed, it lapses.
- e) A notice of motion or notice for rescission or amendment listed on an agenda may be moved by any Councillor present;
- f) Where the notice is moved by a Councillor other than the Councillor listed for the notice in the meeting agenda, that Councillor moving the notice cannot amend the notice.
  - i) [Amendments to a notice of motion will be made in accordance with Rule 49.](#)
  - ii) [Notices of motion seeking leave may only be amended to correct errors in fact or omission.](#)

#### **54. Rescission motion not required**

- a) A motion for rescission or amendment is not required where Council wishes to change policy.
- b) Notwithstanding sub-rule (a), the following standards should generally apply if the Council wishes to change policy:
  - i) if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission should be presented to the Council; and
  - ii) 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.
- c) The Council may determine the extent to which these standards should be followed, which will depend on the circumstances of each case.

#### **55. Raising a point of order**

- a) A Councillor may raise a point of order [at any time](#) if [they](#) consider that:
  - i) [a procedural error has occurred, where the Act or these Governance Rules are not being complied with;](#)
  - ii) [there has been an error in fact, or misrepresentation of facts;](#)
  - iii) [the speaker lacks relevance to the motion before Council; or](#)
  - iv) a Councillor should be called to order under rule 38.
- b) A Councillor raising a point of order must:
  - i) state the point of order; and [/or](#)
  - ii) state the relevant rule or provision supporting the point of order.
- c) A Councillor raising a point of order is not deemed to be speaking to the motion or

amendment before the meeting.

- d) All other matters before the Council are suspended until the point of order is decided: it is not necessary to suspend standing orders.
- e) The Mayor must decide all points of order without entering into discussion or debate.
- f) The Mayor may adjourn the meeting to consider a point of order or otherwise must rule on it as soon as it is raised.
- g) The decision of the Mayor in respect to a point of order is final and conclusive unless the meeting dissents.

#### **56. Dissenting a decision**

- a) A Councillor may move a motion of dissent in the Mayor's decision on a point of order.
- b) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Mayor.
- c) A motion of dissent in relation to a point of order is not a motion of dissent in the Mayor.
- d) The Mayor remains in the chair and may exercise a second vote if exactly half the members vote in favour of the motion of dissent.

#### **57. Points of clarification**

- a) A Councillor may, when no other Councillor is speaking raise a point of clarification through the Mayor in order to clear up confusion, ask a question about a motion or report, or enquire as to the correct motion.
- b) A point of clarification should be limited to the facts and should not seek opinions of members of Council staff beyond what is expressed in a report.
- c) A point of clarification may relate to the facts on a notice of motion or item of urgent business.
- d) A point of clarification may be raised to understand the point in the process of debate on a motion or an amendment.
- e) Points of clarification may not be used to further debate of a motion, or air opinion beyond what is required to ask the question to provide clarification.
- f) Where a Councillor is determined by the Mayor to be:
  - i) intentionally mischievous and/or disruptive to the meeting by calling for frivolous or repetitive points of clarification;
  - ii) calling points of clarification as a means to further debate; or
  - iii) calling for points of clarification where the relevant information or response has already been provided.

the Councillor may be called to order and refused any further requests for clarification by the Mayor.
- g) The Mayor has the right to limit points of clarification and direct that debate be commenced or resumed.

#### **58. Procedural motions**

- a) Subject to sub-rule (b)e), a procedural motion may be moved at any time and must be dealt with immediately by the Mayor. ~~A procedural motion may propose:~~
- ~~i) to adjourn a debate;~~
  - ~~ii) to set aside a question;~~
  - ~~iii) to put the question; or~~
  - ~~iv) to adjourn the meeting.~~
- b) A procedural motion must not be moved:
- i) during the election of the Mayor, unless it is to adjourn a meeting; or
  - ii) while any Councillor is speaking.
- c) A procedural motion cannot be moved:
- i) by the Mayor; or
  - ii) by a Councillor or member who has moved, seconded or spoken on the motion or amendment to which the procedural motion relates.
- d) A procedural motion must be seconded.
- e) Unless otherwise provided, debate on a procedural motion is not permitted.
- f) Unless otherwise provided, a procedural motion cannot be amended.
- g) Table 1 (below) outlines common procedural motions and the methodology for each.

Table 1: Procedural Motions

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Deferral of a matter (to a future meeting)</b>	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral) ...'	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a <i>Chairperson</i> ; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
<b>Closure (of debate)</b>	'That the motion now be put'	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a <i>Chairperson</i>	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
<b>Laying a motion on the table (pausing debate)</b>	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No
<b>Take a motion from the table (resume debate on a matter)</b>	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
<b>Alter the order of business</b>	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the <i>Agenda</i>	No



Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Suspension of Standing Orders</b>	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion  No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
<b>Resumption of Standing Orders</b>	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
<b>Consideration of confidential matter(s)</b> (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx is  <i>confidential as it relates to [insert reason]</i>	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes
<b>Reopen the meeting</b>	'That the meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The meeting remains closed to the public	No

**59. Adjourning a matter**

- a) A Councillor may move that the matter be adjourned.
- b) If a motion to adjourn a matter under this rule is passed the motion under consideration and any amendments proposed to that motion are adjourned.
- c) A motion under sub-rule (a) may specify that the matter be adjourned until a specific meeting or until a specific time or place.
- d) If a motion under sub-rule (a) does not state when debate will be resumed, it may be included on the agenda for another meeting:
  - i) if resolved by the Council; or
  - ii) at the discretion of the Chief Executive Officer.
- e) A motion under this rule may be debated, but may only be amended in respect to the time and place when debate will be resumed.

