



MEETING OF THE PORT PHILLIP CITY COUNCIL

AGENDA

2 SEPTEMBER 2025



Please consider
the environment
before printing



Consider carefully how
the information in this
document is transmitted

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



Welcome

Welcome to this Meeting of the Port Phillip City Council.

Council Meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way. They also allow the public to be involved in the decision-making process of Council.

About this meeting

There are a few things to know about tonight's meeting. The first page of tonight's Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.

Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. Council will consider the report and either accept the recommendation or make amendments to it. All decisions of Council are adopted if they receive a majority vote from the Councillors present at the meeting.

Public Question Time and Submissions

Provision is made at the beginning of the meeting for general question time from members of the public.

All contributions from the public will be heard at the start of the meeting during the agenda item 'Public Questions and Submissions.' Members of the public have the option to either participate in person or join the meeting virtually via Teams to ask their questions live during the meeting.

If you would like to address the Council and /or ask a question on any of the items being discussed, please submit a 'Request to Speak form' by 4pm on the day of the meeting via Council's website:

[Request to speak at a Council meeting - City of Port Phillip](#)





MEETING OF THE PORT PHILLIP CITY COUNCIL

To Councillors

Notice is hereby given that a **Meeting of the Port Phillip City Council** will be held in **St Kilda Town Hall and Virtually via Teams** on **Tuesday, 2 September 2025 at 6:30pm**. At their discretion, Councillors may suspend the meeting for short breaks as required.

AGENDA

- 1 **APOLOGIES**
- 2 **MINUTES OF PREVIOUS MEETINGS**
Minutes of the Meeting of the Port Phillip City Council 20 August 2025.
- 3 **DECLARATIONS OF CONFLICTS OF INTEREST**
- 4 **PUBLIC QUESTION TIME AND SUBMISSIONS**
- 5 **COUNCILLOR QUESTION TIME**
- 6 **SEALING SCHEDULE**
Nil
- 7 **PETITIONS AND JOINT LETTERS**
Nil
- 8 **PRESENTATION OF CEO REPORT**
Nil
- 9 **A HEALTHY AND CONNECTED COMMUNITY**
Nil
- 10 **AN ENVIRONMENTALLY SUSTAINABLE AND RESILIENT CITY**
Nil
- 11 **A SAFE AND LIVEABLE CITY**
Nil
- 12 **A VIBRANT AND THRIVING COMMUNITY**..... 7
 - 12.1 *St Kilda Triangle Feasibility - Advocacy Outcomes*..... 8

MEETING OF THE PORT PHILLIP CITY COUNCIL 2 SEPTEMBER 2025



13	AN ENGAGED AND EMPOWERED COMMUNITY	16
13.1	<i>Governance Rules - Final approval of updates post consultation</i>	17
13.2	<i>Update to the Procurement Policy</i>	114
13.3	<i>Review of Council's Delegations to the Chief Executive Officer and Delegated Committee.....</i>	152
13.4	<i>Appointment of Authorised Officer Pursuant to the Planning and Environment Act 1987.....</i>	166
14	A TRUSTED AND HIGH PERFORMING ORGANISATION	
	<i>Nil</i>	
15	NOTICES OF MOTION	
	<i>Nil</i>	
16	REPORTS BY COUNCILLOR DELEGATES	
17	URGENT BUSINESS	
18	CONFIDENTIAL MATTERS.....	170
	<i>The information contained in the following Council reports is considered to be Confidential Information in accordance with Section 3 of the Local Government Act 2020.</i>	

18.1 South Melbourne Town Hall - Contract Variation

- 3(1)(a). *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

Reason: This report contains contractual information, including project and construction contract contingency provisions, that if released at this time would disadvantage Council in its ability to manage its construction contract in the best interests of the community.

18.2 71A Acland Street – Expression of Interest Process

- 3(1)(e). *legal privileged information, being information to which legal professional privilege or client legal privilege applies*
- 3(1)(a). *private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

Reason: This report outlines the details of a recently completed procurement process which contains confidential commercial information that if released would prejudice commercial businesses and Council. The report also includes confidential legal and probity advice in relation to the procurement and property management information

MEETING OF THE PORT PHILLIP CITY COUNCIL 2 SEPTEMBER 2025



18.3 CEO Employment Matters – 2024/25 Performance Assessment and 2025/26 Annual Performance Agreement

3(1)(f). *personal information, being information which if released would result in the unreasonable disclosure of information about any person of their personal affairs*

Reason: Under the CEO Employment and Remuneration Policy, Section 16 - Confidentiality, Council does not disclose any personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. The CEO's performance and remuneration fall into that category.



1. APOLOGIES

2. MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the [Minutes of the Meeting of the Port Phillip City Council held on 20 August 2025](#) be confirmed.

3. DECLARATIONS OF CONFLICTS OF INTEREST

4. PUBLIC QUESTION TIME AND SUBMISSIONS

5. COUNCILLOR QUESTION TIME

6. SEALING SCHEDULE

Nil

7. PETITIONS AND JOINT LETTERS

Nil

8. PRESENTATION OF CEO REPORT

Nil

9. A HEALTHY AND CONNECTED COMMUNITY

Nil

10. AN ENVIRONMENTALLY SUSTAINABLE AND RESILIENT CITY

Nil

11. A SAFE AND LIVEABLE CITY

Nil



12. A VIBRANT AND THRIVING COMMUNITY

12.1	<i>St Kilda Triangle Feasibility - Advocacy Outcomes.....</i>	8
------	---	---

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



12.1 ST KILDA TRIANGLE FEASIBILITY - ADVOCACY OUTCOMES

EXECUTIVE MEMBER: BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT

PREPARED BY: DANIEL BODEN, SENIOR PROGRAM MANAGER FISHERMANS BEND

EMMA VAN DER LINDEN, DELIVERY LEAD URBAN RENEWAL

1. PURPOSE

- 1.1 To update Councillors on the outcomes of the advocacy strategy for the Live Music Venue proposal and seek approval on the next steps for the St Kilda Triangle site.

2. EXECUTIVE SUMMARY

- 2.1 The St Kilda Triangle site has a long history and association with live music until the Palais de Danse / Palace venue was destroyed by fire in 2007. Since then, it has been a car park and used intermittently for temporary events.
- 2.2 On 7 September 2022, Council decided to undertake feasibility work for the St Kilda Triangle site to assess the viability of a live music-led, performance venue development. This stage 1 feasibility considered urban design, market sounding, commercial feasibility and development options, planning pathways and engagement.
- 2.3 On 6 December 2023 Council elected to progress beyond stage 1 with a targeted market engagement to clarify the level of interest and potential funding options, alongside advocacy to the Victorian Government for investment in a business case
- 2.4 In July 2024, Council received a summary of the outcomes of the targeted market engagement. Council decided to continue advocacy to the State Government while other project works on the St Kilda Triangle site were paused.
- 2.5 Despite advocacy efforts since July 2024, including meetings with relevant State and Federal MPs, no interest has been expressed in contributing to progressing the project either financially or otherwise.
- 2.6 Within the limited funding opportunities from the State and Federal Governments a number of alternative options for next steps has been considered. These options, ranging from progressing the project, to continued advocacy and pivoting to investigating new permanent uses, have been discounted due to a number of reputational and financial risks.

3. RECOMMENDATION

That Council:

- 3.1 Places all work related to the Live Music Venue proposal on hold until there is further interest from the State Government or another third party.
- 3.2 Requests officers to investigate options for short-term amenity and beautification upgrades for the St Kilda Triangle site for consideration through the Great Places and Precinct Program in 2025-26.

4. KEY POINTS/ISSUES

- 4.1 For more than a century, the St Kilda Triangle site has a history of live music and performance venues. Paired alongside the iconic 1927 Palais Theatre, the Palais de Danse / Palace venue operated on the site from 1919 until 2007 when it was destroyed by fire.
- 4.2 It is since this time that the site has operated as a car park with part of the site occasionally used for various temporary events.
- 4.3 Two significant attempts have been made since 2010 to develop and deliver a vision for the site but for various reasons these did not prevail.

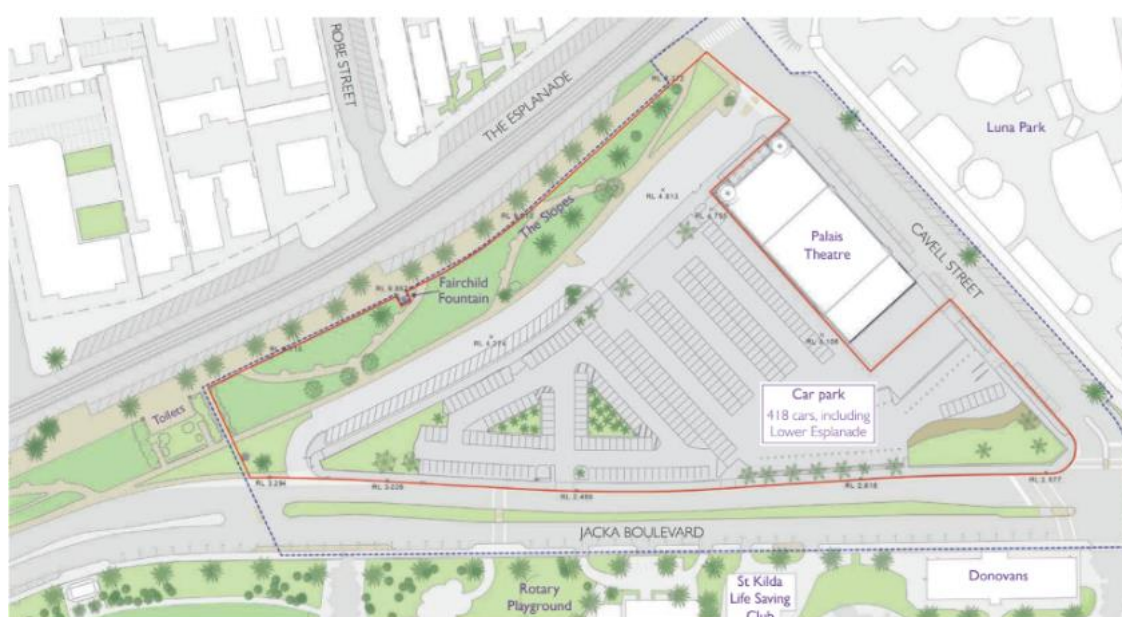


Figure 1: Existing Conditions and Project Area Plan

St Kilda Live Music Precinct

- 4.4 In 2021, Council endorsed the Live Music Action Plan to help ensure live music continues to thrive in our city. The plan recommended the development of a live music precinct. As a celebrated home of live music, St Kilda was selected as the prime location for a precinct.
- 4.5 In parallel with the work on the Live Music Precinct, Council considered the possibility of accommodating a live music and performance venue on the Triangle site and, at a public meeting in September 2022, Council elected to proceed with Stage 1 feasibility work for the St Kilda Triangle to assess the viability of a live music led / performance venue development on the site.
- 4.6 This included taking in key aspects of the [2016 St Kilda Masterplan](#), which outlines Council and community's agreed future aspiration for the development of the Triangle site.
- 4.7 In December 2022, Councillors were presented with a set of project objectives designed to translate this direction to an outcome that facilitates Council decision-making about the future of the St Kilda Triangle Project.
- 4.8 Stage 1 feasibility works included the preparation of; a *Commercial Analysis and Development Strategy*, *Market Sounding Report* and a *Design Feasibility Report*, which

MEETING OF THE PORT PHILLIP CITY COUNCIL 2 SEPTEMBER 2025



would detail options for how a venue, parking, access, connections, and open space can be arranged and operate on the site, using the 2016 masterplan as a key reference point.

- 4.9 A series of workshops and briefings were held with Councillors at key stages of the project to present packages of work and obtain feedback to evolve and guide the subsequent works.
- 4.10 At the Council Meeting on 6 September 2023, Council noted the release of the following two key deliverables:
- the [St Kilda Triangle Potential Live Performance Venue Market Sounding Report](#), detailing the gaps in and operational requirements of the live music and performance venue market.
 - the [St Kilda Triangle Design Feasibility for a Live Music and Performance Venue](#) setting out the design process to arrive at a recommended option as the indicative site layout that best meets the project objectives.



Figure 2: Live Music Venue Concept Plan (Design Feasibility Report)

- 4.11 Stage 1 feasibility work, including community engagement, concluded in late 2023. Following the consideration of this work, on 6 December 2023, Council elected to progress further work to:



- Advocate to the Victorian Government for investment in a business case for a new live music and performance venue on the St Kilda Triangle, with a possible contribution from Council to the business case to be confirmed.
- carry out stage 2 market testing to further clarify the level of interest in investing in a new live music and performance venue on the St Kilda Triangle and understand the level of funding contribution that could be available.

Stage 2 Feasibility

4.12 The key findings from the various pieces of work carried out to date were presented at the [Council Meeting on 17 July 2024 \(Item 10.1\)](#) and included:

- There is demand for a flexible 5000 standing live music and performance venue.
- The 'proof of concept' layout shows that a venue can be effectively accommodated on the St Kilda Triangle with carparking, public realm and other uses.
- There is strong industry support for a new venue to be located in St Kilda.
- There is majority support for a live music and performance venue, including strong support by representatives of the Traders Associations for Acland Street and Fitzroy Street, though there is some local opposition to the idea.
- There was concern expressed by destination venues immediately adjacent about a reduction in parking leading to loss of business.
- Carparking and traffic movement, the scale of the building and ongoing activation of or need for the venue were raised as concerns by those who did not support the concept and there were mixed views regarding parking.
- The likely cost of the 'proof of concept' idea that has been explored for a new live music and performance venue is estimated as a range between \$113m-\$139m, including the venue, basement carparking and public realm.
- The cost estimate that has been developed is useful for understanding the type of cost for a development such as this but would need to be reassessed to reflect any key changes that have been incorporated to the final design and cost of construction at the time.
- Operators are likely to have capacity to include a significant capital contribution as part of a bid in a competitive procurement process for a new venue in future, with the quantum being directly related to the length of tenure.
- Given the regional significance and civic nature of the project, it is likely that public funding or other subsidy will be required to support private investment in the development, to achieve an overall outcome for the site that will realise the full benefits possible.

4.13 Council were also informed that confidential market testing has indicated that significant uncertainty existed around the level of funding that would be offered through the market process and whether this would be sufficient to provide the quality of outcome required by Council and community for the site.

4.14 This testing also confirmed that delivery of a live music and performance venue would require a significant public contribution for the development of the venue plus the full cost of the associated carpark and the public realm works.

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



4.15 Council considered the key findings and the three options presented for the next steps in the project, as set out below. These were:

- Option 1 (Recommended & Endorsed): Undertake Advocacy to State Government while other project works pause.
- Option 2: Begin preparation for a Competitive Market Process whilst continuing to advocate to State Government.
- Option 3: Pause All St Kilda Triangle Live Music Venue Work and review next steps with the newly elected Council.

4.16 Council decided to progress Option 1, to continue advocacy to the State Government while other project works pause.

Advocacy

4.17 With the targeted engagement concluded, there was an opportunity to test whether there was increased interest from state government regarding support for next steps, given that the engagement confirmed that there is significant interest from the market in participating in a competitive process for the opportunity to develop and manage a live music and performance venue on the St Kilda Triangle.

4.18 Since July 2024, officers have continued to implement an advocacy strategy for this item, including engagement with relevant state and federal government representatives and ministerial offices across the creative industries, infrastructure, tourism, and major events portfolios.

4.19 The project was considered in the context of various grant funding rounds, state and federal budget processes, and federal election advocacy opportunities. Despite these efforts, the project was found to be ineligible for available funding streams and did not receive prioritisation in budget or election platforms.

4.20 Overall, there has been limited appetite from either level of government to fund or co-fund a business case or provide tangible support for the project. While there is recognition of the opportunity among political stakeholders, current budgetary constraints and competing priorities have meant that financial support is not forthcoming at this time.

Options for Next Steps

4.21 Officers have considered a range of options for next steps, on the basis that the advocacy strategy has not yielded any progress or commitment to funding the next stages of the St Kilda Triangle live music proposal;

- Option 1: Continue advocacy to State Government while other project works remain paused
- Option 2: Begin preparation for a Competitive Market Process whilst continuing to advocate to State Government
- Option 3: Put all work related to the Live Music Venue proposal on hold until there is further interest from the State Government or another third party.
- Option 4: Investigate other permanent uses for the site
- Option 5: Investigate options for short-term amenity and beautification upgrades



Option 1: Continued Advocacy Approach

- 4.22 Continue a refined advocacy to State Government to seek support and funding for a business case. Given the lack of interest and commitment to date, this option is not recommended as it would be at the cost of officer time and advocacy capital that would not be available to spend on other Council advocacy priorities and items.
- 4.23 At its meeting on 6 August 2025, Council formally endorsed the advocacy priorities for the 2025–26 financial year. These priorities reflect Council's strategic focus areas and are intended to guide engagement with State and Federal Government partners, community stakeholders, and other key organisations.
- 4.24 Notably, the endorsed priorities do not include the St Kilda Triangle. While the site remains of strategic interest, it has not been identified as a focus area for advocacy in the coming year.

Option 2: Begin preparation for a Competitive Market Process

- 4.25 This option requires a Council commitment to fund the parts of the project (carpark, public realm and possible contribution to the venue) in-lieu of any State or Federal funding support. This option is not recommended as there are significant financial risks associated with this option.

Option 3: Put all work related to the Live Music Venue proposal on hold until there is further interest from the State Government or another third party.

- 4.26 Pause all work indefinitely and monitor changes in State Government's priorities and budget allocations to assess future potential support for the Live Music Venue on the Triangle site. This option is recommended as it responds to State Government policy changes.

Option 4: Investigate other permanent uses for the site.

- 4.27 It is likely that other cultural uses, such as a gallery or creative spaces, would require substantial State or Federal funding and would result in similar, if not greater financial challenges than the Live Music Venue option.
- 4.28 For example, the Victorian Government has invested heavily in the \$1.7bn in the Melbourne Arts Precinct Transformation Project, including the new NGV Contemporary, theatre building upgrades and a new 18,000 sqm urban garden due for completion in 2028.
- 4.29 Significant Council resourcing has been allocated in developing the Live Music Venue proposal. Without any formal support for alternative cultural uses from the State or Federal governments, the investigation of other large-scale permanent uses is not recommended due to the financial and reputational risks to Council.

Option 5: Investigate options for short-term amenity and beautification upgrades

- 4.30 The current St Kilda Triangle car park site caters for a range of ad-hoc events, from one-off Saturday morning car shows, to school holiday-specific events and more substantial bookings such as the live music Palace Foreshore Festival that has hosted internationally renowned bands in late summer.
- 4.31 However, the site is generally in poor condition, and it is an unattractive part of the wider St Kilda Foreshore. Opportunities for low-impact, short-term amenity improvements and beautification upgrades, including creative activations, could be explored to enhance the site during non-event times.



- 4.32 This option is recommended for consideration as part of the Greater Places and Precincts program to include a focus on maintenance and safety upgrades of the car park to be supplemented by activation, greening, beautification and wayfinding-based improvements.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Extensive community and stakeholder engagement informed the development of the St Kilda Triangle Masterplan 2016. There has also been significant community consultation over the years for work that preceded the 2016 Masterplan. There is significant interest in the project by the community, stakeholders and the market.
- 5.2 As part of the Stage 1 feasibility work, the live music and performance industry was consulted in terms of demand for a venue in the proposed location via a market sounding process and subsequently consulted upon completion of the design feasibility work.
- 5.3 Community engagement was undertaken in the first stage to understand the sentiment and feedback about the outcomes of the design feasibility work and new direction for the site. The Council Report for the 6 December 2023 public meeting presented the findings of that engagement program.
- 5.4 While it is intended that the feedback from the community informs subsequent stages of the project, this stage has focussed on State Government advocacy and further market engagement

6. LEGAL AND RISK IMPLICATIONS

- 6.1 The recommended option ensures that legal, financial and reputational risks for Council associated with pursuing the live music venue option without State or Federal government funding support, can be managed effectively.

7. FINANCIAL IMPACT

- 7.1 The total costs of stage 1 and stage 2 feasibility has been \$568,401 to date. Most of the budget was spent in previous years, with the focus in 2024/25 on advocacy which has been carried out via existing officer time.
- 7.2 The feasibility work has indicated significant costs required to deliver a live music venue at the St Kilda Triangle site. A substantial component of this would need to be publicly funded via local, state and/or federal sources. This would include funding for basement parking, public realm and a contribution to the venue itself.
- 7.3 Despite significant advocacy efforts, there has been no commitment of funding to the project from State or Federal governments.

8. ENVIRONMENTAL IMPACT

- 8.1 There are no environmental impacts from this stage of the project. Short term beautification upgrades could consider options for additional greening which may provide urban cooling and increased biodiversity benefits.

9. COMMUNITY IMPACT

- 9.1 The concept of a live music venue, carparking and public realm redevelopment of the high-profile St Kilda Triangle site, currently an aging carpark, proposes a solution that responds directly to a gap in the live music industry market to enable not only St Kilda, but Melbourne, to maintain its reputation as a live music hub.

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



- 9.2 The recommendation to investigate short term amenity and beautification upgrades has the potential to provide local and broader community benefits attached to this prominent foreshore site, including access, wayfinding, improved amenity and activation of the site and supports the work of Council in delivering Victoria's first live music precinct.

10. GENDER IMPACT ASSESSMENT

- 10.1 There is no gender impacts assessed from this stage of the project.

11. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 11.1 This project supports achieving Strategic Direction 4, A Vibrant and Thriving Community of Council's Plan for Port Phillip 2025-35. The recommendations in this report support a number of outcomes and priorities to achieve a vibrant and thriving community, including;
- Enhance local precincts through the Great Places and Precincts Program to deliver more inviting and engaging spaces for the community to enjoy
 - Deliver initiatives that foster creative use, exploration and activation of public space to support social, cultural, sustainable and economic connection among our community.
- 11.2 Amenity and beautification improvements to the St Kilda Triangle will also support the delivery of our existing events and festivals program that use the site throughout the year.

12. IMPLEMENTATION STRATEGY

12.1 TIMELINE

- 12.1.1 Subject to Council's endorsement, consideration of maintenance and safety improvements will be investigated through the existing 2025/26 maintenance budgets and for consideration through the Great Places and Precincts program.
- 12.1.2 Options for further amenity and beautification upgrades could be developed through 2025/26 for implementation in 2026/27 subject to funding opportunities including through the Great Places and Precincts Program.

12.2 COMMUNICATION

- 12.2.1 Any community engagement on upgrades to the St Kilda Triangle site will be determined based upon the projects that will be carried out.

13. OFFICER MATERIAL OR GENERAL INTEREST

- 13.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS

Nil



MEETING OF THE PORT PHILLIP CITY COUNCIL 2 SEPTEMBER 2025

13. AN ENGAGED AND EMPOWERED COMMUNITY

13.1	<i>Governance Rules - Final approval of updates post consultation</i>	17
13.2	<i>Update to the Procurement Policy</i>	114
13.3	<i>Review of Council's Delegations to the Chief Executive Officer and Delegated Committee.....</i>	152
13.4	<i>Appointment of Authorised Officer Pursuant to the Planning and Environment Act 1987.....</i>	166

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



13.1 GOVERNANCE RULES - FINAL APPROVAL OF UPDATES POST CONSULTATION

EXECUTIVE MEMBER: ROBYN BORLEY, DIRECTOR, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

PREPARED BY: EMILY WILLIAMS, SENIOR COUNCIL BUSINESS ADVISOR

1. PURPOSE

- 1.1 To present a summary of the feedback received during the community engagement process on the Draft Governance Rules which ran for four weeks via Council's Have Your Say Page from Monday 7 July – Sunday 3 August 2025.
- 1.2 To present the proposed amendments to the Governance Rules, aimed at improving the effectiveness of decision-making and meeting procedures at the City of Port Phillip, for Council's consideration and adoption.

2. EXECUTIVE SUMMARY

- 2.1 Council is required to adopt and maintain Governance Rules in accordance with section 60 of the Local Government Act 2020 (The Act). These rules, which govern the procedures for Council meetings, play a critical role in ensuring transparency, accountability, and the overall effectiveness of decision-making within Council. By providing clear guidelines for how meetings are conducted, the Governance Rules are fundamental to maintaining a well-functioning and effective governance framework.
- 2.2 City of Port Phillip's Governance Rules were last updated in 2022, being adopted on 8 September 2022. The Rules have been in effect since that time. [City of Port Phillip Governance Rules 2022](#).

Governance Rules Benchmarking

- 2.3 In 2024 Council requested officers to undertake a review of the Governance Rules due to a recurring pattern of meetings running late.
- 2.4 Council officers sought feedback from the former Councillors in August 2024. A benchmarking exercise was conducted in late 2024 as part of this proposal to compare the City of Port Phillip's Governance Rules against those of neighbouring councils, to allow the City of Port Phillip and the community to consider best practice.
- 2.5 In early 2025, officers presented the findings of the benchmarking exercise to Council and recommended proposed changes to the Governance Rules. With the knowledge that Model Governance Rules are likely to be released later in 2025, Councillors were supportive of undertaking a review.
- 2.6 The benchmarking identified that the City of Port Phillip has one of the highest levels of community engagement and public participation at Council meetings across the Local Government sector. This has resulted in a recurring pattern of meetings running late under the existing rules which creates challenges, including health and safety concerns and the risk of reduced effectiveness in decision making.
- 2.7 This review presents a valuable opportunity to refine our practices, ensuring that Council continues to operate efficiently and in the best interests of the community with a particular focus on the following objectives:

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



- Health and safety obligations, ensuring a safe and supportive environment for Councillors, officers and the community.
- Enhancing good governance and fostering a culture of transparency and accountability,
- Ensuring that Councillors are empowered to fully and effectively carry out their roles and responsibilities, and
- Streamlining meeting processes to improve efficiency and decision-making.

Community Consultation

2.8 Community consultation on the draft Governance Rules ran for four weeks via Council's Have Your Say Page from Monday 7 July – Sunday 3 August 2025.

2.8.1 We heard from 74 participants via the Have Your Say survey

2.8.2 Four emails received from community members

2.8.3 One submission at the 2 July Council meeting.

An engagement summary report including the findings of the community consultation can be found in **Attachment 1**.

Petition: Supplementary Public Question Time Principle, Purpose and Practice

2.9 A petition containing 341 signatures was received and noted at the 6 August 2025 Council meeting. It called for amending clause 55.15 of the Draft Governance Rules to allow up to three speakers, rather than just the lead submitter or their representative to speak to Petitions or Joint Letters and proposed the introduction of a 'Supplementary Public Question Time' at Council meetings.

Request to amend clause 55.15 –speakers to petition and Joint Letters

2.9.1 Following review, it was determined that limiting the number to two or three speakers posed challenges in fairly selecting representatives, potentially excluding diverse views. The City of Port Phillip remains committed to ensuring that community feedback is inclusive and representative of the broad range of perspectives within our municipality.

2.9.2 Officers have determined not to recommend limiting speakers on Petitions or Joint Letters. While the draft Governance Rules proposed restricting this to the lead submitter or their representative, community consultation did not support the change. Accordingly, no amendment is proposed to current speaking arrangements.

Request to introduce a 'Supplementary Public Question Time'

2.9.3 Following a comparative review of Governance practices across Victorian Council's, it was found that supplementary question time is not a standard provision. Most Council's maintain a single based public question time segment.

2.9.4 Council meetings must balance transparency with effective time management. Introducing an additional question time segment could significantly extend meeting durations, potentially impacting the ability to address scheduled agenda items thoroughly and efficiently.

2.9.5 The current public question time and submissions agenda section provision is currently uncapped for number of speakers, and allows community members to

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



raise matters of concern. In cases where questions cannot be addressed during the meeting, written responses are provided, ensuring accountability and follow up. There is also the opportunity for members of the public to submit clarifying questions in relation to Council decisions after the meeting via Council's website and a response be provided to provide clarification.

2.9.6 Given the above, there is no recommendation to introduce a 'Supplementary Public Question Time' to the Governance Rules.

2.10 The Governance Rules have been updated (**Attachment 2**) with proposed changes for Council endorsement. A summary table has been provided (**Attachment 3**) that describes the proposed changes and the intent behind them.

3. RECOMMENDATION

That Council:

- 3.1 Thanks community members that provided feedback via the Have Your Say page and the petition.
- 3.2 Notes that community engagement occurred via Council's Have Your Say page from 7 July to 3 August, the findings of the engagement are contained in **Attachment 1**.
- 3.3 Endorses the Governance Rules provided as **Attachment 2**.
- 3.4 Authorises the Chief Executive Officer, or their delegate, to make minor editorial amendments that do not materially alter the Rules.

4. KEY POINTS/ISSUES

4.1 The key changes have been proposed to streamline meeting processes to improve efficiency and decision making including:

Proposed changes that enhance Safety and Well-being

- 4.2 A number of changes were proposed to reduce the overall time duration of Council meetings and address the CEO's occupational health and safety obligations, ensuring a safe and supportive environment for both Councillors and officers.
 - a) Proposed introduction of a time limit for the overall duration of meetings
 - b) Proposed introduction of Councillor speaking times
 - c) Proposed reduction of all public speaking time to two minutes per speaker.

