



Colac Otway
SHIRE

GOVERNANCE RULES

Adopted by Council: 28 September 2022





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GOVERNANCE RULES

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on 1 September 2020.

3. Contents

These Governance Rules are divided into the following Chapters:

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

4. Definitions

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

Act means the *Local Government Act 2020*.

Chief Executive Officer includes an Acting Chief Executive Officer.

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

Council means Colac Otway Shire Council.

Council meeting means a meeting of the Council convened in accordance with the Act and these Governance Rules and includes scheduled and unscheduled meetings (whether held in-person attendance or by electronic means of communication).

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

Delegated Committee meeting means a meeting of a Delegated Committee convened in accordance with these Governance Rules and includes scheduled and unscheduled meetings (whether held in-person attendance or by electronic means of communication).

Mayor means the Mayor of Council.

Meetings by electronic means of communication include meetings where all members attend electronically, or where some members attend in-person and some attend via electronic means of communication.



Open meetings to the public means in the case of a council meeting or joint meetings of councils, or a delegated or joint delegated committee:

- Either attendance in person by members of the public, or a meeting that is livestreamed (broadcast live) on the Internet site of the Council; or
- A meeting that is recorded and published on the Internet site of the Council as soon as practicable after the meeting (in the case of a delegated or joint delegated committee only); or
- Any other prescribed means of meeting.

Unscheduled Council Meeting means a *Council meeting* not fixed by *Council*.

these Rules means these Governance Rules.



Chapter 1 – Governance Framework

1. Context

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

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:
 - (i) Council Plan;
 - (ii) Councillor Code of Conduct;
 - (iii) Public Transparency Policy; and
 - (iv) Livestreaming and Recording of Council and Planning Committee Meetings Policy.

2. Decision Making

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



Chapter 2 – Meeting Procedure for Council Meetings

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Part A – Introduction

1. Title

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

2. Purpose of this Chapter

The purpose of this Chapter is to:

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

3. Definitions and Notes

3.1 In this Chapter:

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

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

"*joint letter*" means a formal application to Council in the form of a letter which has been signed by at least 12 people or executive/committee representatives from ten separate entities whose names and physical addresses also appear on the letter. A letter from a single entity or organisation that is signed by multiple parties from that organisation or entity will not be classed as a joint letter.

"*minute book*" means the collective record of proceedings of *Council*;

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

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

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*;

"*petition*" means a formal written application addressed to Council, submitted in printed or electronic format without erasure, signed or electronically endorsed by at least 12 people whose names and physical addresses also appear, and on which each page of the petition bears the wording of the whole of the petition; and

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

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



Part B – Election of Mayor

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

4. Election of the *Mayor*

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act*.

5. Method of Voting

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

6. Determining the election of the *Mayor*

6.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.

6.2 Any nominations for the office of *Mayor* must be seconded by another Councillor.

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

6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;

6.3.2 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;

6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

6.3.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;

6.3.5 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

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

(a) a defeated candidate; and

(b) duly elected

the declaration will be determined by lot.

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



- (a) each candidate will draw one lot;
- (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a *Delegated Committee*

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

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

8. Appointment of Acting Mayor

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

- 8.1 resolving that a specified Councillor be so appointed; or
- 8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.



Part C – Meetings Procedure

Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting. The purpose of these Divisions is to facilitate the efficient conduct of the meetings and associated matters. The Mayor of Council and Chair of Delegated Committees may exercise reasonable discretion.

Division 1 – Notices of Meetings and Delivery of Agendas

9. Dates and Times of Meetings Fixed by *Council* (*Scheduled Meetings*)

Subject to Rule 11, *Council* must from time to time fix the date, time and place of all *Council meetings*.

10. *Council* May Cancel or Alter Meeting Dates

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

11. *Meetings Not Fixed by Council* (*Unscheduled Meetings*)

11.1 The Council may by resolution, call an unscheduled meeting of the Council. The resolution must specify the date, time and place of the meeting and the business to be transacted.