**60. Setting aside a question motion**

- a) A Councillor may move that the question motion be NOT put.
- b) A motion under sub-rule (a) that relates to a motion:
  - i) if carried, prevents the motion from being dealt with and the meeting proceeds to the next matter; or
  - ii) if lost, allows debate on the motion to continue.
- c) A motion under sub-rule (a) that relates to an amendment:
  - i) if carried, prevents the amendment from being dealt with and the meeting proceeds with debate on the motion; or
  - ii) if lost, allows debate on the amendment to continue.
- d) A motion under this rule must not be debated.

**61. Putting the question motion**

- a) A Councillor may move that the question be now put.
- b) A motion under sub-rule (a):
  - i) if carried, requires the motion or amendment that is currently before the meeting to be voted upon immediately; or
  - ii) if lost, allows debate on the motion or amendment to continue.
- c) The Mayor may reject a motion to put the question motion if the Mayor considers that the matter is contentious and has not been adequately debated.
- d) A motion under this rule must not be debated.

**62. Adjourning a meeting**

- a) A Councillor, including the Mayor, may move that the meeting be adjourned.

- b) A motion under sub-rule (a) may specify when the meeting will resume, which may be:
- i) at a specific time, date and place;
  - ii) at the conclusion of another scheduled meeting; or
  - iii) at a time to be determined by the Chief Executive Officer.
- c) A motion to adjourn a meeting may be debated, but may only be amended in respect to the time and place when a meeting will be resumed.

### 63. Suspension of standing orders

- a) The Council may, by resolution, suspend standing orders for:
- i) the purposes of enabling a full discussion of an issue; or
  - ~~ii) the purposes of allowing a member of the public to address the meeting; or~~
  - ~~iii) the purposes of providing for public question time; or~~
  - ~~iv) ii)~~ any other reasonable purpose determined by the meeting.
- b) During a period when standing orders are suspended, no decision, motion or other formal proceeding may be allowed, other than:
- i) the raising of a point of order; or
  - ii) a motion to resume standing orders.
- c) The minutes of a meeting do not have to include a detailed account of matters considered during a period when standing orders are suspended.
- d) The suspension of standing orders should not be used purely to dispense with the processes and protocol ~~of the government~~ of the Council. An appropriate motion is contained in Table 1.
- e) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion is contained in Table 1.

## Part 6: Record Keeping

### 64. Keeping of minutes

- a) The Chief Executive Officer must ensure that minutes of Council meetings are kept.
- b) The minutes of a Council meeting must record:
- i) the date, place, and time of a Council meeting;
  - ii) the names of Councillors and whether they are present, an apology, on leave of absence, or absent;
  - iii) the titles of the members of Council staff present who are not part of the gallery;
  - iv) the disclosures of conflicts of interest made by a Councillor and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed;
  - v) the arrivals and departures of Councillors during the course of the meeting, including at temporary departures or arrivals, including lost connections if attending electronically;
  - vi) every motion and amendment moved, including procedural motions;
  - vii) the outcome of any motion moved;
  - viii) where a division is called the names of every Councillor and the way their vote was cast – noting under the Act abstaining is a vote against the motion;
  - ix) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any motion – noting under the Act abstaining is a vote against the motion;
  - x) details of any failures to achieve or maintain a quorum;
  - xi) a summary of any question asked and the response provided as part of the public question time;
  - xii) details of any petitions made to Council but not the petition signatures;
  - xiii) details of any extraordinary circumstances regarding an unscheduled meeting;
  - xiv) the time the Council meeting was opened and closed, including any part of the Council meeting that was closed to members of the public; and
  - xv) any other matter, which the Chief Executive Officer or delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the minutes.
- c) The draft (unconfirmed) minutes of Council meetings, excluding those parts of meetings that are closed to the public, must be published on the Council's website within five (5) working days after the relevant meeting.
- d) Minutes of any closed Council meetings should record the same information where appropriate, however these minutes remain confidential and are not made available on Council's website.

### 65. Confirmation of minutes

- a) The Chief Executive Officer must ensure that the draft (unconfirmed) minutes of Council

meetings, are submitted to the next scheduled Council meeting for confirmation.

- b) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- c) If a Councillor is dissatisfied with the accuracy of the minutes, then the Councillor must propose a motion specifying the alternative wording to amend the minutes.
- d) Following confirmation, the confirmed minutes are to be displayed on Council's website.
- e) [Council will confirm the minutes of any closed Council meeting at the next scheduled Council meeting, however these minutes will only be circulated to Councillors and not publicly available.](#)

## 66. Other meeting records

- a) The Chief Executive Officer must ensure that a written record of the matters discussed at other specified meetings organised by Council, which involve Councillors and Council staff, will be kept. [Using the template in Appendix 4.](#)
- b) For the purposes of sub-rule (a) the specified meetings are as follows:
  - i) An advisory committee of the Council, if at least one Councillor is present; or
  - ii) A planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -
    - 1) the subject of a decision of the Council; or
    - 2) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee

but does not include a meeting of the Council, a delegated committee of the Council, a meeting of the audit and risk committee, a club, association, peak body, political party or other organisation.
- c) For the purposes of sub-rule (a), the written record of meetings must include:
  - i) the names of attending Councillors, staff members and other persons;
  - ii) a short title of the matters discussed; and
  - iii) any conflicts of interest disclosed by Councillors or Council staff and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed.
- d) The Chief Executive Officer must ensure that the written record of meetings is, as soon as practicable, reported at a scheduled meeting of the Council and incorporated in the minutes of that Council meeting.