IBAC Recommendations

- 4.3 Recommendations directed to the Minister for Local Government as a result of the 2023 Operation Sardon Special Report released by the Independent Broad-based Anti-Corruption Commission (IBAC) have also been proposed to:
 - a) Remove provision for items to be moved and seconded *en bloc*. (*En bloc* refers to the practice of grouping motions together and taking a single vote to pass the grouped motions).
 - b) Record the vote of Councillors where the vote is not unanimous

These recommendations are anticipated to be incorporated into the proposed model Governance Rules. Local Government Victoria (LGV) has confirmed they have

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



commenced the development of Model Governance Rules to be published by December 2025.

Petitions, Joint Letters and Deputations

- 4.4 A number of changes have been proposed to refine the process for lodging a Petition or Joint Letter to a Council meeting including
- a) Increasing the minimum number of signatures required for a petition from five signatures to ten signatures.
 - b) Introduction of provisions to decline a Petition or Joint Letter that:
 - i. Is vague or unclear in intention
 - ii. deals with a matter which is beyond Council's power;
 - iii. deals with a matter which, if actioned by Council, would result in Council acting invalidly;
 - iv. is aimed at embarrassing a Councillor or a member of Council staff; or
 - v. contains a complaint against the actions or failures of staff or a Council department. This will be treated by Council as a letter of complaint and handled in accordance with Council's managing complaints policy.
 - c) Additional provisions for Petitions and Joint Letters pertaining to operational matters be referred to the CEO for consideration.
 - d) Introduction of a midday deadline for submitting Petitions and Joint Letters introduced at least seven days prior to the meeting to assist with the timely compilation of the agenda.
 - e) Additional section to introduce deputations at Council meetings. Deputations allow individuals or groups to address Council directly about specific matters relevant to the council's functions. This provision is proposed to be added to the Governance Rules to contribute to strengthening community engagement and public participation at meetings.

Although it was proposed to permit only the lead submitter or their representative to speak to Petitions or Joint Letters at Council meetings, the outcome of the community consultation did not support this change. Consequently, there is no recommendation to restrict speaking rights in relation to petitions.

Proposed minor clarifications and updates

- 4.5 A number of minor changes have also been proposed to the overall document to ensure that Council meeting processes are clear and fair for the benefit of both the community and Councillors. The full list of these changes has been provided as a summary in **Attachment 2**.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Section 60 (4) of the Local Government Act 2020 requires any changes to the Governance Rules to go through a community engagement process prior to being endorsed.
- 5.2 Consultation was undertaken between Monday 7 July – Sunday 3 August 2025 via Council's Have Your Say page.

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



- 5.3 The Draft Governance Rules have also been reviewed by a governance specialist to ensure alignment with recommended best practice, where practicable.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 The proposed changes ensure compliance with the Local Government Act 2020.
- 6.2 The Draft Governance Rules have been reviewed by Maddocks law firm to ensure they comply with the Local Government Act and that the proposed changes are both lawful and coherent.
- 6.3 The Draft Governance Rules will help reduce organisational risk by supporting compliance with Occupational Health and Safety (OHS) legislation.
- 6.4 The Local Government Act 2020 further requires that a process of community engagement is followed in developing or amending a Council's Governance Rules. The community engagement process set out in this report has satisfied this obligation.

7. FINANCIAL IMPACT

- 7.1 There are no financial impacts from the proposed changes.

8. ENVIRONMENTAL IMPACT

- 8.1 There are no environmental impacts from the proposed changes.

9. COMMUNITY IMPACT

- 9.1 The proposed changes recommend to:
- 9.1.1 Reduce public speaking time to be two minutes at all times.
 - 9.1.2 Amend the public participation registration closure time from 4 pm on the day of the meeting to midday.
 - 9.1.3 Increase the minimum number of signatures required for a petition from five signatures to ten signatures.
 - 9.1.4 Amend the deadline for submitting Petitions and Joint Letters to be midday at least seven days prior to the meeting (previously close of business) to assist with the timely compilation of the agenda

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 The changes align to the strategic direction 'An engaged and empowered community' ensuring that Council have Governance Rules that are fit for purpose and compliant with the Local Government Act 2020.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

- 11.1.1 Implement changes in Governance Rules as required with new process and procedures, including training of councillors.
- 11.1.2 Updated Governance Rules to be provided on Council's webpage.

11.2 COMMUNICATION

- 11.2.1 Following the adoption of the Governance Rules at the Council Meeting, a coordinated communication approach will be implemented to ensure internal and external stakeholders are informed of the changes.

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



11.2.2 The updated document will be uploaded to Council systems and made publicly available on Council's website.

11.2.3 Community facing website pages relating to Council meetings will be updated to reflect the new provisions, ensuring transparency and accessibility.

11.2.4 Councillors will be briefed on the finalised rules and the implications for the conduct of Council meetings.

12. OFFICER MATERIAL OR GENERAL INTEREST

12.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS

1. Engagement Summary Report[↓](#)
2. Draft Governance Rules with tracked changes[↓](#)
3. Changes summary table[↓](#)



Council Meetings Governance Rules Review 2025

Engagement Summary Report

August 2025

Acknowledgement of Country

Council respectfully acknowledges the Traditional Owners and Custodians of the Kulin Nation. We acknowledge their legacy and spiritual connection to the land and waterways across the City of Port Phillip and pay our heartfelt respect to their Elders, past, present and future.

Postal Address

City of Port Phillip, Private Bag 3,
PO St Kilda, VIC 3182

If you require a large-print version, please contact ASSIST on
03 9209 6777.



Please consider
the environment
before printing.

Language assistance

Русский (Russian): 03 9679 9813

Polski (Polish): 03 9679 9812

Ελληνικά (Greek): 03 9679 9811

廣東話 (Cantonese): 03 9679 9810

普通話 (Mandarin): 03 9679 9858

Italiano (Italian): 03 9679 9814

**For other languages not listed,
please phone 03 9679 9814.**



Contents

Council Meetings Governance Rules Review 2025	1
Engagement Summary Report	1
Introduction	4
What we did.....	6
Who we heard from	8
What we heard.....	12
Next steps	22



Introduction

Project background

We're reviewing our Governance Rules to enhance the overall effectiveness of decision making and meeting procedures at the City of Port Phillip.

These rules, which govern the procedures for Council meetings, play a critical role in ensuring transparency, accountability, and the overall effectiveness of decision-making within Council. By providing clear guidelines for how meetings are conducted, the Governance Rules are fundamental to maintaining a well-functioning and effective governance framework.

The City of Port Phillip is recognised for having some of the highest levels of community engagement and public involvement in Council meetings across the local government sector. This strong participation enriches our democratic processes by ensuring decisions reflect the values and concerns of our community. Under the current meeting rules, however, this high level of engagement has led to meetings frequently running overtime. This poses potential risks to the health and safety of attendees and may impact the quality of decision-making. Council is committed to upholding transparent and inclusive public participation while balancing occupational health and safety responsibilities. We are committed to working towards a more effective meeting structure that supports meaningful community input without compromising wellbeing or efficiency.

About this report

This report outlines how Council has engaged and summarises what we have heard from the community.

Before reading this report

The following should be considered in reading this report:

- The information in this report is based on qualitative research and does not necessarily reflect the views of a statistically representative sample of the community.
- City of Port Phillip strives to include diverse voices in our engagement activities. We acknowledge, however, that some people are likely to have experienced barriers to participation in the activities that are outlined in this report – including Aboriginal and Torres Strait Islander people, people with disability, multicultural communities, older people, and others.
- The information and views presented in this report are a summary of the opinions and feedback heard from across the engagement activities. The feedback has not been independently validated. As such, some information may be factually incorrect, unfeasible or outside of the scope of this project.
- This report summarises key feedback from participants and does not preclude the project team from considering community feedback in its original format.

Acknowledgement and thanks

We would like to acknowledge and thank the community members who contributed feedback on this project.



What we did

Between 8 July to 3 August 2025, a range of communications and engagement activities were carried out to inform the community about this project and to seek their feedback.

Communications and engagement activities



Have Your Say website and survey A project page on Council’s *Have Your Say* engagement website provided information on the process, a timeline, contact details, and a survey.



Social media posts x 2 Social media posts were used to promote the engagement, via City of Port Phillip’s social media accounts:

- Facebook post (14 July) – views: 3,506, likes: 23, comments: 42, shares: 3, link clicks: 14.
- Instagram post (14 July) – views: 15,10, likes: 16 comments



Newsletter x 1 Information about the project and the opportunity to engage was included in the *Have Your Say* July 2025 newsletter, delivered to over 3,300 subscribers.

Table 1 Communications and engagement activities carried out across the project

Project reach and participation

At least 7001 people have heard about this project to date, via the Have Your Say newsletter and Council’s social media. Figure 2 showing an overview of interactions with the *Have Your Say* project page to 4 August 2025, where 180 unique visitors visited the project page. We heard from 83 participants via the survey and 4 via email.

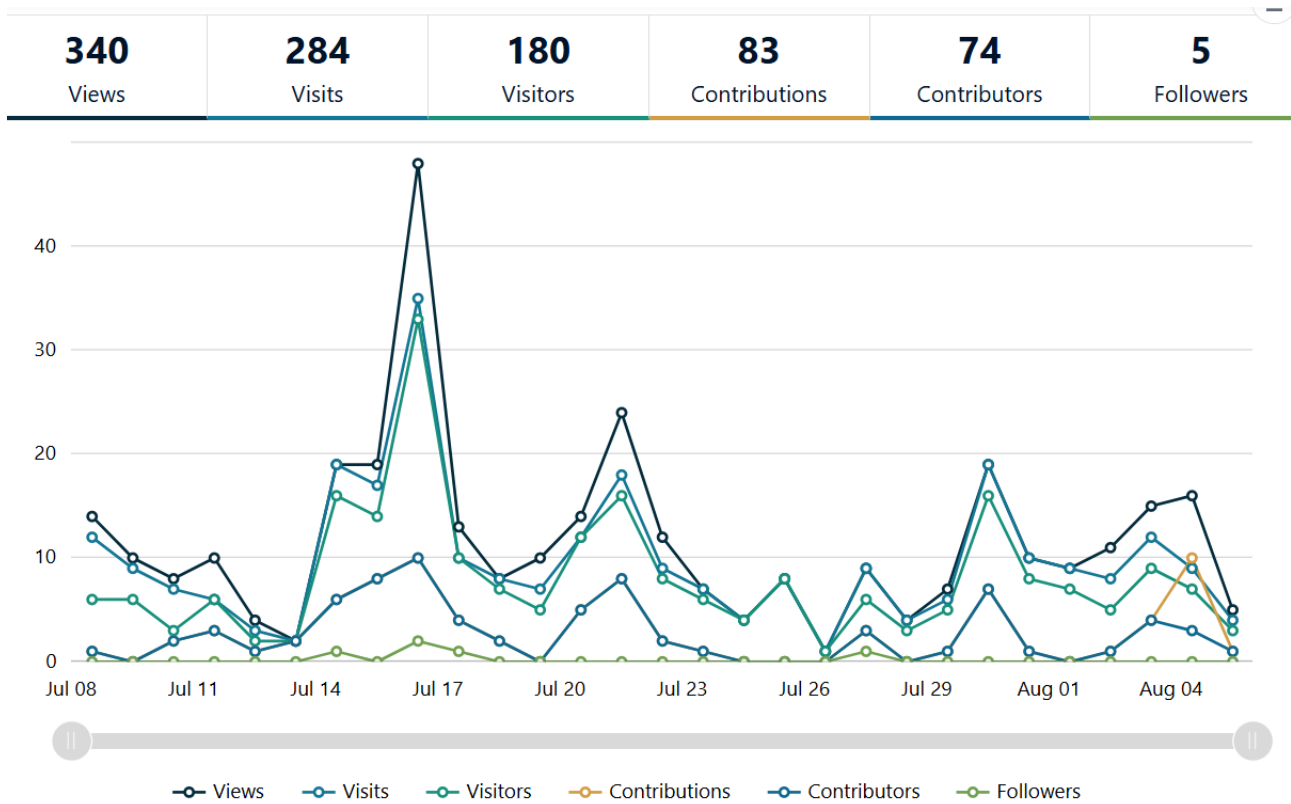


Figure 2 Project page overview, "Council Meetings Governance Rules Review 2025", Have Your Say

Who we heard from

Demographics

Gender

Participants were asked to provide some demographic information when filling out the survey. As shown in Figure 3, 46 participants (55%) identified as female (woman or girl) 34 participants (41%) identified as male (man or boy), 3 participant (4%) identified as non-binary.

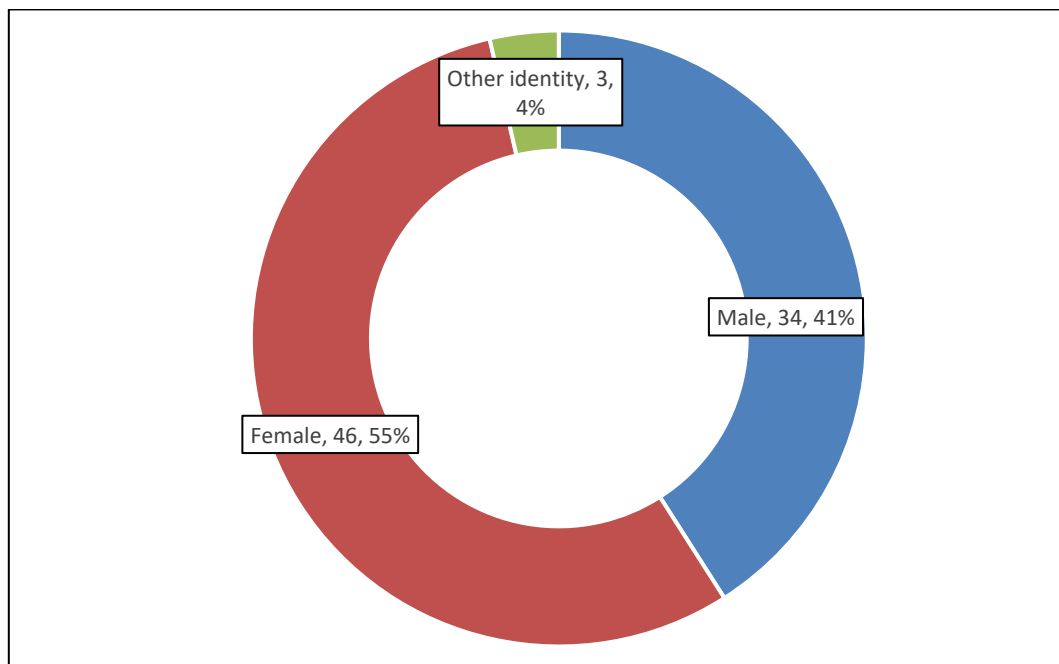


Figure 3 Participation by gender

Age

Participants who completed the survey were asked to provide their age, with the age bracket most selected being 35– 49 years old, with 26 responses (31% of participants). The second most frequently selected age bracket for participants was 60–69 years (23 responses, 28% of participants).

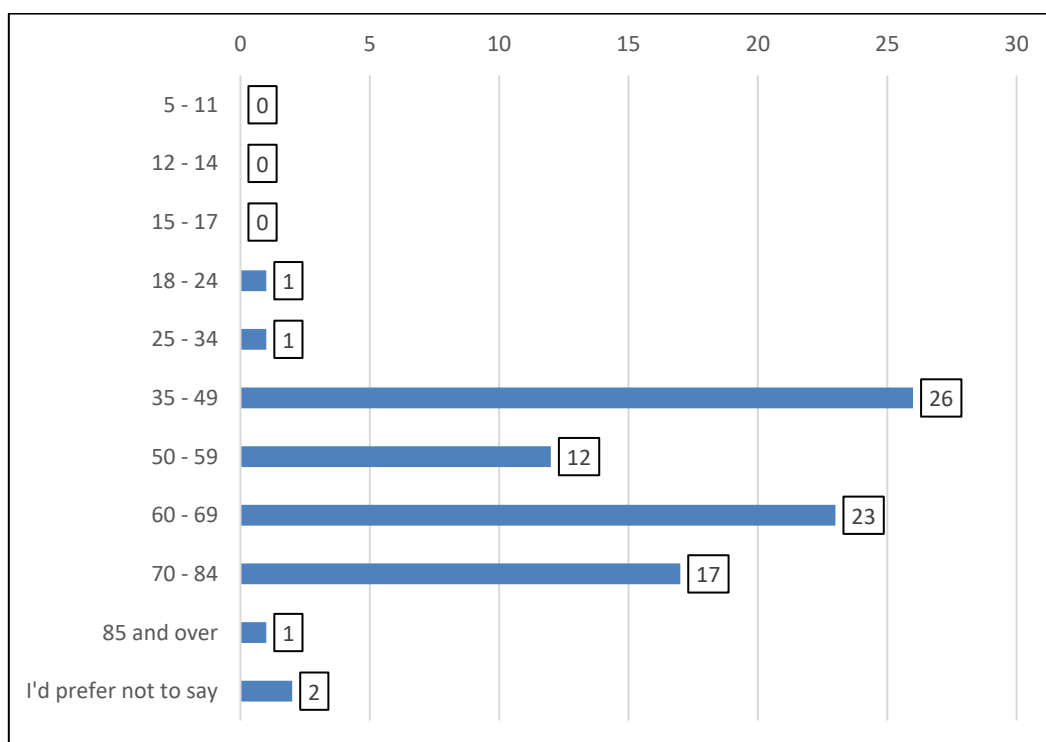


Figure 4 Participation by age

Suburb of residence

Survey and community pop-up participants were asked to provide their suburb of residence. St Kilda and Albert Park were the most selected suburbs, each having 17 participants (20%). Participation from other suburbs can be seen in Figure 5.

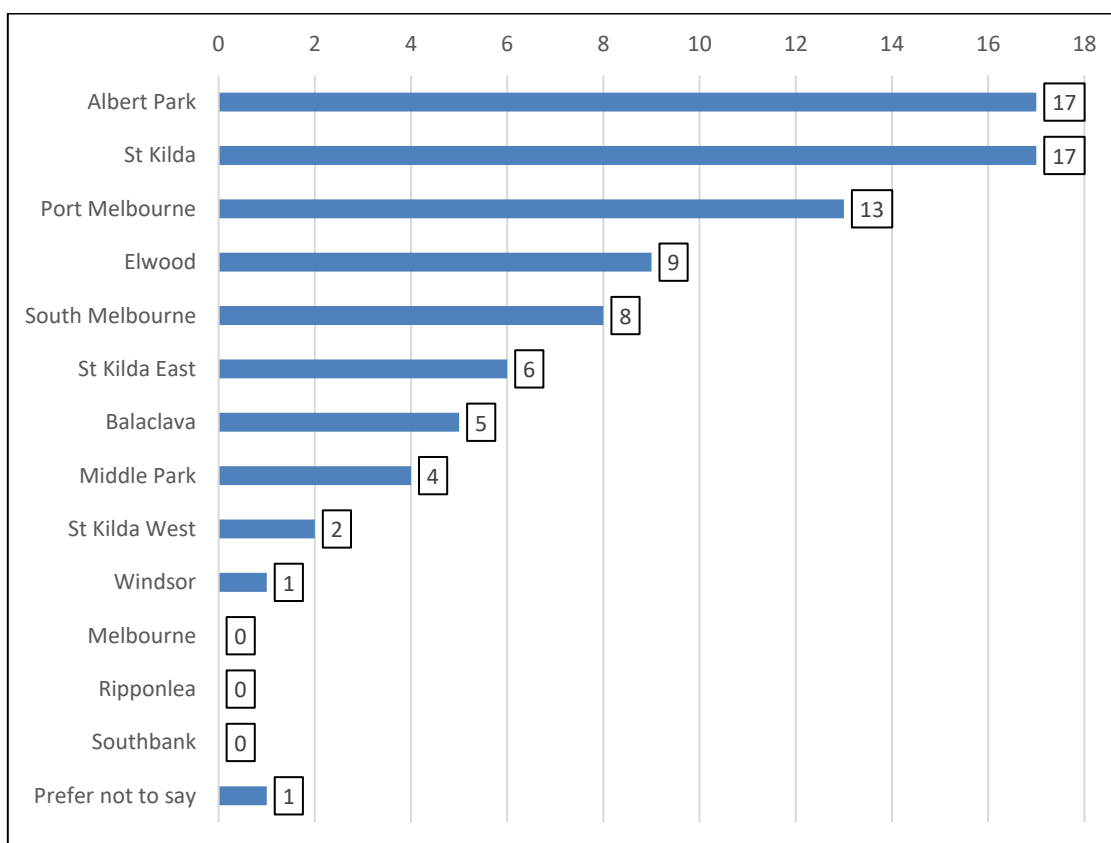


Figure 5 Participation by place of residence

Diversity statements

Survey participants were asked to indicate if they identified with a series of statements to understand participant diversity and were able to select as many statements as applied to them. From most to least common, these were:

- “None of these apply to me” (53 responses, 64%)
- “I identify as LGBTIQ+” (11 responses, 13%)
- “I’d prefer not to say” (9 responses, 11%)
- “I speak a language other than English at home” (7 responses, 8%)

- “I am a person with disability” (7 responses, 8%)
- “I am from an Aboriginal and/or Torres Strait Islander background” (1 response, 1%).

Prior feedback on Council projects

Survey participants were also asked whether they had provided feedback on any other City of Port Phillip projects in the past 12 months. 52 participants (63%) said ‘yes’, 28 (34%) said ‘no’, and 3 (3%) were unsure, as shown in Figure 6.

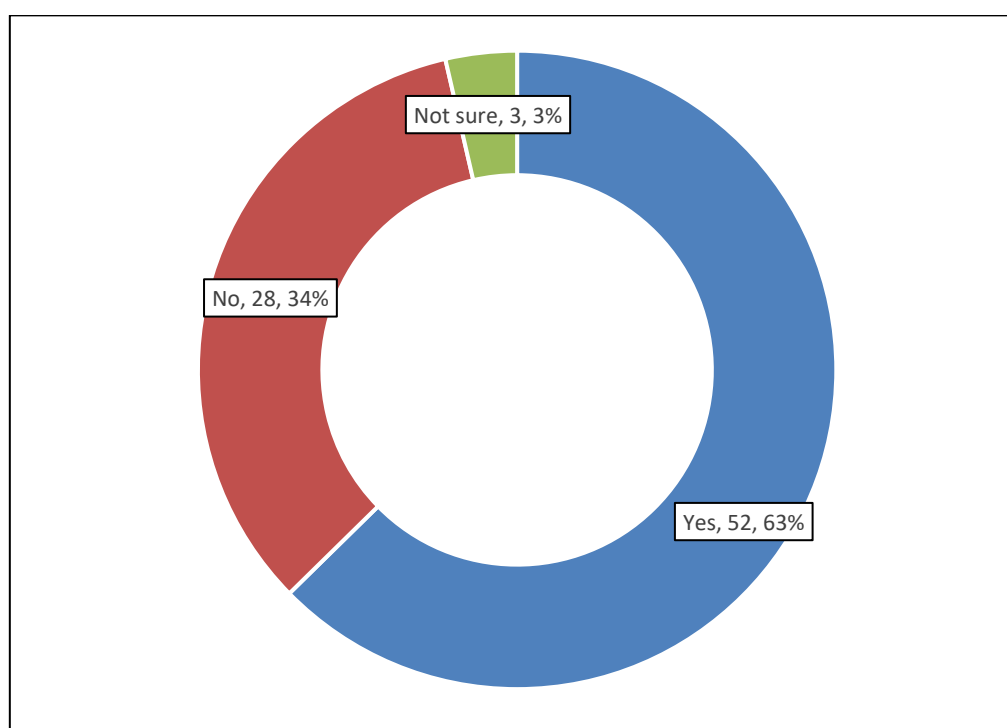


Figure 6 Participant prior feedback on other City of Port Phillip projects in the past 12 months

What we heard

Reducing public speaking time at Council Meetings

Participants were asked if they agree or disagree with reducing public speaking time at Council Meetings from three minutes to two minutes per speaker. 50 participants (62%) said they disagree, 29 participants (36%) agree and 2 participants (2%) said they are not sure.

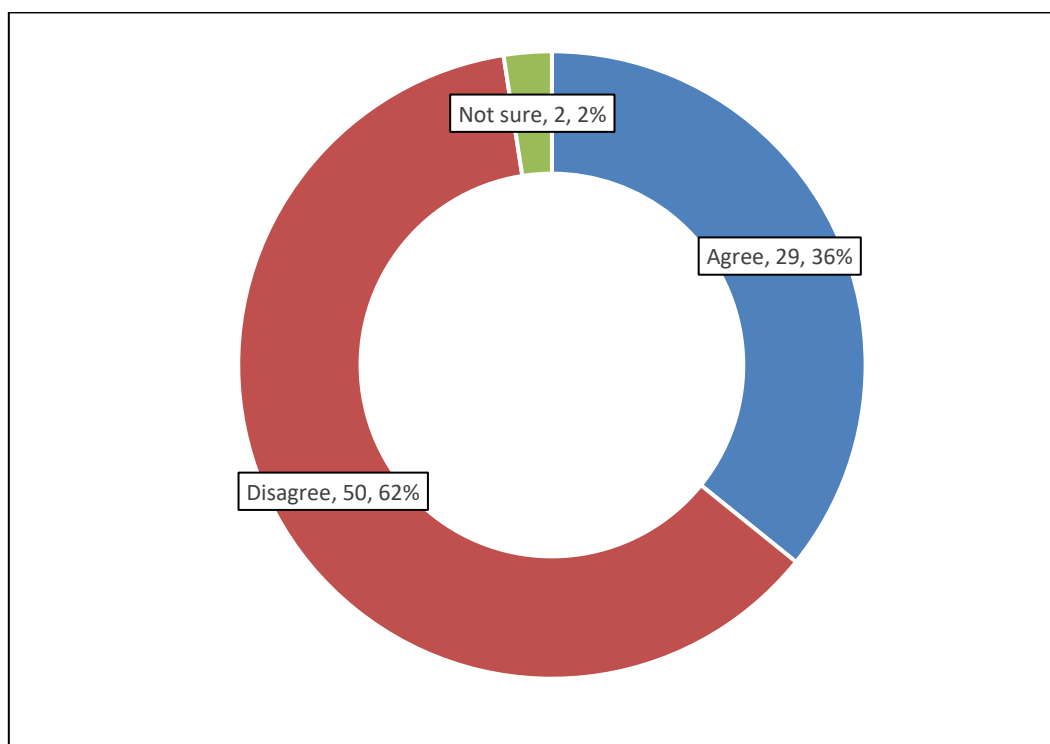


Figure 7 Participant responses – Do you agree or disagree with reducing public speaking time at Council Meetings from three minutes to two minutes per speaker?

Number of signatures of petition or joint letter

Participants were asked if they agree or disagree with increasing the number of signatures needed from 5 to 10 for a petition or joint letter to be discussed at a Council meeting. 44 participants (53%) said they agree, 35 participants (43%) disagree and 3 participants (4%) said they are not sure. Full responses are shown in Figure 8.

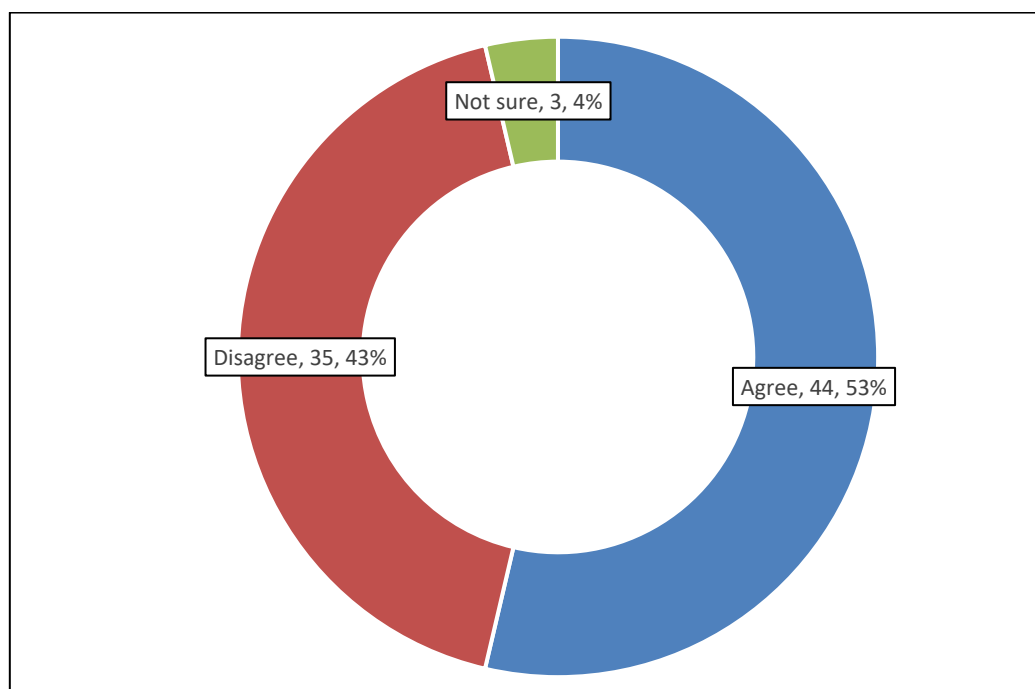


Figure 8 Do you agree or disagree with increasing the number of signatures needed from 5 to 10 for a petition or joint letter to be discussed at a Council meeting?