11.2 The *Mayor* or at least three Councillors may by a *written* notice call an *unscheduled Council meeting*.

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

11.4 The *Chief Executive Officer* must convene the *unscheduled Council meeting* as specified in the notice.

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

12. Notice of Meeting

12.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 48 hours before the meeting.

12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of his or her absence.

12.3 Reasonable notice of each *Council meeting* must be provided to the public at least seven days before the meeting. *Council* may do this:

12.3.1 for *meetings* which it has fixed by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule in a newspaper generally circulating in the *municipal district* either at various times throughout the year, or prior to each such *Council meeting*; and



- 12.3.2 for any meeting by giving notice on its website and:
- (a) in each of its Customer Service Centres; and/or
 - (b) in at least one newspaper generally circulating in the *municipal district*.

12.4 If urgent or extraordinary circumstances prevent Council from complying with sub-Rule 12.3, the Council must:

- 12.4.1 give such notice as is practicable; and
- 12.4.2 specify the urgent or extraordinary circumstances which prevented the Council from complying with sub-Rule 12.3 in the minutes of the meeting.

13. Prohibition of Unauthorised Recording of Meetings

Other than an official *Council* recording, no video or audio recording of proceedings of *Council meetings* will be permitted without specific approval by resolution of the relevant *Council meeting*.

14. Availability of Council Meeting Documentation

14.1 All endeavours will be made to make Council meeting documentation available:

- 14.1.1 to Councillors and relevant staff members six days prior to a scheduled meeting;
- 14.1.2 on Council's website five days prior to a scheduled meeting and hard copies provided at its Customer Service centres; and
- 14.1.3 to Councillors and relevant staff members seven days prior to a scheduled meeting when the Council meeting is to be held on a Wednesday and the Monday or Tuesday immediately prior to the scheduled meeting is a public holiday; and

14.2 Council may, on occasion, be unable to comply with sub-Rule 14.1, where the meeting is an unscheduled meeting.

Division 2 – Quorums

A Councillor may attend and be present at a Council meeting by electronic means of communication.

15. Inability to Obtain a Quorum

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

- 15.1 the meeting will be deemed to have lapsed;
- 15.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- 15.3 the *Chief Executive Officer* must give all Councillors *written* notice of the meeting convened by the *Mayor*.



16. Inability to Maintain a Quorum

- 16.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 15 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 16.2 Sub-Rule 15.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered, or where prior notification has been given that the meeting will not proceed and there was no opportunity for Council to formally resolve to cancel it.

17. Adjourned Meetings

- 17.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 17.2 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 17.3 If it is impracticable for the notice given under sub-Rule 17.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

18. Time Limits for Meetings

- 18.1 The Chair will pause a Council meeting after four hours and the Council will consider if it wants to continue. A majority of *Councillors* present must vote in favour of its continuance.
- 18.2 In the absence of a continuance, the meeting must stand adjourned to a time and date to be announced by the Chair, immediately prior to the meeting standing adjourned and where possible, within two business days.
- 18.3 No meeting is to continue past six hours. In that event, the provisions of sub-Rules 17.2 and 17.3 will apply.
- 18.4 The Council may adjourn for a short break every hour, after a period of two hours, or at the Chair's discretion.

19. Cancellation or Postponement of a Meeting

- 19.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 19.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 19.1.

Division 3 – Business of Meetings

20. Agenda and the Order of Business

The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer*, following consultation with the Mayor, so as to facilitate and maintain open, efficient and effective processes of government.



21. Change to Order of Business

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

22. En Bloc Voting

- 22.1 Subject to sub-Rule 22.4 below, Council may move agenda items *en bloc*, so long as the *motion* is moved, seconded and carried unanimously.
- 22.2 During discussion on any items to be moved *en bloc*, the Chair will ask Councillors if any of the items to be considered are:
- 22.2.1 Items where the motion is expected to be different to the officer recommendation?
 - 22.2.2 Items where a disclosure of conflict of interest is to be declared by a Councillor?
 - 22.2.3 Items where a Councillor would like the recommendation to be considered separately?
- 22.3 If a Councillor indicates an item falls within sub-Rule 22.2, then the Chair will request the item be removed from the group of items to be considered *en bloc*.
- 22.4 The following items must not be considered *en bloc*:
- 22.4.1 Items that relate to planning matters or that involve statutory third-party rights;
 - 22.4.2 Items of a controversial nature which may attract a large amount of interest; and
 - 22.4.3 Items where a special majority vote is required (eg Councillor Code of Conduct is required to be passed at a meeting by at least two-thirds of the total number of Councillors elected to the Council).
- 22.5 Questions/discussion from Councillors are permitted on the items moved *en bloc*.
- 22.6 The minutes of the meeting must clearly identify which matters are decided *en bloc* and each individual resolution must be recorded in full.

