



**Southern Grampians**  
SHIRE COUNCIL

# Governance Rules

Adopted by Council: 21 June 2023

## TABLE OF CONTENTS

<b>COMMITMENT</b> .....	<b>6</b>
<b>CHAPTER 1: INTRODUCTION</b> .....	<b>7</b>
1.1 Purpose .....	7
1.2 Governance Principles .....	7
<b>CHAPTER 2: CONTEXT</b> .....	<b>9</b>
2.1 Affected Persons Rights and Interests .....	9
2.2 Context .....	9
2.3 Definitions .....	9
<b>CHAPTER 3: MEETING PROCEDURE</b> .....	<b>12</b>
3.1 Purpose of Council Meetings .....	12
3.2 Meetings and the Use of Electronic Communication .....	12
Overview: .....	12
3.2.1 Determination of Meeting Format .....	12
3.2.2 Meetings Conducted in Person .....	13
3.2.3 Meetings Conducted by Electronic Means of Communication .....	14
3.2.4 Adjustments to Meeting Rules .....	15
3.3 MEETING ROLES .....	16
Overview: .....	16
3.3.1 Chairperson and Members .....	16
3.3.2 Mayor to Take the Chair .....	17
3.3.3 Delegated Committee Chairperson .....	17
3.3.4 The Chairperson's Duties and Discretions .....	17
3.3.5 Chief Executive Officer .....	18
3.3.6 Councillors and Members of Delegated Committees .....	18
3.3.7 Community .....	18
3.3.8 Apologies and Absences .....	19
3.4 Notices of Meetings and Delivery of Agendas .....	19
Overview: .....	19
3.4.1 Date, Time and Place of Meetings .....	20
3.4.2 Unscheduled Meetings .....	20
3.4.3 Notice of Meetings .....	21
3.5 Quorum .....	21
Overview: .....	21
3.5.1 Inability to Gain a Quorum to Commence .....	21

3.5.2	Inability to Gain a Quorum .....	22
3.5.3	Inability to Achieve or Maintain a Quorum Due to Conflicts of Interest of Councillors .....	22
3.5.4	Inability to Achieve or Maintain a Quorum Due to Technical Difficulties .....	22
3.5.5	Delegation Due to Conflicts of Interests .....	22
3.5.6	Adjournment.....	23
3.5.7	Adjourned Meetings .....	23
<b>3.6</b>	<b>Election of the Mayor.....</b>	<b>23</b>
	Overview.....	23
3.6.1	Chief Executive to Set Time and Date for Election of Mayor.....	24
3.6.2	Role and Election of Deputy Mayor .....	25
3.6.3	Method of Voting for Mayor.....	25
3.6.4	Procedure for Election of the Mayor .....	25
3.6.5	Procedure for Election of the Deputy Mayor.....	26
<b>3.7</b>	<b>Conduct and Business of Meetings .....</b>	<b>26</b>
	Overview.....	26
3.7.1	The Order of Business .....	26
3.7.2	Urgent Business.....	27
3.7.3	Change to Order of Business.....	28
<b>3.8</b>	<b>Public Questions, Deputations and petitions .....</b>	<b>28</b>
	Overview.....	28
3.8.1	Public Question Time .....	29
3.8.2	Public Deputations .....	30
3.8.3	Petitions and Joint Letters.....	31
3.8.4	Speaking to an Agenda Item.....	32
3.8.5	Public Addressing the Meeting .....	32
3.8.6	Chairperson May Remove .....	33
3.8.7	Chairperson May Adjourn Disorderly Meeting .....	33
<b>3.9</b>	<b>Motions of Debate .....</b>	<b>33</b>
	Overview.....	33
3.9.1	Councillor May Propose Notices of Motion .....	34
3.9.2	Notices of Motion .....	34
3.9.3	Introducing a Motion at a Council Meeting .....	35
3.9.4	Unacceptable Motions at a Council Meeting .....	36
3.9.5	Moving a Motion or an Amendment to a Motion at a Council Meeting .....	36

3.9.6	Right of Reply.....	37
3.9.7	Moving an Amendment to a Motion .....	37
3.9.8	Who May Propose an Amendment.....	37
3.9.9	Who May Debate an Amendment.....	37
3.9.10	How Many Amendments May be Proposed .....	37
3.9.11	An Amendment to a Motion Once Carried.....	38
3.9.12	An Amendment to a Motion if Lost.....	38
3.9.13	Withdrawal of Motions.....	38
3.9.14	Chairperson May Allow Motions to be Moved in a Block.....	38
3.9.15	Priority of Address.....	38
3.9.16	Motions in Writing.....	38
3.9.17	Debate Must be Relevant to the Question.....	38
3.9.18	Speaking Times .....	39
3.9.19	Addressing the Council Meeting .....	39
3.9.20	Foreshadowing Motions.....	39
3.9.21	Right to Ask Questions .....	40
3.9.22	Procedural Motions .....	40
3.9.23	Notice of Rescission or Amendment.....	40
3.9.24	Notice of Rescission or Amendment if Lost.....	41
3.9.25	If Not Moved.....	41
3.9.26	May be Moved by any Councillor.....	41
3.9.27	When Not Required .....	41
3.9.28	Changes to Council Policy .....	41
<b>3.10</b>	<b>Voting .....</b>	<b>42</b>
	Overview.....	42
3.10.1	How a Motion is Determined.....	42
3.10.2	By Show of Hands .....	42
3.10.3	Procedure for Division.....	42
3.10.4	No Discussion Once Declared .....	43
<b>3.11</b>	<b>Points of Order .....</b>	<b>43</b>
	Overview.....	43
3.11.1	Points of Order .....	44
3.11.2	Procedure for Point of Order.....	44
3.11.3	Chairperson to Decide .....	44

3.11.4	Chairperson May Adjourn to Consider .....	44
3.11.5	Final Ruling on a Point of Order.....	44
3.11.6	Contradiction or Opinion .....	45
3.11.7	Disorderly Conduct by a Councillor.....	45
<b>3.12</b>	<b>Minutes .....</b>	<b>45</b>
	Overview.....	45
3.12.1	Keeping of Minutes .....	45
3.12.2	Confirmation of Minutes .....	47
3.12.3	No Debate on Confirmation of Minutes.....	48
3.12.4	Deferral on Confirmation of Minutes .....	48
3.12.5	Video and audio Recordings of Meetings .....	48
3.12.6	Live Streaming of Council Meetings .....	48
3.12.7	Records of Council Meetings .....	48
<b>3.13</b>	<b>Suspension of Standing Orders .....</b>	<b>48</b>
3.13.1	Suspension of Standing Orders .....	49
<b>3.14</b>	<b>Circumstances in Which Council Will Close a Meeting to Members of the Public .....</b>	<b>49</b>
	Overview.....	49
3.14.1	Meetings Closed to the Public .....	49
<b>CHAPTER 4:</b>	<b>MISCELLANEOUS .....</b>	<b>50</b>
<b>4.1</b>	<b>Informal Meetings of Councillors .....</b>	<b>50</b>
4.1.1	Designated Confidential Information.....	50
<b>CHAPTER 5:</b>	<b>JOINT COUNCIL MEETINGS.....</b>	<b>50</b>
<b>CHAPTER 6:</b>	<b>DELEGATED COMMITTEES .....</b>	<b>52</b>
<b>CHAPTER 7:</b>	<b>COMMUNITY ASSET COMMITTEES .....</b>	<b>52</b>
<b>CHAPTER 8:</b>	<b>CONFLICTS OF INTEREST .....</b>	<b>53</b>
<b>CHAPTER 9:</b>	<b>ELECTION PERIOD POLICY.....</b>	<b>55</b>
<b>CHAPTER 10:</b>	<b>REVIEW .....</b>	<b>64</b>

## COMMITMENT

These Governance Rules are made in accordance with Section 60 of the *Local Government Act 2020* (the Act).

Good governance, integrity and accountability are central to the Act, underpin local government democracy, conduct and enable our community to hold the Council to account.

Council is committed to embedding the principles of good governance throughout its decision making, corporate governance and democratic governance by establishing and adhering to the Governance Rules established.

Council decision making will be founded on good governance and conducted with transparency. The process by which decisions will be made is transparent and clearly articulated in these Governance Rules for the scrutiny of our community and accountability of Councillors, Members of Delegated Committees and Council staff. Council recognises that accountability, integrity and transparency are of fundamental importance to our community and are critical for enhancing good governance.

## CHAPTER 1: INTRODUCTION

### 1.1 PURPOSE

These Governance Rules determine the way in which Council will:

- Make decisions:
  - In the best interest of the Southern Grampians Shire community
  - Fairly and on merits of the matter; and
  - In a way that ensures any person whose rights will be directly affected by a decision will be entitled to communicate their views and have their interests considered.
- Elect its Mayor and Deputy Mayor, or acting Mayor if required;
- Conduct meetings of Council, Delegated Committees, Community Asset Committees;
- Give notice of meetings and record and make available meetings records (minutes and live streaming of meetings where applicable);
- Be informed in its decision making through community engagement, advisory committees and Management Reports; and
- Require the disclosure and management of conflicts of interest.

The Government Rules include:

- Council's Election Period Policy

### 1.2 GOVERNANCE PRINCIPLES

Council must, in performance of its role, give effect to the overarching governance principles outlined in the Act. These principles are:

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;
- (b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- (d) The municipal community is to be engaged in strategic planning and strategic decision making;
- (e) Innovation and continuous improvement is to be pursued;
- (f) Collaboration with other Councils and Governments and statutory bodies is to be sought;
- (g) The ongoing financial viability of the Council is to be ensured;

- (h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- (i) The transparency of Council decisions, actions and information is to be ensured.

In giving effect to the overarching governance principles, Council must take into account the following supporting principles:

- the community engagement principles;
- the public transparency principles;
- the strategic planning principles;
- the financial management principles; and
- the service performance principles.



## CHAPTER 2: CONTEXT

### 2.1 AFFECTED PERSONS RIGHTS AND INTERESTS

In any matter in which a decision must be made by Council (including a person acting with the delegated authority of Council), Council must consider:

- fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
- on the merits, free from favouritism or self-interest and without regard to irrelevant considerations.

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).

Before making a decision that affects a person's rights, Council will endeavour to identify whose rights may be affected and provide an opportunity for that person (or persons) to convey those views regarding the effect on their rights and consider those views.

This includes but is not limited to the rights outlined in the *Charter of Human Rights and Responsibilities Act 2006*.