Number of speakers of petition or joint letter

When asked if participants agree or disagree that only the person who submitted a petition or joint letter should be allowed to speak about it at Council meetings the majority of participants disagree with 54 (67%) followed by 21 agree (26%) and 6 not sure (7%).

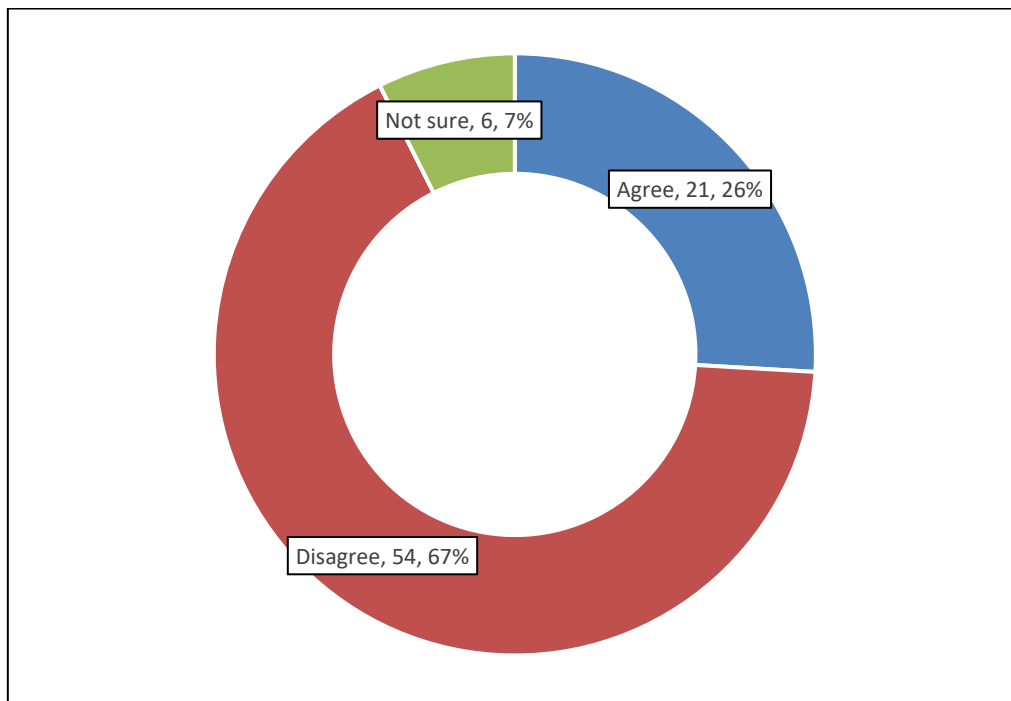


Figure 9 Do you agree or disagree that only the person who submitted a petition or joint letter should be allowed to speak about it at Council meetings?

The amount of time that Councillors can speak during Council meetings

Participants were asked whether they agree or disagree with setting a maximum amount of time that Councillors can speak during Council meetings.

51 (63%) saying they agree followed by disagree 26 (32%) and not sure 4 (5%).

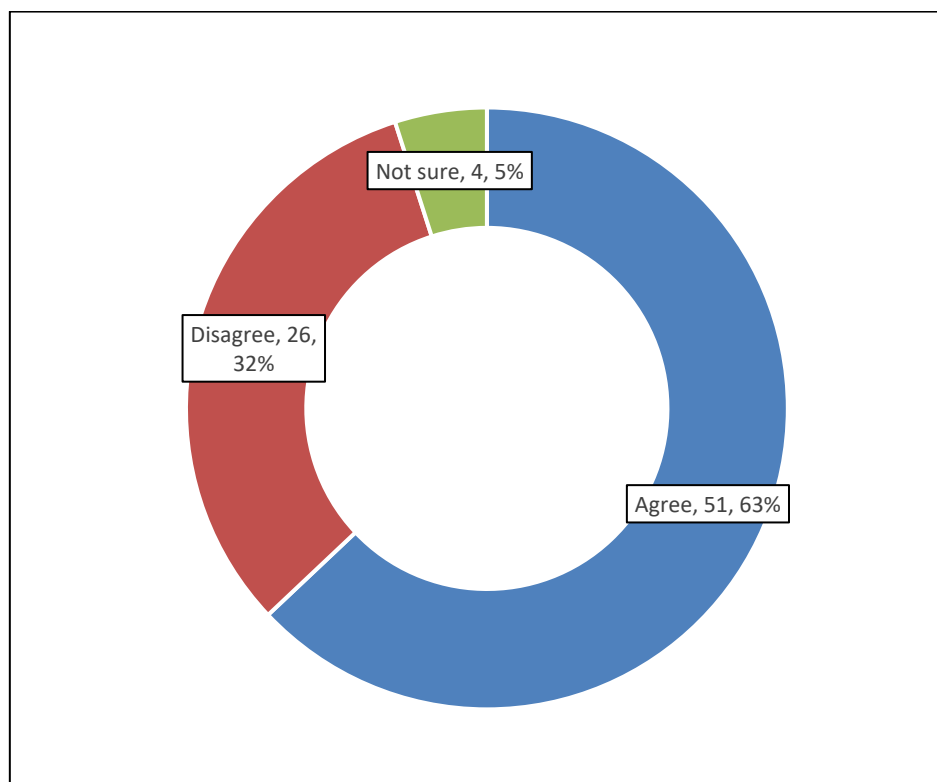


Figure 8 Do you agree or disagree with setting a maximum amount of time that Councillors can speak during Council meetings?

Do you have any comments about the amount of time that Councillors can speak during Council meetings?

Participants who answered the question about Councillor's speaking time were asked to comment. Note that only 28 respondents commented out of 81 who responded to the last question.

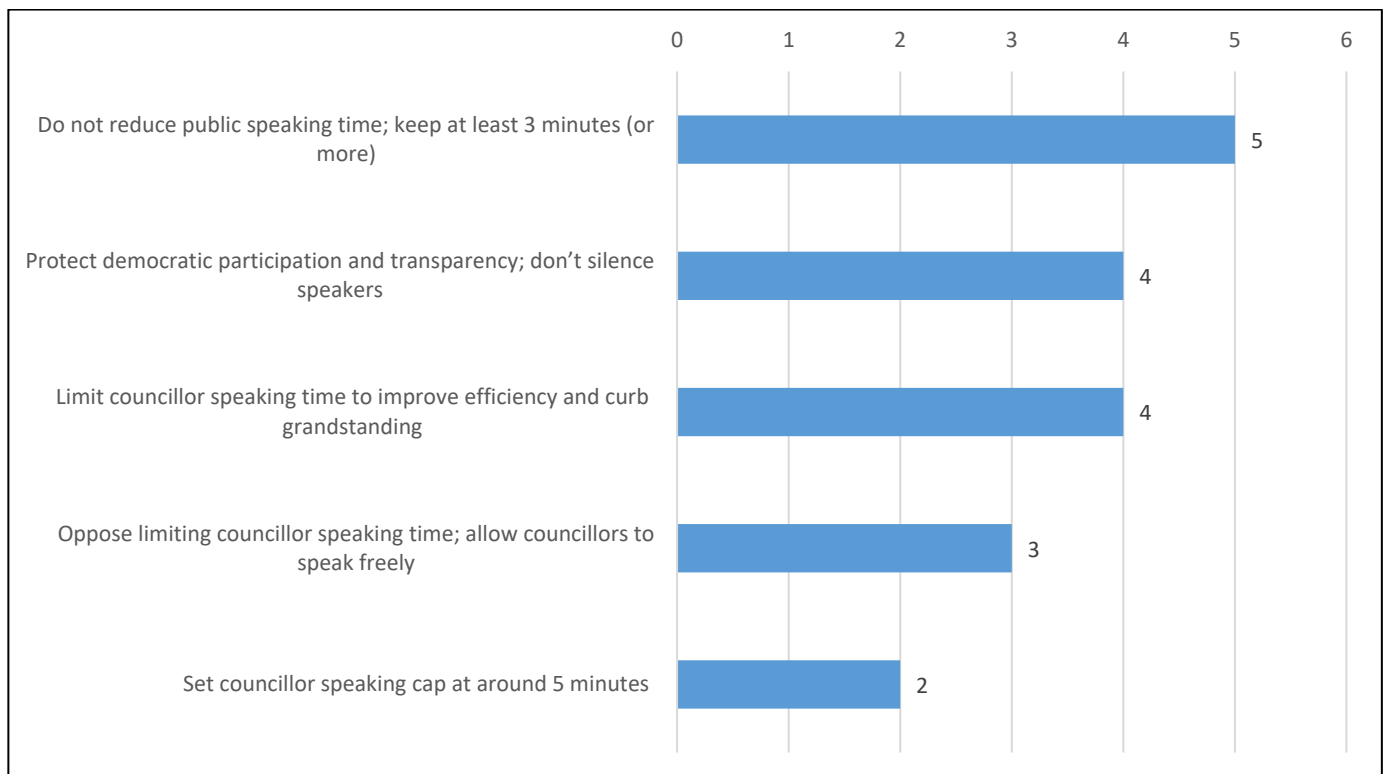


Figure 8 Do you have any comments about the amount of time that Councillors can speak during Council meetings.

Do not reduce public speaking time; keep at least 3 minutes (or more) was the most common theme (5 comments).

"Reducing the amount of time members of the public can speak is anti-democratic and a lack of transparency." (Elwood resident)

"You cannot give any context in 2 minutes and I think it's disappointing if this time is not kept at 3 minutes." (Albert Park resident)

Protect democratic participation and transparency; don't silence speakers was the second most common theme (4 comments).

"It is always disconcerting when politicians, who hold such privileged positions in our society and purport to represent their constituents, appear to slink away from scrutiny. Sunlight is the best disinfectant. Any move by councilors to reduce transparency is a move closer to a slippery slope which leads inevitably to the intoxicating temptation that corruption brings." (Albert Park resident)

"Community participation is the foundation of our democracy, especially at the local government level. By this participation I mean both Councillors and residents. We need to be encouraging more community participation, and not attempting to stifle it." (Port Melbourne resident)

Limiting councillors speaking time to improve efficiency and no grandstanding was second equal with the previous theme (4 comments).

"Councillors talk for way too long, often without adding any value to the meeting. The meetings are way too long as it is, meaning the community is required to stay tuned for an unreasonable amount of time if they want to see the outcomes." (Albert Park resident)

"As a regular speaker at council meetings ... I'm constantly amazed at the inability of councillors to keep to any sort of time limits ... If I can express myself in 2 minutes ... why can't the councillors?" (Port Melbourne resident)

Oppose limiting councillor speaking time; allow councillors to speak freely ranked third with 3 comments.

"Councillors represent their communities and if they think that an issue needs more time to discuss, that should be allowed. It is sufficient to rely on the discretion of the Mayor or Chair to ensure that the meeting proceeds efficiently"
(St Kilda resident)

"Councillors should be able to express themselves and 'self managing' the time they speak. They are elected to represent their constituents and it is important that they should not be time limited. They are old enough not to speak to say nothing!" (St Kilda resident)

Set councillor speaking cap at 5 minutes had 2 comments.

"I think not letting councillors get on a rant is a good idea but as an elected official I would want them to be able too speak freely. I understand council officers may feel meeting is long but it's their job. Consider allowing 5min per councillor." (St Kilda West resident)

"ALL Councillors should be allowed to speak up to 5 minutes. Then extra time required by any speaker should be asked of the Chair." (Albert Park resident)

Do you have any comments about the draft Governance Rules

Respondents were asked if they have any comments about the draft Governance Rules. Most comments were about strengthening governance, enhance participation and managing meetings. These themes and some verbatim comments are below. There were 25 comments in response to this question.

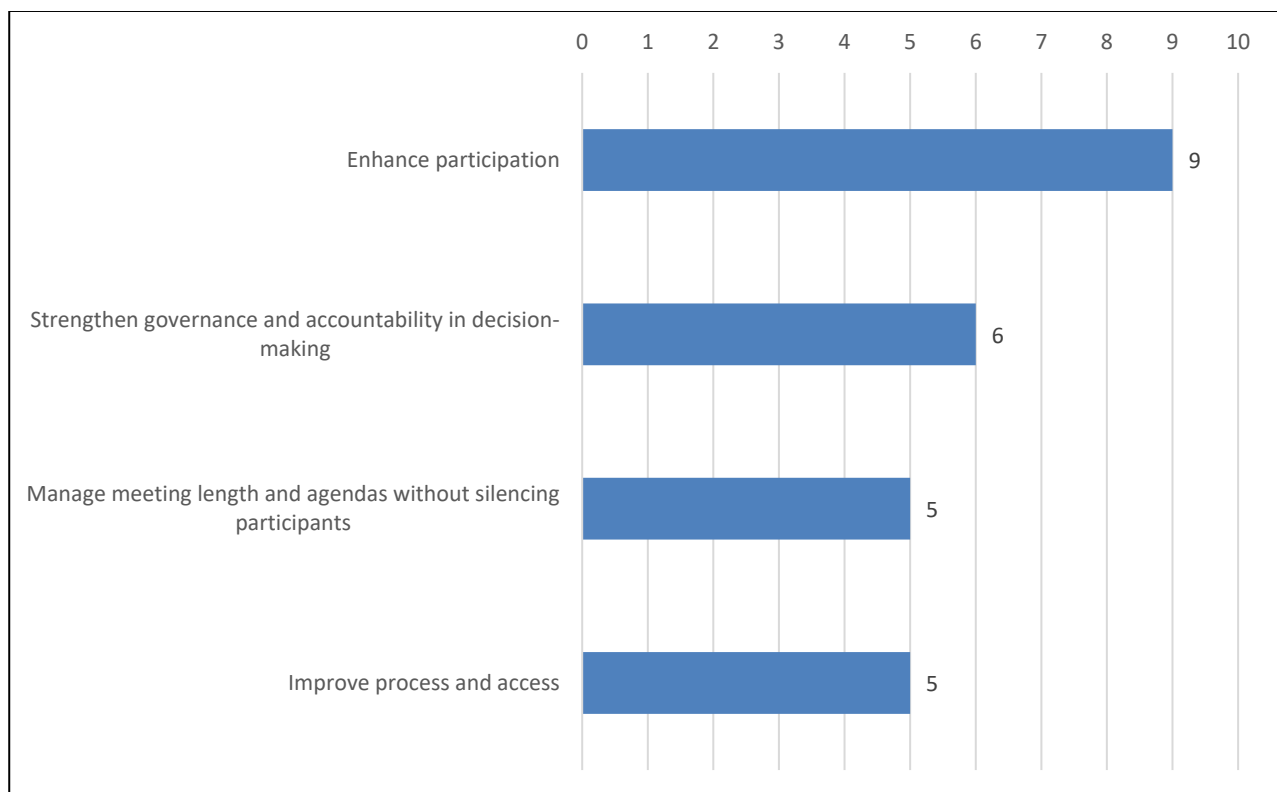


Figure 9 Do you have any comments about the draft Governance Rules

Enhance participation was the top theme (9 comments)

"I am very pleased to see the introduction of deputations ... allow for two to three speakers ... allow up to 10mins for a group deputation." (St Kilda resident)

"There should be opportunity for three people to have say 2 minutes each ... Also why not try a supplementary public question time as allowed for in the Hobsons Bay City Council meetings?" (Albert Park resident)

Strengthen governance and accountability in decision-making was the second most common theme (6 comments).

"Reducing the amount of time members of the public can speak is anti-democratic and a lack of transparency." (Elwood resident)

"You cannot give any context in 2 minutes and I think it's disappointing if this time is not kept at 3 minutes." (Albert Park resident)

Manage meeting length and agendas without silencing participants was the third most common theme (5 comments).

"No Council meeting should go beyond 11 PM ... If the meeting goes beyond 11 PM, then postpone any remaining Motions till the following meeting." (Albert Park resident)

"More time, when needed ... The basic job of council is to listen ... If you can't manage your time, then you're trying to put too many things on one agenda." (St Kilda resident)

Improve process and access was third equal common theme (5 comments)

"That is far too many changes, including minor and typographical changes, for any person to reasonably comment on in full." (Balaclava resident)

"DO NOT agree with public submission time to attend meeting to close earlier than 4 pm. I Believe it should stay the same." (Elwood resident)

Email feedback

We received 4 pieces of feedback via email. Below is a summary of all emails received.

Email summary:

People want Council to be open, easy to understand, and welcoming to public voices. They ask the Council to keep meetings truly open, respect those who attend, and not limit how many people can speak especially on petitions, because different signers have different reasons. They also want clearer ways to take part, like a simple “public question time” linked to agenda items. Several suggest trying these ideas for a set period, then reviewing what works, and even inviting local high school students to watch so young people learn how Council works.

A big theme is accountability. People Participants want Rule 24.3 brought back. This provides guideline so that any big proposal changing services, spending new money, signing contracts, or using lots of staff time first requires an officer report and returns to the next meeting before a final vote. They say this short pause helps the community see what’s happening and give feedback, instead of rushing decisions.

- Overall, the message is: be transparent
- cut the jargon
- keep meetings open
- allow multiple petition speakers
- add a clear question time
- test improvements
- , include young people
- , and keep strong checks in place for major decisions.

Next steps

Thank you to everyone who provided their feedback on the Draft Governance Rules 2025. The engagement findings from this engagement will now be used to further inform Council decision-making on this project.

We will continue to keep the community updated on the progress of the project via the dedicated project page at
<https://haveyoursay.portphillip.vic.gov.au/governance-rules-2025>



Governance Rules

Made by City of Port Phillip:

2025

Deleted: 8 September 2022



Please consider
the environment
before printing



Consider carefully how
the information in this
document is transmitted

GOVERNANCE RULES

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on (insert endorsement date).

3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts of Interest
Chapter 6	Miscellaneous
Chapter 7	Use of the Common Seal
Chapter 8	Election Period Policy

4. Definitions

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

Act means the *Local Government Act 2020*.

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

Chief Executive Officer includes an Acting Chief Executive Officer.

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

Council means Port Phillip City Council.

Council meeting has the same meaning as in the Act.

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

Mayor means the Mayor of Council.

these Rules means these Governance Rules.

Deleted:

Deleted: 8 September 2022

Chapter 1 – Governance Framework

1. Context

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

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:
 - [Public Transparency Policy](#)
 - Election Period Policy

Deleted: <#>Councillor Code of Conduct¶
Staff Code of Conduct ¶

2. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
 - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).

Chapter 2 – Meeting Procedure for Council Meetings

Contents

Part A – Introduction	6	Deleted: 8
1. Title	6	Deleted: 8
2. Purpose of this Chapter	6	Deleted: 8
3. Definitions and Notes	6	Deleted: 8
Part B – Election of Mayor	7	Deleted: 10
4. Election of the <i>Mayor</i>	7	Deleted: 10
5. Method of Voting	7	Deleted: 12
6. Determining the election of the <i>Mayor</i>	7	Deleted: 12
7. Election of Deputy Mayor and Chairs of Delegated Committees	9	Deleted: 12
8. Appointment of Acting Mayor	9	Deleted: 12
Part C – Meetings Procedure	11	Deleted: 12
Division 1 – Notices of Meetings and Delivery of Agendas	11	Deleted: 12
9. Dates and Times of Meetings Fixed by <i>Council</i>	11	Deleted: 13
10. Time limits for meetings	11	Deleted: 13
11. Alter Meeting Dates	11	Deleted: 13
12. Meetings Not Fixed by <i>Council</i> (Unscheduled or Special Meetings)	11	Deleted: 14
13. Notice of Meeting	12	Deleted: 14
14. Appointment of Temporary Chair	12	Deleted: 14
15. Apologies and absences	12	Deleted: 14
Division 2 – Quorums	13	Deleted: 14
16. Inability to Obtain a Quorum	13	Deleted: 15
17. Inability to Maintain a Quorum	13	Deleted: 15
18. Adjourned Meetings	13	Deleted: 15
19. Cancellation or Postponement of a Meeting	14	Deleted: 15
Division 3 – Business of Meetings	14	Deleted: 16
20. Agenda and the Order of Business	14	Deleted: 16
21. Change to Order of Business	14	Deleted: 16
22. Urgent Business	15	Deleted: 16
Division 4 – Motions and Debate	15	Deleted: 17
23. Councillors May Propose <i>Notices of Motion</i>	15	Deleted: 17
24. Notice of Motion	15	Deleted: 18
25. Chair's Duty	16	Deleted: 18
26. Introducing A Motion or an Amendment	16	Deleted: 18
27. Right Of Reply	17	Deleted: 18
28. Moving An Amendment	17	Deleted: 18
29. Who May Propose An Amendment	17	Deleted: 18
30. How Many Amendments May Be Proposed	17	Deleted: 18
31. An Amendment Once Carried	17	Deleted: 19
32. Foreshadowing Motions	17	Deleted: 19
33. Default to Officer's Recommendation	18	Deleted: 19
34. Withdrawal Of Motions	18	Deleted: 19
35. Separation Of Motions	18	Deleted: 19
36. Priority of address	18	Deleted: 19
37. Motions In Writing	18	Deleted: 20
38. Repeating Motion and/or Amendment	19	Deleted: 20
39. Debate Must Be Relevant to the Motion	19	Deleted: 20
40. Withdrawal of Remark	19	Deleted: 20
41. Speaking times	19	Deleted: 20
42. Addressing the Meeting	19	Deleted: 20
43. Right to Ask Questions	20	Deleted: 21

Division 5 – Procedural Motions	<u>20</u>
44. Procedural Motions	<u>20</u>
Division 6 – Rescission Motions	<u>22</u>
45. Notice of Rescission	<u>22</u>
46. If Lost	<u>22</u>
47. If Not Moved	<u>23</u>
48. May Be Moved by Any Councillor	<u>23</u>
Division 7 – Points of Order	<u>23</u>
49. <i>Chair</i> to Decide	<u>23</u>
50. <i>Chair</i> May Adjourn to Consider	<u>23</u>
51. Procedure For Point of Order	<u>23</u>
52. Valid Points of Order	<u>23</u>
Division 8 – Question Time	<u>24</u>
53. Public Question Time	<u>24</u>
54. Councillor Question Time	<u>25</u>
Division 9 – Petitions and Joint Letters	<u>26</u>
55. Petitions and Joint Letters	<u>26</u>
Division 10 – Deputations	<u>27</u>
56. Deputations	<u>27</u>
57. Consideration of request	<u>28</u>
58. Questions but no discussion permitted	<u>28</u>
59. Matter to be determined upon a subsequent meeting	<u>28</u>
60. Prior meeting with deputation	<u>28</u>
Division 11 – Voting	<u>28</u>
61. How Motion Determined	<u>28</u>
62. Casting Vote	<u>29</u>
63. Silence	<u>29</u>
64. Recount	<u>29</u>
65. How Votes are Cast	<u>29</u>
66. Procedure For A Division	<u>29</u>
67. No Discussion Once Declared	<u>29</u>
Division 12 – Minutes	<u>30</u>
68. Confirmation of Minutes	<u>30</u>
69. No Debate on Confirmation of Minutes	<u>31</u>
70. Deferral Of Confirmation of Minutes	<u>31</u>
71. Form and Availability of Minutes	<u>31</u>
Division 13 – Behaviour	<u>32</u>
72. Public Addressing the Meeting	<u>32</u>
73. <i>Chair</i> May Remove	<u>32</u>
74. <i>Chair</i> may adjourn disorderly meeting	<u>33</u>
75. Removal from Chamber	<u>33</u>
Division 14 – Additional Duties	<u>33</u>
76. The <i>Chair's</i> Duties And Discretions	<u>33</u>
77. The Chief Executive Officer's duties	<u>33</u>
78. Councillors and members of Delegated Committees duties	<u>33</u>
Division 15 – Suspension of Meeting Procedures	<u>34</u>
79. Suspension of Meeting Procedures	<u>34</u>
Division 16 – Physical and Remote Attendance	<u>34</u>
80. Mode of Attendance	<u>34</u>

Deleted: 21

Deleted: 21

Deleted: 23

Deleted: 23

Deleted: 23

Deleted: 24

Deleted: 24

Deleted: 24

Deleted: 24

Deleted: 24

Deleted: 24

Deleted: 25

Deleted: 25

Deleted: 26

Deleted: 27

Deleted: 27

Deleted: 27

Deleted: 28

Deleted: 28

Deleted: 29

Deleted: 29

Deleted: 29

Deleted: 29

Deleted: 29

Deleted: 29

Deleted: 30

Deleted: 30

Deleted: 30

Deleted: 30

Deleted: 30

Deleted: 30

Deleted: 31

Deleted: 31

Deleted: 32

Deleted: 32

Deleted: 32

Deleted: 33

Deleted: 33

Deleted: 33

Deleted: 34

Deleted: 34

Deleted: 34

Deleted: 34

Deleted: 34

Deleted: 35

Deleted: 35

Deleted: 35

Deleted: 35

Deleted: 35

81.	Meetings Conducted Remotely	36
Division 17 – Miscellaneous		36
82.	Chief Executive Officer statement	36
83.	Live streaming and recording	36
84.	Conditions of entry to a Council meeting	36
85.	Procedure not provided in this Chapter	37

Deleted: 37

Deleted: 37

Deleted: 37

Deleted: 37

Deleted: 37

Deleted: 38

Part A – Introduction

1. Title

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

2. Purpose of this Chapter

The purpose of this Chapter is to:

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

3. Definitions and Notes

3.1 In this Chapter:

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

"*absolute majority*" means the number of Councillors which is greater than half the total number of the Councillors of the Council;

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

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

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

"*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting; [and which complies with rule 24](#);

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*; [which complies with rule 44](#).

"*Reports by Councillor Delegates*" means a verbal or written report to Council on the activities of a committee or external body by a Councillor who is the appointed delegate to that internal committee or external body;

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

Deleted: "*sealing schedule*" means a listing of documents (and supporting information) requiring a resolution of Council to affix the common seal of Council; *

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

Part B – Election of Mayor

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

Deleted: annual

4. Election of the *Mayor*

- 4.1 The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with these Rules and the provisions of the *Act*.

4.2 Mayoral Term

A *Mayor* is to be elected no later than one month after the date of a general election.

Before the election of the *Mayor*, Council must determine by resolution whether the *Mayor* is to be elected for a 1-year or a 2-year term.

- If the *Mayor* is elected for a 1-year term, the next election of the *Mayor* must be held on a day that is as close to the end of the term as is reasonably practicable.
- If the *Mayor* is to be elected for a 2-year term, the next election of the *Mayor* must be held on a day that is as close to the end of the term as is reasonably practicable.

A *Mayor* is to be elected within one month after any vacancy in the office of *Mayor* occurs. A Councillor elected to fill a vacancy caused other than by the expiration of a term serves the remaining period of the previous *Mayor's* term.

- 4.3 The order of business at the Council meeting to elect the *Mayor* is to be determined by the *Chief Executive Officer*.
- 4.4 Upon being elected, the *Mayor* may make a ceremonial speech. The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead based on the adopted Council Plan.
- 4.5 Within three months of their election, a new *Mayor* must undertake training to support the effective management of their role and responsibilities as it relates to the chairing of Council meetings.

5. Method of Voting

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

6. Determining the election of the *Mayor*

- 6.1 The *Chief Executive Officer* must invite nominations for the office of *Mayor*.
- 6.2 Any nominations for the office of *Mayor* must be seconded by another Councillor.
- 6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*.

Single Nomination

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

Multiple Nominations and Candidate Elected on First Vote

- 6.5 If there is more than one nomination, the Councillors *in attendance* at the meeting will be entitled to vote for one of the candidates.
- 6.6 In the event of a candidate receiving the votes of an *absolute majority* of Councillors, that candidate is declared to have been elected.

Deleted: must

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

- 6.7 In the event that:
- 6.7.1 there are three or more candidates;
 - 6.7.2 no candidate receives the votes of an *absolute majority* of Councillors; and
 - 6.7.3 it is not resolved to conduct a new election at a later date and time,
 - 6.7.4 the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors *in attendance* at the meeting will be entitled to then vote for one of the remaining candidates.
- 6.8 If one of the remaining candidates receives the votes of an absolute majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the votes of an absolute majority of Councillors. That candidate must then be declared to have been duly elected.
- 6.9 For the purposes of sub-rules 6.7 and 6.8 if no candidate can be determined to have the fewest number of votes due to two or more candidates having an equality of votes then the candidate who is to be declared a defeated candidate will be determined by lot.:
- 6.10 If a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
- 6.10.1 each candidate who has an equal number of votes with another candidate or candidates will draw one lot;
 - 6.10.2 the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and

Deleted: must

- 6.10.3 as many identical items as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the items, and the Councillor who draws the item with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors).

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

- 6.11 In the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors in attendance at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- 6.12 If:
- 6.12.1 it is resolved to conduct a new election at a later date and time a new election will take place on the date and time resolved upon. In that event the provisions of this Rule 6 will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be declared duly elected; or
- 6.12.2 it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be declared duly elected. If, after two or more further votes are taken neither candidate receives the votes of an absolute majority of Councillors, the provisions of sub-rule 6.11 and this sub-rule 6.12 must again be followed.