## 67. Conflict of interest register

- a) [Disclosures of conflicts of interest by Councillors in accordance with these Governance Rules will be captured in a conflict of interest register, a summary of which will be available on Council's website.](#)
- b) [Disclosures of conflicts of interest by Council staff in accordance with these Governance Rules will be captured in the Council staff conflict of interest register.](#)

## Part 7: Meetings under the auspice of a Council meeting

### 68. Disclosure of a conflict of interest at a meeting under the auspices of Council

- a) At a meeting under the auspices of Council that is not a meeting of the Council, the Chief Executive Officer must ensure that a written record is kept of—
  - i) the names of all Councillors and members of Council staff attending;
  - ii) the matters considered;
  - iii) any conflict of interest disclosures made by a Councillor attending under sub-rule (c);
  - iv) whether a Councillor who has disclosed a conflict of interest as required by sub-rule (c) leaves the meeting.
- b) The Chief Executive Officer must ensure that the written record of a meeting held under this rule is, as soon as practicable—
  - i) reported at a meeting of the Council; and
  - ii) incorporated in the minutes of that Council meeting.
- c) If a Councillor attending a meeting held under this Rule knows, or would reasonably be expected to know, that a matter being considered by the meeting is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest, the Councillor must, at the time set out in sub-rule (d), disclose to the meeting that they have a conflict of interest and leave the meeting whilst the matter is being considered by the meeting.
- d) A Councillor must disclose the conflict of interest either—
  - i) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
  - ii) if the Councillor realises that they have a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that they have a conflict of interest.
- e) A Councillor who makes a disclosure under sub-rule (c) or (d) must complete and submit a conflict of interest form.
- f) The Chief Executive Officer must—
  - i) keep written disclosures received under this rule in a secure place for 3 years after the date the Councillor who made the disclosure ceases to be a Councillor; and
  - iii)ii) destroy the written disclosure when the 3 year period referred to in paragraph (i) has expired.

## Part 8: Delegated Committees

### 69. Rules apply to Delegated Committees

- a) The Governance Rules will apply to the delegated committee meetings:
  - i) with the exception of:
    - 1) Part 2: Election of the Mayor;
    - 2) Part 7 Meetings under the auspice of a Council meeting;
    - 3) Part 9: Community Asset Committee;
    - 4) Part 10: Joint Council Meetings;
    - 5) Part 12: Election Period Policy; and
  - ii) with any necessary modifications outlined in the terms of reference for the individual delegated committee
- b) For the purpose of sub-rule (a):
  - i) a Council meeting is to be read as a reference to a delegated committee meeting;
  - ii) a Councillor is to be read as a reference to a member of a delegated committee;
  - iii) a reference to the Mayor is to be read as a reference to the Chair or Chairperson of the delegated committee.
- c) Public notice will be given at least seven (7) days before a meeting of any delegated committee comprised entirely of Councillors.
- d) If a delegated committee is not comprised entirely of Councillors, the Chairperson must provide reasonable notice of a meeting of the delegated committee to the public.
- e) An agenda for a meeting of a delegated committee which is not comprised solely of Councillors must be prepared by or on behalf of the Chief Executive Officer, and be provided to each member at least 48 hours before the meeting.
- f) A member of a delegated committee may give a notice of motion on any motion the member wants to be considered at a meeting of the delegated committee.
  - i) A notice of motion given by a member must be given in writing to the Chief Executive Officer in sufficient time for the Chief Executive Officer to include it in the agenda for the meeting at which it is proposed to be considered.
- g) At a delegated committee meeting, business that is not included in the agenda must not be considered unless the committee solely comprises all the elected Councillors, in which case sub-rules (a) and (b) apply.
- h) The approved minutes of a delegated committee that is not comprised of all Councillors must be submitted to the next practicable Council meeting.

## Part 9: Community Asset Committees

### 70. Community Asset Committees

- a) A community asset committee established by Council under section 65 of the Act:
- i) is not required to comply with these Governance Rules unless the committee is exercising delegated authority conferred by the Chief Executive Officer in;
    - 1) which case Rule ~~323~~234 will apply concerning the disclosure of a conflict of interest, and a reference to a Councillor in Rule ~~323~~234 is to be construed as a reference to a member of the community asset committee;
  - ii) is required to keep meeting minutes which must be submitted to the Chief Executive Officer following confirmation of the minutes at the next meeting; and
  - iii) must act in accordance with its Charter, Instrument of Delegation and any Terms of Reference established by the Chief Executive Officer.