23. Urgent Business

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

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

Division 4 – Motions and Debate

24. Councillors May Give Notice of Motions

Councillors may ensure that a matter is considered by a scheduled Council meeting by giving *Notice of a Motion*.



25. Notice of Motion

- 25.1 A *notice of motion* must be in *writing* signed by a Councillor, and be lodged with or sent to the *Chief Executive Officer* at least eight days prior to the Council meeting, to allow sufficient time for the *Chief Executive Officer* to include the *notice of motion* in the agenda papers for a *Council meeting*.
- 25.2 The *Chief Executive Officer* may reject any *notice of motion* which:
- 25.2.1 is vague or unclear in intention
 - 25.2.2 it is beyond *Council's* power to pass; or
 - 25.2.3 if passed would result in *Council* otherwise acting invalidly
- but must:
- 25.2.4 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 25.2.5 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.
- 25.3 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda* and include an officer comment. No officer comment will be provided for a *notice of rescission*.
- 25.4 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 25.5 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.
- 25.6 Where a *notice of motion* is listed on an agenda, the *Chair* will first invite the Councillor who gave the *notice of motion* to move it, in accordance with clause 25.
- 25.7 No material changes may be made to a Notice of Motion at the meeting.
- 25.8 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- 25.9 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses.
- 25.10 Unless Council resolves to re-list at a future *Council meeting* a *notice of motion* which has been lost, a similar motion must not be put before Council for at least three months from the date it was lost.

26. Chair's Duty

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

- 26.1 defamatory;
- 26.2 objectionable in language or nature;



- 26.3 vague or unclear in intention;
- 26.4 outside the powers of *Council*; or
- 26.5 irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

27. Introducing a Report

- 27.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report if invited by the *Chair* by indicating:
 - 27.1.1 its background; or
 - 27.1.2 the reasons for any recommendation which appears.
- 27.2 Unless *Council* resolves otherwise, a member of Council staff need not read any written report to *Council* in full.

28. Introducing a Motion or an Amendment

The procedure for moving any motion or amendment is:

- 28.1 the mover must state the motion without speaking to it;
- 28.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
- 28.3 if a motion or an amendment is moved and seconded the *Chair* must ask:

"Is the motion or amendment opposed? Does any Councillor wish to speak to the motion or amendment?"
- 28.4 if no Councillor indicates opposition or a desire to speak to it, the *Chair* may declare the motion or amendment carried without discussion;
- 28.5 if a Councillor indicates opposition or a desire to speak to it, then the *Chair* must call on the mover to address the meeting;
- 28.6 after the mover has addressed the meeting, the seconder may address the meeting;
- 28.7 after the seconder has addressed the meeting, or has, without speaking on the motion, reserved their address until later in debate (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion, prior to the seconder addressing the meeting, if they chose to reserve their address;
- 28.8 the mover of the original motion retains the right of reply to that motion; and
- 28.9 if, after the mover has addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.



29. Right of Reply

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

30. Moving an Amendment

- 30.1 Subject to sub-Rule 30.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 30.2 A motion to confirm a previous resolution of *Council* cannot be amended.
- 30.3 An amendment must not be directly opposite to the motion.

31. Who May Propose an Amendment

- 31.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 31.2 Any one Councillor cannot move more than two amendments in succession without the leave of the *Chair* and that leave will not be unreasonably withheld.

32. How Many Amendments May be Proposed

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

33. An Amendment Once Carried

- 33.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting (substantive motion), and may be debated before it is put.
- 33.2 Debate on the substantive motion doesn't recommence. Only Councillors who didn't speak to the original motion have a right to speak to the substantive motion.
- 33.3 The mover of the original motion retains the right of reply to that motion.