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

- 7.1 any office of Deputy Mayor; or

- 7.2 Chair of a *Delegated Committee*

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

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

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

8. Appointment of Acting Mayor

- 8.1 The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if—

- 8.1.1 the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
 - 8.1.2 the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
 - 8.1.3 the office of Mayor is vacant.
- 8.2 If *Council* has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:
- 8.2.1 resolving that a specified Councillor be so appointed; or
 - 8.2.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter,
- at its discretion.
- 8.3 The meeting at which an Acting Mayor is to be appointed or elected under sub-rule 8.2 will be opened and Chaired by the Chief Executive Officer until the Acting Mayor is appointed or elected, at which time the Acting Mayor will take the Chair.

Part C – Meetings Procedure

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

Division 1 – Notices of Meetings and Delivery of Agendas

9. Dates and Times of Meetings Fixed by Council

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

Deleted: 11

10. Time limits for meetings.

10.1 Subject to sub-rules 10.2 and 10.3, a meeting shall not continue beyond three and a half hours from its commencement.

10.2 Two extensions of up to 30 minutes each may be granted, and solely by a Council resolution made before the expiry of the time for the meeting.

10.3 If a matter before the meeting has not concluded by the time the 30-minute time extension has expired, the matter before the meeting may continue until such time as the matter has been resolved. No further matters may be considered after the conclusion of the matter then before the meeting.

11. Alter Meeting Dates

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

The Chief Executive Officer, after consultation with the Mayor, in the case of an administrative matter or an emergency situation, may alter the date, time or location of a Council meeting by giving such notice to the Councillors and the public as is practicable.

12. Meetings Not Fixed by Council (Unscheduled or Special Meetings)

12.1 The Mayor or at least 3 Councillors may by a written notice call a Council meeting, that is additional to the meetings fixed by Council.

Deleted: .

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

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

12.4 Unless all Councillors are in attendance and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council meeting.

13. Notice of Meeting

- 13.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with (except in the case of a meeting called under Rule 11), must be delivered or sent electronically to every Councillor for all *Council meetings* at least 48 hours before the meeting.
- 13.2 Notwithstanding sub-Rule 13.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of their absence.
- 13.3 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:
- 13.3.1 for any meeting by giving notice on its website and:
- (a) in each of its Customer Service Centres; and/or
 - (b) in at least one newspaper generally circulating in the *municipal district*.

Deleted: 12.1

14. Appointment of Temporary Chair

- 14.1 In accordance with the Act, the Mayor must take the Chair at all Council Meetings at which the Mayor is present. If the Mayor is absent, the Deputy Mayor (if any) must take the chair, and if both are absent, Council must elect one of the Councillors as Temporary Chairperson of the meeting.

15. Apologies and absences

- 15.1 Councillors who are unable to attend a meeting may submit an apology:
- (a) In writing to the *Chair*, who will advise the meeting; or
 - (b) By seeking another Councillor to submit it at the meeting on their behalf.
- 15.2 An apology submitted to a meeting will be recorded in the minutes.
- 15.3 A Councillor intending to take a leave of absence must submit it in writing to the Mayor for it to be considered at the next Council meeting.
- 15.3.1 The Mayor will seek to have any leave of absence request received included in the agenda of the next Council meeting.
- 15.3.2 A leave of absence not included in a Council meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.
- 15.3.3 Council will not unreasonably withhold its approval of a leave of absence request.
- 15.4 A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee meeting will be recorded as absent.

Deleted: should

Division 2 – Quorums

16. Inability to Obtain a Quorum

- 16.1 The quorum for a *Council meeting* must be at least a majority of the Councillors of the Council.
- 16.2 If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:
- 16.2.1 the meeting will be deemed to have lapsed;
 - 16.2.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
 - 16.2.3 the *Chief Executive Officer* must give all Councillors *written* notice of the meeting convened by the *Mayor*.

Deleted: members

17. Inability to Maintain a Quorum

- 17.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 16 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 17.2 Sub-Rule 17.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.
- 17.2.1 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 then the Council must consider whether the decision can be made by dealing with the matter in an alternative manner, which may include—
 - (a) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
 - (b) 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.
 - 17.2.2 If Council is unable to use an alternative manner, the Chief Executive Officer should withdraw the item to determine an appropriate way to manage the matter.

Deleted: 14

Deleted: 15.1

18. Adjourned Meetings

- 18.1 The *Chair* or *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 18.2 Except where a *Council meeting* is adjourned to a time that is later on the same day, the *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

- 18.3 If it is impracticable for the notice given under sub-Rule [18.2](#) to be in writing, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.
- 18.4 A *Council meeting* cannot be adjourned for a period exceeding 21 days from the date of the adjournment.
- 18.5 The *agenda* for a *Council meeting* will include notice that a *Council meeting* may have a short break approximately every two hours or at the *Chair's* discretion.

19. Cancellation or Postponement of a Meeting

- 19.1 The *Chief Executive Officer* may, in the case of an administrative matter or emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.

Division 3 – Business of Meetings

20. Agenda and the Order of Business

- 20.1 The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.
- 20.2 In doing so, the *Chief Executive Officer* will be guided by the following Order of Business:
- (a) Welcome and Acknowledgement of Country;
 - (b) Apologies;
 - (c) Confirmation of the Minutes of previous meetings;
 - (d) Declarations of Conflicts of Interest;
 - (e) Condolence Motions;
 - (f) Acknowledgement of Awards;
 - (g) Public Submissions and Question Time;
 - (h) Councillor Question Time;
 - (i) Petitions and Joint Letters;
 - (j) Presentation of Reports;
 - (k) Notices of Motion;
 - (l) Reports by Councillor Delegates;
 - (m) Urgent Business;
 - (n) Confidential Matters

Deleted: <#>Sealing Schedule;f

21. Change to Order of Business

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

The *Chair*, at their discretion, may change the order of business within "Presentation of Reports" to consider items where there is public interest.

The *Chief Executive Officer* with the consent of the *Chair*, and a Councillor with the leave of *Council*, can at any time after the *agenda* has been distributed remove or add any matter to it and give such notice as is practicable.

22. Urgent Business

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

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

Division 4 – Motions and Debate

23. Councillors May Propose Notices of Motion

Councillors may ensure that an issue is listed on an *agenda* [for a scheduled Council meeting](#) by lodging a *Notice of Motion*.

24. Notice of Motion

- 24.1 A *notice of motion* must be in *writing* signed by a Councillor, and be lodged with or sent to the *Chief Executive Officer* by 3pm on the day that is at least seven days prior to the next scheduled *Council meeting* to allow sufficient time for inclusion of the *notice of motion* in agenda papers for a *Council meeting* and to give each Councillor advance notice of such *notice of motion*.
- 24.2 The *Chief Executive Officer* may reject any *notice of motion* which:
 - 24.2.1 is vague or unclear in intention
 - 24.2.2 it is beyond *Council's* power to pass; or
 - 24.2.3 if passed would result in *Council* otherwise acting invalidly but must:
 - 24.2.4 give the Councillor who lodged it [notice of their intention to reject it](#) [and](#) an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 24.2.5 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.
- 24.3 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.
- 24.4 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 24.5 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.

24.6 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.

24.7 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses.

24.8 If a Notice of Motion, whether amended or not, is lost, a similar motion cannot again be put before Council for a period of three (3) calendar months from the date it was lost.

25. Chair's Duty

Any motion which is determined by the *Chair* to be:

- 25.1 defamatory;
- 25.2 objectionable in language or nature;
- 25.3 vague or unclear in intention;
- 25.4 outside the powers of *Council*; or
- 25.5 irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

26. Introducing A Motion or an Amendment

The procedure for moving any motion or amendment is:

- 26.1 the mover must state the motion without speaking to it;
- 26.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
- 26.3 if a motion or an amendment is moved and seconded the *Chair* must ask: "Does the mover wish to speak to the motion or amendment?"
- 26.4 after the mover has addressed the meeting, or has declined to address, the seconder may address the meeting;
- 26.5 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
- 26.6 if, after the mover and seconder have, addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.

Deleted: has

27. Right Of Reply

- 27.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- 27.2 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

28. Moving An Amendment

- 28.1 Subject to sub-Rule [28.2](#) a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 28.2 A motion to confirm a previous resolution of *Council* cannot be amended.
- 28.3 An amendment must not be [directly opposite](#), or substantially contrary to, the motion. If an amendment effectively negates the substance of the motion [the Chair must](#) rule [it](#) to be an alternative motion and shall only be considered in the event that the motion is lost.

Deleted: the negative of

Deleted: it is

Deleted: d

29. Who May Propose An Amendment

- 29.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 29.2 Any one Councillor cannot move more than two amendments in succession.

30. How Many Amendments May Be Proposed

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

31. An Amendment Once Carried

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

32. Foreshadowing Motions

- 32.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of the intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

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

32.3 The *Chief Executive Officer* or person taking the minutes of the meeting will not record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

Deleted: is not expected to

32.4 The *Chair* is not obliged to accept foreshadowed motions, and a Councillor who foreshadows a motion will not automatically be the first called upon once a motion is resolved.

33. Default to Officer's Recommendation

33.1 In the event that a motion other than the Officer Recommendation contained in an Officer Report is moved and that motion is lost, and no other motion has been foreshadowed, the Chair will call for a mover and seconder of the Officer Recommendation.

Deleted: motion before the meeting will be

33.2 The officer recommendation will follow the same procedure as set out in Rule 26.

Deleted: 4

34. Withdrawal Of Motions

34.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.

34.2 If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

35. Separation Of Motions

35.1 Where a motion contains more than one part, the motion may be put to the vote in separate parts either on request of a Councillor or otherwise at the Chair's discretion

Deleted: a Councillor may request the *Chair* to put the motion to the vote in separate parts.

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

36. Priority of address

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

Deleted: <#>The *Chair* may allow items to be moved and seconded en bloc, which means putting a group of motions together and taking a single vote to pass the group of motions.¶

37. Motions In Writing

37.1 The *Chair* may require that a complex or detailed motion be in writing.

37.2 A *Councillor* wishing to move an alternate motion other than an Officer's Recommendation, must submit their alternate motion in writing, and when moving an alternate motion, describe how it differs from the Officer Recommendation.

Deleted: . A Councillor wishing to move an alternate motion must, at the least, read out the proposed changes to the original ...

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

38. Repeating Motion and/or Amendment

The *Chair* may request the person taking the minutes of the *Council meeting* to read the motion or amendment to the meeting before the vote is taken.

39. Debate Must Be Relevant to the Motion

- 39.1 Debate must always be relevant to the motion before the Chair, and, if not, the *Chair* must request the speaker to confine debate to the motion.
- 39.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to not speak further in respect of the motion then before the Chair.
- 39.3 A speaker to whom a direction has been given under sub-Rule [39.2](#) must comply with that direction.

40. Withdrawal of Remark

- 40.1 Whenever any Councillor at any *Council meeting* makes use of any expression or remark that is disorderly or capable of being applied offensively to any other Councillor, officer or member of the public, the Councillor may be required by the *Chair* to withdraw the expression or remark and to make a satisfactory apology to the meeting.
- 40.2 The Chair may require a Councillor to withdraw any remark that is defamatory, indecent, abusive or offensive in language or substance.
- 40.3 A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

41. Speaking times

41.1 Subject to sub-rule 41.2, a Councillor must not speak longer than the time set out below.

41.1.1 the mover of a motion or an amendment 4 minutes;

41.1.2 any other Councillor: 3 minutes; and

41.1.3 the mover of a motion exercising a right of reply: 2 minutes

41.2 A Councillor's speaking time may be extended upon request of the Councillor by:

41.2.1 the Chair for no more than 2 minutes, which request must not be unreasonably refused; and

41.2.2 resolution of Council for any further extension beyond 2 minutes.

42. Addressing the Meeting

If the *Chair* so determines:

- 42.1 any person addressing the *Chair* must refer to the *Chair* as:
 - 42.1.1 Mayor; or

42.1.2 Chair:

42.2 all Councillors, other than the *Mayor*, must be addressed as
Cr**(name)**.

42.3 officers will be addressed using the officer's first name and surname.

43. Right to Ask Questions

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

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

Division 5 – Procedural Motions

44. Procedural Motions

44.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.

44.2 Procedural motions require a seconder.

44.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and any amendment postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking;(c)When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

Division 6 – Rescission Motions

45. Notice of Rescission

- 45.1 A Councillor may propose a *notice of rescission* provided:
- 45.1.1 it has been signed and dated by at least two Councillors;
 - 45.1.2 the resolution proposed to be rescinded has not been acted on; and
 - 45.1.3 the *notice of rescission* is delivered to the *Chief Executive Officer* within 24 hours of the resolution having been made setting out -
 - (a) the resolution to be rescinded; and
 - (b) the meeting and date when the resolution was carried.

It should be remembered that a notice of rescission is a form of notice of motion.

Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.

- 45.2 A resolution will be deemed to have been acted on if:
- 45.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
 - 45.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 45.3 The *Chief Executive Officer* must cause implementation of a resolution which:
- 45.3.1 has not been acted on; and
 - 45.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 45.1.3, to be deferred, unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

Deleted: or an appropriate member of Council staff

Deleted: defer

Deleted: ing

Deleted: .1.3

46. If Lost

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

Deleted: one

Deleted: motion

47. If Not Moved

If a motion for rescission is not moved [and seconded](#) at the meeting at which it is listed, it lapses [and a similar motion may not be put before Council for at least three months from the date it lapsed, unless Council resolves that the notice of rescission be re-listed at a future meeting.](#)

48. May Be Moved by Any Councillor

A motion for rescission listed on an *agenda* may be moved by any Councillor *in attendance* but may not be amended.

Division 7 – Points of Order

49. Chair to Decide

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

The decision of the Chair in respect of a Point of Order will be final and will not be open for discussion.

50. Chair May Adjourn to Consider

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

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

51. Procedure For Point of Order

A Councillor raising a point of order must:

51.1 state the point of order; and

51.2 state any section, Rule, paragraph or provision relevant to the point of order before resuming their seat.

52. Valid Points of Order

A point of order may be raised in relation to:

52.1 a motion, which, under Rule [25](#), or a question which, under Rule [5353](#), should not be accepted by the *Chair*;

52.2 a question of procedure; or

52.3 on the grounds that a **statement** is:

(a) contrary to these Rules;

(b) an act of disorder or conduct in contravention of the [Model](#) Councillor Code of Conduct;

Deleted: 51

- (c) defamatory;
- (d) irrelevant to the matter before Council;
- (e) an error of fact;
- (f) outside Council's power; or
- (g) frivolous or vexatious.

52.4 Rising to express a difference of opinion or to contradict a speaker is not a point of order.

Division 8 – Question Time

53. Public Question Time

- 53.1 There must be a public question time at every *Council meeting* fixed under Rule 9 to enable members of the public to submit questions to *Council*. A member of the public who has submitted a question in writing in accordance with clause 53.4 of these Rules, will be invited by the Chair to read their question.
- 53.2 Sub-Rule 53.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.
- 53.3 A member of the public can speak for up to two minutes or a lesser or longer time at the discretion of the Chair'. Where a member of the public wishes to speak to multiple agenda items, the Chair reserves the right to group those contributions into a single speaking session.
- 53.4 Questions submitted to *Council* must be:
- 53.4.1 in *writing*, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and
 - 53.4.2 submitted to Council prior to 12pm (midday) on the day of the *Council meeting*.
- 53.5 Any question that is received after the closing time stipulated in clause 53.4 will not be accepted at the meeting and will be held over to the next Council meeting at which there is a public question time (or alternatively will be responded to by officers as a general customer request).
- 53.6 Members of the public can only ask questions on general matters other than those relating to a topic that is on the *agenda*. Questions must be asked of Council and may not be directed to individual Councillors.
- 53.7 The *Chair* or a member of Council staff nominated by the *Chair* may read to those *in attendance* at the meeting a question which has been submitted in accordance with this Rule.
- 53.8 A question may be disallowed by the *Chair* if the *Chair* determines that it:
- 53.8.1 relates to a matter outside the duties, functions and powers of *Council*;

- 53.8.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- 53.8.3 deals with a subject matter already answered;
- 53.8.4 is aimed at embarrassing a Councillor or a member of Council staff;
- 53.8.5 relates to a matter which will be, or is likely to be, considered in a closed meeting;

[53.8.6](#) relates to any matter which *Council* considers would prejudice *Council* or any person; [or](#)

[53.8.7](#) would require, on the advice of the Chief Executive Officer, an unreasonable diversion of Council resources to prepare a response for public question time.

- 53.9 Any question which has been disallowed by the *Chair* must be made available to any other Councillor upon request.
- 53.10 A Councillor, through the *Chair*, may ask clarifying questions of a member of the public who has spoken or of officers in respect to issues raised by the member of the public. The *Chair* has the right to limit the number of clarifying questions asked by Councillors.
- 53.11 Like questions may be grouped together and a single answer provided.
- 53.12 The *Chair* may respond or may nominate an Officer to respond to a question.
- 53.13 An officer may require a question to be put on notice. If a question is put on notice, a *written* copy of the answer will be sent to the person who asked the question and made available on Council's website.
- 53.14 *The Chief Executive Officer* may advise *Council* that the reply to a question should be given in a meeting closed to members of the public. The *Chief Executive Officer* must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.

54. Councillor Question Time

- 54.1 There must be a Councillor question time at every *Council meeting* fixed under Rule 9 to enable Councillors to ask questions of [the Chief Executive Officer](#).
- [54.2](#) Councillors are encouraged to submit their questions in *writing* prior to [12pm](#) on the day of the *Council meeting* to enable officers appropriate time to prepare a response.
- [54.3](#) [All questions and answers must be as brief as possible, and no discussion will be allowed other than by Councillors for the purpose of clarification.](#)
- 54.4 The *Chair* may disallow a question of officers if the *Chair* believes that:

Deleted: without notice

- (a) the question is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- (b) the question is repetitive and deals with a subject matter that has already been answered;
- (c) the question is aimed at embarrassing an officer or any other person;
- (d) the question relates to a matter which will be, or is likely to be, considered in a closed meeting;
- (e) the question relates to a matter beyond the powers or functions of Council.

54.5 The *Chair* may call for an officer to respond to any questions raised by Councillors. The [Chief Executive Officer, or their delegate](#), may take a question on notice. If a Councillor question is taken on notice, a written copy of the response will be sent, as a minimum, to the Councillor who asked the question and the question and the officer response will also be placed on Council's website.

Division 9 – Petitions and Joint Letters

55. Petitions and Joint Letters

[55.1](#) A petition or joint letter must be lodged with the Chief Executive Officer [by midday at](#) least seven days prior to the Council meeting at which it is to be considered to allow inclusion into the agenda.

55.2 ~~Every petition or joint letter presented to Council must be in writing (other than pencil), contain the request of the petitioners or signatories and be signed by at least 5 people.~~ [A Petition or Joint Letter is a formal written document which requests Council to act in relation to an issue and which must be signed by at least 10 people.](#)

55.3 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

55.4 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.

55.5 Every page of a hard copy petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.

[55.6](#) The *Chief Executive Officer* may accept electronic petitions received via online websites if [they are](#) satisfied that the petition is authentic and from a legitimate website and provided that the electronic petition has been closed and a copy has been forwarded to Council.

[55.7](#) [The Chief Executive Officer may reject any petition or joint letter which:](#)

[54.7.1](#) [is vague or unclear in intention](#)

[54.7.2](#) [it deals with a matter which is beyond Council's power;](#)

Deleted: he or she is

54.7.3 deals with a matter which, if actioned by Council, would result in Council acting invalidly

54.7.4 Is aimed at embarrassing a Councillor or a member of Council staff; or

54.7.5 Contains a complaint against the actions or failures of staff or a Council department. This will be handled by Council as a letter of complaint and handled in accordance with Council's managing complaints policy

55.8 If the Chief Executive Officer rejects a petition or joint letter, they must notify in writing the person who lodged it of the rejection and reasons for the rejection.

55.9 If a petition or joint letter relates to an operational matter, the Chief Executive Officer will instead address it directly through Council's service operations or complaint handling program."

55.10 Nothing in this rule 55 clause shall prevent the *Chief Executive Officer* from determining that a petition or joint letter that does not fully comply this Rule 55 will be submitted to a *Council meeting* for consideration. However, any petition or joint letter that materially does not comply with this Rule 55 will not be accepted by the *Chief Executive Officer*.

55.11 Only the wording of the request in and the number of signatories to a Petition or joint letter will be included in the *agenda* for a *Council meeting*.

55.12 If the petition or joint letter relates to any item already on the *agenda* for the *Council meeting* at which the petition or joint letter is submitted, ~~the Chair may decide that~~ the Petition or joint letter will be dealt with in conjunction with that agenda item.

55.13 If the petition or joint letter relates to:

(a) a planning matter ~~which is the subject of a public notification process under the *Planning and Environment Act 1987*; or~~

(b) a statutory matter which is the subject of a community engagement process,

the petition or joint letter will be treated as a joint submission in relation to the planning matter or the statutory matter (as the case may be).

55.14 A petition or joint letter may nominate a person to whom a reply must be sent, but if no person is nominated or if it is not obvious who the intended contact person is, Council will reply to the first signatory who appears on the petition or joint letter.

Deleted: If a petition or joint letter relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration.¶

Division 10 – Deputations

56. Deputations

56.1 A person wanting to make a deputation to Council must lodge their deputation with the Chief Executive Officer by midday at least seven days prior to the Council meeting that it is requested to be considered.

56.2 The Chief Executive Officer must refer the deputation to the Mayor.

56.3 Council will not hear more than one deputation per meeting.

57. Consideration of request

57.1 A request for a deputation will only be considered for matters of significant public interest as determined by the Chief Executive Officer in consultation with the Mayor.

57.2 Depending on the subject of the matter, the Mayor may:

57.2.1 ask the Chief Executive Officer to include the deputation on the agenda for the requested, or a future, Council Meeting; or

57.2.2 ask the Chief Executive Office to arrange for the deputation to be heard by a group of Councillors, at an informal meeting of Council.

57.3 Where a deputation is heard at a Council meeting:

57.3.1 only the person who submitted it or their representative will be entitled to speak to it; and

57.3.2 the person will not be entitled to speak for longer than five minutes, unless the *Chair* decides, in their discretion, to extend the speaking time, in which case only one extension of up to five minutes may be granted.

58. Questions but no discussion permitted

Councillors and members of Council staff may question the deputation on matters raised by it for purposes of clarification, but no discussion will be allowed.

59. Matter to be determined upon a subsequent meeting

No motion must be allowed on any deputation until the next Council meeting after the deputation has been heard.

60. Prior meeting with deputation

A deputation will not be included on the agenda for a Council meeting unless the person making the deputation, or their representative, has met with Officers responsible for the subject matter of the deputation so that Officers can determine whether the matters raised can be addressed directly through Council's service operations or complaint handling program.

Division 11 – Voting

61. How Motion Determined

61.1 To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.

61.2 The question is determined in the affirmative by a majority of the Councillors present at a meeting at the time the vote is taken voting in favour of the question.

61.3 For the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote (abstains) is to be taken to have voted against the question.

62. Casting Vote

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

63. Silence

Subject to Rule 65, voting must take place in silence.

64. Recount

The *Chair* may direct that a vote be recounted so that the *Chair* may be satisfied of the result.

65. How Votes are Cast

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

66. Procedure For A Division

66.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

66.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

66.3 When a division is called for, the *Chair* must:

66.3.1 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 a hand or otherwise signify their support in a manner recognised by the *Chair*. The *Chair* must then state, and the Chief Executive Officer or [their delegate](#) must record, the names of those Councillors voting in the affirmative; and

66.3.2 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 a hand or otherwise signify their opposition in a manner recognised by the *Chair*. The *Chair* must then state, and the *Chief Executive Officer* or [their delegate](#) must record, the names of those Councillors voting in the negative.

66.3.3 The *Chair* must then declare the result.

67. No Discussion Once Declared

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

Deleted: , **except** in the case of:¶
The election of a Mayor or a Deputy Mayor; ¶
A vote to declare the office of Mayor or Deputy Mayor vacant; or¶
~~A vote subject to clause 54.2.~~

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

Division 12 – Minutes

68. Confirmation of Minutes

- 68.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:
 - 68.1.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;
 - 68.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
 - 68.1.3 if a Councillor indicates opposition to the minutes:
 - (a) the item(s) objected to must be specified;
 - (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
 - (c) the Councillor objecting must move accordingly without speaking to the motion;
 - (d) the motion must be seconded;
 - (e) the *Chair* must ask:
"Is the motion opposed?"
 - (f) if no Councillor indicates opposition, then the *Chair* must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 68.1.3(k);
 - (g) if a Councillor indicates opposition, then the *Chair* must call on the mover to address the meeting;
 - (h) after the mover has addressed the meeting, the seconder may address the meeting;
 - (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;

Deleted: 61.1.3

- (j) if, after the mover has addressed the meeting, the *Chair* invites debate and no Councillor speaks to the motion, the *Chair* must put the motion; and
- (k) the *Chair* must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

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

and then put the question to the vote accordingly;

68.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed; [and](#)

68.1.5 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively.

69. No Debate on Confirmation [of](#) Minutes

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

70. Deferral Of Confirmation [of](#) Minutes

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

71. Form and Availability of Minutes

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

- 71.1.1 the date, place, time and nature of the meeting;
- 71.1.2 the names of the Councillors *in attendance* and the names of any Councillors who apologised in advance for their non-attendance;
- 71.1.3 the names of the members of Council staff *in attendance*;
- 71.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;
- 71.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- 71.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);

71.1.7 the individual vote cast by each Councillor in instances where the vote is not unanimous;

71.1.8 questions upon notice;

71.1.9 Summary of deputations

71.1.10 the failure of a quorum;

71.1.11 any adjournment of the meeting and the reasons for that adjournment; and

71.1.12 the time at which meeting procedures were suspended and resumed.

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

71.2.1 published on *Council's* website; and

71.2.2 available for inspection at *Council's* office during normal business hours.

71.3 Nothing in sub-Rule 71.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

Deleted: 64.2

Division 13 – Behaviour

72. Public Addressing the Meeting

72.1 Members of the public do not have a right to address *Council* and may only do so in the manner permitted by these Rules or otherwise with the consent of the *Chair* or by prior arrangement.

72.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.

72.3 A member of the public *in attendance* at a *Council meeting* must not disrupt the meeting.

72.4 When addressing the Council, a member of the public may not use any placard, poster, sign, audio visual display or presentation or similar prop as part of their address unless granted so by the Chair.

Deleted: <#>Members of the public are encouraged to submit their in writing, on the prescribed form prior to 12pm (midday) on the day of the Council meeting to enable officers appropriate time to administer the meeting. Notwithstanding, all requests to ask a question or make a comment on a specific agenda item must be received either in writing on the prescribed form available from the front desk during normal office hours at St Kilda Town Hall, or via the online form, prior to Council formally considering the item.¶
A member of the public can speak for three two minutes or at a longer time at the discretion of the Chair. ¶
The Chair may disallow questions or comments if the Chair believes that they are repetitive in nature.

Deleted: 65.2

73. Chair May Remove

73.1 The *Chair* may order and cause the removal of any person, who disrupts any meeting or fails to comply with a direction given under sub-Rule 72.2.

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

73.2 The Mayor may direct a Councillor to leave a *Council meeting*, under section 19(1) of the *Local Government Act 2020* if the behaviour of the Councillor is preventing the Council from conducting its business

74. **Chair may adjourn disorderly meeting**

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, the *Chair* may adjourn the meeting to a later time on the same day or to some later day. In that event, the provisions of sub-Rules [18.2](#) and [18.3](#) apply.

Deleted: 16.2

Deleted: 16.3

75. **Removal from Chamber**

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule [72](#).

Deleted: 65

Division 14 – Additional Duties

76. **The Chair's Duties And Discretions**

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

- 76.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community;
- 76.2 must allow the *Chief Executive Officer* the opportunity to make a statement under Rule [82](#); and
- 76.3 must call to order any person who is disruptive or unruly during any meeting.

Deleted: 73

77. **The Chief Executive Officer's duties**

- 77.1 The *Chief Executive Officer*, or delegate, may participate in the meeting to provide support to the *Chair*.
- 77.2 The *Chief Executive Officer* should:
 - (a) [i](#)mmediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
 - (b) [a](#)dvice if there are operational, financial or risk implications arising from a proposed resolution;
 - (c) [h](#)elp clarify the intent of any unclear resolution to facilitate implementation; [a](#)nd
 - (d) [o](#)n request, assist with procedural issues that may arise.

78. **Councillors and members of Delegated Committees duties**

- 78.1 Councillors and members of Delegated Committees contribute to good governance and decision making by:

- (a) seeking views of community members and reading agenda prior to the meeting;
- (b) demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers;
- (c) attending meetings and participating in debate and discussion;
- (d) demonstrating respect for the role of the Chair and the rights of other Councillors or members of Delegated Committees to contribute to the decision-making;
- (e) being courteous and orderly.