### 2.2 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:
  - Code(s) of Conduct
  - Council Meetings Policy
  - Public Transparency Policy
  - Governance Local Law No. 1 of 2021
  - Community Engagement Policy
  - Council Plan

### 2.3 DEFINITIONS

In these Governance Rules, the following phrases mean:

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

**Advisory Committees** means a committee established by the Council that provides advice to the Council or a member of Council staff who has been delegated a

<b>Agenda</b>	power, duty or function of the Council – that is not a Delegated Committee means the notice of a meeting setting out the business to be transacted at the meetings
<b>Authorised Officer</b>	has the same meaning as the <i>Local Government Act 1989</i> or any other Act
<b>Chairperson</b>	means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson
<b>Chief Executive Officer</b>	means the Chief Executive Officer of Council
<b>Community Asset Committee</b>	means a Community Asset Committee established under section 65 of the Act
<b>Council</b>	means Southern Grampians Shire Council
<b>Councillor</b>	means a person who is an elected member of Council
<b>Committee Meeting</b>	means a meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled and unscheduled meeting whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a hybrid format that mixes in-person and electronic attendance
<b>Council Meeting</b>	means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled and unscheduled meeting whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a hybrid format that mixes in-person and electronic attendance
<b>Delegated Committee</b>	means a Delegated Committee established under section 63 of the Act
<b>Deputy Mayor</b>	means the Councillor elected as Deputy to the Mayor (if Council resolves to elect a Deputy Mayor)

<b>Division</b>	means a formal count of those for and those against a motion, generally to remove any doubt as to whether the motion is supported or opposed
<b>Mayor</b>	means the Mayor of Council
<b>Minutes</b>	means the collective record of proceeding of Council
<b>Municipal district</b>	means the municipal district of Council
<b>Open to the Public</b>	<p>means in the case of Council meeting or a joint Council meeting:</p> <ul style="list-style-type: none"> <li>(i) Attendance in person by members of the public; or</li> <li>(ii) A meeting that is broadcast live on the Council's internet site</li> <li>(iii) Any other prescribed means of meeting.</li> </ul> <p>And in the case of a delegated committee meetings, points (i), (ii) and (iii) as above and;</p> <ul style="list-style-type: none"> <li>(iv) A meeting that is recorded and published on the Council's internet site as soon as practicable after the meeting.</li> </ul>
<b>Procedural Motion</b>	means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure
<b>Quorum</b>	means a majority of the members of the Council
<b>Suspension of Standing Orders</b>	means the suspension of the provisions of the meeting procedure to facilitate full discussion on an issue without formal constraints
<b>Urgent Business</b>	means a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next Meeting

## CHAPTER 3: MEETING PROCEDURE

### 3.1 PURPOSE OF COUNCIL MEETINGS

- (a) Council holds scheduled meetings and, when required, unscheduled meetings to conduct business of Council.
- (b) Council is committed to transparency in decision making and, in accordance with the Act, Council and Delegated Committee meetings are open to the public to attend. Meetings will only be closed to members of the public if:
  - (i) There are clear reasons for particular matters to remain confidential; or
  - (ii) A meeting is required to be closed for security reasons; or
  - (iii) It is necessary to enable the meetings to proceed in an orderly manner.
- (c) If a meeting is closed to the public for the reasons outlined in 3.1(b)(ii) or 3.1(b)(iii), the meeting will continue to be live broadcasted. In the event live broadcast is not available, the meeting may be adjourned, or a recording of the proceedings may be available on the Council website.

### 3.2 MEETINGS AND THE USE OF ELECTRONIC COMMUNICATION

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#### OVERVIEW:

In accordance with the Act, Council is required to provide for the procedure and proceedings for the conduct of council and delegated committee meetings to be held by electronic means, including the requesting and approving of members attendance by electronic means.

Whilst in person decision-making forums will be the default format, Council can decide to conduct meetings in any of the following formats:

- Physical or In Person - all Councillors are present in person at one location
- Virtual – all Councillors participate by electronic means of communication
- Hybrid – some Councillors are physically present at one location and some participate by electronic means of communication
- Parallel – some Councillors are present in person at one location, and some are physically present at another location

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#### 3.2.1 DETERMINATION OF MEETING FORMAT

- (a) By default, Council meetings shall be conducted in person except as provided for in this Section.
- (b) Despite this Section, Council may, by resolution, determine that a specific meeting or meetings will be conducted:
  - (i) In person; or
  - (ii) By electronic means of communication.

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### 3.2.2 MEETINGS CONDUCTED IN PERSON

- (a) At meetings conducted in person, Councillors shall physically attend the meeting unless a request to participate by electronic means of communication has been granted in accordance with this section.
- (b) A request to participate by electronic means of communication must be in writing, signed by the Councillor, including by electronic means of signature, and be lodged or sent to the Chief Executive Officer at least 48 hours before the commencement of the meeting.
- (c) Requests are to be made on a meeting-by-meeting basis.
- (d) A request to participate in a meeting by electronic means of communication must provide an explanation as to why the Councillor cannot reasonably participate in the meeting. For the avoidance of doubt, a Councillor's personal preference to participate by electronic means of communication does not constitute sufficient grounds for making a request. The Chief Executive Officer shall, if requested by the Councillor, keep confidential the submitted reasons for the request.
- (e) Subject to sub-rule 3.2.3(a), the Chief Executive Officer, in consultation with the Mayor, will grant all requests to participate in the meeting by electronic means of communication and will notify all Councillors of the decision.
- (f) The Chief Executive Officer may choose not to grant a request to participate in a meeting by electronic means of communication:
  - (i) At the first meeting of Councillors after a general election;
  - (ii) Where the meeting is being held in such a location that, in the opinion of the Chief Executive Officer, does not have the facilities to support participation in the meeting by electronic means of communication; or
  - (iii) If the meeting will consider:
    - a. The election of the Mayor under section 25 of the Act;
    - b. The election of a Deputy Mayor under section 27 of the Act;
    - c. The adoption of Governance Rules under section 60 of the Act;
    - d. The adoption of a Community Vision under section 88 of the Act;
    - e. The adoption of a Council Plan under section 90 of the Act;
    - f. The adoption of a Long Term Financial Plan under section 91 of the Act;

- g. The adoption of an Annual Budget under section 94 of the Act;
- h. The adoption of a Revised Budget under section 94 of the Act;
- i. The presentation by the Mayor of an Annual Report under section 100 of the Act; or
- j. The adoption of a Councillor Code of Conduct under section 139 of the Act;

Unless they are satisfied that extraordinary circumstances warrant it.

- (g) A Councillor who is not physically in attendance at a meeting but is present by electronic means of communication without approval will be recorded as absent and will not be permitted to participate in the proceedings of the meeting, including moving or seconding motions, speaking during a debate or casting a vote on a motion before the meeting.
- (h) Meetings conducted in person shall be chaired by a Councillor who is physically present, in the following order of preference:
  - 1. The Mayor; or
  - 2. If the Mayor is not physically present, the Deputy Mayor;
  - 3. If neither the Mayor or Deputy Mayor are physically present, a Councillor who is physically present and is appointed by a resolution of the Council

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### 3.2.3 MEETINGS CONDUCTED BY ELECTRONIC MEANS OF COMMUNICATION

- (a) Should the Chief Executive Officer receive requests under section 3.2.2 to participate in a meeting by electronic means of communication from an absolute majority of Councillors, the meeting shall be conducted solely by electronic means of communication.
- (b) Should the Chief Executive Officer determine that extraordinary circumstances warrant it, they may determine that any meeting be conducted solely by electronic means of communication.
- (c) The Chief Executive Officer may take all relevant factors into account in making a determination that extraordinary circumstances warrant a meeting being conducted solely by electronic means of communication including, but not limited to:
  - (i) Any risk to the health and safety of Councillors, staff and the community;

- (ii) Whether all or part of the meeting is planned to be closed to members of the public under section 66(2) of the Act;
- (iii) The ability to provide public notice to members of the public who had registered to attend the meeting;
- (iv) Whether the orderly conduct of a meeting may be affected by the choice of meeting format; and
- (v) The availability of suitable meeting facilities.

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#### 3.2.4 ADJUSTMENTS TO MEETING RULES

If a meeting is conducted by electronic means of communication, the following modifications to the application of the Rules in this Chapter are to be made:

- (a) References to a Councillor being present at a meeting shall be a reference to a Councillor being able to both hear and see other members in attendance and be heard and be seen by other members in attendance;
- (b) Momentary absences (less than one minute) shall not be recorded as absences for the purposes of the meeting minutes, unless a vote or the Chairperson's request for the declaration of conflicts of interest occurs during the absence;
- (c) Casting a vote may occur by a Councillor either raising their hand in view of their camera such that it can be seen by other members in attendance or, at the Chairperson's request, verbally stating their vote;
  - (i) In the event of the absence of a Councillor during a vote due to an apparent technical failure, a Councillor or member of Council staff may bring this to the attention of the Chairperson, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Should the Councillor be unable to reconnect within five minutes, the meeting shall: Resume in the Councillor's absence which will be recorded in the meeting minutes as outlined in sub-rule 3.12.1; or.
  - (ii) If a quorum cannot be maintained as a result of a councillor being recorded as absent the meeting will be adjourned as outlined in subrule 3.5.4
- (d) In the event of a Councillor being required to leave a meeting due to following the declaration of a conflict of interest, a Councillor may leave the meeting by:
  - (i) Deactivating their microphone and camera (for meetings that are open to the public); or

- (ii) Disconnecting from the online meeting platform (for all meetings).
- (e) The Chairperson may, with the consent of the meeting, modify the application of any other Rules in this Chapter to facilitate the more efficient and effective transaction of the business of a meeting which is conducted by electronic means of communication.

### 3.3 MEETING ROLES

#### OVERVIEW:

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 Chairperson of the meeting.

The way in which Council and Committee meetings are conducted makes a significant contribution to good governance. The Chairperson plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors and members of Delegated Committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.

The Chairperson is an independent leader of meetings and generally does not participate in debate or move or second motions.

The Act provides for the Mayor to appoint a Councillor as the Chair of a Delegated Committee and any such appointment prevails over any appointment made by Council. While there are no limitations on exercising that power, the Mayor must always act in a way that is consistent with the adopted Councillor Code of Conduct and transparency commitments of the Council.

Additionally, each member of the meeting has an obligation to participate in good decision-making through their preparation and contribution to the meeting.

Specific duties and discretions of the Chairperson are outlined throughout these Governance Rules.

#### 3.3.1 CHAIRPERSON AND MEMBERS

- (a) The Chairperson, Councillors, and Members of Delegated Committees will ensure:
  - (i) Decision making is transparent to members and observers;
  - (ii) Meeting members have sufficient information to make decisions;
  - (iii) Every member is supported to contribute decisions;
  - (iv) Any person whose rights are affected has their interests considered;



- (v) Debate and discussion is focussed on the issues at hand;
  - (vi) Meetings are conducted in an orderly manner;
  - (vii) Decisions should be made on the merits of the matter.
- (b) Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any meeting which has been fixed and must provide notice of the change to the public.

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### 3.3.2 MAYOR TO TAKE THE CHAIR

- (a) The Mayor must take the Chair at all Council Meetings at which the Mayor is present.
- (b) If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the chair.
- (c) If the Mayor and the Deputy Mayor are not in attendance at a Council Meeting, Council must appoint one of the Councillors as a temporary Chairperson by resolution.

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### 3.3.3 DELEGATED COMMITTEE CHAIRPERSON

- (a) At a meeting at which Council establishes a Delegated Committee, it must also appoint a Chairperson.
- (b) The Chairperson of a Delegated Committee must also be a Councillor.

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### 3.3.4 THE CHAIRPERSON'S DUTIES AND DISCRETIONS

In addition to the specific duties and discretions provided for in these Governance Rules, the Chairperson:

- (a) Must not accept any motion, question or statement which is:
  - (i) Vague or ambiguous
  - (ii) Defamatory, malicious, abusive or objectionable in language or substance; or
  - (iii) Outside the powers of Council.
- (b) Must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
- (c) Must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council;
- (d) May direct that a vote be recounted to be satisfied of the result;
- (e) Must decide on all points of order in accordance with Rule. 3.11; and
- (f) Subject to sub-rule a), the Chairperson may determine to close a meeting to the public to maintain security and order, if the circumstances prevent a Council resolution in accordance with Rule 3.14.1.