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## Part 10: Joint Council Meetings

### 71. Participate in Joint Council Meetings

- a) Council may resolve to participate in a Joint Council meeting to consider:
  - i) matters subject to discussion of any existing alliance;
  - ii) collaborative projects;
  - iii) collaborative procurement;
  - iv) collaborative response.
- b) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on Governance Rules with the participating Councils.
- c) Where the Macedon Ranges Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to chair the Joint Council meeting.
- d) A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- e) Consistent information will be provided to Councillors prior to any Joint Council meeting and every endeavor will be made by the Chief Executive Officer to facilitate a joint briefing.
- f) A joint briefing arranged in accordance with sub-rule (e) may be held electronically.

## Part 11: Disclosure of Conflicts of Interest for Staff

### 72. Disclosure of a conflict of interest by a member of Council staff

- a) A member of Council staff who is providing information to:
- i) a meeting of the Council, a delegated committee or a community asset committee; or
  - ii) another member of Council staff exercising a power of delegation or performing a statutory function –
- and who has a conflict of interest in a matter to which the information relates, must disclose the conflict of interest when providing the information and before the information is considered by the applicable meeting referred to in paragraph (i) or another member of staff referred to in paragraph (ii).
- b) A disclosure made by a person under sub-rule (a) must be recorded:
- i) in the minutes of the applicable meeting referred to in paragraph (a)(i); ~~or~~ and
  - ii) in a conflict of interest disclosure register maintained by the Chief Executive Officer;
  - iii) if the information is provided to another member of Council staff referred to in paragraph (a)(ii) in a conflict of interest disclosure register maintained by the Chief Executive Officer.
- c) A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must—
- i) not exercise the power or discharge the duty or function; and
  - ii) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest to—
    - 1) the Mayor, in writing, as soon as they become aware of the conflict of interest in the matter; and
    - 2) the Council by no later than the next meeting of the Council; and
  - iii) in the case of any other member of staff, disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as they become aware of the conflict of interest in the matter.
- d) The Chief Executive Officer does not have a conflict of interest in a matter if the matter only relates to—
- i) the adoption or amendment of a policy relating to Council staff generally;
  - ii) the adoption of a code of conduct for Council staff; or
  - iii) a decision to delegate a power, duty or function to a member of Council staff.

## Part 12: Election Period (Caretaker) Policy

### 73. Election Period (Caretaker) Policy

- a) Council's Election Period (Caretaker) Policy adopted under section 69 of the Act is contained in Appendix 1.

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<b>Policy Title:</b>	<b>Election Period (Caretaker) Policy</b>	
<b>Date of Adoption:</b>	26 August 2020	
<b>Adoption Method:</b>	<input checked="" type="checkbox"/> <b>Council</b> <input type="checkbox"/> <b>CEO</b> <input type="checkbox"/> <b>Other (please specify)</b>	
<b>CEO Signature:</b>		<b>Date:</b> 28 August 2020
<b>Responsible Officer and Unit:</b>	Coordinator Governance	
<b>Nominated Review Period:</b>	<input type="checkbox"/> <b>Annually</b> <input checked="" type="checkbox"/> <b>Other:</b> <b>12 months prior to each General Election</b>	
<b>Last Review Date:</b>	<a href="#">25 September 2019</a> <a href="#">June 2020<sup>1,2</sup></a>	
<b>Next Review Date:</b>	To be completed by 23 September 2023. (At least once in each Council term and, no later than 12 months prior to the commencement of an election period.	
<b>Purpose / Objective:</b>	To ensure that the ordinary business of Council continues throughout the election period in a responsible and transparent manner, and in accordance with statutory requirements and established 'caretaker conventions'.	
<b>Background / Reasons for Policy:</b>	<p>Section 69 of the <i>Local Government Act 2020 (Vic)</i> (The Act) requires Council to include an election period policy in its Governance Rules. The Act stipulates that: the policy prohibit certain decisions during the election period (ss.69(2) and (3); that certain decisions if made in the election period will be invalid (69(4)) and that any person who suffers loss or damage as a result of acting in good faith on an invalid Council decision is entitled to compensation (69(5)).</p> <p>These statutory requirements are minimum governance standards only and this policy, to be read in conjunction with the Councillor Code of Conduct, further defines the expectations on Council, Councillors and Council staff during the period prior to the conduct of Council elections.</p>	
<b>Related Policies:</b>	Councillor Code of Conduct Staff Code of Conduct Councillor Support and Expenses Policy <a href="#">Community Consultation Framework</a> <a href="#">Community Engagement Policy</a>  Media Policy Social Media Policy Social Media Guidelines	
<b>Related Legislation:</b>	<a href="#">Local Government Act 1989 (Vic)</a> <a href="#">Local Government Act 2020 (Vic) (the Act)</a> <a href="#">Local Law 10 — General Purposes and Amenities Local Law</a> <a href="#">Local Law 11 — Meeting Procedure Local Law</a>	

<sup>1</sup>Minor amendment made 7 November 2019 and approved by

<sup>2</sup>Amendments made June 2020 and approved by CEO to replace repealed provisions and terminology from the *Local Government Act 1989* and incorporate new provisions of *Local Government Act 2020*