Division 15 – Suspension of Meeting Procedures

79. Suspension of Meeting Procedures

- 79.1 To expedite the business of a meeting, *Council* may suspend meeting procedures.

The suspension of meeting procedures should be used to enable full discussion of any issue without the constraints of formal procedure. Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

- 79.2 The suspension of meeting procedures should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:
"That meeting procedure be suspended to enable discussion on....."
- 79.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of meeting procedures.
- 79.4 Once the discussion has taken place and before any motions can be put, the resumption of meeting procedures will be necessary. An appropriate motion would be:

"That meeting procedures be resumed."

Division 16 – Physical and Remote Attendance

80. Mode of Attendance

- 80.1 Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:
- 80.1.1 wholly in person;
 - 80.1.2 wholly be electronic means; or
 - 80.1.3 partially in person and partially by electronic means.
- 80.2 The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:

- 80.2.1 wholly in person;
- 80.2.2 wholly by electronic means; or
- 80.2.3 partially in person and partially by electronic means.
- 80.3 If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 80.4 Any request made under sub-Rule 80.3 must:
 - 80.4.1 be in writing;
 - 80.4.2 be given to the Chief Executive Officer no later than 24 hours prior to the commencement of the relevant Council meeting; and
 - 80.4.3 specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.
- 80.5 The Chief Executive Officer must ensure that any request received in accordance with sub-rule 80.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.
- 80.6 Council may approve and must not unreasonably refuse any request.
- 80.7 A Councillor who attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the Council meeting.
- 80.8 Without detracting from anything said in sub-rule 80.7, a Councillor who is attending a meeting by electronic means must be able to:
 - 80.8.1 hear the proceedings;
 - 80.8.2 see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;
 - 80.8.3 be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting; and
 - 80.8.4 be heard when they speak.
- 80.9 If the conditions of sub-rule 80.8 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:
 - 80.9.1 the Council meeting will nonetheless proceed as long as a quorum is present; and
 - 80.9.2 the relevant Councillor (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meeting

Deleted: 73

Deleted: .

Deleted: 73

Deleted: 73

Deleted: 73

80.10 unless the Council meeting has been adjourned in accordance with these Rules.

80.11 Nothing in this Rule 80 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-rule 80.8 even if the Council meeting has already commenced or has continued in their absence.

Deleted: 73

Deleted: 73

81. Meetings Conducted Remotely

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

Division 17 – Miscellaneous

82. Chief Executive Officer statement

The *Chief Executive Officer* may make a brief statement at a *Council meeting* to correct factual errors or incorrect assertions that arise during the meeting, or to clarify or provide context in respect of any statement made at the Council meeting.

83. Live streaming and recording

83.1 *Council meetings* are live streamed except where the meeting is closed to the public, or in the case of technical errors which prevent the meeting from being streamed.

83.2 Archived live streamed recordings of *Council meetings* will be retained and available for public for viewing on Council's website.

83.3 Members of the public will be advised by appropriate venue signage that the meeting is being live streamed and by the *Chair* in the welcome and introduction to the meeting that the cameras will film and record Councillors and some officers at the meeting but care is taken to try and not to film or record images of members of the public.

83.4 Council meetings may also be audio taped by authorised officers of Council for the sole purpose of assisting officers in the preparation of the *minutes*.

84. Conditions of entry to a Council meeting

84.1 All persons without City of Port Phillip identification may be requested to sign an attendance register prior to entering the area in which a *Council meeting* is to be, or is being, held.

84.2 Council may, on some or all occasions, conduct bag searches of some or all people attending Council meetings. This is done for security and safety reasons and to ensure that all who attend Council meetings are able to attend and to participate in a safe environment.

84.3 Members of the public cannot directly distribute any item to a Councillor. Any item must firstly be given to a Council officer who will then determine if it is appropriate to distribute the item to some or all of the Councillors.

Deleted: <#>Meetings to be open to the public unless specified circumstances apply¶
Council meetings must be open to the public unless the Council considers it necessary to close the meeting to the public because a specified circumstance applies. The circumstances are— ¶
the meeting is to consider confidential information; or ¶
security reasons; or ¶
it is necessary to do so to enable the meeting to proceed in an orderly manner. ¶
If the circumstance specified in (b) or (c) applies, the meeting can only be closed to the public if the Council has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held. ¶
If Council determines that a meeting is to be closed to the public to consider confidential information, the Council must record in the minutes of the meeting that are available for public inspection— ¶
the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in section 3(1) of the *Local Government Act 2020*, being; ¶
Council business information, information that would prejudice the Council's position in commercial negotiations if prematurely released; ¶
security information, being information that if released is likely to endanger the security of Council property or the safety of any person; ¶
land use planning information, being information that if prematurely released is likely to encourage speculation in land values; Part 1—Preliminary Local Government Act 2020 No. 9 of 2020 ¶
law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person; ¶
legal privileged information, being information to which legal professional privilege or client legal privilege applies; ¶
personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; ¶
private commercial information, being information provided by a business, commercial or financial undertaking that— ¶
relates to trade secrets; or ¶
if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; ¶
confidential meeting information, being the records of meetings closed to the public under section 66(2)(a); ¶
internal arbitration information, being information specified in section 145; ¶
Councillor Conduct Panel confidential information, being information specified in section 169; ¶
information prescribed by the regulations to be confidential information for the purposes of this definition; ¶
information that was confidential information for the purposes of section 77 of the Local Government Act 1989;¶
an explanation of why the specified ground or grounds applied.¶

- 84.4 Members of the public are permitted silent use of their mobile devices but are not permitted to use mobile devices for recording, talking or any usage that generates noise.
- 84.5 Members of the public cannot take photos, film or otherwise record proceedings of a *Council meeting* unless permission is granted by the *Chair* of the meeting.
- 84.6 Unless permitted by the Chair, the following items are prohibited:
- (a) cameras;
 - (b) posters and signs attached to sticks;
 - (c) offensive material and / or material that unreasonably blocks the view of members of the public or access to the meeting venue; and
 - (d) electronic audio/visual recording devices (unless authorised).
- 84.7 Council may refuse entry to a member of the public who does not comply with these conditions.

85. Procedure not provided in this Chapter

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

Chapter 3 – Meeting Procedure for Delegated Committees

1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

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

2. Meeting Procedure Can Be Varied

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

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

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

Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

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

2. Meeting Procedure

Unless anything in the [Instrument of Delegation](#) provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

Chapter 5 – Disclosure of Conflicts of Interest

1. Definition

In this Chapter:

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

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

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which the Councillor:

- 2.1 is *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the *Council meeting* immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
 - 2.2 intends to *attend* must disclose that conflict of interest by providing to the *Chief Executive Officer, or their delegate* before the *Council meeting* commences a written notice:
 - 2.1.1 advising of the conflict of interest; and
 - 2.1.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
- and then immediately before the matter is considered at the meeting announcing to those *in attendance* that the Councillor has a conflict of interest and that a written notice has been given to the *Chief Executive Officer, or their delegate* under this sub-Rule.

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

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

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

- 3.1 is *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the *Delegated Committee* meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

Deleted: ¶

Deleted: 2

Deleted: 2

Deleted: 2.2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:¶
name of the other person; ¶
nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and¶
nature of that other person's interest in the matter, ¶

3.2 intends to *attend* must disclose that conflict of interest by providing to the *Chief Executive Officer*, or their delegate before the Delegated Committee meeting commences a written notice:

3.1.1 advising of the conflict of interest; and

3.1.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and

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

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

Deleted: 3.3.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee*'s relationship with or a gift from another person the:¶
(a) name of the other person; ¶
(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and¶
3.2.4 nature of that other person's interest in the matter, ¶

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

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

4.1 is *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the *Community Asset Committee* meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

4.2 intends to *attend* must disclose that conflict of interest by providing to the *Chief Executive Officer* or their delegate before the *Community Asset Committee* meeting commences a written notice:

4.1.1 advising of the conflict of interest; and

4.1.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest;

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

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

Deleted: and¶
4.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:¶
(a) name of the other person; ¶
(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and¶
4.2.4 nature of that other person's interest in the matter,

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

A Councillor who has a conflict of interest in a matter being considered by a meeting conducted under the auspices of *Council* at which the Councillor is in attendance must:

Deleted: is in

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

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

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

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

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

- 6.2 The *Chief Executive Officer or their delegate* must ensure that the Report referred to in sub-Rule 6.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.
- 6.3 If the member of Council staff referred to in sub-Rule 6.1 is the *Chief Executive Officer*:
 - 6.3.1 the written notice referred to in sub-Rule 6.1 must be given to the *Mayor*; and
 - 6.3.2 the obligation imposed by sub-Rule 6.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

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

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

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

9. Retention of Written Notices

The *Chief Executive Officer* [or their delegate](#) must retain all written notices received under this Chapter for a period of three years.

Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

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

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

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

2. Confidential Information

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

Chapter 7 – Use of the Common Seal

- 1.1 The purpose of this Part is to regulate the use of the Common Seal and to prohibit the unauthorised use of the Common Seal or use of any device resembling the Common Seal.
- 1.2 The Chief Executive Officer must keep the Common Seal in safe custody at all times.
- 1.3 Council's Common Seal must only be used with the authority of Council granted either generally or specifically and every document to which the Common Seal is affixed must be signed jointly by the Mayor and the Chief Executive Officer.
- 1.4 Subject to clause 1.3, the sealing clause shall be: THE COMMON SEAL of Port Phillip City Council was hereunto affixed in the presence of:

Mayor

CEO

- [1.5](#) A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council.

Chapter 8 – Election Period Policy

Election Period Policy

Policy outcome	<p>Council complies with its legislative requirements under the <i>Local Government Act 2020</i>, and City of Port Phillip Councillors, Council Officers, and the community are aware of what can and cannot be done during the election period.</p> <p>Councillors and Council Officers act in an accountable, transparent, and lawful way during the election period.</p> <p>External candidates for election are expected to comply with the obligations of this policy where they apply.</p> <p>Council meets the strategic directions detailed in the Council Plan 2021-31, particularly the commitment to be a well-governed Port Phillip.</p>
Responsible area	Governance and Organisational Performance
Version	Version 2.0
Date adopted	1 November 2023
Planned review date	August 2027

1. Scope

- 1.1. The Election Period Policy provides a framework for decisions prohibited by the Council during the election period in accordance with the *Local Government Act 2020* (the Act), and the procedures to be applied by Council during the election period.
- 1.2. This policy applies to all Councillors and Council Officers (Officers) of the City of Port Phillip.
- 1.3. External candidates for election are expected to comply with the obligations of this policy where they apply.

2. Election Period

- 2.1 The election period (often referred to as caretaker period) is the period that starts from the last day that nominations to be a candidate for that election can be received and ends at 6pm on Election Day.
- 2.2 During an election period, local government goes into 'caretaker' mode, avoiding actions and decisions which could be seen to be influencing voters or which will have a significant impact on the incoming Council.
- 2.3 The term of office of a Councillor expires at 6am on the day of the general election.

2.4 Election Period Notification

The Chief Executive Officer (CEO) will ensure that all Councillors and Officers are aware of this policy, at least 30 days prior to the commencement of the Election Period.

2.5 Election Period Guidelines

2.5.1 The CEO may issue guidelines to:

- Officers on their role and responsibilities in the implementation of this policy
- Councillors to inform them about the changes to services, processes, and procedures that may impact them in their role during the election period.

2.6 Implementation of the Election Period Policy

2.6.1 The Head of Governance is responsible for:

- the implementation, including monitoring and reporting on the effectiveness of the policy
- providing support and training to Councillors and Officers to promote awareness and compliance with this policy
- working with the Executive Leadership Team and the relevant Managers, to ensure the policy is implemented in accordance with the relevant legislation.

3. Decision making during the election period

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

3.2 This does not extend to decisions made prior to the election period, which can be implemented during this time.

3.3 Prohibited decisions

3.3.1 Under section 69 of the Act, Council is prohibited from making any decision during the election period that:

- a) Relates to the appointment or remuneration of a CEO but not to the appointment or remuneration of an Acting CEO.
- b) Commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year.
- c) The Council considers could be reasonably deferred until the next Council is in place.
- d) The Council considers should not be made during an election period (Inappropriate decisions).

- 3.3.2 The Act prohibits 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.
- 3.3.3 Any Council decision made in contravention of 3.3.1(a) and (b) above, is invalid.
- 3.3.4 Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of section 69(4) of the Act, is entitled to compensation from the Council for that loss or damage.

3.4 Scheduling consideration of prohibited decisions

- 3.4.1 The CEO will as far as possible, ensure that prohibited decisions are either:
- considered prior to the commencement of the election period; or
 - deferred where appropriate for determination by the incoming Council; and
 - the order of business for any Council Meeting scheduled during the election period does not include any matters requiring prohibited decisions or matters that could be considered prohibited decisions.

3.5 Inappropriate decisions

- 3.5.1 Inappropriate decisions are defined as meaning:
- a) Decisions that would affect voting in an election
 - b) Decisions that may unreasonably bind an incoming Council and could reasonably be made after the election

3.6 Inappropriate decisions that will be avoided

- 3.6.1 The following inappropriate decisions, whether made by Council, a Delegated Committee or an Officer acting under delegated authority, will be avoided during the election period:
- Acquisition of land
 - Adoption or amendment of the Port Phillip Planning Scheme
 - Adoption or amendment of policies, protocols, strategies, master plans or frameworks
 - Adoption or amendment of the Council Plan
 - Adoption of a revised budget
 - Adoption or amendment of a Local Law
 - Allocation of grants or awards to individuals or organisations
 - Appointing representatives to Council committees
 - Disposal of land or assets
 - Endorsing submissions to government or public bodies
 - Employment matters pertaining to the CEO

- Entering into a contract or entrepreneurial agreement exceeding the prescribed amount
- Entering into agreements (excluding an Enterprise Agreement), deeds or leases
- Naming or re-naming of roads, reserves or features
- Reviewing of programs or service provision
- Any other decision that the CEO considers should be made outside of the election period.

3.7 Election Period Statement in Reports

- 3.7.1 All reports to Council and Delegated Committees will be assessed by the CEO, in accordance with the Act and this policy. If approved for inclusion in the meeting agenda, each report will include a statement declaring that it could not reasonably result in a prohibited or inappropriate decision.

3.8 Considerations for Officers with delegated authority

- 3.8.1 Most Council decisions are made via formal delegation to Officers. Any decision of a delegated Officer is deemed to be a decision of Council. The same limitations will apply to them during the election period.
- 3.8.2 Before making any decisions under delegated authority during the election period, Officers should consider the following:
- whether the decision is prohibited under the definitions detailed in 3.3 of this policy
 - whether the decision is an inappropriate decision as detailed under 3.5 and 3.6 of this policy
 - the urgency of the issue (that is, can it be delayed until after the election period?)
 - the possibility of financial repercussions if it is deferred
 - whether the decision is likely to influence voters or be controversial
 - if the decision is in the best interests of Council.

3.9 Council and Committee meetings

The following protocols will apply for Council and Committee meetings during the election period.

3.9.1 Council and Committee Meeting Agendas

- 3.9.1.1 The standard agenda for any Council meeting to be held during the election period will be modified so that the following items will not be considered:
- Petitions and joint letters
 - Public question time
 - Councillor question time
 - Notices of Motion

- Reports by Councillor delegates

- 3.9.1.2 Items proposed as urgent business must be assessed in accordance with the Act and this policy. If approved for inclusion in the meeting agenda, items of urgent business must also include an election period statement that they could not reasonably result in a prohibited or inappropriate decision.

3.9.2 Audio and Video Recordings of Council and Delegated Committees

- 3.9.2.1 Agenda papers, minutes, and live streaming for Council and Delegated Committee Meetings will continue to be delivered during the election period.
- 3.9.2.2 Recordings of Council and Delegated Committee Meetings will not be made available on Council's website until after the election period has ended.

3.10 Council Advisory, Reference Committees and Working Groups

- 3.10.1 With the exception of the Audit and Risk Committee, the operation of Council Advisory, Reference Committees and Working Groups shall be suspended upon the commencement of the election period ahead of a general Council election.

3.11 Councillor appointments to external committees

- 3.11.1 Where a Councillor has been appointed to an external committee or board it is expected that they will attend meetings of the committee or board during the election period. However, the Councillor may attend only in their role as a Councillor. A Councillor must not attend an external committee or board meeting, where they are a Councillor representative, in their capacity as a candidate. A Councillor must be mindful of their obligations under this election period policy, and not conduct any electoral campaigning activities at the meeting.

3.12 Councillor Briefings

- 3.12.1 Weekly Councillor Briefings are a forum for information sharing and providing direction on services, strategy, and policy. As Councillor Briefings may address decisions likely to come before Council, they will not be held during the election period.

4. Publishing and Communications

4.1 Electoral Offences

4.1.1 Printing and publication of electoral material

A person must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, electoral material unless the name and address of the person who authorised the electoral material is clearly displayed on its face.

Penalty:

In the case of a natural person, 10 penalty units;

In the case of a body corporate, 50 penalty units.

4.1.2 Misleading or deceptive matter

A person must not print, publish or distribute; or cause, permit or authorise to be printed, published or distributed any matter or thing that the person knows, or should reasonably be expected to know, is likely to mislead or deceive a voter in relation to the casting of the vote of the voter.

Penalty:

In the case of a natural person, 60 penalty units or imprisonment for 6 months;

In the case of a body corporate, 300 penalty units.

4.1.3 Author to be identified

A person must not during the election period print, publish or distribute; or cause, permit or authorise to be printed, published or distributed a newspaper, circular or pamphlet containing an article, report, letter or other matter containing electoral matter unless the author's name and address are set out at the end of the article, report, letter or other matter, or if only part of the article, report, letter or other matter appears in any issue of a newspaper, circular or pamphlet at the end of that part.

Penalty:

In the case of a natural person, 10 penalty units;

In the case of a body corporate, 50 penalty units.

- 4.1.4 The CEO should review all publications produced and distributed by the Council during the election period to confirm that the publication complies with the Act in circumstances where the publication contains electoral matter, i.e., any matter that is "intended or likely to affect voting in an election".

- 4.1.5 Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on the election, a candidate in the election, or an issue submitted to, or otherwise before, the voters in connection with the election.

- 4.1.6 This is to be broadly interpreted to refer to documents that are produced for communicating with the community and will include, amongst other things:

- Council newsletters and other circulars (hardcopy and/or electronic)
- Advertisements and notices
- Media releases and responses to media enquiries
- Leaflets, brochures, pamphlets, handbills, flyers, magazines, books and stickers
- Mail outs to multiple addresses
- New website material and Social media content
- Material to publicise a function or event
- Notices or posters placed on Council controlled property, including walls, noticeboards, and electronic noticeboards and screens

- 4.1.7 Documents that were published prior to the commencement of the election period, or that are required to be published in accordance with any Act or regulation, are exempted from the requirements of this Policy.

4.2 Process for review of publications

- 4.2.1 Officers will vet all publications before they are recommended to be confirmed by the CEO as suitable for printing, publishing or distributing during the election period.
- 4.2.2 The below wording will be used to ensure compliance with the Act when publishing material:
- Authorised by the Chief Executive Officer of the City of Port Phillip, 99A Carlisle Street St Kilda*
- 4.2.3 a record of all publications confirmed by the CEO will kept via Council's records management system.

4.3 Information about the Election

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

4.4 DiverCity newsletter

DiverCity newsletter will not be published or distributed during the election period.

4.5 Annual Report

The Act requires the annual report to be submitted to the Minister for Local Government. The Act also requires Council to consider the annual report at a Council meeting prior to Election Day. The annual report will be published during the election period and will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual councillors. At the CEO's discretion, the information within the annual report may be restricted to what is required by the Act. The annual report does not require certification by the CEO however any publication of an extract or summary of the Annual Report will require certification.

During the election period the Annual Report will not contain a Foreword from the Mayor.

4.6 Council and Delegated Committee Meetings

Public notice of Council meetings and Delegated Committee meetings, and agenda papers and minutes of Council and Delegated Committee meetings do not require review by the CEO unless they are printed or published for a wider distribution than normal.

4.7 City of Port Phillip websites

During the election period Councillor profile pages will be limited to names, contact details, date elected and membership of committees. There will be no photographs, biographies or policy statements.

New content can only be added to the website, or content updated, if the content complies with the Act and where necessary has been confirmed by the CEO.

Website content will be reviewed prior to the election period commencing and any prohibited information will be redacted or removed by the beginning of the election period.

4.8 Media

The CEO must sign-off on all media releases and media responses.

Media releases and media responses must not refer to Councillors or any candidate and must not comment on an issue likely to be an election issue.

Media enquiries will be channelled through the CEO who will determine who the appropriate spokesperson will be. The CEO will be the spokesperson of the Council where the issue relates to electoral matters including issues before the voters.

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.

4.9 Social Media

Any publication of comments or new content on social media sites (that are managed by Council) must be confirmed by the CEO during the election period. Where it is necessary to identify a spokesperson for comment on Council's social media channels, the CEO will determine the spokesperson and certify commentary.

At the commencement of the election period, Council will advise social media subscribers that comments containing electoral matter will be deleted.

Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted.

Information published prior to Election Period on Council's social media and website is not subject to CEO certification.

5. Consultation and Engagement

5.1 Community consultation involves inviting stakeholders (individuals, groups, organisations or the public generally) to a public consultation process to receive feedback on a project, issue or policy. Some topics of community consultation may have the potential to be an election issue therefore no community consultation will take place during the election period.

5.2 Public consultation associated with activities and decisions which are the subject of statutory processes can be expected to continue through the election period to ensure Council does not breach its statutory obligations, for example:

- Consultations involving Council staff, Councillors and interested persons regarding applications under the *Planning and Environment Act 1987*; and
- Consultation required in accordance with the *Local Government Act 2020*

Discussions at these meetings are not to involve election issues or significant community consultation on major developments, strategy or policy issues.

- 5.3** Where community engagement has occurred prior to the election period but the report has not yet proceeded to a Council or Delegated Committee meeting, results of the consultation will also not be provided to a meeting until the election period has concluded, unless required to meet Council's statutory obligations.
- 5.4** Council currently has seventeen **Community Reference Committees (Advisory Committees)**, these committees may discuss potential election issues so consequently these committees will not meet during the election period. Meetings of forums and groups which have been established by Council, and not captured as Advisory Committees, should also not be held during the election period.

6. Events and Functions

- 6.1** During the election period, Councillors may continue to attend functions and events. Council run events will be scheduled to ensure only those essential to the operations of Council, that must be held at a specific time which coincides with the election (i.e., the Seniors Festival) are run during the Election Period.
- 6.2** Where events and functions are held, candidates who are not currently Councillors will be invited to attend if appropriate to the type of event or function.
- 6.3** No election material or active campaigning is to be conducted at Council sponsored events or displayed in/on or distributed at any Council building.
- 6.4** Guest lists to any Council organised event or function during the election period must be approved by the CEO.
- 6.5** For those functions referred to in clause 6.1, the CEO (or his delegate) will fulfil any speaking requirements. The Mayor and Councillors must not give speeches or addresses at Council organised or sponsored events and functions during the election period.

6.6 Public events and functions staged by external bodies

- 6.6.1** Where a Councillor has received an invitation to an external event and has determined to accept the invitation, the Councillor must make a clear separation between attendance in their role as a Councillor, or attendance in their role as a candidate.
- 6.6.2** A Councillor may not attend an event in their capacity as both Councillor and candidate. If a Councillor gives a speech or public comment at an external event or function, they must make it clear that they are speaking as a candidate.

7. Council resources

7.1 Council resources, including offices, support staff, hospitality services, equipment and stationery must be used exclusively for normal Council business during the election period and must not be used in connection with an election.

7.2 Councillors must not use Council resources in connection with any activities associated with any election campaign.

7.3 Councillor Requests

Councillors can only make operational requests through the CRM system covering issues such as but not limited to roads, footpaths, trees, waste management and general amenity. Such requests will be administered as community requests.

All information requests received during the election period will be handled in accordance with 8.6 of this policy.

7.4 Council Data

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

7.5 Councillor Correspondence

7.5.1 A key part of the role of a Councillor is to engage with members of the community, including responding to any correspondence received. While this must continue during the election period, it is important that Officers are not perceived as providing Councillors any undue advantage over other candidates.

7.5.2 During the election period, any responses prepared by the administration in response to correspondence addressed to a Councillor will therefore be signed by the CEO or relevant General Manager or Manager as appropriate. Such responses will acknowledge the Officer is responding due to limitations imposed upon Councillors during the election period.

7.6 Use of Council equipment and services by Councillors

7.6.1 Councillors may continue to use any Council equipment and services provided to them to facilitate their performance of normal Council duties.

7.6.2 The following is expressly prohibited:

- Photocopying, scanning, or printing for election campaigning purposes by Councillors or Officers on Council equipment, or the preparation or production of any materials associated with a candidate's election campaign by an Officer
- Council logos, letterheads, or other Council branding used for, or linked in any way to a candidate's election campaign
- The use of Council issued mobile phones, computers, or email addresses for election campaigning purposes

- The use of Council's webpages or social media pages, including the use of links, for any activity related to election campaigning
 - The Distribution or displaying of election material in or on Council facilities, libraries or community noticeboards.
 - The use of photographs and images paid for by Council or taken by Officers are not to be used in electoral material for any Candidate. This includes images of Councillors, Council events and Council owned or maintained infrastructure.
- 7.7 Councillors may use the title "Councillor" in their election material, as they continue to hold office during the election period.
- 7.8 Councillors should ensure that any election publication using the title "Councillor" clearly indicates that it is their own material and does not represent Council.
- 7.9 Councillors should also be mindful to manage any perceived conflicts even where a direct expense isn't incurred, this may include for example:
- Where campaign-related emails are received in a Council email account, send any responses from a private email and encourage the correspondent to use that account in future.
 - Where campaign-related calls are received on a Council device, provide and encourage the caller to use a non-council number for future calls.
- 7.10 For purposes other than usual community use, Council facilities may only be booked during the election period by persons, groups or organisations who are neutral with regard to the participating political parties or candidate campaigns.
- 7.11 If a Council facility is hired for the purposes of discussing issues before voters (e.g., a community candidate forum), then every candidate of the municipality, or of that Ward, must be invited to equally participate in the event.
- 7.12 The obligation to ensure fair and equitable participation for all candidates remains with the Hirer. Any feedback, enquiries or complaints on the running of the event will be directed to the Hirer.

7.13 Councillors' Entitlement to Reimbursement

The organisation will continue to provide support to Councillors with respect to their normal day to day council business. Out-of-pocket expenses paid by Councillors during the election period for necessary costs incurred in the performance of their duties, which do not relate to any election campaign, will be reimbursed as normal.

8. Council Information

- 8.1 All election candidates have rights to information relevant to their campaigns from Council, subject to legislative constraints, such as:
- Sections 123 of the Act, which prohibits Councillor-candidates from misusing or inappropriately making use of their positions
 - The *Privacy and Data Protection Act 2014*.

- 8.2 Councillors will continue to receive information necessary to fulfill their existing roles during the election period. Beyond this, only information that is readily available to any member of the public will be provided to any candidate.
- 8.3 Access to historical briefing and workshop papers will be suspended for the duration of the election period. Council Meeting papers may continue to be accessed by anyone via the Council website.
- 8.4 No information other than what would normally be made available to any member of the public on request will be provided to a Councillor or a candidate. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns.
- 8.5 Council staff when carrying out their duties must not offer comment to members of the public about any Councillors or candidates, except to provide contact details for current Councillors.
- 8.6 Information requests – process, record, and access
- 8.6.1 Council may receive requests for information from candidates during the election period. All candidates must have access to the same level of information wherever possible.
- 8.6.2 To enable this to occur, an Information Request Register will be maintained by the Governance unit during the election period. This Register will be a publicly available document and will record requests by all candidates who seek information relating to electoral matters or general enquiries, and the responses provided by Officers.
- 8.6.3 Any candidate may, upon request, obtain a copy of the Information Request Register by emailing the Governance unit.
- 8.6.4 The CEO, or their delegate, may at their discretion automatically circulate to all candidates a response to any request recorded in the Information Request Register.

8.7 Council Officers

Council Officers are prohibited from undertaking any tasks connected directly or indirectly with an election campaign and must avoid actions that may create a perception that they are assisting Councillors with their campaign.

9. Electoral Signage and Electioneering

- 9.1 Councillors, like other candidates, must comply with Council's Electoral Signage and Electioneering Guidelines. The guidelines include the City of Port Phillip Planning Scheme Requirements and Community Amenity Local Law requirements for what sort of signs can be displayed during an election, and rules for when candidates or their supporters are electioneering in public places. The guidelines are included at the end of this Policy.

10. Equity in assistance to candidates

The Council affirms that all candidates for the Council election will be treated equally.

10.1 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.

10.2 Officers as a candidate

10.2.1 An Officer is not prevented from nominating as a candidate at an election. Upon becoming a candidate in a Port Phillip City Council election, the Officer must:

- Inform the CEO;
- Take leave from their duties at least for the duration of the election period in accordance with sections 34 and 256 the Act;
- Return any Council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the election.

10.3 If elected, immediately resign from their employed position at Council prior to taking the oath or affirmation of office, in accordance with sections 34 and 256 Act.