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### 3.3.5 CHIEF EXECUTIVE OFFICER

- (a) The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chairperson.
- (b) The Chief Executive Officer:
  - (i) Should immediately advise if a proposed resolution or action is, to the best of their knowledge, contrary to legislation or Council Policy,
  - (ii) May advise if there are administrative or operational implications arising from a proposed resolution;
  - (iii) May assist to clarify the intent of any unclear motion to facilitate implementation of a resolution;
  - (iv) On request, assist with procedural issues that may arise.

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### 3.3.6 COUNCILLORS AND MEMBERS OF DELEGATED COMMITTEES

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

- (a) Seeking views of community members and reading agendas papers prior the meeting;
- (b) Demonstrating 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 Chairperson and the rights of other Councillors and members of Delegated Committees to contribute to the decision-making;
- (e) Being courteous and orderly.

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### 3.3.7 COMMUNITY

Council Meetings are decision making forums for the Council that are open to the community to attend and / or view the proceedings.

- (a) Community members may only participate in accordance with Rule 3.8;
- (b) If the meeting is to be held virtually, community members will be provided with the opportunity to participate via electronic means;
- (c) Community members are encouraged to participate in Council's engagement processes;
- (d) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of meetings.

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### 3.3.8 APOLOGIES AND ABSENCES

- (a) Councillors and members of Delegated Committees who are unable to attend a meeting may submit an apology:
  - (i) In writing to the Chairperson or the Chief Executive officer, who will advise the meeting; or
  - (ii) By seeking another Councillor or member of the Delegated Committee to submit it at the meeting on their behalf.
- (b) An apology submitted to a meeting will be recorded in the minutes.
- (c) If a Councillor leaves a Council Meeting, the Councillor must request permission from the Chairperson before leaving the Chamber.
- (d) Unless there is an emergency, or otherwise in accordance with sub-clause 3.3.8 (h) of these Governance Rules, a Leave of Absence requested during a Council Meeting will only be granted at the end of a motion.
- (e) Unless there is an emergency, or otherwise in accordance with sub-clause 3.3.8 (h) of these Governance Rules, a leave of absence must not be requested or granted during a debate.
- (f) The Chairperson may call a comfort break at any time during a meeting on a request from a Councillor.
- (g) A Councillor intending to take a leave of absence must submit the notification in writing to the Mayor.
- (h) If this is not practicable, the Councillor must give the Chief Executive Officer notice of a leave of absence prior to the Council Meeting.
- (i) As per Section 35(4), the Council must grant any reasonable request for leave for the purposes of subsection (1)(e).

Note: A Council Resolution is required for a leave of absence.

## 3.4 NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

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### OVERVIEW:

Council meetings are held regularly to conduct the ongoing business of Council and unscheduled meetings may be held from time to time.

It is important that the community is made aware of the times, dates and locations of Council and Delegated Committee meetings and the matters Council will consider. The timing of this notice should give the community adequate time to make arrangements to attend the meeting or view via the live broadcast.

An agenda for each Council meeting must be provided to Councillors in advance so that they can prepare adequately for the Council meeting. The agenda contains the order of business and the professional/ expert advice of the organisation, with a recommendation for Council to consider.

The agenda is made available to the public via Council's website and in hard copy format at the meeting location prior to the meeting.

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#### 3.4.1 DATE, TIME AND PLACE OF MEETINGS

- (a) At or before the last meeting of each calendar year, Council must fix the date, time and place of all Council Meetings for the following calendar year;
- (b) The Chief Executive Officer, in consultation with the Mayor, may alter a fixed meeting date, time, place or format and provide reasonable notice of the change to the public.

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#### 3.4.2 UNSCHEDULED MEETINGS

- (a) Council may by resolution call an unscheduled meeting of the Council; or
- (b) The Mayor or three Councillors may by written notice call an unscheduled meeting of the Council; or
- (c) The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled Meeting.
- (d) A written notice to call an unscheduled meeting must:
  - (i) Specify the business to transacted;
  - (ii) Be delivered to the Chief Executive Officer or delegate in sufficient time to enable notice to be given in accordance with Rule 3.4.3.
- (e) The Chief Executive Officer must determine the time and date for the meeting, giving consideration to:
  - (i) The urgency of the business to be transacted;
  - (ii) The availability of Councillors; and
  - (iii) A reasonable notice period for persons whose rights or interest may be impacted by the business to be transacted.
- (f) The Chief Executive Officer must arrange for notice of the meeting on Council's website and / or public notice in the local newspaper, including the business to be transacted.
- (g) Any resolution of Council to call an unscheduled meeting must specify the date and time of the unscheduled meeting and the business to be transacted.
- (h) The Chief Executive Officer must call an unscheduled meeting to elect a Mayor following a Council election declaration, in accordance with the Act.
- (i) The unscheduled meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.

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### 3.4.3 NOTICE OF MEETINGS

(a) Council Meetings

- (i) Council Meetings agendas must state the date, time, place and format of the meeting and the business to be dealt with. Agendas must be delivered or made available electronically to every Councillor for all Council Meetings, as early as practicable, or at least 48 hours before the meeting.
- (ii) A schedule of Council Meetings must be prepared and published that ensures it is available to a broad section of the community including on Council's website at least once each year.

Council Meeting agendas will be made available for public inspection by 9:00am on the Monday prior to each meeting on Council's website

(b) Unscheduled Meetings

- (i) Notice of an unscheduled meeting must be published on Council's website and / or the local newspaper, as soon as practicable after the date, time and place of the meeting has been determined.
- (ii) An agenda for an unscheduled meeting must be made available electronically to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- (iii) An agenda for an unscheduled meeting will be made available on Council's website no less than 24 hours before the Council Meeting.

- (c) The Council website will make available the past 12 months of meeting agendas and minutes. Earlier copies will be made available by contacting customer service.

## 3.5 QUORUM

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### OVERVIEW:

No business can be transacted at a Council Meeting or a Delegated Committee meeting unless a majority of the Councillors or members of the Delegated Committee (as the case may be) is present (quorum).

If there is no quorum at the commencement of a meeting or if a quorum cannot be maintained during a meeting, the meeting is to be adjourned to another date and/or time. A quorum is an absolute majority in accordance with s61(7) of the Act.

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#### 3.5.1 INABILITY TO GAIN A QUORUM TO COMMENCE

If after 30 minutes from the scheduled start time of any Council Meeting, a quorum cannot be obtained:

- (a) Those Councillors present; or
- (b) If there are no Councillors present, the Chief Executive Officer; or
- (c) In the absence of the Chief Executive Officer, an Authorised Officer;

Must adjourn the Council Meeting for a period within four weeks from the date of the adjournment.

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### 3.5.2 INABILITY TO GAIN A QUORUM

If during any Council Meeting or any adjournment of the Council Meeting, a quorum cannot be maintained:

- (a) Those Councillors present;
- (b) If there are no Councillors present, the Chief Executive Officer; or
- (c) In the absence of the Chief Executive Officer, an Authorised Officer

Must adjourn the Council Meeting for a period not exceeding 7 days from the date of the adjournment.

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### 3.5.3 INABILITY TO ACHIEVE OR MAINTAIN A QUORUM DUE TO CONFLICTS OF INTEREST OF COUNCILLORS

If a quorum cannot be achieved or maintained due to disclosure of conflicts of interest by the majority of Councillors, Council will:

- (a) Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
- (b) Determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter.

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### 3.5.4 INABILITY TO ACHIEVE OR MAINTAIN A QUORUM DUE TO TECHNICAL DIFFICULTIES

If a quorum cannot be achieved or maintained during a virtual or hybrid Council Meeting due to technical difficulties, Council will:

- (a) Briefly adjourn the meeting to enable the Councillor or Councillors to re-join the meeting.
- (b) If unable to reconnect within five minutes to maintain a quorum, adjourn the Council Meeting for a period not exceeding 7 days from the date of the adjournment.

---

### 3.5.5 DELEGATION DUE TO CONFLICTS OF INTERESTS

If a quorum cannot be achieved or maintained due to a declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into

component parts or prior decisions made, Council may delegate the decision to be made by the Chief Executive Officer. A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council Meeting.

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### 3.5.6 ADJOURNMENT

The Chief Executive Officer must provide written notice of an adjournment under sub-rules 3.5.1, 3.5.2, 3.5.3 or 3.5.4, however, where this is not practicable because the time does not permit that to occur, then, provided every reasonable attempt is made to contact every Councillor, notice by telephone, email, in person or by some other means is sufficient.

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### 3.5.7 ADJOURNED MEETINGS

- (a) Council may adjourn any Council Meeting.
- (b) The Chief Executive Officer, or their delegate, must give notice to each Councillor of the date, time and place to which the Council meetings stands adjourned and of the business remaining to be considered.
- (c) Notice of an adjournment to another date or time must be published on Council's website and or in the local newspaper as soon as practical.

## 3.6 ELECTION OF THE MAYOR

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### OVERVIEW

The role and functions of the Mayor are provided in the Act. The holder of this significant office is the Chairperson at Council Meetings, is the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties.

This section describes how the Mayor, a Deputy Mayor and Acting Mayor are to be elected.

The Act has specific provisions governing the election of the Mayor and the term of office for the Mayor:

#### *Section 25 - Election of Mayor*

1. At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
2. Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.
3. The election of the Mayor must—
  - (a) be chaired by the Chief Executive Officer; and
  - (b) subject to this section, be conducted in accordance with the Governance Rules.

4. Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.
5. If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
6. If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
7. In this section, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.

*Section 26 – When is a Mayor to be elected*

1. A Mayor is to be elected no later than one month after the date of a general election.
2. Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2-year term.
3. If the Mayor is elected for a 1-year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1-year term as is reasonably practicable.
4. If the Mayor is to be elected for a 2-year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2-year term as is reasonably practicable.
5. A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.
6. The election of a Mayor after the period specified in this section does not invalidate the election.
7. A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a two-year term serves the remaining period of the previous Mayor's term.

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### 3.6.1 CHIEF EXECUTIVE TO SET TIME AND DATE FOR ELECTION OF MAYOR

- (a) The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor, taking into account the election of the Mayor must be held in accordance with any provisions contained in the Act and these Governance Rules.
- (b) At the meeting to elect the Mayor, Council must first resolve if the term of the Mayor is to be one or two years.
- (c) The order of business at the Council Meeting to elect the Mayor is to be determined by the Chief Executive Officer.
- (d) The Councillor elected to the position of Mayor may make a commencement speech for up to 10 minutes outlining their vision for the Mayoral term.



- (e) The commencement speech may not address matters outside the powers of the Council, be derogatory, or be prejudicial to any person or the Council.

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### 3.6.2 ROLE AND ELECTION OF DEPUTY MAYOR

- (a) At the Council Meeting at which the Mayor is to be elected, the Council may also resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- (b) If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor must take the Chair.
- (c) The term of a Deputy Mayor can be for a one year or two-year term.
- (d) If the Council has not resolved to establish the position of Deputy Mayor, any provisions in these Governance Rules relating to the Deputy Mayor have no effect.

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### 3.6.3 METHOD OF VOTING FOR MAYOR

The election of the Mayor must be carried out by show of hands.