## Contents

### Introduction

1. Definitions.....	4
2. Scope .....	5
3. Policy principles.....	5
4. Decisions during the election period .....	5
4.1 Prohibited decisions during election period .....	5
4.2 Scheduling of Decisions.....	6
4.3 Decisions by the CEO.....	6
4.4 Announcement of decisions made prior to the election period.....	7
4.5 Conduct of Council Meetings.....	7
5. Council publications.....	7
5.1 Prohibition on publishing materials during the election period .....	7
5.2 Considerations of CEO in granting publication approval.....	7
5.3 Council websites.....	8
5.4 Social media.....	8
5.5 Email usage.....	8
5.6 Annual Report .....	8
5.7 Council publications .....	8
5.8 Council noticeboards and buildings.....	8
6. Consultations .....	8
7. Events and functions .....	9
8. Council resources .....	9
8.1 Council resources .....	9
8.2 Correspondence.....	9
8.3 Expenses incurred by Councillors.....	9
8.4 Council branding and stationery .....	9
8.5 Photographs and images .....	9
8.7 Forums .....	10
9. Access to Council information .....	10
9.1 Information and briefing material .....	10
9.2 Information requests from Councillors and candidates.....	10
10. Media and media services.....	10
10.1 Media advice.....	10
10.2 Media releases/spokespersons .....	10
10.3 Publicity campaigns.....	10
10.4 Councillors.....	11
10.5 Council staff .....	11
11. Equity in assistance to candidates .....	11

11.1 Candidate assistance and advice .....	11
11.2 Election process enquiries .....	11
11.3 Misuse of position .....	11
12. Council staff member standing for election .....	11
13. Election signage .....	11
13.1 Election signs on private land .....	11
13.2 Election signs on public land and roads .....	12
13.3 Election signs on vehicles and trailers .....	12
14. Notification and distribution of policy .....	12
15. Suspension of matters during election period .....	12
16. Monitoring, enforcement and amendment .....	12
Request for approval of publication during the election period .....	14
Submission to information request register form .....	15

#### Revision and review history

Version control	Approved, Amended, Rescinded	Date effective	Approved by	Document Reference	Summary of Changes
		7/11/2019	Chief Executive Officer		Correct date of commencement of election period
		06/2020	Chief Executive Officer		Replace repealed provisions and terminology from the <i>Local Government Act 1989</i> and incorporate new provisions of <i>Local Government Act 2020</i>
					Minor updates as part of review of Governance Rules

## Introduction

The election period starts at the time that nominations close on nomination day; and ends at 6pm on election day.

~~The election period for the upcoming elections will therefore apply from 12pm (noon) on the day nominations close, Tuesday 22 September 2020, until 6pm on election day, Saturday 24 October 2020, inclusive.~~

## 1. Definitions

Term	Definition
<b>Caretaker conventions</b>	Arrangements implemented in the period prior to an election that aim to ensure Council actions do not interfere with the integrity of the election process and aim to protect the authority of the incoming Council.
<b><u>Election date</u></b>	<u>Means the day of an election determined under section 257 or 260 of the Local Government Act 2020.</u>
<b>Election manager</b>	The Victorian Electoral Commission (VEC) or a person appointed in writing by the VEC.
<b>Election period:</b>	The period that starts at the time that nominations close on nomination day and ends at 6pm on election day. This period is commonly referred to as the caretaker period.
<b>Electoral material</b>	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.
<b>Electoral matter:</b>	<p>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.</p> <p>Without limiting the generality of the definition, electoral matter is to be taken to be matter intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on –</p> <ol style="list-style-type: none"> <li>The election; or</li> <li>A candidate in the election; or</li> <li>An issue submitted to, or otherwise before, the voters in connection with the election.</li> </ol>
<b>Events and functions:</b>	Gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities and social occasions such as dinners, receptions and balls.
<b>Prohibited decision</b>	Any Council decision during the election period for a general election that— <ol style="list-style-type: none"> <li>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</li> <li>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 <del>estimated at \$509,000 as at June 2020</del>; or</li> <li>the Council considers could be reasonably deferred until the next Council is in place; or</li> </ol>

	<p>(d) the Council considers should not be made during an election period; and</p> <p>Any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.</p>
<b>Publish:</b>	Any means, including by publication on the internet.

## 2. Scope

This policy applies during an election period to cover:

- decisions that are made by Council, a committee having Council delegated power, or person acting under delegation by Council
- any material that is published by Council or on Council's behalf
- public consultation activities
- scheduling, attendance and participation in functions and events
- the use of Council resources
- access to Council information
- media services issues (including media advice, media releases / spokespersons) and publicity campaigns.

Any such decisions or actions, if allowed at all, must only be made or taken subject to the following principles.

## 3. Policy principles

This policy must be complied with during an election period, or such longer period as resolved by Council, if any of the following apply:

- a prohibited decision is being considered
- written material which has reference in it to a candidate (which includes sitting Councillors) or the election or an issue before the voters in connection with the election) is about to be published
- a Council publication is being created
- a public consultation process is being considered
- a sitting Councillor is planning to attend a function or event
- Council staff supply administrative or resource support to Councillors
- a Councillor requests access to Council information
- a sitting Councillor requests media advice or services.

## 4. Decisions during the election period

Council, a committee acting under delegation given by Council, or a person acting under delegation given by the Council or the Chief Executive Officer, must not make a prohibited decision during the election period for a general election.

### 4.1 Prohibited decisions during election period

Section 69(2) of the Act requires that the election period policy prohibits Council making certain decisions during the election period for a general election. These are defined in clause 1 of this policy and are outlined further below in clauses 4.1.1 to 4.1.4.

Additionally, section 69(3) of the Act requires that the policy prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's



resources in a way that is intended to influence, or is likely to influence, voting at the election. These matters are considered below in clauses 5-10 of this policy.