34. Foreshadowing Motions

- 34.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 34.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.



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

35. Withdrawal of Motions

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

36. Separation of Motions

Where a motion contains more than one part, a Councillor may request the *Chair* to put the motion to the vote in separate parts.

37. Chair May Separate Motions

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

38. Priority of address

Outside of the specific application of Rule 28 in the case of competition for the right to speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

39. Motions in Writing

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

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

40. Repeating Motion and/or Amendment

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

41. Debate Must Be Relevant to the Motion

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

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

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

42. Speaking Times

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

42.1.1 the mover of a motion or an amendment which has been opposed: five minutes and three minutes if no opposition;

42.1.2 any other Councillor: three minutes; and



42.1.3 the mover of a motion exercising a right of reply/closing statement: two minutes.

42.2 Where the *Chair* allows discussion on an item, the maximum speaking time for a Councillor will be three minutes.

43. Addressing the Meeting

If the *Chair* so determines:

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

43.1.1 Mayor; or

43.1.2 Chair or Acting Chair;

as the case may be;

43.2 all Councillors, other than the *Mayor*, must be addressed as

Cr(name).

43.3 all members of Council staff, must be addressed as

.....(name) as appropriate or by their official title.

44. Right to Ask Questions

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

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

Division 5 – Procedural Motions

45. Procedural Motions

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

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



PROCEDURAL MOTIONS TABLE

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



Procedural Motion	Form	Mover	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
4. Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a Chairperson; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
5. Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected N	No
6. Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
7. Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the Agenda	No
8. Suspension of Meetings Procedure	'That the Meetings Procedure be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion. No debate or decision on any matter, other than a decision to resume Meetings Procedure, is permitted	The meeting continues unaffected	No



Procedural Motion	Form	Mover	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
9. Resumption of Meetings Procedure	'That the Meetings Procedure be resumed'	Any Councillor	When Meeting Procedures have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
10. Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with Section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx is confidential as it relates to [insert reason]	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting continues to be open to the public	Yes
11. Reopen the meeting	'That the meeting be reopened to members of the public'	Any Councillor		The meeting is reopened to the public	The meeting remains closed to the public	No



Division 6 – Rescission Motions

46. Notice of Rescission

- 46.1 A Councillor may give notice of a motion to rescind a previous resolution of Council/ provided:
- 46.1.1 the resolution proposed to be rescinded has not been acted on;
 - 46.1.2 the effect of rescinding the resolution will not place the Council at significant legal, financial or other risk, including non-compliance with statutory obligations; and
 - 46.1.3 the *Notice of Rescission* is delivered to the *Chief Executive Officer* within three months of the resolution having been made setting out -
 - (a) the resolution to be rescinded; and
 - (b) the meeting and date when the resolution was carried.

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

- 46.2 A resolution will be deemed to have been acted on if:
- 46.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
 - 46.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 46.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- 46.3.1 has not been acted on; and
 - 46.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 46.1.3,
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.
- 46.4 This section does not apply to an officer recommendation or Councillor Notice of Motion to supersede a previous resolution of Council.

47. If Lost

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



48. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

49. May be Moved by any Councillor

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

50. When Not Required

50.1 A motion for rescission is not required where *Council* wishes to change policy.

Division 7 – Points of Order

51. Valid Points of Order

A point of order may be raised in relation to a motion, amendment or statement made that:

- 51.1 is contrary to *these Rules*;
- 51.2 is defamatory;
- 51.3 is irrelevant to the matter under consideration or offensive;
- 51.4 is outside *Council's* legal powers;
- 51.5 constitutes improper behaviour;
- 51.6 constitutes a tedious repetition of something already said;
- 51.7 a motion, which, under Rule 26, or a question which, under Rule 56, should not be accepted by the *Chair*;
- 51.8 a question of procedure; or
- 51.9 any act of disorder.

Expressing a difference of opinion or to contradict a speaker is not a valid point of order.