10.4 Election process enquiries

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

11. Breaches

11.1 Sections 123 and 124 of the Act prohibit Councillors from intentionally directing or seeking to direct a member of Council staff; or misusing their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or to cause, or attempt to cause, detriment to the Council or another person.

11.2 Circumstances involving the misuse of a position by a Councillor or member of a delegated committee include—

- a) making improper use of information acquired as a result of the position the person held or holds; or
- b) disclosing information that is confidential information; or
- c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
- d) exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or
- e) using public funds or resources in a manner that is improper or unauthorised; or

- f) participating in a decision on a matter in which the person has a conflict of interest.

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

11.4 Councillor Code of Conduct

11.4.1 Allegations of breaches of this Policy will be dealt with under the Internal Resolution Procedure of the Code of Conduct. The CEO will take the place of the Mayor in managing complaints received under the Election Period Policy.

11.4.2 Complaints must be directed to the CEO in writing, providing details of the alleged contravention, when it occurred and who it involved. The CEO will assess the information and follow the provisions of the Internal Resolution Procedure of the Code of Conduct including, where necessary, the appointment of an external arbiter.

11.5 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 serious or gross misconduct of a person who is a Councillor, must be suspended during the election period for a general election.

11.6 Breach of policy

Any breach of this policy relating to Officer conduct is to be referred to the CEO.

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

12. Related legislation and documents

Local Government Act 2020

Local Government (Elections) Regulations

Councillor Code of Conduct

Community Amenity Local Law requirements

City of Port Phillip Planning Scheme

13. Version History

Version number	Document Set ID (ECM)	Date	Authorised by
1.0	E125582/20	19 August 2020	Adopted by Council
2.0	7594877	1 November 2023	Adopted by Council

ELECTORAL SIGNAGE

What sort of sign can I display during an election?

Community Amenity Local Law 2023 requirements for public land and buildings.

50. Political Signs

- (1) A person must not affix, erect, install or otherwise display a political sign on Council Land or a building or structure or other thing on Council Land.
- (2) For the purpose of sub-clause (1) a political sign means any sign which displays, promotes or otherwise identifies a political candidate or political party.
- (3) Clause (1) does not apply if the signage is authorised under this or any other law.

City of Port Phillip Planning Scheme Requirement

A permit is not required to display a sign with an advertisement area not exceeding five square metres publicising a local political event not held for commercial purposes.

The requirements are:

- *Only one sign can be displayed on the land*
- *The sign must not be animated*
- *The sign must not be internally illuminated*
- *The sign must not be displayed for more than 3 months and must be removed within 14 days of the event*

A sign publicising a local political event may include information about a candidate for an election.

(This section of the Planning Scheme is a mandatory State Government requirement).

The sign can be displayed on a person's own land or another person's land if permission of the landowner has been granted.

Signs not compliant with these requirements are subject to a Council Planning application.

Electoral advertising cannot be displayed on or in any Council building or Council notice board, or on any Council land, including median strips and footpaths.

Electoral material must follow the requirements of the relevant electoral legislation.

ELECTIONEERING

When candidates or their supporters are electioneering in public places, they must be aware of the following:

- A candidate / supporter may handout electoral material in a public place, that is, streets and parks within the control of Council, but not within Council buildings or premises.
- Electoral material must follow the requirements of relevant electoral legislation.
- Council will not require a fee or a permit if a candidate / supporter is standing at a small table with a sign (note planning requirements) handing out electoral material.
- Persons distributing electoral material must be aware of public safety and community amenity, and must leave a minimum 1.2 metre wide pedestrian access on the footpath.
- Any tables and signs placed in front of Council, commercial or residential properties must be located with the agreement of the adjoining owner / occupier.
- No electoral material is to be posted on Council property including buildings, noticeboards, land, fences, street lighting posts, etc.. Any such postings will be subjected to a Local Laws Enforcement investigation.

Any electoral material posted on private property without the authority of the owner may be referred to the Police for investigation.



City of Port Phillip

99a Carlisle Street, St Kilda, VIC 3182

📞 ASSIST 03 9209 6777

🌐 portphillip.vic.gov.au



Receive the latest news from your City and Council

🌐 portphillip.vic.gov.au/divercity

If you require a large print version
please phone ASSIST 03 9209 6777

Language assistance

廣東話 9679 9810 Ελληνικά 9679 9811 Polska 9679 9812
普通話 9679 9858 Русский 9679 9813 Other 9679 9814



If you are deaf or have a hearing or speech impairment, you can phone us through the National Relay Service (NRS):

- TTY users, dial **133677**, then ask for **03 9209 6777**
- Voice Relay users, phone **1300 555 727**, then ask for **03 9209 6777**

🌐 www.relayservice.gov.au

Table 1: Proposed changes with direct community impact

Table 1 outlines six proposed amendments to the Governance Rules that have a direct impact on how members of the community engage with Council meetings. These sections were identified based on feedback received during the community consultation process.

Clause	Community result	Draft recommendation	Rationale
Reducing Public Speaking Time from three minutes to two minutes for all meetings (Clause 65.5)	(62%) said they disagree (36%) said they agree (3%) said they are not sure	Introduce a blanket two-minute speaking clause and provide clarity when speaking to multiple agenda items <i>'A member of the public can speak for up to two minutes or a lesser or longer time at the discretion of the Chair'. Where a member of the public wishes to speak to multiple agenda items, the Chair reserves the right to group those contributions into a single speaking session'</i>	Although community feedback did not indicate majority support for reducing all public speaking times to two minutes, Council officers recommend implementing this change to support occupational health and safety obligations for Councillors, staff, and the community, and to enhance meeting efficiency and decision-making processes. Council officers workshopped a range of options with Councillors to address factors contributing to extended meeting durations and late finishes. Through this process, it was determined that limiting the number of speakers was not desirable as it posed challenges in fairly selecting representatives, potentially excluding diverse views. Introducing a blanket two-minute speaking limit for all speakers promotes fairness by applying the same time allocation to every speaker, while still allowing a broad spectrum of community views to be expressed.
Number of signatures of Petitions and Joint Letters (Clause 53.2)	(53%) said they agree (43%) disagree (4%) said they are not sure	Increase the minimum signature count from five to ten signatures.	Community feedback in favour of increasing the signature count. Minor change to ensure Broader Community Interest. Raising the minimum signature count helps ensure that matters brought before Council represent a wider base of community concern.
Number of speakers	(62%) said they disagree (36%) said they agree	Do not proceed with introducing a limit	Although it was proposed to permit only the lead submitter or their representative to speak to Petitions or Joint Letters at Council meetings, the outcome of the community

Clause	Community result	Draft recommendation	Rationale
Petitions and Joint Letters	(6%) said they agree A petition containing 341 signatures was received recommending three speakers instead of		consultation including a petition containing 341 signatures, did not support this change. Consequently, the clause to only permit the lead petitioner or the nominated representative speaking to Petitions or Joint letters has been removed from the draft Governance Rules.
Introducing Councillor Speaking limits (Clause 41)	(60%) said they agree (32%) said they disagree (5%) said they are not sure	Introduce Councillor speaking times	Introducing speaking limits for Councillors leads to more focused debate and helps maintain the attention and engagement of both councillors and community members. This will also contribute to
Introducing Deputations (Division 10)	3 submissions received via Have Your Say in favour of introducing Deputations into the draft Governance Rules	Introduce provision for Deputations	Additional section to introduce deputations at Council meetings. Deputations allow individuals or groups to address Council directly about specific matters relevant to the council's functions. This provision is proposed to be added to the Governance Rules to contribute to strengthening community engagement and public participation at meetings. Deputations would require to be submitted seven days prior to the Council meeting and would require CEO approval to be accepted (similar to how Petitions and Joint Letters are lodged).
Introducing a supplementary public Question Time	A petition containing 341 signatures was received recommending	Introduce a 'Supplementary Public Question Time' at the end of meetings.	Supplementary question time is not standard practice across Victorian Councils. The existing public question time and submission process already provides sufficient opportunity for community input, with written responses and post meeting follow-up available to ensure transparency and accountability

Table 2: Remaining Proposed changes (administrative / legislative uplifts)

Table 2 outlines a series of proposed updates to the Governance Rules that are primarily administrative in nature or required to align with legislative changes and include:

- **Policy alignment** with the Local Government Act 2020 and the Model Councillor Code of Conduct.
- **Clarifications and enhancements** to meeting procedures, motions, and debate rules to improve consistency and transparency.
- **Efficiency improvements**, such as introducing time limits for meetings and speaking times for Councillors and the changes to the public registration closure time from 4pm to midday on the day of meetings.
- **Administrative updates**, including clearer definitions, updated terminology, and removal of outdated or unused provisions (e.g., sealing schedule).
- **IBAC-aligned changes**, including the removal of en bloc voting and improved recording of voting outcomes.
- **Support for Occupational Health and Safety (OHS) considerations**, including measures that help manage meeting duration and workload, contributing to a safer and more sustainable working environment.

Chapter/ Division	Rule	Rationale
Introduction	2. Date of Commencement	Date of commencement to be updated when endorsed
Chapter 1.	1. Context	Removal of Councillor Code of Conduct Amended in line with mandated Model Councillor Code of Conduct. Removal of Staff code of conduct as this policy is not endorsed by Council.
Chapter 2. Part A - Introduction	3.1 Definitions and Notes	Removed sealing schedule as a dedicated Council meeting agenda section. This section is not utilised as sealing takes place during the report item.
	3.1 Definitions and Notes	Amendments made to the Notice of Motion provisions, these have been reflected in the definitions and notes section
Part B – Election of Mayor	Introduction	Removal of ‘annual’ election as Mayor can be elected for either a 1 or 2-year term determined by resolution of Council.
	6 Determining the election of the Mayor	A Councillor is entitled, according to s 61(5)(e) of the LGA, to abstain from voting. Using the word ‘must’ here is inconsistent with that entitlement. Proposed amendment to ‘is entitled to’.

Chapter/ Division	Rule	Rationale
	8. Appointment of Acting Mayor	Additional provision of how to open a meeting without a Mayor or Deputy Mayor.
Part C – Meetings procedure	10. Time limits for meetings	Included limitation on meeting to four hours, with provision to extend by additional 30 minutes.
	12. Meetings not fixed by Council (unscheduled or Special Meetings)	Administrative enhancement.
	14. Appointment of Temporary Chair	Addition of provision to appoint a temporary chairperson in the event that the Mayor or Deputy Mayor is not in attendance at a meeting.
	15. Apologies and absences	Clause amended to be clearer on how a Councillor can have their leave request considered and determined.
	16. Inability to obtain a quorum	'Members' amended to 'Councillors'
	20 Agenda and order of business	Removed sealing schedule from the order of business (as above)
Division 4 Motions and Debate	23. Councillors may propose Notices of Motion	Administrative fix up to remove any doubt about the meetings at which Notices of Motion will be considered.
	24.2 The CEO may reject any notice of motion 24.3 Notice of Motion to secure funding	Addition of provisions relating to Notices of Motions.
	24.9 Notice of Motion returning in a 3-month time period	If a Notice of Motion, whether amended or not, is lost, a similar motion cannot again be put before Council for a period of three (3) calendar months from the date it was lost.
	26. Introducing a Motion or an Amendment (26.4 & 26.6)	Administrative enhancement.
	28. Moving an Amendment	Clearer description of an Alternate motion and determination of Chair ruling.
	32. Foreshadowing Motions	Additional wording to clarify that a Councillor foreshadowing a motion does not get priority once the substantive motion is disposed of (even if, in practice, this may be the case).
	33. Default to Officer's Recommendation	Amended to include mover and seconder of Officer Recommendation

Chapter/ Division	Rule	Rationale
	35.2 Removal of en bloc	Removal in line with IBAC recommendations
	37 Motions in Writing	An alternate motion might not change an Officer Recommendation, as such, at least not in the sense that those changes could be read out. Therefore, this clause has been amended to refer to the way that it differs from the Officer Recommendation, which seems more accurate and manageable.
	42 Speaking Times	Introduction of Councillor speaking times to assist with overall length of meetings.
	44. Notice of Recission	Administrative fix up to reflect changes to Notices of Motion.
	45. If Lost	Amended to be consistent with Notices of Motion
	46. If not Moved	Amended to be consistent with Notices of Motion
	51 Model Councillor Code of Conduct	Amended in line with mandated Model Councillor Code of Conduct
Division 8 Public Question Time	52.1 Additional instructions for public speaking	Additional instructions included for members of the public
	52.3 Public Speaking time clause wording amended	As referenced in Table 1 .
	52.4.2 Amended registration closing time to midday	Registration moved to earlier to allow sufficient time for officers to review for compliance with the Rules, assess, and prepare responses ahead of Council meetings.
	52.5 New clause if registrations received after registration closes	Additional provision for registrations received after the closing time.
	52.6 Questions asked during submissions to items	Clearer determination for members of the public when making submissions to agenda items
	52.8.7 Unreasonable resourcing	Additional provision to be able to decline questions, based on unreasonable officer time.
Division 8	53.1 Questions referred to the Chief Executive Officer	Amended to CEO (was previously officer) in line with the Councillor Contact Guidelines.

Chapter/ Division	Rule	Rationale
Councillor Question Time	53.2 Councillors <i>encouraged</i> to submit questions by 12pm	Amended time in line with public registration time (was previously 4pm)
	53.3 Introduction two-minute limit for Councillor Questions	Amended in line with public speaking times
	53.5 Amendment of Officers to Chief Executive Officer	Amended in line with Councillor Contact Guidelines
Division 9 Petitions and Joint Letters	54.1 Midday deadline introduced	Addition of a midday deadline seven days prior to the meeting to assist with timely compilation of the agenda
	54.2 Petition & Joint letter requirements	As referenced in Table 1 .
	54.6 Remove gender specific wording	Removal of references to 'he' or 'she' throughout the document and replaced with 'they'.
	54.7 Rejecting Petitions and Joint Letters	Additional provisions to be able to reject petitions that don't comply with the rules
	54.8 Notifying Petitioner of Rejections	Provision added for CEO to notify person who lodged the petition or joint letter of the rejection and reasons for rejection
	54.9 Notifying Petitioner of Rejections	Provision added that if the petition or joint letter relates to an operational matter that the CEO will address it through Council's service operations or complaint handling program.
	55.11 Petitions and Joint Letters relating to agenda items	Amended wording to allow the CEO power (when setting the agenda) for the Petition or Joint letter to be dealt with in conjunction with that agenda item.
	54.13(a) Petitions relating to Planning matters	Amended wording to be less specific. Petitions and Joint Letters relating to the P&E Act 1987 <i>may</i> be considered as a submission to the planning matter.
Division 10 Deputations	New division to introduce deputations	As referenced in Table 1 .
Division 11 – Voting	61. Casting Vote	Removal of clauses as they are dictated by the Local Government Act 2020, so not necessary to be included in the Governance Rules.

Chapter/ Division	Rule	Rationale
	65.3.1 & 65.3.2 When a division is called	Updating any authorised officer to be 'or their delegate'
Division 12 Minutes	71.1.7 Recording of voting when not unanimous	Additional provision in line with IBAC recommendations.
	71.1.9 Summary of deputations	A summary of the member of the publics deputation to be recorded in the minutes.
	72.4 Members of the public presenting audio and visual displays during meetings	Currently no provision for members of the public to present material, but not explicitly listed within the Governance Rules. Deputations will be an exception to this rule, with the Chairs discretion to accept. Deputations will go through an approval process to be accepted to the meeting.
Chapter 5 Disclosure of Conflicts Interest	Disclosure provisions amended	Removed the requirement for individual declarations to go to the CEO. Governance to escalate cases where necessary.
Miscellaneous	Meetings to be open to the public unless specified circumstances apply	Section 66 of the Local Government Act prevails over the provision in the Governance Rules. Removing this clause to avoid any confusion between the Act and the Rules.

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



13.2

UPDATE TO THE PROCUREMENT POLICY

EXECUTIVE MEMBER: LACHLAN JOHNSON, GENERAL MANAGER, OPERATIONS AND INFRASTRUCTURE

PREPARED BY: PETER LIU, CHIEF FINANCIAL OFFICER
WAYNE MOORE, COORDINATOR PROCUREMENT, CONTRACTS & FLEET
GRAHAM MILLAR, PROCUREMENT CONTRACTS MANAGEMENT BEST PRACTICE LEAD

1. PURPOSE

- 1.1 To present an updated Procurement Policy (the Policy) for Council endorsement, in accordance with section 108(5) of the Local Government Act 2020.

2. EXECUTIVE SUMMARY

- 2.1 Council adopted current Version 6.3.1 of the Policy on 21 August 2024, with the proposed amendments forming the basis of the forthcoming Version 6.4.1.
- 2.2 To ensure the Policy continues to provide efficient processes, and an effective framework for achieving value for money in the expenditure of public funds, the updated Policy includes key amendments:
- Adjustments to Financial Delegation Thresholds, to improve procedural efficiency and standardise management role groupings. These changes are based on benchmarking with other councils, procurement trend data analysis, resource assessments, alignment with the new Council Plan and project portfolio, audit findings, lessons from past projects and staff feedback.
 - Proposed adjustments to Procurement Thresholds, based on a benchmarking exercise, to better align with Financial Delegations and accountability, enhance internal efficiencies, and reflect for annual inflation.
 - Proposed inclusion of a provision for establishing single-supplier arrangements for specialist service, such as architectural services, following a compliant competitive procurement process. This aims to efficiency and economy of scale where works are aggregated and explicitly signalling to the market that the successful tenderer is guaranteed a volume of work.
- 2.3 The Policy also introduces greater ownership of end-to-end procurement (for purchases under \$300,001) by individual business area, with a greater focus and support from Procurement Business Partners on higher-value and higher-risk strategic procurements across Council.
- 2.4 Collectively, these amendments are designed to strengthen governance, mitigate risks, and enhance the efficiency and effectiveness of Council's procurement processes.



3. RECOMMENDATION

That Council:

- 3.1 Adopts the updated Procurement Policy 6.4.1 as per **Attachment 1** noting the following key amendments:
 - 3.1.1 *Financial Delegation Limits*: Updates to financial delegations to improve procedural efficiency and standardise management role groupings. These changes are based on benchmarking with other councils, procurement trends, resource assessments, alignment with the new Council Plan and project portfolio, audit findings, lessons from past projects and staff feedback.
 - 3.1.2 *Additional Financial Delegation - Insurance Expenditure Delegation limits*: Increase in delegation limit to \$4 million, reflecting the current insurance operating environment.
 - 3.1.3 *Spend Thresholds*: Adjustments made to better align with the updated Financial Delegations Limits in section 3.1.1. These changes aim to enhance internal efficiencies, account for inflation, and ensure a greater focus and support from the Procurement team on higher-risk procurement activities.
 - 3.1.4 *Provision for establishing single-supplier arrangements for specialist service*: Aims to efficiency and economy of scale where works are aggregated and explicitly signalling to the market that the successful tenderer is guaranteed a volume of work.
- 3.2 Authorises the Chief Executive Officer, or their delegate, to finalise and make minor changes that do not materially alter the Procurement Policy.

4. KEY POINTS/ISSUES

- 4.1 Council has a Procurement Policy in place in accordance with its obligations under section 108 of the Local Government Act 2020. Council last adopted the Procurement Policy in 2024. There is also a requirement that this Council must review its Procurement Policy at least once during the four-year term.
- 4.2 This report presents proposed updates to the Procurement Policy to ensure that it remains an efficient and effective way to provide best value for expenditure of public funds and that Council upholds the highest standards of probity.
- 4.3 The Procurement Policy has the following guiding principles:
 - Value for money
 - Efficiency
 - Effectiveness
 - Probity
 - Advanced practice
 - Health & safety
 - Social procurement
 - Environmental sustainability



- Economic sustainability

- 4.4 Council operates a mixed centre-led hybrid procurement model. This model centralises procurement policies, processes, and strategies, while allowing execution of activities at the department level, with a hybrid approach applied to procurements valued at above \$300,000.
- 4.5 In accordance with the Procurement Policy, procurement and contract management across Council is governed and oversighted by the Procurement & Contract Management Steering Committee (PCMSC). This committee comprises senior managers from across the organisation and chaired by the General Manager of Operations & Infrastructure.
- 4.6 Under the committee's remit, a comprehensive review of the current Policy has been undertaken to ensure alignment with the nine principles. This review has incorporated benchmarking of other councils, trends across procurement and contract management activity, a review of resourcing and efficiency across the centre-led team and in key areas of procurement activity such as project delivery, a review of the new Council Plan and in particular the project portfolio, staff feedback, and recommendations from audits and lessons learnt through project delivery.
- 4.7 A key focus of the review has been to enhance efficiency in procurement while maintaining strong probity standards. Proposed changes, such as adjustments to financial delegations and quotation thresholds seek to increase the efficiency of procurement activity that Council undertakes, at the same time as providing greater capacity for the management of higher-risk procurement activities. This delegation model is supported by a robust second-line defence audit and assurance framework.
- 4.8 The following sections examine the key proposed changes.

Financial Delegation Thresholds

- 4.9 The following financial delegations have been updated for Council staff (sub-delegated by the Chief Executive Officer pursuant to the Section 7 instrument of delegation under the Local Government Act 2020).
- 4.10 The revisions to the financial delegations to officers seek to improve the efficiency of procurement activity and to provide a more consistent approach across the organisation. The previous delegations sought to draw distinctions of risk and capability across the organisation with varying financial delegations allocated. This revised approach provides consistency across the level two (executive) cohort and provides a higher degree of consistency in other levels across the organisation.
- 4.11 The changes also lift the financial delegation of direct supervisors at the level four (coordinator/Head of) and level five (team leader), aligning these to the proposed quotation thresholds (see following section). This builds competence and capability through process familiarity with these delegates.
- 4.12 These changes were informed by a benchmarking exercise with similarly sized councils to assess and compare delegation levels.
- 4.13 The table below outlines Council's previous financial delegations alongside the new delegations, updates inclusive of GST:

MEETING OF THE PORT PHILLIP CITY COUNCIL 2 SEPTEMBER 2025



Previous delegation Limit	Delegate	Updated Delegation limit	Updated Delegate
\$1,000,000	Chief Executive Officer	\$1,000,000	Chief Executive Officer
\$500,000	General Manager Operations & Infrastructure	\$500,000	All Other Executive Leadership Team Members
\$350,000	All other General Managers		
\$300,000	Executive Manager Waste & City Waste	\$300,000	All Executive Managers, Executive Director South Melbourne Market, Chiefs and Managers of Departments (exception: Parks & Infrastructure and EP MO).
\$200,000	All other Chief Officers		
	All other Executive Managers Manager Property & Assets Manager City Planning & Sustainability Manager Safety & Amenity Manager Project Delivery		
\$100,000	All other Managers	\$150,000	Manager Parks & Infrastructure Manager EP MO
\$50,000	Coordinators Heads of	\$75,000	Coordinators Heads of
\$15,000	Team Leaders Senior Project Managers	\$25,000	Team Leaders Senior Project Managers

Procurement Thresholds

- 4.14 A review of Council's expenditure profile over the last two years (2023 and 2024) has indicated that lower bound transactions (<\$1k under the current Policy) are reducing with a commensurate increase in the \$1k to \$2k range. This is mostly due to inflation and cost increases. To ensure continued efficiency in the procurement of these low risk, high-volume transactions, it is proposed to increase the lower threshold from \$1k to \$2k.
- 4.15 Similarly, the current limit of \$15k for receiving one written quote and \$50k for seeking two quotes are proposed to be lifted to \$25k and \$75 respectively to allow for cost increases. The proposed increases align the procurement quote requirements to the financial delegation of level five (team leaders and senior project managers) and level four (coordinators and heads of) ensuring consistency in the process that these officers will expect to be followed when considering procurements.
- 4.16 Council's current Policy encourages the uses of a Procurement Card (P-Card) for low value transactions (often supply of materials or equipment) as it is a highly efficient manager of procurement. The current P-Card limit is \$15k. It is not proposed to increase the limit of P-Card transactions beyond the \$15k at this stage. Analysis of the spend profile up to \$25k indicates that the majority of spend between \$15k and \$25k is for service delivery (specialist technical advice) where a P-Card would not be an appropriate mechanism.

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



- 4.17 It is proposed to revise the procurement requirements for purchases ranging from \$75k up to the public tender threshold of \$300k. Currently, the Policy mandates that the centre-led Procurement Team review and provide input on all procurements in this range exceeding \$150k. In practice, this is resulting in significant inefficiency.

To address this, it is proposed that this requirement be removed, allowing procurement resources to be redirected towards higher-risk procurements exceeding \$300k. To mitigate potential risks associated with this change, the current requirement to 'seek' three quotes will be updated to require a minimum of 'two written quotes'. Where two quotes cannot be obtained, approval from General Manager will be required before proceeding.

Additionally, it is proposed that a formal contract be mandated for procurements in this range. Under the current Policy, a contract is recommended, but the use of a purchase order is permissible.

- 4.18 It is not proposed that there are any changes to the requirement to undertake a public tender process (or use an eligible contract) for expenditure over \$300k. This aligns with the approach of other similar councils.

- 4.19 The proposed changes to quoting requirements are summarised in the following table. The changes will help to improve efficiency in procurement whilst enhancing competitive requirements for high-value procurements. The changes will also ensure that appropriate oversight is provided for the highest risk procurements, those exceeding \$300k and are subject to public tender (or eligible contract).

Current Thresholds	Current Requirements	Proposed Thresholds	Proposed Requirements
\$1k (up to)	<ul style="list-style-type: none"> A minimum of one quotation (verbal or written). 	\$2k (up to)	<ul style="list-style-type: none"> A minimum of one written quotation. Purchase order engagement or P-Card (preferred).
\$1k to \$15k	<ul style="list-style-type: none"> A minimum of one written quote. 	\$2k to \$25k	<ul style="list-style-type: none"> A minimum of one written quote. Purchase order engagement or P-Card (<\$15k).
\$15k to \$50k	<ul style="list-style-type: none"> A minimum of two written quotes to be sought. 	\$25k to \$75k	<ul style="list-style-type: none"> A minimum of two written quotes to be sought. Purchase order engagement.
\$50k to \$300k	<ul style="list-style-type: none"> A minimum of three written quotes are to be sought. Amounts over \$150k require review the Procurement Team. 	\$75k to \$300k	<ul style="list-style-type: none"> A minimum of three written quotes are to be sought with a minimum of two written quotes received. A formal contract to be established.
\$300k (or greater)	<ul style="list-style-type: none"> High-Risk, High-Value Assessment. Public tender or eligible contract. 	\$300k (or greater)	<ul style="list-style-type: none"> High-Risk, High-Value Assessment. Public tender or eligible contract.



Sole Supplier Arrangements

- 4.20 Council frequently enters into long-term service provider contracts for services. This includes things such as maintenance trade services (plumbing, electrical, etc.) and other services that Council needs to regularly call-upon. Maintaining in-house capability or capacity for these services is neither efficient or practical, making external contracting the preferred approach.
- 4.21 Council often establishes panel contracts where it awards a contract to multiple providers on the potential to supply them work. Whilst doing so provides flexibility to engage different providers, it often does not provide best-value or an efficient way of engaging services. A tenderer for a panel must consider the uncertainty of work arising from being a successfully appointed panel participant.
- 4.22 To address these challenges, the updated Procurement Policy proposes the introduction of a 'sole supplier arrangement'. Under this model, Council could aggregate work and provide it to the market, explicitly signalling to the market that the successful tenderer is guaranteed a volume of work, thus capitalising on efficiencies and economies of scale, rather than establishing a panel where the uncertainty of work volume leads to higher rates. The updated Policy proposes that, subject to certain conditions, an established sole supplier arrangement can be utilised efficiently to deliver works capitalising on those economies of scale.
- 4.23 The proposed sole supplier model is expected to provide greater value for money in spend areas that are a priority under the recently adopted Council Plan, for example in increased road pavement, kerb and channel and footpath investment. This arrangement will enable Council to aggregate works over several years, where some scopes for projects in other years are yet to be determined, and achieve competitive rates on the commitment for large volumes of work over longer periods of time.

Other Policy Changes

- 4.24 Council's Procurement Policy includes a provision to manage the risk of cumulative expenditure exceeding quotation or tendering thresholds. Under the current Policy, any further expenditure with a single vendor/supplier that exceeds an aggregate of \$300k within a twelve-month period must be undertaken through a public tender process.

With the proposed changes requiring that any procurement above \$75k obtaining multiple quotes, thereby introducing market competition and competitive pressure, it is recommended that such procurements no longer contribute to the annual aggregate spend limit of \$300k. This adjustment aims to streamline procurement processes while maintaining transparency and value for money.
- 4.25 It is proposed to increase to CEO's delegated expenditure authority for insurance from \$2m to \$4m, to align with cost escalation since the previous review.
- 4.26 Additional wording has been added to the contract variation clause of the policy to provide clarity on Council's ultimate role and approval considerations.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 The Procurement & Contract Management Steering Committee has provided strategic input and guidance to ensure that the Policy's objectives are effectively achieved across all Council's procurement activities.
- 5.2 A key component of the PCMSC review has been the internal assurance program, which continuously monitors compliance with the Policy and associated procedures.