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### 3.6.4 PROCEDURE FOR ELECTION OF THE MAYOR

- (a) The Chief Executive Officer must preside during the election of the Mayor.
- (b) The Chief Executive Officer must formally invite nominations for the office of Mayor and confirm acceptance on the nomination with the nominee.
- (c) In an election for the Mayor:
  - (i) where only one nomination is received, that Councillor must be declared elected;
  - (ii) where there is more than one nomination received, the Councillor receiving an absolute majority of votes will be declared elected;
  - (iii) in the event no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is eliminated.
  - (iv) Councillors present at the Meeting shall then vote for one of the remaining candidates;
  - (v) Where one of the remaining candidates receives an absolute majority of the votes, that Councillor shall be declared elected;
  - (vi) Where none of the remaining candidates receives an absolute majority of the votes, the procedure in 3.6.4 (c) (iii) is repeated;
  - (vii) Voting for the remaining candidates shall be repeated in this way until one of the candidates receives an absolute majority of the votes;
  - (viii) Where two candidates have an equal number of votes, councillors must vote again. If an absolute majority cannot be obtained for one

of the candidates, the Council may resolve to conduct a new election at a later specified time and date.

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### 3.6.5 PROCEDURE FOR ELECTION OF THE DEPUTY MAYOR

- (a) If Council resolves to have the office of Deputy Mayor, the provisions of sub-rules 3.6.3 and 3.6.4 apply to the election for the Deputy Mayor with all necessary modifications and adaptations, including the Mayor conducting the election, rather than the Chief Executive Officer.
- (b) Subject to sub-rule 3.6.5 (a), the Chief Executive Officer must arrange an election as soon as possible after the office of Deputy Mayor becomes vacant.

## 3.7 CONDUCT AND BUSINESS OF MEETINGS

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### OVERVIEW

The business to be transacted at a Council meeting is contained in the agenda provided to Councillors and available to the public on Council's website.

The Chief Executive Officer oversees preparation of the agenda and determines the content and order of business to facilitate open, efficient and effective processes of government.

The role of the Mayor includes providing advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings.

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### 3.7.1 THE ORDER OF BUSINESS

The order of business at any Council meeting is determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.

Unless otherwise resolved by Council, the general order of business at a Scheduled Council Meeting will be listed as follows:

- (a) Membership
- (b) Welcome and Acknowledgement of Country
- (c) Prayer
- (d) Apologies
- (e) Confirmation of Minutes
- (f) Declaration of Interest
- (g) Leave of Absence
- (h) Questions on Notice
- (i) Public Deputations

- (j) Petitions
- (k) Informal Meetings of Councillors
- (l) Management Reports
- (m) Urgent Business
- (n) Notices of Motion
- (o) Mayor, Councillors and Delegated Reports
- (p) Confidential Matters
- (q) Review of Confidential Matters
- (r) Close of Meeting

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### 3.7.2 URGENT BUSINESS

- (a) Business can only be admitted as Urgent Business by resolution of Council and only then if:
  - (i) The Agenda for a Meeting makes provision for Urgent Business; and
  - (ii) It relates to or arises out of a matter which has arisen since distribution of the Agenda; and
  - (iii) It cannot safely or conveniently be deferred until the next Scheduled Council Meeting; and
  - (iv) It cannot be addressed through an operational service request process; or
  - (v) The Chief Executive Officer has advised the Mayor of an item they determine appropriate for Council to consider admitting as Urgent Business in accordance with 3.7.2(e).
- (b) The matter must not:
  - (i) Substantially affect the levels of Council service;
  - (ii) Commit Council to significant expenditure not included in the adopted budget;
  - (iii) Establish or amend Council Policy; or
  - (iv) Commit Council to any contractual arrangement.
- (c) A Councillor proposing that a matter be admitted as Urgent Business must lodge it in writing to the Chief Executive Officer no later than 5pm on the day of the Meeting.
- (d) A councillor wishing to submit a Motion as an item of Urgent Business:
  - (i) Must provide a written copy of the proposed motion to Councillors and the Governance Coordinator no later than 5pm on the day of the Meeting;

- (ii) Must move a procedural motion that the Motion be admitted as an item of Urgent Business;
  - (iii) Will provide a brief explanation in not more than two (2) minutes why the Motion should be submitted.
- (e) The Chief Executive Officer will advise the Mayor of any matter they determine appropriate for Council to consider admitting as Urgent Business; and:
- (i) Will provide an officer's report including an officer recommendation to Councillors and the Governance Coordinator not less than two (2) hours before the start of the Meeting;
  - (ii) Will provide a brief explanation why the Urgent Business should be submitted.
- (f) Council must consider a procedural motion to admit an item of Urgent Business and if,
- (i) Carried, the Councillor will move the Motion and it will be considered as a motion in accordance with these Rules; or
  - (ii) Lost, the Council Meeting will move to the next item of business.

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### 3.7.3 CHANGE TO ORDER OF BUSINESS

Once an agenda has been sent to Councillors, the order of business for that Council Meeting may only be altered by a resolution of the Council. This includes a request for an item to be brought forward.

## 3.8 PUBLIC QUESTIONS, DEPUTATIONS AND PETITIONS

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### OVERVIEW

As outlined in the purpose of these Governance Rules, Council meetings are held for Council to make its decisions. Although members of the public do not have a statutory right to address Council, provisions are made for Council to respond to questions from the community and for the public to make deputations and petitions to Council.

At each meeting there is an opportunity for members of the public to ask questions of the Council. Assistance will be available for any member of the public who requires and seeks support to write their question(s).

Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to Council.

This Section sets out the procedures to be followed for public question time, public deputations, petitions and the circumstances under which they may be disallowed and the process for addressing and responding to the questions, deputations or petitions at or after the meeting.

Council meetings may be broadcast to the public and recorded, this includes public questions, deputations and petitions.

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### 3.8.1 PUBLIC QUESTION TIME

Members of the public are welcome to ask questions of council at its scheduled Council Meetings.

Question Time is not an opportunity to make public statements or to provide gratuitous advice.

- (a) There will be no public question time held at unscheduled meetings or during the local government election caretaker period.
- (b) Questions must be submitted through completion of the Public Question Time form and be received by the Chief Executive Officer no later than 5pm on the Monday before the Meeting and a maximum of two questions may be asked. The name of the person who submitted the question(s) will be printed in the minutes.
- (c) A question may be disallowed by the Chairperson if the Chairperson determines it:
  - (i) Relates to a matter outside the duties, function and powers of Council;
  - (ii) Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance
  - (iii) Deals with a subject matter already answered;
  - (iv) Is aimed at embarrassing a Councillor or a member of Council staff;
  - (v) Relates to personnel matters;
  - (vi) Relates to the personal hardship or any resident or ratepayer;
  - (vii) Relates to industrial matters;
  - (viii) Relates to contractual matters;
  - (ix) Relates to proposed developments;
  - (x) Relates to legal advice;
  - (xi) Relates to matters affecting the security of Council property;
  - (xii) Relates to any other matter which Council considers would prejudice Council or any person.
- (d) Questions must:
  - (i) Not pre-empt debate on any matter listed on the agenda of the Council meeting at which the question is asked
  - (ii) Not refer to matters designated as confidential under the *Local Government Act 2020*
  - (iii) Be clear and unambiguous and not contain argument on the subject

- (iv) Not be derogatory, defamatory or embarrassing to any Councillor, member of staff, rate payer or member of the public.
- (e) The Chair will have the right to accept or reject any question.
- (f) The Chair will state the name of the person asking each question. If the person:
  - (v) Is in attendance at the Meeting, the questions and answers will be read aloud;
  - (vi) Is not in attendance, the questions and answers will be published in the Meeting Minutes and a written response provided.
- (g) All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.
- (h) The Chief Executive Officer will respond to public questions.
- (i) The Chief Executive Officer may decline to answer a question or seek to have the question put on notice or provide a detailed written response within 10 days.
- (j) If a question is put on notice, the answer to it will be recorded in the minutes of Council.

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### 3.8.2 PUBLIC DEPUTATIONS

The public may make a public deputation at its scheduled Council Meetings. A deputation is a presentation to Council and is not limited to topics on the agenda.

- (a) Deputations must be received by 5pm on the Monday before the meeting and be submitted through the Request to Make a Deputation Form to the Chief Executive Officer.
- (b) Speaking time is limited to three (3) minutes, and extension time is at the discretion of the Chair.
- (c) Organisations can have up to four (4) representatives in attendance, with one (1) representative nominated as the principal spokesperson.
- (d) The principal spokesperson will have three (3) minutes to speak, and extension time is at the discretion of the Chair.
- (e) Any Councillor can ask a question of the spokesperson.
- (f) Deputations wishing to make a written submission to the Council must provide a copy of the submission to the Chief Executive Officer prior to the Council Meeting. Written submissions will be distributed to Councillors prior to the Meeting.
- (g) The Mayor and Chief Executive Officer are jointly authorised to invite individuals and/or organisations to make a submission to the Public Deputations section of the Council Meeting on any subject of local concern or affecting the welfare of the Southern Grampians Shire community.

- (h) Members of the public must also comply with these Rules in relation to meeting procedures and participation at meetings

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### 3.8.3 PETITIONS AND JOINT LETTERS

A petition is a formal written document, signed by many people, which requests action in relation to an issue. Petition is one of the traditional ways in which community members can make a request directly to Council in relation to a Council issue.

Petitions must adhere to certain standards to ensure that the intended message is conveyed in a clear and succinct manner. A petition template is available on Council's website, this template is not a requirement but petitions submitted to Council should comply with these Rules and be in a similar format to the template provided.

- (a) A petition or joint letter received by the Council or an individual Councillor must be lodged with the Chief Executive Officer and received by 5pm on the Monday before the scheduled Council Meeting.
- (b) A petition must conform to the following:
  - (i) Must be addressed to the Council, a Councillor or the CEO
  - (ii) Can be posted or hand delivered to the Chief Executive Officer, emailed to [council@sthgrampians.vic.gov.au](mailto:council@sthgrampians.vic.gov.au);
  - (iii) Must be received by the Chief Executive Officer by 5pm on the Monday before the scheduled Council Meeting;
  - (iv) Must be clearly written, typed or printed, and be signed by at least five (5) people;
  - (v) Every page of the petition must contain the request of the petitioners/signatories;
  - (vi) The request, suggestion or grievance must be set out using language that is respectful and not offensive;
  - (vii) Every petitioner/signatory must sign the petition only once, directly onto the petition form;
  - (viii) Every page of the petition must be a single page of paper. It is not acceptable for signatures to be cut and pasted or otherwise affixed or transferred to the petition;
  - (ix) The pages of a petition must be free from erasures and alterations.
- (c) The Chief Executive Officer must arrange for petitions to be submitted to the next practicable meeting following their receipt.
- (d) The only motions that may be considered for any petitions are:
  - (i) That the petition be received;

- (ii) That the petition be referred to the Chief Executive Officer for consideration and response;
  - (iii) That the petitions be referred to the Chief Executive Officer for a report to a future Council Meeting.
- (e) If the petition relates to an operational matter, the Council must refer it to the Chief Executive Officer for consideration.
- (f) If the petition relates to:
- (i) A planning matter which is subject of a public notification process under the *Planning and Environment Act 1987*; or
  - (ii) A statutory matter which is the subject of a public submission process;
- The petitions will be treated as a joint submission in relation to the planning matter or statutory matter (as the case may be).
- (g) A petition may nominate a person to whom a reply must be sent, but if no person is nominated or is the obvious intended contact person, the Council may reply to the first signatory who appears on the petition.
- (h) Any petition that does not comply with these Governance Rules:
- (i) Can be referred to relevant Councillors by the Chief Executive Officer for their information; and
  - (ii) Can be tabled as a joint letter at a Council Meeting.
- (i) There will be no personal information such as names and addresses provided in the report to Council and copies of petitions are not included in the public Agenda but will be circulated to Councillors. The report to Council will only provide a summary of the petition matter (including the Petition request) and the number of signatures received. Sometimes some general demographic information is also noted in the report, i.e. what suburbs the petitioners are from (if relevant to the matter).