#### **4.1.1 Decisions regarding appointment and remuneration of the Chief Executive Officer**

Decisions that relate to the appointment or remuneration of the Chief Executive Officer will not be made during the election period for a general election.

#### **4.1.2 Decisions regarding Council expenditure**

Decisions that commit 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 will not be made during the election period for a general election. [\[As at 19 June 2020, this figure was \\$509,000\]](#)

#### **4.1.3 Decisions that could be reasonably deferred until the next Council is in place**

Decisions that could reasonably be deferred until the next Council is in place will be scheduled for determination by the incoming Council. In determining whether a decision could be reasonably deferred, consideration will be given to whether the matter under consideration is urgent and cannot be deferred without having a negative impact on the Council, the municipality or the local community.

#### **4.1.4 Decisions that should not be made during the election period**

The following is a non-exhaustive list of decisions (whether made by Council, a delegated committee of Council or a staff member with delegated authority) that Council considers should not be made during the election period:

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

#### **4.2 Scheduling of Decisions**

Unless 'extraordinary circumstances' apply the CEO will ensure that the types of decisions outlined in 4.1.3 and 4.1.4 are either:

- considered by Council prior to the election period, or
- scheduled for determination by the incoming Council.

#### **4.3 Planning decisions that can be made**

[During the election process, the normal processing of planning applications and planning scheme amendments may continue, so that Council can comply with statutory obligations in a timely manner.](#)

#### **4.4 Decisions by the CEO**

In the case of a decision referred to the CEO for approval during the election period, in deciding whether to give approval, the CEO will have regard to a number of factors including:

- 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 Council

- [Council's legislative responsibilities](#).

#### **4.5 Announcement of decisions made prior to the election period**

This policy applies only to the actual making of decisions, not the announcement of decisions which have been made prior to the election period. However, as far as practicable such announcements should be made before the election period begins.

#### **4.6 Conduct of Council Meetings**

The following adjustments will be made to the conduct of Council Meetings during the election period:

- public question time will be suspended.
- councillors will limit their discussion during debate to the topic under consideration and will avoid raising electoral matter where possible.
- councillors will not raise items that contain or relate to electoral matter.
- no officer report shall be presented to Council during the election period unless it contains an express statement by the CEO that a decision on the matter would not constitute a prohibited decision.

### **5. Council publications**

#### **5.1 Prohibition on publishing materials during the election period**

It is prohibited under section 304(2) of the Act for a Councillor or a member of Council staff to use Council resources to intentionally or recklessly print, publish or distribute, or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, the Council, unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Councillors are, however, able to publish campaign material on their own behalf and at their own cost, but must assume responsibility for compliance with the relevant sections of the Act and cannot purport for that material to be originating from, or authorised by Council (i.e. by use of Council logos).

The word 'publication' should be read broadly to include printed material, electronic information and web-based productions.

##### **5.1.1 Publication approval process**

The CEO will ensure that information is provided to Councillors, staff and contractors prior to the election period to preclude unauthorised publication of materials during an election period.

All advertisements, handbills, pamphlets or notices for printing, publication (including updates to Council's websites) or distribution during the election period will be approved by the CEO using the *Request for approval of publication* form ([see sample form in](#) Attachment 1) during the election period and the process for approval will be as follows:

- publication authors are to check that no electoral matter is included when preparing a publication and submit the completed publication to the Coordinator Governance for review
- the Coordinator Governance is to confirm that no electoral matter is included, and return the publication to the author (if electoral matter is present) or submit it to the CEO for approval (if it complies with the requirements of the Act).
- the CEO is to approve or reject the publication and return it to the Coordinator Governance
- the Coordinator Governance is to maintain a register of all documents approved under this section.

#### **5.2 Considerations of CEO in granting publication approval**

Except as described more specifically elsewhere in this policy, in considering whether to grant approval for the publication of material during the election period, the CEO will not permit any materials to be published which include reference to the following:

- a candidate in the election
- a current Councillor
- the strengths or weaknesses of a candidate
- response to claims made by a candidate
- advocacy for, or criticism of, the policies of Council or of a candidate
- publicity for the achievements of the elected Council [or Councillor](#)
- an issue before the voters in connection with the election.

### 5.3 Council websites

During the election period Council websites will not contain material precluded by this policy under clause 5.2. Any references to the election will only relate to the election process. Information about Councillors will be restricted to names and contact details.

### 5.4 Social media

For the duration of the election period, administrator access to Council's social media channels will be restricted to the Communications Unit to ensure the risk of publishing material in breach of the policy is minimised. The CEO will determine any other processes and resourcing necessary to moderate social media in accordance with this policy.

### 5.5 Email usage

The CEO will ensure that information is provided to Councillors, staff and contractors prior to the election period to preclude unauthorised publication of materials via the Council email system during an election period. Such information will include support in recognition of material that may be defined as 'electoral material', such as described in clause 5.2, and instruction to ensure that material that may be considered pertinent to the election is not circulated more widely than normal without authorisation.

### 5.6 Annual Report

Should the publication date of the Annual Report occur during the election period, information about Councillors will be restricted to what is required by *the Local Government (Planning and Reporting) Regulations 2014* and membership of special committees and other bodies to which they have been appointed by Council.