52. Procedure for Point of Order

- 52.1 A Councillor raising a point of order must:
 - 52.1.1 state the point of order; and
 - 52.1.2 state any section, Rule, paragraph or provision of *these Rules* or the Councillor Code of Conduct relevant to the point of order.
- 52.2 A Councillor who is interrupted by another Councillor calling for a point of order must immediately stop speaking and remain silent until the Councillor raising the point of order has been heard and the question disposed of by the *Chair*.



53. Chair May Adjourn to Consider

- 53.1 The Chair may adjourn the meeting to consider a point of order which has been raised but otherwise must rule on it as soon as it is raised.
- 53.2 All other questions or matters before the meeting are suspended until the point of order is decided.

54. Chair to Decide

The *Chair* 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.

55. Final Ruling on a Point of Order

- 55.1 The decision of the Chair in respect of a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present carry a motion of dissent.
- 55.2 A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the *Chair's* ruling.
- 55.3 A motion of dissent in relation to a point of order is not a motion of dissent in the Chair, and the Chair must at all times remain in the Chair and they will retain their right to a second vote.
- 55.4 A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling given by the *Chair*.

Division 8 – Public Question Time

56. Question Time

- 56.1 Unless Council resolves differently, there must be a public question time at every *Council meeting* fixed under Rule 9 or every *Unscheduled Council Meeting* fixed under Rule 11 to enable members of the public to submit written questions and to ask verbal questions of *the meeting*. Question time is specifically for succinct questions in form and character, rather than forums for making statements and discussion.
- 56.2 Sub-Rule 56.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.

Scheduled meetings

- 56.3 A 30 minute period shall be provided for questions at the beginning of *Scheduled Council meetings*.
- 56.4 Each question asked/submitted must not be greater than 90 seconds in duration (or 225 words if in writing).
- 56.5 During public question time, members of the public may either:
 - 56.5.1 Raise their hand and ask their question from the public gallery;
 - 56.5.2 Register by no later than 5pm two days prior to the scheduled meeting to join the meeting virtually or by phone to ask their question.



- 56.5.3 Submit a question (online, by post or hand delivered to our Customer Service centre) by no later than 5pm two days prior to the *Scheduled Council meeting*, to be read out at the meeting.
- 56.6 A time limit of five minutes per person applies, irrespective of the number of questions submitted/asked by that person. If a person has submitted or wants to ask more questions at a meeting than can be answered in the five minutes allocated, their remaining questions may:
- 56.6.1 at the discretion of the Chair, be dealt with after all other persons have had their questions asked and answered (or their five minutes has expired), time permitting; or
- 56.6.2 not be asked and answered if the time allotted for public question time has expired; and
- 56.6.3 where questions have not been asked and answered at the relevant Council meeting, a response will be provided in writing after the meeting.
- 56.7 The Chair or a member of Council staff nominated by the Chair may read to those present at the meeting a question which has been submitted in accordance with this Rule.

Unscheduled meetings

- 56.8 A 15 minute period shall be provided for questions at the beginning of *Unscheduled Council meetings*.
- 56.9 Only questions related to the agenda for that meeting will be accepted for *Unscheduled Council Meetings*.
- 56.10 Sub-Rules 56.4 to 56.7 apply to questions at *Unscheduled Council meetings*.
- 56.11 Public question time may be extended at the discretion of the *Chair*.
- 56.12 Written questions submitted to *Council* will be given preference and will take precedence at the *Council meeting*. Written questions must state the name and address (and organisation if applicable), of the person submitting the question, and generally be in a form approved or permitted by Council.
- 56.13 If a member of the public intends to ask a question that is unrelated to an item on the agenda, they are encouraged to register a question, in writing, prior to the relevant *Scheduled Council meeting* so that a better-researched and more complete response can be provided.
- 56.14 The *Chair* will exercise discretion so that the maximum number of people present will be permitted to ask their questions within the time available for public question time.
- 56.15 The Chair of the meeting may disallow any question on the ground that it is repetitive of a question already asked (including at previous meetings), objectionable, irrelevant, raises an issue that is the type of information deemed confidential (including questions relating to compliance or enforcement matters or other legal proceedings), is asked to embarrass a Councillor or member of the administration.
- 56.16 Any question which has been disallowed by the *Chair* must be made available to any other Councillor upon request.