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#### 3.8.4 SPEAKING TO AN AGENDA ITEM

Members of the public are welcome to address Council Meetings in relation to any items on the public agenda.

- (a) Members of the public wishing to speak to an item must submit a Request to Address Council form to the Chief Executive Officer no later than 12 noon the day of the scheduled Council Meeting.
- (b) Speaking time is limited to three (3) minutes, and extension time is at the discretion of the Chair.
- (c) Members of the public must also comply with these Rules in relation to meeting procedures and participation at meetings.

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#### 3.8.5 PUBLIC ADDRESSING THE MEETING



- (a) Any member of the public addressing the Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called to do so.
- (b) Council may suspend standing orders in accordance with rule 3.13, to hear from a community member or representative of an organisation, on matters of significance to the Council, only if prior arrangements have been made by written request to the Mayor or Chief Executive Officer.

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### 3.8.6 CHAIRPERSON MAY REMOVE

- (a) Members of the public present at a Council meeting must not interject during the Council meeting.
- (b) If a person, other than a Councillor, interjects or gesticulates offensively during the Council meeting, the Mayor may direct the person be removed.

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### 3.8.7 CHAIRPERSON MAY ADJOURN DISORDERLY MEETING

The Chairperson may call a break in a meeting for either a short time, or to resume another day if:

- (a) the behaviour at the Council table or in the gallery is significantly disrupting the meeting; or
- (b) The break referred to in sub-rule (a) is an adjournment.

If the Chairperson calls a meeting to resume on another day, the provisions of rule 3.5.6 apply

## 3.9 MOTIONS OF DEBATE

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### OVERVIEW

This section describes the procedure for introducing a motion or amendment, the rules of debate, foreshadowing a motion or amendment and the duty of the Chairperson in relation to accepting motions and amendments. It also describes the process for a Councillor lodging a notice of motion for consideration and/or indicating they will raise a matter at the next Council meeting.

A Councillor may move any motion related to an item included in the agenda. In the interest of transparency and informed decision making, motions or amendments should not introduce new matters to a debate that have not been the subject of the report or background of the motion being considered by Council.

As a resolution must be able to be acted upon, a motion must clearly state what is intended and what its effect will be if it becomes the decision. This provides clarity for the implementation of Council decisions.

This section also describes the circumstances and procedures under which a Council decision can be rescinded or altered. It also prescribes a procedure under which a Council policy can be altered or varied.

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### 3.9.1 COUNCILLOR MAY PROPOSE NOTICES OF MOTION

Councillors may propose an issue to be listed on the agenda by lodging a Notice of Motion in accordance with the rules outlined in this Chapter.

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### 3.9.2 NOTICES OF MOTION

- (a) Prior to a Council Meeting, Councillors wanting to include a matter on the agenda, must complete a notice of motion form.
- (b) A notice of motion form must be signed by the Councillor; and be lodged with the Chief Executive Officer (whether personally, email or otherwise) by 9am the Monday the week before the Council meeting agenda is due to be published. So as to allow sufficient time to give other Councillors notice of such notice of motion; and to allow sufficient time for the notice of motion to be put in the agenda for the next Council meeting. If a notice of motion form is received after that time, it must, unless withdrawn, be included in the agenda for the following Council meeting.
- (c) The Chief Executive Officer must reject any notice of motion which:
  - (i) is too vague;
  - (ii) is identical or substantially similar to a notice of motion or a rescission motion that has been considered by the Council and lost or lapsed in the preceding six (6) months;
  - (iii) is defamatory;
  - (iv) may be prejudicial to any person or Council;
  - (v) is objectionable in language or nature;
  - (vi) is outside the powers of Council;
  - (vii) is a notice of motion submitted during the Caretaker Period; or
  - (viii) is a matter subject to a Council decision making process which has commenced but is not yet complete.
- (d) If the Chief Executive Officer rejects a notice of motion under sub-rule 3.9.2(c), they will inform the Councillor who lodged the notice of motion of that rejection and the reasons for it. The Councillor will be provided with 24 hours to lodge a revised notice of motion provided that the meeting at which the notice of motion is to be considered is more than 24 hours from the time of rejection.
- (e) The Chief Executive Officer may reject and refer any notice of motion to the Council's operational service request process if it relates to a matter they determine is more appropriately addressed that way.

- (f) Subject to sub-rules 3.9.2 g) and h), a notice of motion must call for a Council report if the notice of motion:
  - (i) substantially affects the level of Council services;
  - (ii) commits the Council to expenditure in excess of \$20,000 and that has not been included in the adopted budget;
  - (iii) establishes or amends a Council policy; or
  - (iv) commits the Council to any contractual arrangement, as determined by the Chief Executive Officer.
- (g) Where a notice of motion is likely to commit Council to significant expenditure not included in the adopted budget, then the notice of motion must call for a report for Council's consideration and public submission process if applicable.
- (h) The Chief Executive Officer may direct a notice of motion to be confidential in accordance with Section 66(2)(a) of the Act, in which case the notice of motion will be confidential unless the Council resolves otherwise.
- (i) The full text of any notice of motion accepted by the Chief Executive Officer must be included in the material accompanying the agenda.
- (j) The Chief Executive Officer must arrange for a formal report to be prepared and presented to the Council for the purposes of sub-rule f). Where practicable the report should be presented to the next Council meeting.
- (k) 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.
- (l) Except by leave of Council, each notice of motion must be considered in the order in which they were received by the Chief Executive Officer.
- (m) If a Councillor who has given a notice of motion is absent from the Council meeting or fails to move the motion when called upon by the Chairperson, any other Councillor may move the motion.
- (n) If a Councillor proposing the motion wishes to amend the notice of motion, they may do so by seeking leave of the Council to amend the notice of motion prior to it being seconded.
- (o) The Chairperson, having lodged a notice of motion in accordance with this sub-rule, must vacate the Chair of the Council meeting to move the notice of motion; and the Deputy Mayor or, in the absence of the Deputy Mayor, temporary Chairperson appointed by the Council, will take the Chair for the duration of consideration of the item.
- (p) If a notice of motion is not moved at the Council Meeting at which it is listed, it lapses.

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### 3.9.3 INTRODUCING A MOTION AT A COUNCIL MEETING

A Councillor may, at the complete discretion of the Chairperson, introduce a motion at a Council meeting once it has been moved. In not more than two (2) minutes, the Councillor may introduce it by indicating its intent or desired outcome if it is passed.

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#### 3.9.4 UNACCEPTABLE MOTIONS AT A COUNCIL MEETING

Any motion which is determined by the Chairperson at a Council meeting to be:

- (a) defamatory;
- (b) objectionable in language or nature;
- (c) vague or unclear in intention;
- (d) outside the powers of Council; or
- (e) irrelevant to the item of business on the agenda and has not been admitted as urgent or general business; or
- (f) purports to be an amendment but is not;

must not be accepted by the Chairperson.

---

#### 3.9.5 MOVING A MOTION OR AN AMENDMENT TO A MOTION AT A COUNCIL MEETING

Provided rule 3.9.4 does not apply, the procedure for moving any motion or amendment to a motion is:

- (a) the mover must state the motion and may be given an opportunity to introduce the motion in accordance with rule 3.9.3;
- (b) the motion must be seconded by a Councillor other than the mover;
- (c) if a motion is not seconded, the motion lapses;
- (d) if a motion or an amendment is moved and seconded the Chairperson must ask:
- (e) "Is the motion or amendment opposed?"
- (f) if a Councillor indicates opposition, then the Chairperson must call on the mover to address the Council meeting;
- (g) after the mover has addressed the meeting, the seconder may address the Council Meeting, or the seconder may reserve their right to speak later in the debate;
- (h) after the seconder has addressed the Council meeting (or after the mover has addressed the Council meeting if the seconder does not address the Council meeting) the Chairperson 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

- (i) if, after the mover has addressed the Council meeting, the Chairperson has invited debate and no Councillor speaks to the motion, then the Chairperson must put the motion to the vote.

---

### 3.9.6 RIGHT OF REPLY

As a mover of the motion, the Councillor has a right of reply to sum up the debate.

- (a) The mover of a motion has a right of reply to matters raised during debate.
- (b) The mover of a motion loses their right of reply if an amendment to the option is carried.
- (c) The mover of an amendment to a motion does not have a right of reply.
- (d) A Councillor exercising a right of reply must not introduce any new matter.
- (e) After the right of reply has been taken, the motion must immediately be put to the vote without any further discussion or debate.

---

### 3.9.7 MOVING AN AMENDMENT TO A MOTION

- (a) Subject to sub-rule b), 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.
- (b) A motion to confirm a previous resolution of Council cannot be amended.
- (c) With the leave of the Chairperson, both the mover and seconder of the motion may agree to an alteration proposed by another Councillor.

For the purpose of clarification, an alteration, shall not be regarded as an amendment to the motion.

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### 3.9.8 WHO MAY PROPOSE AN AMENDMENT

An amendment to a motion may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

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### 3.9.9 WHO MAY DEBATE AN AMENDMENT

A Councillor may address the meeting once (1) on any amendment, whether or not they have spoken to the original motion, but their debate must be confined to the terms of the amendment.

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### 3.9.10 HOW MANY AMENDMENTS MAY BE PROPOSED

- (a) Any number of amendments may be proposed to a motion but only one (1) amendment may be accepted by the Chairperson at any one time.
- (b) No second or subsequent amendment may be taken into consideration until the previous amendment has been dealt with.

---

### 3.9.11 AN AMENDMENT TO A MOTION ONCE CARRIED

- (a) If the amendment to a motion is carried, the motion as amended then becomes the motion before the Council meeting.
- (b) The mover and seconder of the amendment are deemed to be the mover and seconder of the motion before the meeting.

---

### 3.9.12 AN AMENDMENT TO A MOTION IF LOST

- (a) If the amendment to a motion is lost, the debate can resume from where it left off.
- (b) A Councillor who has already spoken to the original motion must not speak again unless to continue the debate as if the amended motion had not been put.

---

### 3.9.13 WITHDRAWAL OF MOTIONS

Before any motion is put to the vote, it may be withdrawn by the mover with agreement from the seconder or by resolution of Council.

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### 3.9.14 CHAIRPERSON MAY ALLOW MOTIONS TO BE MOVED IN A BLOCK

The Chairperson may, at their discretion, allow or request Councillors to move “like items” in a block.

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### 3.9.15 PRIORITY OF ADDRESS

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

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### 3.9.16 MOTIONS IN WRITING

- (a) All motions, except procedural motions, must be in writing and provided to the Governance Coordinator by 5pm the day of the meeting, for circulation to all Councillors.
- (b) The Chairperson may request the person taking the minutes of the Council meeting to read the motion or amendment to the Council meeting before the vote is taken.