### 5.7 Council publications

Any Council publication which is potentially affected by this policy will be reviewed by the Coordinator Governance, Manager Communications or the CEO to ensure that any circulated, displayed or otherwise publicly available material during the election period does not contain content that may be construed as 'electoral matter'.

### 5.8 Council noticeboards and buildings

During the election period Council noticeboards and buildings will only be used for display of material that only contains information about the election process itself or information that would not reasonably be determined to be 'electoral material'.

## 6. Consultations

Public consultation of a limited kind normally associated with the routine administration of planning, building, traffic, or other matters will continue through the election period. However, significant community or ward-wide consultation on major strategy or policy issues will not occur, or if already commenced should be discontinued during the election period.

Public consultations required by Section 223 of the *Local Government Act 1989* or by the *Planning and Environment Act 1987* may need to occur during the election period. [If required, these processes will be conducted in accordance with the legislative requirements and Council's Community Engagement Policy.](#)

## 7. Events and functions

Councillors are able to continue to attend meetings, events and functions during the election period which are relevant to the Council and the community.

Council's annual program of events will continue during the election period however speeches will be limited to a short welcome, and should not contain any express or implied reference to the election. Any publicity will be mindful of the controls on electoral material outlined in these guidelines.

Councillors are able to attend events or functions conducted by external bodies during the election period, however when attending as a representative of Council, Councillors must be mindful that they do not use that opportunity to promote their election campaign.

## 8. Council resources

Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Council staff should avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes.

Staff, including support staff for the Mayor and Councillors, must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

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 Coordinator Governance or the CEO.

### 8.1 Council resources

Council resources, including officers, support staff, hospitality services, equipment (including mobile telephones, computers and any other technology), email addresses, and stationery should be used exclusively for normal Council business during the election period, and should not be used in connection with an election.

### 8.2 Correspondence

Councillors will sign only the necessary minimum, if any, correspondence during the election period, eg- the Mayor cannot sign letters of congratulations during the election period. Consistent with current standard practice, correspondence addressed to Councillors that relates to operational matters will be referred to the relevant Director for response. Correspondence in respect to significant, sensitive or controversial matters, or to policy matters, should be signed by the CEO. Replies will be prepared in all cases to protect Council staff from any perception of political bias.

### 8.3 Expenses incurred by Councillors

Payment or reimbursement of costs relating to Councillors' out-of-pocket expenses incurred during the election period should only apply to necessary costs that have been incurred in the performance of normal Council duties, not campaigning, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign. In the case of Councillor claims that cover a combination of Council and electoral business, the CEO will only approve a partial reimbursement to cover Council activities.

### 8.4 Council branding and stationery

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

### 8.5 Photographs and images

Photographs and images taken by or provided by Council are not to be used by Councillors for the purpose of electioneering or in support of their election campaign.

This applies equally to images on the Council website that may be able to be copied.

## 8.7 Forums

No local community forums, ward meetings or any other forums where matters affecting Council services, major projects, planning matters and issues with Shire-wide impacts will be held by Councillors during the election period.

## 9. Access to Council information

All candidates have equal rights to access public information relevant to their election campaign from the Council administration. [Council information sought by candidates will be listed on Council's website. Candidates may seek, through the CEO, copies of the Council information listed on the website and provided to another candidate or candidates.](#) Neither Councillors nor candidates will be provided information or advice from Council staff that might be perceived to support and advise them during the election period.

### 9.1 Information and briefing material

Information and briefing material prepared or secured by staff for a Councillor during the election period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

### 9.2 Information requests from Councillors and candidates

The Coordinator Governance will maintain an Information Request Register during the election period. This Register is a public document and will record all requests for information by Councillors or candidates, and the response given to those requests. Staff will be required to provide details of requests and responses to the Coordinator Governance for inclusion in the register.

Any enquiries by staff regarding information requests or briefing material perceived to be of an electoral nature or related to election issues will be referred by staff in the first instance to the Coordinator Governance for a determination. The [Submission to iCandidate Information request register form as approved by the CEO and available on Council's website](#) (see sample form in Attachment 2) is to be completed for this purpose.

## 10. Media and media services

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

### 10.1 Media advice

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

### 10.2 Media releases/spokespersons

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

### 10.3 Publicity campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO or Manager Communications. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

#### 10.4 Councillors

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

#### 10.5 Council staff

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

### 11. Equity in assistance to candidates

All candidates for the Council election will be treated equally.

#### 11.1 Candidate assistance and advice

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. The types of assistance that are available will be documented and communicated to all candidates in advance.

#### 11.2 Election process enquiries

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

#### 11.3 Misuse of position

Using Council resources for campaigning may be a criminal misuse of a Councillor's position under [Section 76D of the Local Government Act 1989](#)<sup>3</sup> [section 123 of the Local Government Act 2020](#). Serious penalties are prescribed for any Councillor who inappropriately makes use of their position or information obtained in the role of Councillor, to gain an advantage for themselves or for any other person.

### 12. Council staff member standing for election

In accordance with section 34(2)(d) of the Act, a person is not qualified to be a Councillor if they are a member of Council staff of the Council. However, staff members are not prevented from nominating as a candidate (s.256(8)).

In the event that a member of Council's staff stands for election as a Councillor for the Macedon Ranges Shire, they are required to:

- take leave from their position to stand for election to the office of Councillor for the duration of the election period (with leave commencing, at the latest, from the time of nominating as a candidate);
- not perform any duties of their position for the duration of the election period; and
- if elected, resign from their position before taking the oath or affirmation of office.