This includes analysis of trends such as the time taken to progress from a tender award to contract execution, the compliance levels of the requirements to raise purchase orders at the time of engagement, the use of P-Cards for low value, high-volume transactions and the results of the monthly contract audit 'deep dives' undertaken for the committee.

- 5.3 Additionally, feedback forums have played a pivotal role in identifying opportunities to enhance the Policy's efficiency. Staff and stakeholders have contributed valuable insights into which elements of the Policy support or hinder effective service delivery.
- 5.4 Finally, recently completed audits undertaken and reviewed by Council's Audit and Risk Committee.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Achieving high levels of probity is an objective of Council's Procurement Policy. The proposed changes help to ensure that probity remains a focus for how Council spends public funds.
- 6.2 The proposed changes seek to balance efficiency – having the procurement led and undertaken by those closest to the service that it will deliver – whilst ensuring a high degree of risk mitigation.
- 6.3 Under the current Policy, there are requirements to 'seek' quotations for procurements up to \$300k. The proposed changes to the Policy will increase the requirement for competition by requiring a minimum of two quotations to be obtained with at least three sought. This reduces the potential for ineffective quoting processes to undermine probity and value for money.
- 6.4 Additionally, Council has in place several assurance testing processes to manage probity risk arising from a lack of process adherence or other actions. This includes monthly reporting on key metrics such as purchase orders raised at the time of engagement, contracts being in place, completed probity declarations and conflict-of-interest declarations.
- 6.5 The Procurement & Contract Management Steering Committee also undertakes sample testing of procurements at varying levels to assess process adherence with a focus on probity and record keeping
- 6.6 As part of the implementation of the proposed changes to the Procurement Policy, the assurance program will be updated to ensure appropriate sample testing, particularly at the \$75k to \$300k range, to ensure that the key requirements of the Procurement Policy are being adhered to. This trust and verify approach aims to balance the need for efficiency, to deliver value for money for public expenditure, and maintain the highest standards of probity that our community expects.

7. FINANCIAL IMPACT

- 7.1 Whilst the proposed changes to the Procurement Policy do not have any direct financial impact, they are intended to help improve efficiency for both undertaking procurement activity but also provide value for money.
- 7.2 In particular, the proposed sole supplier arrangements will ensure that Council can achieve greater on the ground delivery for infrastructure investment for its expenditure through aggregated volumes and economies of scale.



8. ENVIRONMENTAL IMPACT

- 8.1 It is proposed to change the Policy reference from Corporate Social Responsibility (CSR) to Environmental Social Governance (ESG) in keeping with industry wide terminology (Environmental Protection Authority Victoria, Victorian Chamber of Commerce) incorporating unchanged procurement elements of; environmental, social, and local economy.
- 8.2 Aside from naming consistency, the proposed changes to the Policy will provide greater clarity and focus on achieving ESG outcomes from Council's various procurement activities.

9. COMMUNITY IMPACT

- 9.1 The proposed changes are unlikely to have any direct impact on the community.

10. GENDER IMPACT ASSESSMENT

- 10.1 In line with the other updates to ESG commitments in the Policy, the proposed amendments continue Council's commitment to leverage its expenditure of public funds to further address social issues such as gender equality.
- 10.2 Under Council's Policy, procurers are engaged to weight ESG (previously CSR) and to assess prospective suppliers' commitments to gender equality including through gender pay-gap initiatives, engagement of diverse workforces, anti-family violence commitments and flexible working arrangements.

11. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 11.1 The Policy supports the Council Plan 2021- 2031.
- 11.2 Whilst procurement activity supports all of Council's strategic directions, it most closely aligns with:
- Direction 6 A Trusted and High-Performing Organisation

12. IMPLEMENTATION STRATEGY

12.1 TIMELINE

- 12.1.1 Subject to Council approval the updated Policy will commence 17 November 2025
- 12.1.2 The updated Policy will be made available through Council's website.

12.2 COMMUNICATION

- 12.2.1 The updated Policy will be made available on Council's website and the internal intranet.
- 12.2.2 Council's corporate systems and supporting documentation including procurement procedures, templates, guidance and training material will be updated.
- 12.2.3 Council's internal assurance program, governed by the Procurement & Contract Management Steering Committee will be updated with an increased sample size for the \$75 to \$300k quoting range implemented.

MEETING OF THE PORT PHILLIP CITY COUNCIL 2 SEPTEMBER 2025



13. OFFICER MATERIAL OR GENERAL INTEREST

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

ATTACHMENTS

1. Procurement Policy Version 6.4.1 [↓](#)



Procurement Policy

Version 6.4.1, 2 September 2025





City of Port Phillip

99a Carlisle Street
St Kilda VIC 3182

Phone: **ASSIST** 03 9209 6777

Email: portphillip.vic.gov.au/contact-us

Website: portphillip.vic.gov.au

Diversity

Receive the latest news from your City and Council portphillip.vic.gov.au/divercity



National Relay Service

If you are deaf or have a hearing or speech impairment, you can phone us through the National Relay Service (NRS):

TTY users, dial 133677, ask for 03 9209 6777

Voice Relay users, phone 1300 555 727,

then ask for 03 9209 6777.

relayservice.gov.au



Please consider
the environment
before printing.

Contents

Document Governance	4
Definitions	7
Purpose	8
Outcomes	9
Responsibilities	10
Delegation Limits	11
Spend Thresholds.....	12
Scope.....	14
Policy	14
Relevant policy, regulations or legislation	27

Document Governance

Responsible Service/Department:

Finance

Adoption authorised:

Council

Date of adoption:

02 September 2025

Date effective from:

17 November 2025

ECM folder:

Council Policy / Procurement Policy

ECM file #:

Doc ID 925444

Endorsed CEO or Executive Leadership Team member or department manager to make or approve document editorial amendments:

Chief Executive Officer

Annual desktop review date:

02 September 2026

Review date:

In accordance with section 108(5) of the *Local Government Act 2020*, Council must review the procurement policy at least once during each four-year term of the Council.

Completion date:

Not applicable.

Version number:

6.4.1

Stakeholder review and engagement:

Procurement and Contract Management Steering Committee

Relevant Legislation:

Local Government Act 2020

Associated Strategic Direction #:

Strategic Direction 6 – A Trusted and High-performing Organisation

Associated instruments:

Refer to section: Relevant policy, regulations, or legislation.

Supersedes:

Version 6.3.1.

Review History:

Name	ECM File Reference	Date	Description of Edits
Procurement Policy (Version 6.2.1)	5688745	10/05/2023	Delegation Limits
Procurement Policy (Version 6.2.2)	5697885	02/08/2023	Table 4
Procurement Policy (Version 6.2.3)	7920547	17/04/2024	Section 3.6
Procurement Policy (Version 6.2.4)	8110547	21/06/2024	Minor administrative amendments including clarifying requirements for evaluation reports to Council
Procurement Policy (Version 6.3)	9187552	21/08/2024	Section 14 – Procurement & Contract Management Steering Committee Section 15 – HVHR Procurements Threshold adjustment for Evaluation and Probity Plan Addition of commercial criteria
Procurement Policy (Version 6.3.1)	925444	19/09/2024	Section 15.1 Section 2.6 Table 3 delegation limits.
Procurement Policy (Version 6.4.1)	TBC	17/11/2025	Definitions Table

Outcomes – adding social content

Table 3 - Delegation Limits

Table 5 – Spend Thresholds

Section 3.6 - Quotations from Panels

Section 7 – Sustainable and Social
Procurement

Section 9 – Gender Equality

Relevant Policy, Regulations,
Legislation

Definitions

Table 1: Definitions of terms

Term	Definition
Collaborative Procurement	means procurement resulting from a procurement process involving other councils or public bodies conducted by or on behalf of Council.
Contract Sum	means the potential total value of the contract including: <ul style="list-style-type: none"> • costs for the full term of the contract, including any options for either party to extend the contract; • applicable Goods and Services Tax (GST); • anticipated contingency allowances or variations; and • all other known, anticipated and reasonably foreseeable costs.
Environmental Social Governance (ESG)	is when suppliers comply with Council's relevant ESG commitments and/or Council uses its buying power to generate social and environmental value above and beyond the financial value of the goods, services or works being procured.
Council Officer	means a current member of Council staff with the authority to engage in activities on behalf of Council.
Emergency	means a sudden or unexpected event requiring immediate action including the occurrence of a natural disaster, flooding or fire event such as flooding or fire at a Council property, the unforeseen cessation of trading of a core service provider or other situation which is liable to constitute a risk to life or property and situations which arise when: <ul style="list-style-type: none"> • a state of emergency has been declared under the <i>Public Health and Wellbeing Act 2008</i>; or • a state of disaster has been declared under the <i>Emergency Management Act 1986</i>.
Eligible Contract	means contracts from entities defined in Section 3.5.

Term	Definition
HVHR (or HRHV)	means High-Value, High-Risk.
Material Breach	any breach of this Policy may also represent a breach of legislation such as fraud or corruption and occupational health and safety.
Probity	probity is the evidence of ethical behaviour, and can be defined as complete and confirmed integrity, uprightness and honesty in a particular process.
Procurement	procurement is the whole process of the acquisition of external goods, services and works. It can include planning, design, standards determination, specification writing, preparation of quotation, EoI and tender documentation, selection of suppliers, financing, contract administration, disposals, and other related functions. It also includes the organisational and governance frameworks that underpin the procurement function.
Reasonably Practicable	that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters.
Value for Money	the best mix of cost, quality (i.e. ability to meet user requirements) and sustainability (environmental, social and economic). The lowest price will not necessarily represent the best value.

Purpose

The Port Phillip City Council (**Council**) purchases approximately \$160 million of goods, services and works each year to support service delivery and the maintenance and development of infrastructure. The Council is required under sections 108 and 109 of the *Local Government Act 2020* (**Act**) to prepare, approve and comply with a procurement policy. In accordance with the Act, this Procurement Policy (**Policy**) sets out the key principles, processes and procedures applied to all purchases of goods, services and works by Council.

All monetary values stated in this Policy include GST except where specifically stated otherwise.

Outcomes

This Policy seeks to ensure Council and the community receive value for money from its significant expenditure of public funds on the purchase of goods, services and works. its significant expenditure of public funds on the purchase of goods, services and works.

In doing so, Council will abide by the following guiding principles:

- value for money – the best mix of cost, quality (i.e. ability to meet user requirements) and sustainability (environmental, social and economic).
- efficiency – reducing procurement cost to Council by optimising the process of acquiring goods, services, and works. Streamlining processes, leveraging technology, and fostering strong supplier relationships.
- effectiveness – successful delivery of procurement objectives by maximizing value, minimizing costs, and mitigating risks. Alignment of procurement activities with broader strategic goals.
- probity – procurement should demonstrate fairness and impartiality, transparency and accountability, confidentiality and effective management of conflicts of interest.
- advanced practice – a commitment to achieving advanced practice in procurement, including accreditation of contractors by relevant bodies and, where possible and beneficial, collaboration with other councils and public bodies.
- health and safety – Council will describe the processes and management in the procurement of goods, services and works to ensure that identified hazards, are controlled so far as Reasonably Practicable.
- social procurement – ensuring purchasing decisions align with, and advance, Council’s diversity, equity and inclusion commitments, including current action plans, policies, child safe standards and social enterprise outcomes that will collectively generate social value and benefit.
- environmental sustainability - reducing the environmental impacts of goods, services and works, increasing resilience to climate risks, supporting Victoria’s transition to a circular economy and improving environmental outcomes for the organisation and community.
- economic sustainability - while remaining compliant with fair-trading legislation, encouraging procurement that supports local businesses and economic diversity and viability.

Responsibilities

Table 2: Responsibilities of roles

Role	Responsibility
All financial delegates	Ensure that all procurement exercised under their financial delegation complies with this Policy.
Chief Financial Officer	Ensure that assurance reviews of contract management activity occur on a monthly basis and are reported to the Executive Leadership Team (ELT).
ELT Members	Responsible for approving exemptions from compliance with this Policy and for ensuring that such deviations provide best value, and that legislative compliance is achieved.
Head of Procurement, Contracts & Fleet	Responsible for the centre-led procurement and contract management function as per Section 1.1 of this Policy. Also responsible for reviewing and endorsing stage one of the approach to market, procurement plans, and evaluation reports for procurements exceeding \$1 million.

Delegation Limits

Council approves Financial Delegations to the CEO. Financial Delegations to Council Officers are authorised by the CEO in table 3 and 4 below. With the exception of the CEO's delegation, these position titles and dollar thresholds may be amended from time to time by the CEO.

Financial Delegation Limits is applicable to all Budgeted expenditure only.

Table 3: Financial Delegation Limits (including GST)

Limit of delegation	Delegate
\$1,000,000	Chief Executive Officer
\$500,000	All Other Executive Leadership Team Members
\$300,000	All Executive Managers, Executive Director South Melbourne Market, Chiefs and Managers of Departments (exception: Parks & Infrastructure and EPMO)
\$150,000	Manager Parks & Infrastructure, Manager EPMO
\$75,000	Coordinators, Heads of
\$25,000	Team Leaders, Senior Project Managers

Table 4: Additional Financial Delegation to the Chief Executive Office

Limit of delegation	Delegate
\$5,000,000	Power to declare a contract is required to be entered into due to an emergency and to award, enter into and sign such contracts up to a value of \$5,000,000.
\$4,000,000	Power to make expenditure for the purchase of compulsory insurance such as public liability, professional indemnity and asset insurance.
Unlimited	Power to make: <ul style="list-style-type: none"> • expenditure under a contract already entered into; • is expenditure which Council is by or under legislation, required to make, such as WorkCover and Emergency Services and Volunteer Fund. • Authority to exercise a Contract Novation.

Spend Thresholds

All values include GST.

Table 5: Spend Thresholds

Procurement Value	Procurement Action	Management Requirement	Record Keeping Requirement
Up to \$2,000	A minimum of one written quotation (can be email or screenshot).	<p>A procurement card to be used (whose limit permits) or an approved purchase order at the time of ordering.</p> <p>For reactive and urgent building maintenance works, an approved purchase order is required but can be raised after the engagement of the supplier.</p>	Records to be kept within OneCouncil.
\$2,001 to \$25,000	A minimum of one written quotation (can be an email or screenshot).	<ul style="list-style-type: none"> • A procurement card to be used where it falls within the approved card spend limit or • an approved purchase order at time of ordering. 	Records to be kept within OneCouncil.

Procurement Value	Procurement Action	Management Requirement	Record Keeping Requirement
\$25,001 to \$75,000	A minimum of two written quotations are to be sought. No advertising is necessary, a specification is required.	An approved purchase order at the time of ordering and a contract considered.	Records of quotations must be stored in OneCouncil.
\$75,001 to \$300,000	A minimum of three written quotations are to be sought with a minimum of two written quotations received, in response to a brief or specification. No advertising is necessary. Quotation/probity declaration required.	A Procurement Plan must be prepared and approved by the Delegate. RFQ Specification/Brief. Evaluation criteria and weighting must be incorporated. Tenderlink/One Council may be used. Evaluation Panel. An approved purchase order at the time of ordering and a formal (ie: documented) contract required.	Records of quotations, evaluation reports and materials must be stored in OneCouncil.
\$300,001 and greater	HVHR Assessment Public tender process or Eligible Contracts	In accordance with the Procurement and Contract Management Standard Procedures.	In accordance with the Procurement and Contract Management Standard Procedures.

Scope

This Policy applies to all Council procurement activities and all Councillors, Council Officers and other persons undertaking procurement on Council's behalf. This Policy should be read in conjunction with Council's Staff Conflicts of Interest (including gifts and hospitality) Policy.

Policy

1. Procurement Structure, Processes, Procedures and Systems

- 1.1 The Council maintains a centre led procurement function. The Procurement, Contracts and Fleet Unit is responsible for:
- a) developing and reporting against a rolling four-year strategic procurement plan updated annually outlining all major procurement activity;
 - b) maintaining this Policy and the Procurement and Contract Management Standard Procedures;
 - c) maintaining appropriate purchasing, procurement and contract management systems and tools;
 - d) providing procurement related advice and support to the organisation as required;
 - e) building organisational procurement and contract management capability (including delivery of training and provision of guidance materials);
 - f) promoting awareness of and monitoring compliance with this Policy and all relevant legislation and reporting breaches and corrective actions in a timely manner; and
 - g) collaborating with other councils and organisations, in accordance with legislation and this Policy, to identify best practices in procurement and to achieve better value from procurement.

2. Ethics and Probity

- 2.1 At all times, Councillors, Council Officers, and other persons undertaking procurement on Council's behalf must:
- a) conduct themselves ethically and with integrity;
 - b) declare and effectively manage all conflicts of interest;
 - c) maintain confidentiality and security of information

- d) as a Councillor, comply with the Councillor Gifts and Hospitality Policy and not seek or receive personal gain;
- e) as a Councillor, comply with the Councillor Code of Conduct;
- f) as a Council Officer, comply with the Employee Code of Conduct;
- g) as a Council Officer, comply with the Staff Conflicts of Interest (including gifts and hospitality) Policy; and
- h) ensure all general procurement takes into consideration all relevant ethical supply chain provisions identified in the *Modern Slavery Act 2018*.

- 2.2 Councillors must not improperly direct or improperly influence Council Officers in the exercise of any powers, duties or functions related to procurement.
- 2.3 Council Officers with delegated Council powers, duties or functions related to procurement are prohibited from exercising those powers, duties or functions if they have a conflict of interest.
- 2.4 All persons engaged in the evaluation of quotations or tenders must adhere to this Policy and complete and lodge a conflict of interest declaration and a deed of confidentiality.
- 2.5 An Evaluation and Probity Plan (**EPP**) must be developed for all procurements valued \$300,001 and above.
- 2.6 The appointment of a probity auditor and advisor is mandatory for HVHR procurements, they may also be appointed for other procurement processes as deemed necessary.
- 2.7 Any purchase of \$75,001 and above must include a probity declaration.
- 2.8 An audit trail must be kept for all procurement activities that shows clearly that a process has been undertaken and that the process is fair, transparent and reasonable.
- 2.9 The contract manager of an ongoing service contract must not be a scoring member of the Tender Evaluation Panel (**TEP**).

3. Procurement Mechanisms and Methods

- 3.1 The standard mechanisms for procurement will be:
- a) procurement card; or
 - b) Purchase Order.
- 3.2 More than one person will be involved in, and responsible for, each transaction. Appropriate authorisations must be obtained and documented.
- 3.3 The standard methods for procurement will be:
- a) request for quote; or
 - b) request for tender.
- 3.4 Council may also seek EoI's where:
- a) there are likely to be many tenderers;
 - b) tendering will be costly or the procurement is complex and Council does not wish to impose the costs of preparing full tenders on all tenderers;
 - c) there is uncertainty as to the willingness and/or interest of suppliers to offer the required procurement; or
 - d) Council requires advice from the market regarding how best to address a particular need.
- 3.5 Council may also enter into Eligible Contracts including:
- a) establish panel contracts for a set period of time under agreed terms and conditions;
 - b) choose to enter into contracts with Procurement Australia and the Municipal Association of Victoria; and
 - c) choose to enter into eligible Government (and agency) panel contracts including State Purchase Contracts, VicFleet and the Construction Supplier register and other contracts that may be prescribed by the regulations.
- 3.6 Quotations can be sought from the contracts specified in Section 3.5 a) and b) providing all the below requirements are met:
- a) A value for money assessment was undertaken;
 - b) The following quotation rules are adhered to:

Procurement Value	Minimum Quotations
Up to \$300,000	1 Quotation

\$300,001 to \$1,000,000	3 Quotations sought
Over \$1,000,000	3 Quotations sought

- i) it was established through a public tender or two stage
- ii) expression of interest process; and
- c) the CEO has given permission for the contract to be used in this manner, and this decision has been published on Council's website.

If the contract does not meet all the above requirements, Council Officers are required to obtain the relevant number of quotes, or conduct a tender, as per the requirements in Table 5.

- 3.7 Council may also procure goods, services or works where it enters into an agreement with a public body or a council to act as the agent for the Council or for a group of councils provided that the public body or agent council and the participating councils have similar procurement policies and practices and that the proposed specification, conditions of tender and proposed conditions of contract to be used by the public body or agent council are satisfactory.
- 3.8 In accordance with the Act, Council will identify and actively investigate relevant collaborative procurement opportunities.
- 3.9 In the event that Council undertakes a public tender process and receives no submissions, Council can elect to undertake a request for quote process providing the documentation it uses remains materially the same as what Council used for the public tender process.
- 3.10 In the event Council undertakes an open and public quotation procurement process within a quotation spend category as per Table 5 (below \$300,001) then there are no mandated minimum number of requests or responses required.
- 3.11 In circumstances requiring specialist service across multiple projects, Council may establish a single-supplier arrangement for a set period of time under standard agreed terms and conditions, following a compliant competitive procurement process.

4. Procurement Delegation of Authority and Thresholds

- 4.1. This Policy includes delegations made by the Council to the CEO and from the CEO to Council Officers related to procurement (refer to Tables 3 and 4). The CEO's financial delegation to award contracts will be included in the CEO Instrument of Delegation from the Council.

- 4.2. Public advertising is required for all tenders and EoI's. Council Officers may choose to publicly advertise for quotations where they believe this is warranted.
- 4.3. **Exceptions:** For all procurements to the value of \$300,001 and above for the whole of the contract term, the procurement process will be undertaken by a public tender process in compliance with the Act and this Policy, except where:
- a) the CEO has resolved that the contract must be entered into because of an Emergency pursuant to the provision of the CEO delegation from Council (refer to Table 4).
 - b) the CEO has declared a situation of **extraordinary circumstance**. In this event, a report will be provided to Council at the next available opportunity detailing the contract and grounds for providing the exception.
 - c) the contract results from an agency or government panel arrangement.
 - d) the expenditure relates to purchases from information technology resellers and software developers (for example: for renewal of software licences) where there is a sole supplier who holds the intellectual property rights to the software.
 - e) the expenditure is in relation to statutory insurance schemes (for example: motor vehicle registration and compulsory third party, WorkCover premiums).
 - f) other purchases including:
 - i) infrastructure related services (electricity, gas, water and telephone)
 - ii) superannuation
 - iii) legal services
 - iv) taxes and levies
 - v) external audits (Victorian Auditor-General)
 - vi) Council elections (Victorian Electoral Commission)
 - vii) valuations and Supplementary valuations (Victorian Valuer-General)
 - viii) Australia Post services
 - ix) allowances and reimbursements.

5. Procurement of Consultants and Independent Contractors

- 5.1 Council may from time to time engage consultants and independent contractors through procurement arrangements.
- 5.2 All procurement of (as defined in this Policy), for \$75,001 and above in value, must have a contract in place at the time of ordering.

- 5.3 Procurements must consider contract terms and conditions that align to their procurement needs (for example all insurances).

6. Tender Evaluation and Negotiation

- 6.1 Late tenders and EoI's will not be accepted.

- 6.2 The tender evaluation criteria and weighting for each criterion will be determined prior to the requesting of tenders. The evaluation criteria will be listed in order of importance in the tender and EoI documentation. Each tender will include weighted criteria and mandatory criteria (where applicable), which will be prepared by reference to the particular tender, but may include criteria such as:

a) mandatory criteria:

- i) third party accreditation (for example: ISO 45001)
- ii) occupational health and safety
- iii) evidence of the required insurances
- iv) attendance at a pre-tender briefing.

b) weighted criteria:

- i) price
- ii) capacity/methodology
- iii) relevant experience
- iv) environmental social governance

c) commercial criteria:

- i) insurances
- ii) terms and conditions
- iii) occupational health and safety
- iv) reference checks.

- 6.3 An appropriately qualified TEP will be established to evaluate each tender against the tender evaluation criteria.

- 6.4 External representatives may be part of, or an advisor to, the TEP to ensure appropriate skills, experience and/or probity.

- 6.5 The evaluation process must be robust, transparent and unbiased and documented in an EPP.

- 6.6 Contract negotiations can be conducted in order to obtain the best outcome for Council, providing negotiations remain within the intent and scope of the tender.
- 6.7 Council may conduct a shortlisting process. Shortlisted tenderers may be invited to submit a Best and Final Offer (**BAFO**).
- 6.8 The results of the tender evaluation and demonstration of the robustness of the process must be documented in an evaluation report for approval by the relevant delegate or Council as appropriate.
- 6.9 Any report submitted to the Council recommending the awarding of a contract to a supplier must include as a confidential attachment the evaluation report which includes assessment summaries of all price and non-price evaluation criteria, and where relevant, contains summaries of the shortlisted suppliers' methodologies and approaches. Additionally, consensus score details, reference and where relevant, probity reports.
- 6.10 The Procurement, Contracts and Fleet Unit may provide a member to a TEP based on the complexity of the tender and/or after considering the required capability of the TEP.
- 6.11 The procurement process should take into consideration whole of life cost where applicable.

7. Environmental Sustainable and Social

- 7.1 Council is committed to maximising positive social, environmental, and economic outcomes through procurement. This commitment supports Council's:
 - a) Declaration of a Climate Emergency (18 September 2019);
 - b) Treaty on Prohibition of Nuclear Weapons (16 October 2019);
 - c) Signatory to the Small Business Friendly Council Charter;
 - d) Diversity, Equity, and Inclusion Framework;
 - e) Accessibility Action Plan 2023 to 2025;
 - f) LGBTIQ+ Action Plan 2023 to 2026;
 - g) Reconciliation Action Plan 2025 to 2027; and
 - h) Organisational Strategy (2017-21).
- 7.2 Social procurement leverages Council's buying power to generate social value beyond the goods or services being purchased. Use of procurement practices to achieve social benefits such as; supporting minority or disadvantaged groups

and increasing supplier diversity.

- 7.3 Environmental Social Governance will be incorporated in Council's Procurement and Contract Management Standard Procedures and is embedded in procurement activities through:
- a) the specification of goods, services and works to be procured e.g. banning single use plastics, requiring use of recycled materials or setting minimum employment ratios;
 - b) setting quotation and tender evaluation criteria and weightings e.g. social, environmental and local economic impact criterion;
 - c) inviting targeted organisations to participate in selective quotation processes e.g. ensuring local, social, or green enterprises are invited where appropriate;
 - d) supporting preferential procurement for businesses owned and led by priority groups, such as women, First Nations, LGBTIQ+ and people with disability, according to Council's diversity, equity and inclusion commitments;
 - e) ensuring local businesses are encouraged to submit quotations or tenders;
 - f) promoting local employment opportunities;
 - g) supporting Victoria's transition to a circular economy and use of recycled materials and materials that can be reused or recycled at their end of use;
 - h) reducing energy use and carbon emissions across the lifecycle of the product or delivery of the service;
 - i) integrated water management, including reduced potable water use across the lifecycle of the product or delivery of the service, and improved water quality;
 - j) enhancement and protection of biodiversity, trees and vegetation;
 - k) increased resilience of Council's assets and services to the impacts of climate change, including flooding, heat, extreme weather and drought; and
 - l) protection of environmental assets and reduced pollution.
- 7.4 All other things being equal, a price preference of up to ten per cent can be applied to:
- a) products that support a circular economy;
 - b) products that have certified sustainability benefits;
 - c) ESG preferable products and services;
 - d) goods, machinery or material manufactured in Australia and New Zealand;
 - e) purchases made from local suppliers;

- f) purchases made from businesses owned and led by priority groups, such as women, First Nations, LGBTIQA+ and people with disability, as per Council's diversity, equity and inclusion commitments;
- g) purchases from social enterprises, defined by the Victorian Government as organisations that:
 - i) are driven by a public or community cause, be it social, environmental, cultural or economic;
 - ii) derive most of their income from trade, not donations or grants; and
 - iii) use the majority (at least 50%) of their profits to work towards their social mission.
- h) materials or services that increase resilience to climate change
- i) materials or services for prevention or relief and recovery throughout climate disasters.

7.5 Annual ESG targets will be set that increase over time and are specific to the purchase of recyclable and other sustainable products.

7.6 Unless approval from the delegate has been withheld based on justifiable reasons, emissions reporting in specifications for all contracts valued over \$1 million per annum will be applied and reporting will be strongly encouraged for smaller contracts.

7.7 For all public tenders and procurements valued up to and above \$300,001 social benefit and sustainability clauses and compliance provisions will be incorporated in all contract management plans and suppliers will be required to set minimum sustainability requirements that are reviewed annually.

7.8 Council will include reference to working with children legislation in all relevant procurement activities.

7.9 Wherever practical, for all procurement processes with a total contract value of \$300,001 or greater, a representative from the Strategy, Design and Sustainability Department will be engaged in the development of tender specifications.

7.10 All advertised tenders will include ESG provisions including mandatory disclosure of whether a company has dealings with, supports or provides ancillary services or funds activities in the following industries:

- a) offshore detention;
- b) tobacco;

- c) fossil fuels, energy generation distribution, exploration or extraction;
- d) gambling, including electronic gaming machines;
- e) entertainment involving animals, including horse and greyhound racing;
- f) armaments; and
- g) linked with criminal activity

8. Occupational Health and Safety and Consideration of Risks

- 8.1 The procurement of goods, services and works will comply with Council's OHS processes and safety management system to ensure hazards are identified and controlled so far as Reasonably Practicable.
- 8.2 Where relevant, suppliers must have appropriate OHS practices, insurances, and quality assurance processes relevant to the nature of goods, services or works being supplied.
- 8.3 Works projects must include OHS compliance and will be expressed as a mandatory evaluation criterion (ie: pass/fail). A risk assessment must be applied prior to all general procurement to ensure satisfactory OHS compliance.