---

### 3.9.17 DEBATE MUST BE RELEVANT TO THE QUESTION

- (a) Debate must always be relevant to the question before the Chairperson, and, if not, the Chairperson must request the speaker to confine debate to the question.

- (b) If after being requested to confine debate to the question before the Chairperson, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to be seated and not speak further in respect of the question then before the Chairperson.
- (c) A speaker to whom a direction has been given under sub-rule b), must comply with that direction.

---

### 3.9.18 SPEAKING TIMES

- (a) Unless a motion for an extension of time has been carried, the maximum speaking time will be:
  - (i) The mover of a motion – three (3) minutes
  - (ii) The mover of a motion when exercising their right of reply – three (3) minutes
  - (iii) Any other Councillor – three (3) minutes
- (b) A motion for an extension of speaking time cannot be accepted by the Chairperson if another speaker has commenced their debate.
- (c) An extension of speaking time must not exceed three (3) minutes.

---

### 3.9.19 ADDRESSING THE COUNCIL MEETING

If the Chairperson so determines:

- (a) Any person addressing the Chairperson must refer to the Chairperson as:  
Mayor; or  
Chair; or

As the case may be.

- (b) All Councillors, other than the Mayor, must be addressed as  
Cr \_\_\_\_\_(surname).
- (c) All members of Council staff are to be addressed by their official title.

---

### 3.9.20 FORESHADOWING MOTIONS

- (a) At any time during debate a Councillor may foreshadow a motion so as to inform Council of their intention to move a motion at a later stage in the Council meeting, but this does not extend any special right to the foreshadowed motion.
- (b) A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chairperson being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (c) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting.

- (d) The Chief Executive Officer or person taking the minutes of the meeting will not record a foreshadowed motion in the minutes until the foreshadowed motion is formally moved.

---

### 3.9.21 RIGHT TO ASK QUESTIONS

- (a) Subject to sub-rule (c), a Councillor may, at any time when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Council.
- (b) Questions are not to be asked between moving and seconding a motion except to seek clarification on the motion moved.
- (c) The Chairperson has the right to disallow any question that does not specifically relate to the motion or amendment directly before it and to disallow any question should they, in the reasonable opinion of the Chairperson, be considered irrelevant.
- (d) The Chairperson has the right to limit questions and direct that debate be commenced or resumed.

---

### 3.9.22 PROCEDURAL MOTIONS

- (a) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (b) Procedural motions require a seconder.
- (c) The mover of a procedural motion must not have moved, seconded or spoken to the question before the Chairperson or any amendment of it.
- (d) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- (e) Unless otherwise provided, a procedural motion cannot be amended.

---

### 3.9.23 NOTICE OF RESCISSION OR AMENDMENT

- (a) A Councillor may propose a motion to rescind or amend a previous resolution of Council provided the Notice of Rescission or Amendment:
  - (i) is signed and dated by at least two (2) councillors; and
  - (ii) the resolution proposed to be rescinded or amended has not been acted on; and
  - (iii) is received in writing by the Chief Executive Officer not later than close of business two (2) business days following the meeting at which the resolution was adopted and in accordance with rule 3.9.1; or
  - (iv) is a Notice of Rescission or Amendment proposed by a Councillor in accordance with rule 3.9.24 and



- (b) No action will be taken to implement a resolution on which a notice to rescind or amend the resolution has been given pursuant to rule 3.9.23(a).
- (c) The Chief Executive Officer, or a member of Council staff with responsibility for it, may implement a resolution at any time after the close of the meeting at which it was made. A resolution will be deemed to have been acted on if:
  - (i) its contents have, or substance has, been formally communicated to a person whose interests are materially affected by it; or
  - (ii) a statutory process has been commenced;

so as to vest enforceable rights in or obligations on Council or any other person.

Note: It should be remembered that a Notice of Rescission or Amendment is a form of Notice of Motion. Accordingly, all provisions in these Rules regulating Notices of Motion equally apply to Notices of Rescissions or Amendments.

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#### 3.9.24 NOTICE OF RESCISSION OR AMENDMENT IF LOST

If a notice of rescission or amendment is lost or lapses, a similar motion may not be put before Council for at least six (6) months from the date it was last lost or lapsed, unless Council resolves that the notice of rescission or amendment be re-listed at a future Council meeting.

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#### 3.9.25 IF NOT MOVED

If a notice of rescission or amendment is not moved at the Council meeting at which it is listed, it lapses.

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#### 3.9.26 MAY BE MOVED BY ANY COUNCILLOR

A notice of rescission or amendment listed on an agenda may be moved by any Councillor present but may not be amended.

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#### 3.9.27 WHEN NOT REQUIRED

A notice of rescission or amendment is not required where Council wishes to change policy.

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#### 3.9.28 CHANGES TO COUNCIL POLICY

- (a) Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held by Council.
- (b) It is good practice for Council to review significant policies at least once in each Council term (every 4 years) and such reviews may lead to change in policy position.
- (c) Subject to sub-rule (d), if Council wishes to change a Council policy, a formal notice of rescission is not required.

- (d) If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comment sought, prior to the policy being changed.

## 3.10 VOTING

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### OVERVIEW

At the conclusion of debate on a matter before the meeting, the Chairperson must put the question, motion or amendment to the vote. Each Councillor is entitled to one vote and voting must be able to be seen by those participating in the meeting and those observing the meeting.

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

If a vote is tied, the Chairperson has a casting vote.

Sometimes a Councillor may want their vote to be recorded –this is provided for in this section, along with the procedure for when a Councillor calls for a division on a vote which is when the way in which each Councillor voted is recorded.

Provision is made for the introduction of an electronic voting system as long as Council has resolved to implement the system and all participants in a meeting and those observing a meeting are able to see which way Councillor has voted on a matter at the time the vote is taken.

---

#### 3.10.1 HOW A MOTION IS DETERMINED

- (a) To determine a motion before a Council Meeting, the Chairperson must:
  - (i) first call for those in favour of the motion;
  - (ii) then those opposed to the motion; and
  - (iii) if required, identify any Councillor who has abstained from voting, and then declare the result to the Council Meeting.
- (b) In the event of a tied vote, the Chairperson has a casting vote in accordance with these Rules.

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#### 3.10.2 BY SHOW OF HANDS

Unless Council resolves otherwise, voting on any matter is by show of hands.

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#### 3.10.3 PROCEDURE FOR DIVISION

- (a) Immediately after any question or motion is put to a Council meeting and before the next item of business has commenced, a Councillor may call for a division.
- (b) 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.
- (c) When a division is called for, the Chairperson must:
  - (i) first ask each Councillor wishing to vote in the affirmative to raise a hand and upon such request being made, each Councillor wishing to vote in the affirmative must raise one (1) of their hands;
    - a. the Chairperson must then state and the Chief Executive Officer or their delegate must record, the names of those Councillors voting in the affirmative; and
  - (ii) then ask each Councillor wishing to vote in the negative to raise a hand and upon such request being made, each Councillor wishing to vote in the negative must raise one (1) of their hands;
    - a. the Chairperson must then state and the Chief Executive Officer or their delegate must record, the names of those Councillors voting in the negative;
    - b. the Chief Executive Officer or their delegate must record, the names of those Councillors who abstained from voting.
    - c. No Councillor is prevented from changing their original vote at the voting on the division, and the voting of the division will determine the Council's resolution on the issue.

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#### 3.10.4 NO DISCUSSION ONCE DECLARED

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

- (a) a Councillor requesting, before the next item of business is considered, that their opposition to a resolution be recorded in the minutes;
- (b) foreshadowing a notice of rescission or amendment where a resolution has just been made; and or a positive motion where a resolution has just been rescinded; or
- (c) foreshadowing a notice of rescission or amendment, in which case what is foreshadowed must be noted in the minutes of the Council meeting.

### 3.11 POINTS OF ORDER

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#### OVERVIEW

A point of order is taken when a Councillor officially draws the attention of the Chairperson of a Council Meeting to an alleged irregularity in the proceedings. Valid points of order, the process for raising and ruling on a point of order, and the procedure if there is dissent on the Chair's ruling are described in this section.

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### 3.11.1 POINTS OF ORDER

A point of order may be raised in relation to:

- (a) an act that is contrary to these Governance Rules;
  - (b) an act of disorder or conduct in contravention of the Councillor Code of Conduct;
  - (c) a question of procedure under these Governance Rules;
  - (d) an act or conduct that is frivolous, vexatious or constitutes improper conduct; or
  - (e) any act of disorder.
- 

### 3.11.2 PROCEDURE FOR POINT OF ORDER

- (a) A Councillor raising a point of order must nominate the ground under rule 3.11.1 relied upon to support the point of order being taken.
  - (b) When the point of order is raised, the Councillor who is speaking must stop and remain silent until the point of order is decided upon, unless otherwise directed by the Chairperson.
  - (c) The Chairperson may request a Councillor provide an explanation in respect to the point of order raised.
- 

### 3.11.3 CHAIRPERSON TO DECIDE

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

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### 3.11.4 CHAIRPERSON MAY ADJOURN TO CONSIDER

- (a) The Chairperson may adjourn the Council meeting to consider a point of order, but otherwise must rule on it as soon as it is raised.
  - (b) All other questions before Council are suspended until the point of order is decided.
- 

### 3.11.5 FINAL RULING ON A POINT OF ORDER

The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive.

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### 3.11.6 CONTRADICTION OR OPINION

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

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### 3.11.7 DISORDERLY CONDUCT BY A COUNCILLOR

- (a) The conduct of Councillors at Council meetings is governed by the Act, these Governance Rules and the Councillor Code of Conduct.
- (b) During the course of any Council meeting, Councillors must comply with the Councillor Code of Conduct, a copy of which is available on the website, or can be obtained by contacting the Chief Executive Officer's office.
- (c) Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the meeting, and prevents the conduct of Council business:
  - (i) Council may, by resolution, suspend that Councillor from a portion of the meeting or from the balance of the meeting where the Chairperson has warned the Councillor to cease that behaviour; or
  - (ii) The Mayor, under section 19 of the Act, at a Council meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the meeting for a period of time or the balance of the meeting.
- (d) Where Council suspends a Councillor under sub-rule (c) (i), or the Mayor directs a Councillor to leave the meeting under sub-rule (c) (ii) the Councillor will take no active part in the portion of the meeting from which they have been suspended.
- (e) If a Councillor has been suspended from a meeting or directed to leave in accordance with sub-rule (c) the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.

## 3.12 MINUTES

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### OVERVIEW

The minutes of a meeting must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and incorporate relevant reports or a summary of the relevant reports considered in the decision-making process. The minutes of a Council meeting must be submitted to the next appropriate Council meeting for confirmation.