### 13. Election signage

The content of election signage must meet the requirements for electoral material under section 291 of the Act. Council provides guidance in relation to the rules which apply to signage that promotes candidates in an election, or relates to election issues.

#### 13.1 Election signs on private land

Election signs are allowed to be displayed on private land without a permit with permission from the owner of the land, subject to the following restrictions which are set out in clause 52.05-10 of the Macedon Ranges Planning Scheme:

<sup>3</sup>This provision of the [Local Government Act 1989](#) remains in force until it is repealed on 24 October 2020.



- the advertisement area of the sign must not exceed 5 square metres
- only one sign may be displayed on the land
- the sign must not be animated or internally illuminated, and it must not be displayed longer than 14 days after the event is held or 3 months without a permit. (whichever is sooner).

### 13.2 Election signs on public land and roads

The placement of election signs on land that is owned or managed by Council (including recreation reserves, halls, facilities, nature strips, median strips, and road reserves) is prohibited. The erection of such signs will be dealt with as a breach of the Council's General Purposes and Amenity Local Law No.10.

In relation to roads and road infrastructure, penalties may also apply under section 66 of the *Road Management Act 2004*, which outlines the controls on advertising, signs and bills on roads and road infrastructure.

### 13.3 Election signs on vehicles and trailers

Portable or moveable election signs that are attached to a vehicle, trailer or similar may only be displayed if a permit is granted in accordance with Council's General Purposes and Amenity Law Local Law No. 10 and provided that:

- the sign does not unreasonably restrict the use of the road, or endanger the safety of members of the public
- the relevant parking restrictions and requirements are observed.

## 14. Notification and distribution of policy

A copy of this policy will:

- be given to each Councillor as soon as possible after it is adopted
- be available for inspection by the public at the Council Customer Service Centres
- be published on Council's website.

Additionally, as soon as possible and no later than 30 days prior to the commencement of the election period, the CEO will ensure that all staff are informed of the requirements of this policy.

## 15. Suspension of matters during election period

In accordance with [section 173 of the Act<sup>4</sup>](#), any applications made, or proceedings before a Councillor Conduct Panel or the Victorian Civil and Administrative Tribunal regarding the misconduct or serious misconduct of a person who is a Councillor, must be suspended during the election period.

If an application is made to a Councillor Conduct Panel for a finding of serious misconduct against a person who is a Councillor before a general election, and that person is not returned to the office of Councillor as a result of the general election, the application made against that person who was a Councillor before the election lapses.

If an application is made to a Councillor Conduct Panel for a finding of serious misconduct against a person who is a Councillor before a general election, and that person is returned to the office of Councillor as a result of the general election, the application made against the Councillor may resume, whether or not any applicant was returned to the office of Councillor as a result of the general election.

## 16. Monitoring, enforcement and amendment

The implementation of this policy shall be overseen by the Coordinator Governance.

<sup>4</sup> This clause is to be read in accordance with section 81N of the *Local Government Act 1989* until the repeal of this provision on 24 October 2020; thereafter it is to be read in accordance with section 173 of the *Local Government Act 2020*.

Breaches of the policy shall be brought to the attention of the CEO without delay. Breaches of the policy sufficient to constitute a breach of the Act shall be referred to the Local Government Inspectorate.

The CEO has the discretion to introduce additional provisions to this policy where they believe the new provisions are necessary to support the achievement of its stated policy objectives.

Any changes made by the CEO will be reflected in an update to this policy and published on Council's website and a notification of this change will be sent to all Councillors and candidates.

DRAFT



## Attachment 1

## Request for approval of publication during the election period

### 1 Author to complete

<b>Document description (<i>attach document</i>):</b>	
<b>Intended distribution channel:</b>	

I declare that this material contained in the attached document has been checked by me and to the best of my knowledge does not contain any electoral matter.

<b>Name and title:</b>	
<b>Signature:</b>	
<b>Date:</b>	

### 2 Coordinator Governance (or delegate) to complete

- ☐ I have reviewed the material contained in the attached document and have returned the document to the author as I am of the view it contains electoral matter.
- ☐ I have reviewed the material contained in the attached document and can advise that to the best of my knowledge it does not contain any electoral matter.

<b>Name and title:</b>	
<b>Signature:</b>	
<b>Date:</b>	

### 3 CEO to complete

- ☐ I have reviewed the material contained in the attached document and do not approve that it be printed, published or distributed during the election period on behalf of Macedon Ranges Shire Council.
- ☐ I approve that the attached advertisement, handbill, pamphlet or notice may be printed, published or distributed during the election period on behalf of Macedon Ranges Shire Council.

<b>Name and title:</b>	
<b>Signature:</b>	Chief Executive Officer
<b>Date:</b>	

## Attachment 2



**Macedon Ranges**  
Shire Council

## Submission to Candidate information request register form

### 1 Council officer to complete

Name of Councillor or candidate  
making the request:

Date of request:

Information requested (*attach  
documents if required*):

Was information provided?  
Date information provided:

Yes ☐ No (if no, go to 2) ☐

Information provided (*attach  
documents if required*):

### 2 Submit to Coordinator Governance (or delegate) within 24 hours

### 3 Coordinator Governance (or delegate) to place on register