- 56.17 Any member of the public asking a question of *Council* must extend due courtesy and respect to *Council* and the processes under which it operates, and must take direction from the *Chair* whenever called upon to do so.
- 56.18 All questions and answers must be as brief as possible, and no discussion may be allowed other than by *Councillors* for the purposes of clarification.
- 56.19 Like questions may be grouped together and a single answer provided.
- 56.20 Questions from the public gallery or virtually/by phone, shall be addressed to the Chair. The Chair will then ask the Chief Executive Officer to determine who will answer the question. The *Chief Executive Officer*, or a senior officer may be nominated to respond to a question.
- 56.21 If the *Chair* so permits, a second speaker may support or add to an answer given, but questions shall not be debated by *Council* during public question time.
- 56.22 The *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, a *written* copy of the answer will be sent to the person who asked the question and will be included in the minutes of the following *Council meeting*.
- 56.23 The *Chief Executive Officer* may advise *Council* that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The *Chief Executive Officer* must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.

Division 9 – Petitions and Joint Letters

57. Petitions and Joint Letters

- 57.1 A petition or joint letter must be presented to the next available scheduled meeting of Council where the petition or joint letter is received at least 10 days before the Council meeting.
- 57.2 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition or joint letter until the next *Council meeting* after that at which it has been presented.
- 57.3 Every petition or joint letter presented to *Council*:
- 57.3.1 must be in *writing* (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 12 people;
 - 57.3.2 must be addressed to the *Council, Mayor*, a Councillor or Councillors, containing a request for action to be taken by *Council*;
 - 57.3.3 may be submitted electronically, by post or delivered in person;
 - 57.3.4 must be in the English language, or accompanied by a translation, which will need to be certified by the *Chief Executive Officer* who will present it to be correct;
 - 57.3.5 must not be defamatory or objectionable in language or nature; and



- 57.3.6 must not relate to matters outside the powers of Council or relate to neighbourhood disputes/issues;
- 57.3.7 must be received by Council in its original form 10 days prior to a Council meeting and, if it is not, will be presented at the next Council meeting; and
- 57.3.8 may, at the discretion of the *Chief Executive Officer*, be refused if the same, or substantially the same, petition is received more than once in a twelve (12) month period during the course of a term of *Council*.
- 57.4 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 57.5 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 57.6 Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 57.7 If a petition or joint letter relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.
- 57.8 If a petition relates to:
- 57.8.1 a 'planning matter' which is the subject of a public notification process under the *Planning and Environment Act 1987*; or
- 57.8.2 a 'statutory matter' which is the subject of a community engagement process;
- the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).
- 57.9 The Chief Executive Officer may accept electronic petitions received via online websites if they are satisfied that the petition is authentic and from a legitimate website and provided that the electronic petition has been closed and a copy has been forwarded to Council.
- 57.10 A petition or joint letter shall not be presented at a meeting of Council or received by Council unless it meets the definition under these Governance Rules, unless it is specifically resolved by Council to receive the petition or joint letter in a non-conforming format. Only the wording of the request and the number of signatories will be included in the public agenda for a Council meeting.
- 57.11 If the petition or joint letter relates to any item already on the agenda for the Council meeting at which the petition or joint letter is submitted, the *Chair* may decide that the petition or joint letter will be dealt with in conjunction with that agenda item.
- 57.12 A petition or joint letter may nominate a person to whom a reply must be sent, but if no person is nominated or if it is not obvious who the intended contact person is, Council will reply to the first signatory who appears on the petition or joint letter.



Division 10 – Voting

58. How Motion Determined

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

59. Silence

Voting must take place in silence.

60. Recount

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

61. Casting Vote

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

61.2 In the event of an item first coming before Council having an equality of votes, Council's expectation is that the Chair will generally vote in the negative unless there is an imminent deadline that requires an immediate decision.

61.3 Council's expectation is that the item should then be listed for the next Council meeting. If there is an equality of votes when the item is re-presented to Council, then the expectation is that the Chair will use the casting vote to finally resolve the matter.