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### 3.12.1 KEEPING OF MINUTES

- (a) The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the Council Meeting and to take the minutes of such meeting) must keep minutes of each Council meeting and those minutes must record:
- (i) the date, place, time and nature of the Council meeting;
  - (ii) the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
  - (iii) the names and titles of the members of Council staff present who are not part of the gallery;
  - (iv) any disclosure of an interest or a conflict of interest made by a Councillor in accordance with the Act;
  - (v) arrivals and departures (including temporary departures) of Councillors during the course of the Council meeting including departures due to technical difficulties when attending by electronic means;
  - (vi) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
  - (vii) the outcome of every motion moved;
  - (viii) the vote cast by each Councillor upon a division;
  - (ix) the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
  - (x) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any motion, noting that under s61(5) of the Act that a Councillor present at the meeting who does not vote is taken to have voted against the question;
  - (xi) questions upon notice;
  - (xii) the failure of a quorum;
  - (xiii) any adjournment of the Council meeting and the reasons for that adjournment; and
  - (xiv) the time at which standing orders were suspended and resumed.
- (b) In addition, the Minutes should:
- (i) bear the date and time the meeting commenced, was adjourned, resumed and concluded;
  - (ii) be consecutively page numbered;
  - (iii) contain consecutive item numbers which are clearly headed with a subject title and where appropriate sub-titles and file references;

- (iv) contain a summary of the Mayor, Councillor and Delegated reports which must be provided by councillors to the CEO in writing by 5pm the day of the Meeting.
- (v) contain any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the Minutes.
- (vi) Be uploaded to the Council website as soon as possible following the Council meeting.

Note: Council meeting minutes uploaded to Council's website are draft Minutes until they are confirmed by Council resolution at the next scheduled Council Meeting. If any changes are required to the draft minutes on the Council website, please contact Customer Service on (03) 5573 0444.

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### 3.12.2 CONFIRMATION OF MINUTES

At every Council meeting, the minutes of the preceding Council meeting must be dealt with as follows:

- (a) If no Councillor indicates objection, the minutes must be declared to be confirmed.
- (b) If a Councillor indicates opposition to the minutes:
  - (i) State the item or items with which they are dissatisfied; and
  - (ii) Propose a motion clearly outlining the alternative wording to amend the minutes.

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### 3.12.3 NO DEBATE ON CONFIRMATION OF MINUTES

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

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### 3.12.4 DEFERRAL ON CONFIRMATION OF MINUTES

Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

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### 3.12.5 VIDEO AND AUDIO RECORDINGS OF MEETINGS

Council Meetings will be audio and video recorded and:

- (a) At the commencement of the meeting, the Chair of the meeting will notify members of the public that the meeting is being recorded and if applicable, livestreamed. .
- (b) The audio recording of proceedings at all scheduled and unscheduled meetings of Council by media representatives shall be permitted with the exception of items considered in closed council.
- (c) No other video or audio recording will be permitted other than what is stated in this policy.
- (d) Council's audio recordings of Council meetings will be retained within Council's Electronic Records Management System.
- (e) Council's video recordings will be made available on Council's official Facebook page.

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### 3.12.6 LIVE STREAMING OF COUNCIL MEETINGS

To ensure Council meetings are accessible and transparent:

- (f) Council will stream Council meetings to its preferred Council social media platform, subject to accessibility; and
- (g) Those attending in person or electronically may be recorded or their image captured and where captured, consent is automatically given for those attending; and
- (h) Notices of this effect will be on display in the venue in which the meeting is being held.

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### 3.12.7 RECORDS OF COUNCIL MEETINGS

Records should be kept of Council meetings in accordance with the Act.

## 3.13 SUSPENSION OF STANDING ORDERS



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### 3.13.1 SUSPENSION OF STANDING ORDERS

Council may decide to suspend the Council meeting to discuss the issues surrounding an item on the agenda. Council may hold this discussion in the Council Chamber or move to another room to discuss in private.

- (a) To expedite the business of a Council meeting, Council may suspend standing orders.
- (b) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the Council. An appropriate motion would be:  
“That standing orders be suspended to enable discussion on.....”
- (c) Once the discussion has taken place and before any motions can be out, the resumption of standing orders will be necessary. An appropriate motion would be:  
“That standing orders be resumed.”

## 3.14 CIRCUMSTANCES IN WHICH COUNCIL WILL CLOSE A MEETING TO MEMBERS OF THE PUBLIC

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### OVERVIEW

Council is committed to openness and transparency in its decision making and will only close a meeting to members of the public when it is unavoidable. In circumstances where a meeting is closed to the public to maintain order or safety and security, the meeting will be livestreamed.

The Act provides the basis for matters to be considered as confidential. Council will only close a meeting to the public for consideration of confidential matters in accordance with the Act and its Public Transparency Policy.

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#### 3.14.1 MEETINGS CLOSED TO THE PUBLIC

The Chief Executive Officer may determine to advertise that a meeting will be closed to members of the public if:

- (a) There is reason to believe the safety or security of Councillors, Council staff or members of the public will be at risk if the meeting is open to the public; or
- (b) All matters to be considered at the meeting are confidential in nature.

Council may resolve to close a meeting to members of the public if:

- (i) There is reason to believe the safety or security of Councillors, Council staff or members of the public is at risk; or

- (ii) A meeting, has become, or is at risk of becoming so disorderly that the business of Council cannot be conducted; or
  - (iii) The matter to be considered relates to confidential matters.
- (c) Having closed the meeting in accordance with sub-rule (b), Council may resolve that its decision or any report considered, or any part of its decision or part of any report considered, may be released to the public, to provide clarity that a Councillor or Council staff member who discusses those elements resolved to be released is not releasing confidential information.

## CHAPTER 4: MISCELLANEOUS

### 4.1 INFORMAL MEETINGS OF COUNCILLORS

If there is a meeting of Councillors that:

- (a) is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- (b) is attended by at least one Council officer; and
- (c) 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:

- (i) tabled at the next convenient Council meeting for noting without requiring a resolution; and
- (ii) include attendees, matters discussed, and matters declared.

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#### 4.1.1 DESIGNATED CONFIDENTIAL INFORMATION

- (a) If the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information as prescribed under section 66(5) and described in section 3(1) of the Act, the Chief Executive Officer may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- (b) Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing, accordingly, will be presumed to be confidential information.

## CHAPTER 5: JOINT COUNCIL MEETINGS

Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in

partnership, it is possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings, which are provided for in the Act.

- (a) Council may resolve to participate in a Joint Council Meeting to consider:
  - (i) Collaborative projects;
  - (ii) Collaborative procurement;
  - (iii) Emergency response
- (b) If Council has resolved to participate in a Joint Council Meeting, the Chief Executive Officer (or delegate) will agree on governance rules with the participating Councils.
- (c) Where Southern Grampians Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.
- (d) A majority of Councillors will be appointed to represent Council at a Joint Council Meeting.
- (e) Consistent information will be provided to Councillors prior to any Joint Council Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- (f) A joint Council Meeting arranged in accordance with these Rules may be held electronically.
- (g) A joint briefing arranged in accordance with these Rules may be held electronically.

## CHAPTER 6: DELEGATED COMMITTEES

Council may establish Delegated Committees and Advisory Committees as part of its governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. A Council may delegate specific powers, duties and functions to Committees, their meeting procedures need to be formal.

If Council establishes a Delegated Committee, the Rules apply to the Delegated Committee Meetings with any necessary modifications.

- (a) For the purpose of these Rules:
  - (i) A Council Meeting is to be read as a reference to a Delegated Committee Meeting;
  - (ii) A Joint Council Meeting is to be read as a reference to a Joint Delegated Committee;
  - (iii) A Councillor is to be read as a reference to a Member of a Delegated Committee; and
  - (iv) A reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- (b) If Council establishes a Delegated Committee, Council may resolve that a provision of this governance rules do not apply to that Committee.
- (c) At the meeting at which Council establishes a delegated committee, it must also appoint a Chairperson.
- (d) The Chair of a Delegated Committee must be a Councillor.

## CHAPTER 7: COMMUNITY ASSET COMMITTEES

The Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee and delegate to it powers, duties and functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.

- (a) The Governance Rules may apply to any Community Asset Committee established by Council.
- (b) Council may resolve, in establishing a Community Asset Committee which sections of the Governance Rules apply but as a minimum must include the rules governing minutes.
- (c) A Community Asset Committee must report the minutes of all Committee Meetings to the next Council meeting.
- (d) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

## CHAPTER 8: CONFLICTS OF INTEREST

The Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.

The Act also provides Council must include in its Governance Rules procedures for disclosures of Conflicts of Interest, including at meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.

These Rules provide the procedures for disclosure of conflict of interest.

Obligations with regard to conflict of interest:

**(a) Councillors, Members of Delegated Committees and Council staff are required to:**

- Avoid all situations which may give rise to conflicts of interest;
- Identify any conflicts of interest; and
- Disclose or declare conflicts of interest.

**(b) Councillors and Members of Delegated Committees:**

- May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Member.
- Council will maintain a conflict of interest register which will be made available on Council's website.

**(c) Procedure at Council or Delegated Committee Meeting**

At a time indicated in the Agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- The item for which they have a conflict of interest; and
- Whether their conflict is general or material; and
- The circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.

A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner required for the declarations of conflicts of interest prior to leaving the meeting.

A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

**(d) Procedure at other meetings organised, hosted or supported by Council**

- (i) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (ii) At the time indicated on the agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (iii) If there is no agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon as the matter arises.
- (iv) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- (v) The existence of a conflict of interest will be recorded in the minutes of the meeting.
- (vi) If there are no minutes kept of the meeting, the conflict of interests will be recorded in a meeting record and provided to the Governance Coordinator for recording in the register of Conflicts of Interest.
- (vii) The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- (viii) Meeting records and reports will be presented to Council for noting and inclusion on the public record.

**(e) Council staff**

- (i) Must act in accordance with the Employee Code of Conduct
- (ii) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (iii) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions and the Employee Code of Conduct.

**(f) Procedure for disclosures of Conflicts of Interest by Council staff**

- (i) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer
- (ii) All conflicts of interest disclosure by Council staff will be provided to the Governance Coordinator for recording in the register of Conflicts of Interest
- (iii) A Council staff member who has discloses a conflict of interest may provide advice to Council or another staff member acting under delegation if:

- a. The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
- b. The staff member who has discloses the conflict of interest is the only staff member with the expertise in the area; and
- c. The staff member's Director determines that the conflict of interest has not influenced the advice provides and
- d. The existence of the conflict of interest is documented in all advice provided by the staff member and in the case of verbal advice, is documented by the decision maker.

## CHAPTER 9: ELECTION PERIOD POLICY

### ELECTION PERIOD POLICY

Council will have in place an election period policy that:

- a) Governs decision making during a local government election period, including what may be considered at a Council meeting;
- b) Prohibits the use of Council resources for any election campaign purposes;
- c) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committees established by Council;
- d) Sets out the requirement for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
- e) Define roles and responsibilities in relation to who is the spokesperson for Council during an election period;
- f) Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election.

At least once in each Council term, prior to the commencement of an election period, Council will review its election period policy.

The Election Period Policy forms part of the Governance Rules.

The Operation of Council Committees shall be suspended upon the commencement of the election period ahead of a general Council election.

Any outstanding Delegate's Reports may still be reported to a Council meeting during this period.

Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each Committee.

## ELECTION PERIOD POLICY

### INTRODUCTION

The *Local Government Act 2020* provides that during the election period, certain prohibitions apply to the general functions and powers of Council.

The election period is defined by the Act as starting at the time nominations close on nomination day and ending at 6pm on the election day.

The close of nominations is 12 noon on the day that is 32 days before the election day.

The election period for the Local Government Elections will commence at midday 32 days before the election day and concludes at 6pm on the election day.

### PURPOSE

The purpose of this Policy is to ensure that the election for the Southern Grampians Shire Council is conducted in a manner that is ethical, fair and equitable, and publicly perceived as such.