9. Gender

- 9.1 Council acknowledges that it must comply with the *Gender Equality Act 2020*, (**GEA Act**) the main purpose of which is to require the public sector, councils and universities to:
 - a) take positive action towards achieving workplace gender equality; and
 - b) promote gender equality in their policies, programs, and services.
- 9.2 Given the legislative requirements when issuing tenders and quotes Council activity will include practices to support supplier diversity (e.g: supporting women-led businesses) but also filter categories such as requiring suppliers to be compliant with the Workplace Gender Equality Act (Cth) or have gender equitable practices in place. As an initial step in the process, Council's conditions of tender have been amended to include a questionnaire relating to gender ^(OBJ)

10. Policy Exemptions and Breaches

- 10.1 Below the \$300,001 threshold, the relevant Executive Leadership Team (**ELT**) member (CEO or General Managers) may provide an exemption to this Policy and related procedures provided value for money and legislative compliance can be demonstrated and is documented.
- 10.2 Exemptions for legal services below the \$300,001 threshold are not required and

are automatically granted.

- 10.3 The scope and timeframe for procurements entered into in an Emergency must be limited to dealing with the emergency.
- 10.4 A breach of the Policy and procedures by a Council Officer without an appropriate exemption may result in disciplinary action.
- 10.5 Any Material Breach will be reported to the ELT and the Audit and Risk Committee (ARCo) as soon as practical.

11. Assurance, Monitoring, Review and Audit

- 11.1 The Procurement, Contracts and Fleet Unit will monitor procurement activities including, compliance with key internal controls, financial savings and economic, environmental and social benefits achieved through procurement on a periodical basis. Reporting will be provided:
 - a) annually to ARCo as a minimum; and
 - b) quarterly to the Procurement & Contract Management Steering Committee (and ELT as agreed) as part of the Strategic Procurement Plan.
- 11.2 Procurement activities will be included regularly in the Internal Audit Plan and related internal controls will be audited by the internal auditors and reported to the ARCo at least annually.
- 11.3 Cumulative spend with a supplier will be monitored by the Procurement, Contracts and Fleet Unit for all spend below \$75,001 where there is no mandated contract requirement and with reduced quote requirements. Where the cumulative spend exceeds \$300,000 in a twelve-month period all successive procurements will need to be undertaken by a competitive 3 quote process (\$75,001 - \$300,000) or a public tender process or Eligible Contract. Council Officers should consider cumulative spend limits in the planning phase of their procurement.

12. Variations to Contracts

- 12.1 The delegate has the power to vary any contract providing:
 - a) the total cumulative value of the contract variations does not exceed their level of financial delegation.
 - b) there is **no material change** to the contract based on foreseeable events, for example the total cumulative value of contract variations **not exceeding 15%** of the total original contract sum.

- c) there being a budget allocation.
- d) the variation request is raised and approved within One Council.
- e) the contract variation is in accordance with this Policy.

12.2 Where any of these criteria are not met, the delegate must escalate the issue to their supervisor, or Council. The approval of variations should consider alignment to the objectives of this policy.

13. Contract Novation

13.1 Where a Council contractor wishes to have the contract novated to another contractor, the Council will:

- a) undertake due diligence in relation to the proposed contractor by obtaining a credit report and/or requesting the proposed contractor's most recent audited financial statements;
- b) ensure the proposed contractor can meet all the requirements of the contract, including, but not limited to, insurances and bank guarantees; and
- c) if satisfied that the proposed novation is satisfactory, arrange for the relevant parties to execute a deed of novation.

14. Procurement & Contract Management Steering Committee

14.1 The Procurement & Contract Management Steering Committee (**PCMSC**) will provide oversight and strategic direction for procurement and contract management activities at Council. This will include:

- a) Endorsing and conducting quarterly reviews of the rolling four-year Strategic Procurement Plan.
- b) Endorsing procurement and contract management policies and procedures.
- c) Ensuring best practices in procurement and contract management capabilities and culture.
- d) Ensuring the availability and appropriateness of procurement and contract management systems and tools.
- e) Monitoring performance and compliance in procurement and contract management.
- f) Monitoring progress against Council's diversity, equity and inclusion commitments.
- g) Reviewing assessments to determine if a procurement meets the threshold for HVHR.

- h) Providing assurance for HVHR procurement and contract management activities, including reviews of risk management plans, transition management plans, data verification reports, readiness assessments, and other relevant activities.
- i) Ensuring the timely and quality development and implementation of improvement actions in response to performance monitoring, compliance, and assurance activities.
- j) Providing quarterly updates to the Strategic Risk and Internal Audit Committee.

15. HVHR Procurements

- 15.1 To ensure successful execution of HVHR goods and services procurements, the following additional requirements to the established procurement process will be mandatory:
- a) Management of the procurement process through Council's project framework.
 - b) Engagement of a probity advisor at Gate 2 and auditor at Gate 5.
 - c) A cross-functional team will develop a risk management plan that outlines potential risks and corresponding mitigation strategies. The plan will be monitored and updated regularly throughout the project.
 - d) Prior to approaching the market, a data verification report (where relevant) will be completed by the relevant service area and Digital Technology Services (**DTS**) to verify the accuracy, completeness, and consistency of all data included in the specification.
 - e) To mitigate risks during transition periods, particularly with new suppliers or changes in contract specifications, a transition management plan (where relevant) and readiness assessment will be developed to ensure continuity and minimise disruptions in service delivery.

Relevant policy, regulations or legislation

The key legislation relating to this Policy includes the:

- *Local Government Act 2020*:
 - section 3 of the Act (Objectives of a Council);
 - sections 11 and 47 of the Act (Delegations);
 - section 105 of the Act (Accounts and Records);
 - sections 108 and 109 of the Act (Procurement Policy); and
 - sections 126 to 131 of the Act (Conflict of Interest).
- relevant provisions of the *Competition and Consumer Act 2010* (Cth);
- *Gender Equality Act 2020*;
- *Equal Opportunity Act 2010*;
- *Modern Slavery Act 2018* (Cth);
- *Occupational Health and Safety Act 2004*;
- *Working with Children Act 2005*;
- *Freedom of Information Act 1982*;
- *Privacy and Data Protection Act 2014*;
- *Public Records Act 1973*;
- *Security of Payments Act 2002*;
- Local Government (General) Regulations 2015;
- Local Government (Governance and Integrity) Regulations 2020; and
- Local Government (Planning and Reporting) Regulations 2020.

Council's key policies relating to this Policy include the:

- Act and Adapt Sustainable Environment Strategy (2018-28);
- Code of Conduct – A Guide for Contractors, Consultants and Suppliers;
- Councillor Code of Conduct;
- Declaration of a Climate Emergency (2018);
- Don't Waste It! Waste Management Strategy (2018-28);
- Diversity, Equity and Inclusion Framework;

- Accessibility Action Plan 2023 to 2025;
- LGBTIQA+ Action Plan 2023 to 2026;
- Reconciliation Action Plan 2025 to 2027;
- Election Period Policy;
- Employee Code of Conduct;
- Integrity Framework;
- Occupational Health and Safety Policy;
- Occupational Health and Safety Procurement of Goods Procedures;
- Procurement and Contract Management Standard Procedures; and
- Staff Conflicts of Interest (including gifts & hospitality) Policy.
- Council's Project Framework.

Other documents relating to this Policy include the:

- Social Procurement: A Guide for Victorian Local Government; and
- Victorian Local Government Best Practice Procurement Guidelines.



MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



13.3 REVIEW OF COUNCIL'S DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND DELEGATED COMMITTEE

EXECUTIVE MEMBER: ROBYN BORLEY, DIRECTOR, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

PREPARED BY: KATRINA COLLINS, SENIOR GOVERNANCE ADVISOR

1. PURPOSE

- 1.1 To present to Council the delegations from Council to the Chief Executive Officer and Delegated Committees, which are required to be reviewed within 12 months following a general election.

2. EXECUTIVE SUMMARY

- 2.1 In accordance with Section 11(7) of the *Local Government Act 2020* (the Act) Council must review, within the period of 12 months after a general election, all delegations which have been made under this section and are still in force. The general election was held on 26 October 2024.
- 2.2 This report presents the following to Council for consideration:
 - 2.2.1 Instrument of Delegation from Council to the CEO (**Attachment 1**)
 - 2.2.2 Instrument of Delegation from Council to the CEO – South Melbourne Market (**Attachment 2**)
 - 2.2.3 Instrument of Delegation from Council to Planning Committee (**Attachment 3**)
- 2.3 These Instruments of Delegation are based on 'model delegations' provided by and regularly updated by Maddocks lawyers. This format of delegations is used extensively by Councils across the local government sector.
- 2.4 Whilst Council is required to conduct this review of these delegations within the specific timeframe, it is open to Council to amend and update these delegations from time to time when considered appropriate, and when otherwise required (for example, to reflect changes in legislation).

3. RECOMMENDATION

That Council:

- 3.1 Notes the review of delegations from Council to the Chief Executive Officer and Delegated Committees that are currently in place under various Acts and Regulations, and which are required to be reviewed pursuant to the *Local Government Act 2020*;
- 3.2 Delegates to the Chief Executive Officer the powers, duties and functions set out in the following Instruments of Delegation:
 - 3.2.1 Instrument of Delegation from Council to the Chief Executive Officer (**Attachment 1**)
 - 3.2.2 Instrument of Delegation from Council to the Chief Executive Officer – South Melbourne Market (**Attachment 2**)
- 3.3 Delegates to the members of the Planning Committee the powers, duties and functions set out in the Instrument of Delegation (**Attachment 3**).

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



- 3.4 Affixes the common seal of Council to the above Instruments (**Attachments 1-3**).
- 3.5 Notes:
 - 3.5.1 these Instruments come into force immediately upon resolution; and
 - 3.5.2 remain in force until Council determines to vary or revoke them.
- 3.6 Notes that on the coming into force of the Instruments (**Attachments 1-3**), the previous Instruments of Delegation are revoked:
 - 3.6.1 Instrument of Delegation from Council to the Chief Executive Officer – 2 August 2023
 - 3.6.2 Instrument of Delegation from Council to the Chief Executive Officer – South Melbourne Market - 19 July 2023
 - 3.6.3 Instrument of Delegation Council to Planning Committee - 20 October 2021
- 3.7 Notes that the duties and functions set out in the instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any policies of Council that it may from time to time adopt.

4. KEY POINTS/ISSUES

- 4.1 Council is required by the Act (Section 11(7)) to conduct a review of its delegations to members of Council staff (including the CEO) and to Delegated Committees within 12 months of a general election.
- 4.2 The Act provides for a Council to delegate a power, duty, or function to a member of Council staff, enabling them to act on behalf of the Council. As a legal entity composed of Councillors, the Council is not a “natural person” and can only act in one of two ways: either by resolution at a Council meeting or through others acting on its behalf as delegates. Given the impracticality of Council addressing all day to day matters directly, many operational decisions and actions are carried out by staff under delegation from Council.
- 4.3 The following delegations were reviewed after the 2020 general elections and came into force by Council resolution on 20 October 2021.
- 4.4 **Delegation to the Chief Executive Officer (CEO)**
 - 4.4.1 The Instrument of Delegation enables the CEO to perform the role of a CEO, and empowers the further delegation of powers, duties and functions to members of Council staff. This delegation from Council to the CEO has since been endorsed by Council with minor amendments on 2 August 2023.
 - 4.4.2 The delegation from Council to the CEO is subject to detailed conditions and limitations which restrict the CEO from acting in certain circumstances, as set out in the Schedule. For example, the CEO must not make decisions on a matter which Council has resolved that the matter must be determined by a Council resolution. Other limitations on the power of the CEO include not making local laws, not adopting the Budget or Council Plan, and not returning a general or supplementary revaluation. Where the CEO’s power has been limited in the delegation, these functions must be exercised by the Council as the subject of a Council resolution.
 - 4.4.3 This report proposes two changes to this delegation:

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



4.1.3.1 It proposes an increase to the value of expenditure for the purchase of insurance such as public liability, professional indemnity and asset insurance.

4.1.3.2 The expected date of this Council resolution (**Attachment 1**).

4.4.4 **South Melbourne Market**

At its meeting of 2 September 2020, Council transitioned the South Melbourne Market Committee from a delegated committee under the *1989 Local Government Act* to an Advisory Committee of Council, and delegated to the Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation. The current delegation from Council to the CEO - South Melbourne Market was endorsed by Council with minor amendments on 19 July 2023.

The only change proposed to this delegation is the expected date of this Council resolution (**Attachment 2**).

4.5 **Delegation to Committees**

Council established the Statutory Planning Committee on 25 June 1997 for the purpose to exercise Council's powers, duties and functions under *the Planning and Environment Act 1987* in accordance with relevant policies and guidelines of the Council. The Statutory Planning Committee comprises all Councillors and meets monthly. It is charged with the authority to deal with statutory planning matters only. The current delegation to the Committee was endorsed by Council on 20 October 2021.

Attachment 3 is a general delegation of Council's powers, duties and functions under *the Planning and Environment Act 1987* to the Statutory Planning Committee. The only change proposed to this delegation is the expected date of this Council resolution.

5. **CONSULTATION AND STAKEHOLDERS**

5.1 The instruments of delegation are statutory documents under the *Local Government Act 2020* and is based on information supplied by Maddocks Lawyers.

5.2 The attached Instruments have been prepared in consultation with relevant Council officers.

6. **LEGAL AND RISK IMPLICATIONS**

6.1 Delegations reflect the powers, duties and functions that can be delegated under a wide range of Acts and Regulations and are essential to enable the day to day operations of the Council to be performed.

6.2 The proposed delegations contain exceptions, conditions and limitations which must be adhered to by the delegate.

6.3 This review of delegations confirms Council's compliance with section 11 the *Local Government Act 2020*.

7. **FINANCIAL IMPACT**

7.1 The Instruments of Delegation are consistent with the financial delegations included in Council's *Procurement Policy*.

8. **ENVIRONMENTAL IMPACT**

8.1 There are no environmental impacts arising from this report.



9. COMMUNITY IMPACT

Accurate and accessible instruments of delegation assist the community to:

- 9.1 Ensure decision making by Council is transparent and understandable.
- 9.2 Ensure decision making is conducted in accordance with the principles of procedural fairness and good governance.
- 9.3 Ensure decision making is made in a safe and respectful environment.

10. GENDER IMPACT ASSESSMENT

- 10.1 In the preparation of this report a Gender Impact Assessment (GIA) in accordance with the Gender Equality Act 2020 was not required.

11. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 11.1 This report supports Strategic Direction 5 of the Plan for Port Phillip – An Engaged and Empowered Community, by providing a transparent and responsible approach to decision making.

12. IMPLEMENTATION STRATEGY

12.1 TIMELINE

- 12.1.1 Delegations will apply with immediate effect.

12.2 COMMUNICATION

- 12.2.1 Under section 11 (8) of the *Local Government Act 2020*, and according with Council's Public Transparency Policy, a Register of Delegations must be maintained and made publicly available on Council's website.
- 12.2.2 Notification of endorsed changes will be circulated to all council staff.

13. OFFICER MATERIAL OR GENERAL INTEREST

- 13.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS

- 1. Instrument of Delegation - Council to CEO [↓](#)
- 2. Instrument of Delegation - Council to CEO - South Melbourne Market [↓](#)
- 3. Instrument of Delegation - Council to Planning Committee [↓](#)

S5 Instrument of Delegation to Chief Executive Officer



Port Phillip City Council

Instrument of Delegation

to

The Chief Executive Officer

Instrument of Delegation

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, the Port Phillip City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on ~~2 August 2023~~ 2 September 2025;
2. the delegation:
 - 2.1 comes into force immediately when the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;
 - 2.4 remains in force until Council resolves to vary or revoke it; and
 - 2.5 revokes the delegation approved by Council on ~~20 October 2024~~ 2 August 2023.

THE COMMON SEAL of Port Phillip City Council was hereunto affixed in the presence of:

Mayor

Chief Executive Officer

SCHEDULE

The power to

1. determine any issue;
 2. take any action; or
 3. do any act or thing
- arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

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

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1 entering into a contract exceeding the value of:
 - a) \$1m (including GST); or
 - b) \$5m (including GST) in emergency situations in accordance with Council's Procurement Policy; or
 - b)c) \$4m (including GST) for the purchase of insurance such as Public Liability / Professional Indemnity and Asset insurance renewals
 - 1.2 any situations where making expenditure that exceeds \$1m (including GST), unless it is expenditure:
 - 1.2.1 made under a contract already entered into, ~~is expenditure or~~
 - 1.2.2 which Council is, by or under legislation, required to make (such as WorkCover and fire services property levy emergency services and volunteers funding levy) ~~or~~
 - 1.2.1 for the purchase of compulsory insurance such as Public Liability / Professional indemnity and Asset insurance renewals in which case it must not exceed \$2m 4m (including GST)
 - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.4 electing a Mayor or Deputy Mayor;
 - 1.5 granting a reasonable request for leave under section 35 of the Act;
 - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.7 approving or amending the Council Plan;
 - 1.8 adopting or amending any policy that Council is required to adopt under the Act;
 - 1.9 adopting or amending the Governance Rules;
 - 1.10 appointing the chair or the members to a delegated committee;
 - 1.11 making, amending or revoking a local law;
 - 1.12 approving the Budget or Revised Budget;
 - 1.13 approving the borrowing of money;

- 1.14 subject to section 181H(1)(b) of the *Local Government Act* 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a resolution of Council;
4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
 - 4.1 policy; or
 - 4.2 strategyadopted by Council;
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.



Port Phillip City Council

**Instrument of Delegation
to
The Chief Executive Officer**

SOUTH MELBOURNE MARKET

**Port Phillip City Council
Instrument of Delegation to the Chief Executive Officer
South Melbourne Market**

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, the Port Phillip City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties, and functions set out in the Schedule to this Instrument of Delegation,

AND declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on ~~19 July 2023~~ 2 September 2025
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it;
 - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
 - 2.4 revokes the delegation approved by Council on ~~20 October 2024~~ 19 July 2023.
3. any reference in this Instrument of Delegation to "the Charter" is a reference to the South Melbourne Market Committee Charter adopted by Council.

**THE COMMON SEAL of Port
Phillip City Council** was
hereunto affixed in the
presence of:

Mayor

Chief Executive Officer

SCHEDULE

Duties, Powers and Functions

The duty, function or power to do the following in connection with the South Melbourne Market (**the Market**):

1. The power to implement recommendations of the South Melbourne Market Committee as they relate to the requirements of the South Melbourne Market Charter:
 - a. Set the long-term vision and strategic position of the Market at the local, metro and national level;
 - b. Establish and oversee the execution of a commercially sustainable retail strategy, that covers market mix, connection to locality, approach to licences and fees, trader and customer experience management and asset requirements;
 - c. Establish the brand for the Market, as well as determining the overall approach to marketing, promotion and activation of the Market. Oversee the execution of these activities (including undertaking principal spokesperson responsibilities) and assess effectiveness of activities undertaken in this area;
 - d. Understand the needs of traders and oversee an approach that makes the Market the 'market of choice' for traders at the local, metro and national level;
 - e. Understand customer needs and provide a customer experience that attracts new and retains existing customers to the Market;
 - f. Advise of risks and opportunities;
 - g. Ensure the Market contributes to the sustainability objectives of Council;
 - h. Be open to trialing and testing new ideas, initiatives and policies on behalf of Council, so long as these contribute and align with the long-term vision and strategic position of the Market;
 - i. Establish and present to Council a prudent and commercially sustainable annual budget and long-term financial plan, for endorsement by Council, to deliver on the vision, retail strategy and brand management direction for the Market;
 - j. Submit to Council an Annual Report on the operations and performance of the Market;
 - k. Submit to Council an independent Audit of the financial statements of the Market, together with the accompanying report from the Auditor, to Council;
 - l. Present to Council at least twice annually (once at budget submission time and again as part of the annual report) on the requirements and performance of the Market;
 - m. Provide input into any future redevelopment of the Market proposed by Council as well as provide Council with advice on the maintenance and renewal requirements of the Market;
2. The power to approve licences to stallholders in accordance with section 17 or 17B of the Crown Land (Reserves) Act 1978;
3. The power to compromise, compound, abandon or settle a debt or claim owed to the Market;

4. The power to make submissions for and accept grants, subsidies and contributions to further the Market objectives and purposes;
5. The power to enter into any kind of contract or arrangement;
6. The power to institute, initiate and carry on legal proceedings;
7. The function to advise the Committee on Council related matters to inform their recommendation process;
8. Do all things necessary or convenient to be done which are incidental to the performance of any of the duties or functions or exercise of any of the powers set out above.

Exceptions, conditions and limitations

The delegate is not authorised by this Instrument of Delegation to:

- (a) enter into contracts, or incur expenditure, for an amount which exceeds an amount previously determined by Council, unless there is a genuine emergency or hardship; or
- (b) perform any duty or function or exercise any power which, by force of the *Local Government Act 2020*, cannot be delegated.

Before performing any duty or function or exercising any power of this delegation relevant to the duties of the Committee as documented in the Charter, the delegate must consult with the Committee.

Where direction is required outside of delegation or on contentious matters these matters must be reported to Council for decision.

Instrument of Delegation



Port Phillip City Council

Instrument of Delegation

PLANNING COMMITTEE

Port Phillip City Council (**Council**) delegates to each person who is from time to time appointed as a member of the committee established by resolution of Council passed on ~~19 August 2020~~ 2 September and known as the "Planning Committee" (**the Committee**), the powers, discretions and authorities set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on ~~20 October 2021~~ 2 September 2025;
2. the delegation:
 - 2.1 comes into force on ~~21 October 2021~~ 2 September 2025;
 - 2.2 remains in force until Council resolves to vary or revoke it;
 - 2.3 revokes the Planning Committee delegation dated ~~19 August 2020~~ 20 October 2021 ; and
 - 2.4 is to be exercised in accordance with the exceptions, conditions and limitations set out in the Schedule and with the guidelines or policies which Council from time to time adopts;
3. all members of the Committee have voting rights.

THE COMMON SEAL of)
Port Phillip City Council)
was hereunto affixed in the)
presence of:)

Mayor

Chief Executive Officer

SCHEDULE

Purpose

To exercise Council's powers, discretions and authorities to perform Council's functions under the *Planning and Environment Act* 1987 in accordance with relevant policies and guidelines of the Council and to do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

exercise the powers which, under section 11(2) of the *Local Government Act* 2020 or section 188 of the *Planning and Environment Act* 1987, ¹ cannot be delegated to the Committee.

¹ The effect of this condition is that the Planning Committee can hear submissions in relation to planning scheme matters but cannot make decisions in relation the adoption, abandonment etc of proposed planning scheme amendments.

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



13.4 APPOINTMENT OF AUTHORISED OFFICER PURSUANT TO THE PLANNING AND ENVIRONMENT ACT 1987

EXECUTIVE MEMBER: ROBYN BORLEY, DIRECTOR, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

PREPARED BY: KATRINA COLLINS, SENIOR GOVERNANCE ADVISOR

1. PURPOSE

- 1.1 For Council to approve the two appointments of Council staff as Authorised Officers pursuant section 147(4) of the *Planning and Environment Act 1987*. (**Attachment 1**).

2. EXECUTIVE SUMMARY

- 2.1 In accordance with the *Planning and Environment Act 1987* (the Act), Council is required to authorise officers for the purpose of enforcing the provisions of the Act.
- 2.2 It is proposed to appoint the Council staff detailed in Attachment 1 as Authorised Officers pursuant to Section 147(4) of the Act.

3. RECOMMENDATION

In the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* Council resolves that:

- 3.1 The members of Council staff referred to in the Instrument of Appointment and Authorisation at **Attachment 1** be appointed and authorised as set out in the Instrument.
- 3.2 The Instrument of Appointment and Authorisation comes into force immediately once the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.
- 3.3 The Instrument of Appointment and Authorisation be sealed.

4. KEY POINTS/ISSUES

- 4.1 Council routinely appoints Council staff as Authorised Officers. Typically, they are directly appointed by the Chief Executive Officer through the power of delegation conferred through the S5 Instrument of Delegation.
- 4.2 Section 188 (2)(c) of the *Planning and Environment Act 1987* does not allow this function to be delegated to the Chief Executive Officer. The Act specifically requires that Council staff be appointed by resolution of the Council.
- 4.3 Council subscribes to the Maddocks Authorisation and Delegations Service, and relevant advice has been considered in the preparation of this report and the Instrument of Appointment and Authorisation.
- 4.4 This report is being presented to Council due to the onboarding of two officers within the compliance team who require powers to carry out their duties as mandated by the Act. These powers include issuing planning certificates, serving a planning infringement notice and power to enter land under the *Planning and Environment Act 1987*, as well as instituting proceedings under the *Local Government Act 2020*.

MEETING OF THE PORT PHILLIP CITY COUNCIL

2 SEPTEMBER 2025



5. CONSULTATION AND STAKEHOLDERS

- 5.1 Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments to instruments of delegation and authorisation templates.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 The Instrument of Authorisation prepared is based on the latest Instrument and Authorisation template version supplied by Maddocks Lawyers.
- 6.2 It is essential that relevant Council staff have the proper authorisation required under the *Planning and Environment Act 1987* to enable them to undertake their responsibilities.
- 6.3 Section 188(2)(c) of the *Planning and Environment Act 1987* provides that a responsible authority cannot delegate the power to authorise officer under the Act.

7. FINANCIAL IMPACT

- 7.1 There are no financial implications as a direct result of this report.

8. ENVIRONMENTAL IMPACT

- 8.1 There are no environmental implications as a direct result of this report.

9. COMMUNITY IMPACT

- 9.1 There are no community impact implications as a direct result of this report.

10. GENDER IMPACT ASSESSMENT

- 10.1 A Gender Impact Assessment was not required.

11. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 11.1 This report supports Strategic Direction 5 of the Plan for Port Phillip – An Engaged and Empowered Community, by providing a transparent and responsible approach by ensuring Council meets its statutory obligations.

12. IMPLEMENTATION STRATEGY

12.1 TIMELINE

- 12.1.1 The Instrument of Appointment and Authorisation pursuant to the *Planning and Environment Act 1987* will be effective immediately upon execution under the Seal of Council.

12.2 COMMUNICATION

- 12.2.1 Pursuant to section 224(1A) of the *Local Government Act 1989* Council must *maintain* a register that shows the names of all Council staff appointed to be authorised officers.
- 12.2.2 Additionally, sections 224(2) and (4) require authorised officers to be issued with an *identity* card which must be produced upon being requested to do so.

13. OFFICER MATERIAL OR GENERAL INTEREST

- 13.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS

1. S11A Instrument of Appointment - P&E Act - Josie Gallo and Vivian Liu _September 2025[🔗](#)

*S11A Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)*

Port Phillip City Council

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

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

In this instrument "**officer**" means –

1. **Josie Gallo**; and
2. **Vivian Liu**.

By this instrument of appointment and authorisation **Port Phillip City Council** -

1. under section 147(4) of the *Planning and Environment Act 1987* - authorises the officers to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under section 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument –

- comes into force immediately upon its execution; and
- remains in force until varied or revoked; or
- until the officer ceases to be employed by Council.

This instrument is authorised by a resolution of the Port Phillip City Council on 2 September 2025.

**THE COMMON SEAL OF THE
PORT PHILLIP CITY COUNCIL**
was hereunto affixed in the presence of:

Mayor

Chief Executive Officer



14. A TRUSTED AND HIGH PERFORMING ORGANISATION

Nil

15. NOTICES OF MOTION

Nil

16. REPORTS BY COUNCILLOR DELEGATES

17. URGENT BUSINESS

18. CONFIDENTIAL MATTERS

18.1 *South Melbourne Town Hall - Contract Variation*..... 170

RECOMMENDATION

That Council resolves to move into confidential to deal with the following matters pursuant to section 66(2) of the *Local Government Act 2020*:

18.1 South Melbourne Town Hall - Contract Variation

3(1)(a). Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Reason: This report contains contractual information, including project and construction contract contingency provisions, that if released at this time would disadvantage Council in its ability to manage its construction contract in the best interests of the community.

18.2 71A Acland Street – Expression of Interest Process

3(1)(e). legal privileged information, being information to which legal professional privilege or client legal privilege applies

3(1)(a). private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

Reason: This report outlines the details of a recently completed procurement process which contains confidential commercial information that if released would prejudice commercial businesses and Council. The report also includes confidential legal and probity advice in relation to the procurement and property management information



18.3 CEO Employment Matters – 2024/25 Performance Assessment and 2025/26 Annual Performance Agreement

3(1)(f). personal information, being information which if released would result in the unreasonable disclosure of information about any person of their personal affairs

Reason: Under the CEO Employment and Remuneration Policy, Section 16 - Confidentiality, Council does not disclose any personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. The CEO's performance and remuneration fall into that category.