61.4 Council acknowledges that the Chair is always free to exercise the casting vote as they see fit, notwithstanding the expectations outlined in sub-Clauses 61.2 and 61.3.

62. By Show of Hands

Voting on any matter is by show of hands.

63. Procedure for a Division

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

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

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

63.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative; and

63.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands. The *Chair* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the negative.



64. No Discussion Once Declared

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

- 64.1 a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes; or
- 64.2 foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

Division 11 – Minutes

65. Confirmation of Minutes

- 65.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:
 - 65.1.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;
 - 65.1.2 no discussion or debate on the confirmation of the minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned;
 - 65.1.3 following the moving and seconding of the minutes, if no Councillor indicates opposition, the question is put to the vote; and
 - 65.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed.

66. Deferral of Confirmation of Minutes

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

67. Form and Availability of Minutes

- 67.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:
 - 67.1.1 the date, place, time and nature of the meeting;
 - 67.1.2 the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
 - 67.1.3 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5;
 - 67.1.4 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - 67.1.5 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);



- 67.1.6 the outcome of every motion, that is, whether it was put to the vote and the result of either carried, lost, withdrawn, lapsed, amended, etc.;
 - 67.1.7 the vote cast by each Councillor upon a division;
 - 67.1.8 the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
 - 67.1.9 questions upon notice;
 - 67.1.10 the failure of a quorum;
 - 67.1.11 any adjournment of the meeting and the reasons for that adjournment;
 - 67.1.12 the time at which standing orders were suspended and resumed;
 - 67.1.13 the full text of any public questions and the full responses provided by the Mayor, Chief Executive Officer or their nominee; and
 - 67.1.14 any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the *Council meeting* or the recording of the minutes.
- 67.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 67.2.1 published on *Council's* website; and
 - 67.2.2 available for inspection at *Council's* office during normal business hours.
- 67.3 Nothing in sub-Rule 67.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

Division 12 – Behaviour

68. Public Addressing the Meeting

- 68.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.
- 68.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 68.3 A member of the public present at a *Council meeting* must not disrupt the meeting.

69. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 68.2.

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



70. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, the *Chair* may adjourn the meeting to a later time on the same day or to some later day as the *Chair* thinks proper. In that event, the provisions of sub-Rules 17.2 and 17.3 apply.

71. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 69.

Division 13 – Additional Duties of Chair

72. The Chair’s Duties and Discretions

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

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

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

Division 14 – Suspension of Meetings Procedure

73. Suspension of Meetings Procedure

73.1 To expedite the business of a meeting, *Council* may suspend meetings procedure.

The suspension of meetings procedure should be used to enable full discussion of any issue without the constraints of formality.

Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

73.2 The suspension of meetings procedure should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That meetings procedure be suspended to enable discussion on....."

73.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of meetings procedure.

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

"That meetings procedure be resumed."



Division 15 – Miscellaneous

74. Meetings Conducted via Electronic Means of Communication

- 74.1 Council is permitted by the Act to hold meetings by electronic means of communication, and a Council meeting will be open to the public if members of the public are able to attend it in person, or if it is livestreamed (broadcast live) on Council's internet site.
- 74.2 Where a Councillor attends a Council meeting conducted by electronic means, the Councillor must be able to:
- 74.2.1 Hear the proceedings of the Council meeting; and
 - 74.2.2 See all Councillors attending the Council meeting; and
 - 74.2.3 Be seen all the time by Councillors; and
 - 74.2.4 Be heard by all Councillors when they speak; and
 - 74.2.5 Be seen and heard by members of the public on the livestream (or recording for Delegated Committee meetings).
- 74.3 If the conditions of sub-rule 74.2 cannot be met by one or more Councillors attending a Council meeting conducted by electronic means, whether because of technical difficulties or otherwise, but a quorum is still present, the:
- 74.3.1 Council meeting will continue; and
 - 74.3.2 Councillor (or Councillors) will be treated as being absent from the Council meeting, unless the Council meeting is adjourned in accordance with these Rules.
- 74.4 Nothing in this Rule prevents a Councillor from joining (or re-joining) a Council meeting conducted by electronic means at the time that they achieve compliance with sub-rule 74.2, even if the Council meeting has already commenced or continued in their absence.
- 74.5 The Chief Executive Officer must ensure that a Council meeting conducted via electronic means is livestreamed continuously on Council's website (or a recording made available to the public for Delegated Committee meetings).
- 74.6 Nothing in sub-rule 74.2 requires any portion of a Council meeting conducted via electronic means that is closed to the public under section 66(1) of the Act to be livestreamed on Council's internet site.