The policy will also facilitate the continuation of the ordinary business of Local Government in Southern Grampians Shire Council throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established election period conventions.

This policy also commits Council during the election period to:

- Avoid making significant new policies or decisions that could unreasonably bind a future Council; and
- Ensure public resources, including staff resources are not used in election campaigning in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

### DEFINITIONS

<b>Election Period</b>	The Act defines the Election Period as commencing on the close of nominations on nomination day and ending at 6 pm on election day, a period of 32 days.
<b>Electoral Material</b>	Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but not does include an advertisement in a newspaper that is only announcing the holding of a meeting.
<b>Handbill</b>	A small printed advertisement or other notice distributed by hand.
<b>Electoral Matter</b>	Matter which is intended to, or likely to, affect voting in an election other than that which is prepared by the Returning Officer for the purposes of conducting the election.



<b>Publication</b>	Includes any means of publication including letters and information on the internet and social media.
<b>Significant Decision</b>	Means a decision that significantly affects the municipality.
<b>Act</b>	Means <i>Local Government Act 2020</i>

## APPLICATION

This policy applies to all Councillors, Advisory Committees, Delegated Committees, and Community Asset Committees and Council staff.

## RESPONSIBILITIES

All Councillors, Delegated Committees, Advisory Committees, Community Asset Committee Members and Council staff are responsible for complying with this policy. The Governance Coordinator has the responsibility of ensuring that this Policy is updated as required.

## SCOPE

This Policy is made in accordance with:

- *Local Government Act 2020*
- Local Government (Electoral) Regulations 2020
- *Privacy and Data Protection Act 2014*
- Public Transparency Policy
- Councillor Code of Conduct

There are specific caretaker provisions in the *Local Government Act 2020* that Councils must implement during the election period.

This policy has been written to provide guidance for Councillors, candidates, Delegated Committees, Community Asset Committees, Advisory Committees and Council staff, it does not substitute legal advice.

## CHIEF EXECUTIVE OFFICER

The Chief Executive Officer must ensure, as far as possible, that:

- All Councillors and Council staff are informed of the application of this policy prior to the commencement of the Election period; and
- Matters of Council business requiring major policy or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

## DECISIONS BY COUNCIL

### **Major Policy Decisions**

Section 69 (2) of the Act prohibits any Council decision during the election period for a general election that:

- Relates to the appointment or remuneration of the Chief Executive Officer but not the appointment or remuneration of an Acting Chief Executive Officer;
- Commits the Council to expenditure exceeding one percent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
- The Council considers could be reasonable deferred until the next Council is in place;
- The Councils considers should not be made during an election period.

During the election period, section 69 (4) of the Act prohibits Council making major policy decisions and any major policy decision made during the election period is deemed to be invalid under the Act.

### **Significant Decisions**

During the election period, Council will avoid making decisions that significantly affect the municipality and unreasonably bind the incoming Council.

Council acknowledges it has an ongoing responsibility to act in the best interests of the community. Where a delay in making a significant decision would result in a significant detriment to the municipality, Council may make an exception where the issue is:

- Urgent
- Cannot be reasonably deferred without major negative repercussions.

It is the responsibility of the CEO to determine if a matter is significant and urgent and as such, will request an exemption from the Minister for Local Government in accordance with section 177 of the Act. The request for exemption is not automatically granted.

### **Delegations**

Before making decisions under delegated authority during the election period, Council staff should consider the following:

- Whether the decision is significant
- The urgency of the issues
- Whether the decision is likely to be controversial
- Whether the decision is in the best interests of Council

It is the responsibility of the Chief Executive Officer to determine if a matter is significant and if it is urgent.

## **COUNCIL MEETINGS**

Council meeting papers will be carefully vetted to ensure that no agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage councillors and candidates to use the item as part of their electioneering.

There will be no Public Question Time or Deputations during the election period.

## BRIEFING SESSIONS

Briefing session meeting papers will be carefully vetted to ensure that no agenda item is included that could be perceived as a disadvantage to candidates.

Access to historical briefings and workshop papers will be suspended for the duration of the election period.

## ADVISORY COMMITTEES

The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.

## DELEGATED COMMITTEES

The operation of Delegated Committees shall be suspended upon the commencement of the election period ahead of a general Council election.

## COMMUNITY ASSET COMMITTEES

The operation of Community Asset Committees shall be suspended upon the commencement of the election period ahead of a general Council election.

## COMMUNITY ENGAGEMENT AND EVENTS

Community engagement will not take place during the election period except where there is a legal obligation, or the CEO determines special circumstances exist.

Scheduling of Council events will be permitted but limited during the election period. Council events will only be organised and run by Council administration if they are part of the normal services or operation of the Council and the scheduling of the event during the election period is deemed appropriate.

Where events occur and whether or not a Councillor is to make a speech, Councillors will be conscious of the fact that they are representing Council and are not to use the opportunity for electioneering.

Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operation of the Council and such speeches will not be circulated or available for publication.

## COUNCIL PUBLICATIONS

### **Prohibition on publishing material that contains electoral material**

Section 304(2) of the Act prohibits Council from printing, publishing or distributing any electoral material during an election period unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation. This is to ensure that Council does not utilise public funds that may influence or be seen to influence people's voting intentions.

## **CEO Certification**

Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice unless the advertisement, handbill, pamphlet or notice has been authorised by the CEO.

## **Prohibited material**

Electoral matter is defined in the Act and means any matter which is intended or likely to affect voting in an election, but does not include:

- Any electoral material produced by or on behalf of the Victorian Electoral Commission election manager for the purposes of conducting the election.

## **Website**

Material published on Council's website in advance of the election period is not subject to certification, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.

Councillor contact information will remain available on the website during the election period, but Councillor profiles will be removed.

Any material published on Council's website during the election period must be certified by the CEO.

## **Annual Report**

The Annual Report will be compiled during the election period and will not contain any material that could be regarded as electioneering or inappropriately promotes individual Councillors. Information about Councillors will be restricted to names, contact details, titles, membership of Committees and other bodies to which they have been appointed by the Council.

## **Social Media**

Any publication (comments or new content) on Council-managed social media sites during the election period must be certified by the CEO.

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

Councillor's individual (personal) social media pages are not managed by Council and are not subject to the same provisions.

## **Newsletters**

The CEO Weekly Update and Exchange Newsletter will continue to be provided during the election period.

## **COUNCIL RESOURCES**

Public resources must not be used by Councillors or a member of Council staff in a manner that would influence the way people vote in elections. Council will ensure Council resources are not used inappropriately during the Council election and comply with the

requirements of section 304 of the Act.

Council resources, including offices, Council staff, equipment, electronic equipment and stationery will be used exclusively for normal Council business during the election period, and will not be used in connection with any electioneering activity.

### **Use of Council Resources by Councillors**

Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to existing protocols and terms of use. Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns.

Photocopying for election campaigning by Councillors or staff on office photo copiers is not permitted.

Databases and mailing lists held by the organisation remain the property of the Council and are therefore not available to members of the public, candidates or Councillors.

The organisation will not prepare or produce any materials associated with Councillors' individual election campaigns.

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

Councillors will not use Council issued mobile phone and email addresses for election campaigning purposes.

The use of Council's internet and intranet sites for any activity to do with election campaigning is prohibited. This includes linking Council websites to private candidate websites.

Access to the voters' roll is subject to the requirements of the Act and the Privacy and Data Protection legislation. A copy of the voters' roll will be provided to candidates by the Returning Officer (VEC). The voters' roll will be available for inspection during the election period at advertised times.

Council facilities booked for electoral campaigning purposes by Councillors, candidates or supporters or other persons during the election period will be let at the same rates to all hirers.

### **Staff Discretion**

Staff must avoid assisting Councillors in ways that are, or could, create perception that staff are assisting Councillors in their election campaign.

If any staff member considers that a particular use of Council resources may influence voting in the election, or be perceived as influencing voting, or be perceived as being part of an election campaign, they must advise the CEO immediately.

### **Councillor Expenses Reimbursement**

Reimbursement of Councillor's out-of-pocket expenses during an election period will only apply to costs that have been incurred in the performance of official Council duties as defined and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

## MEDIA

Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the CEO.

All official media statements during the election period will only be made by the CEO.

Media Releases or other media statements will not refer to specific Councillors or feature any photograph, quote from or name of incumbent Councillors during the Election Period. Where it is necessary to make or clarify any public statement, comment on sensitive or political issues or identify a spokesperson in relation to an issue, the matter must be referred to and approved by the CEO.

Media services, including media releases, will not be provided for individual Councillors by any Council officers, including the CEO, during the election period.

Media statements dealing with their election campaign must be issued by Councillors privately. Statements must be clearly communicated as personal opinion and not undermine the standing of the Council in the community.

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

### **Council staff**

Staff must not provide advice or assistance in the preparation of media releases or other media statements that contain electoral material.

Staff must not make any public statement that can be interpreted as a political comment or have influence on the electoral process, public statement includes social media platforms. Council staff must make it clear when making comments related to the election that they are expressing their own views and not making an official comment.

It is critical that Council staff be, and appear to be, apolitical throughout the election period to maintain the confidence of the Council, Councillors, candidates and the community at all times throughout the electoral process.

## ACCESS TO INFORMATION

### **Candidates**

All election related enquiries from candidates or prospective candidates must be directed to the VEC Returning Officer.

Staff must not provide any information to any candidate or prospective candidate that is not publicly available. If staff receive requests from candidates, or prospective candidates, for any information that is not publicly available these requests must be forwarded to the Governance Coordinator.

If the information requested is appropriate to be released to the candidate, the Governance Coordinator will ensure that it is made available to all candidates, not just the candidate who requested the information. This is to ensure that all candidates have fair and equitable access to information.

## **Current Councillors**

As Councillors must continue to perform their elected role during the election period, they may receive all necessary information for them to fulfil that role. Information that can be provided to Councillors includes:

- Information that is publicly and freely available – Council Plans, Annual Reports, strategies, policies etc.;
- Information and advice provided by Council’s management as part of Council meeting agendas; and
- Briefing papers in relation to matters to be decided upon at forthcoming Council meetings.

Any information provided to Councillors must be necessary to the carrying out of the Councillor’s role and must not be used for election purposes.

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

### **Information Request Register**

Governance will maintain an Information Request Register during the election period that will be made publicly available. It will record all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

## **DISPLAYING ELECTORAL MATERIAL**

Electoral material, including pamphlets, posters and notices must not be visible or available at any council premises, including libraries, during the election period. The only exception to this is material issued by the Returning Officer for the purpose of conducting the election.

## **USE OF TITLE**

Councillors may use the title ‘Councillor’ in their election material as they continue to hold the positions in the period; however to avoid confusion, Councillors must ensure that any election publication using the title Councillor clearly indicates that it is their own material and has not been produced or endorsed by Council.

## **IMPLEMENTATION**

Prior to an Election Period, the CEO will ensure that Councillors, and Council staff are advised in regard to the application of the Policy.

The Policy will be published on Council’s website, a copy provided to all Councillors and copies available at Council’s offices.

## CHAPTER 10: REVIEW

The first Governance Rules made under section 60 of the *Local Government Act 2020* required adoption by 1 September 2020.

These Rules were adopted by Council on Council on the following dates:

- 12 August 2020
- 13 October 2021
- 10 August 2022
- 21 June 2023
- 14 February (Election Period Policy reviewed, adopted and incorporated)

The Rules will be reviewed every four years.