- 74.7 If the livestream of a Council meeting conducted via electronic means is disrupted for any reason, the Chief Executive Officer must immediately inform the Chair of the meeting and the Council meeting will be adjourned for up to 30 minutes. If the technical issue cannot be resolved within 30 minutes and a quorum of in-person attendees cannot be maintained, an unscheduled meeting must be called as soon as practicable following the meeting to deal with the remaining business on the agenda. If a quorum of in-person attendees can be maintained the Council will resolve how and when the remaining meeting items will be considered.

75. Requesting and Approval of 'electronic' attendance

Council and Delegated Committee meetings will be conducted face-to-face (in-person) at a set location, unless the Mayor approves an alternative in accordance with the following sub-rules.

- 75.1 A Councillor or member of a Delegated Committee may request to attend a meeting by electronic means of communication (virtually) by submitting a request to the Mayor and Chief Executive Officer, not less than six hours prior to the meeting commencement time.
- 75.2 A request to attend a meeting via electronic means of communication should only be made for a reason such as (but not limited to) health issues, caring responsibilities, any risk to the health and safety of Councillors, staff or the community or where a level of travel restriction has been imposed or recommended by government. Approval of a request will be at the discretion of the Mayor. The Mayor will not unreasonably deny a Councillor request to attend a meeting electronically and will take into consideration all of the reasons provided.
- 75.3 The request must be made in writing and state the reasons the Councillor or member of a Delegated Committee wishes to attend the meeting via electronic means.
- 75.4 The Mayor, in consultation with the Chief Executive Officer, will provide a response to the request within 48 hours (if possible) within receipt of the request or no less than four hours prior to the meeting commencement time, whichever is the earlier time, and notify all Councillors or members of a Delegated Committee of the decision.
- 75.5 Requests to participate by electronic means of communication must specify the meeting date/s and type/s relevant to the request.
- 75.6 It is the responsibility of the Councillor or member attending the meeting via electronic means to ensure they have the required access and environment suitable for participation (including a secure location when deliberations involve confidential information).
- 75.7 The Councillor or member attending via electronic means will be deemed absent from the meeting for any time that they are unable to both be heard and seen by all participants and hear and see all participants.
- 75.8 If the Mayor is absent from a meeting conducted by electronic means of communication due to technical difficulties, the role of Chair will be filled in accordance with section 61(3) of the Act for the period of the Chairperson's absence.



75.9 Despite anything in these Rules, the Mayor (in consultation with the Chief Executive Officer and Councillors) may determine that a meeting be conducted wholly by electronic means of communication, with consideration of, but not limited to, the following:

75.9.1 Any health or safety risk to Councillors, staff and the community; or

75.9.2 A request from an absolute majority of Councillors to hold the meeting wholly by electronic means; or

75.9.3 Any other extraordinary circumstances.

76. Other matters not provided for

Where any of these Rules has not been expressly modified, and requires modification, to operate at a Council meeting conducted via electronic means, the Chair with the cooperation of the meeting, may modify so much of these Rules as is necessary to permit the Council meeting conducted by electronic means to proceed and to facilitate the more efficient and effective transaction of the business.

77. Recording Proceedings

77.1 The proceedings of open Council meetings will be audio recorded to facilitate the preparation of the minutes of the meeting and to ensure their accuracy.

77.2 Where practicable, the proceedings of open Council meetings will be streamed live on Colac Otway Shire Council's website so that interested parties can watch the proceedings in real time. A recording of the live stream will be made available on the Colac Otway Shire's website the day following the meeting.

77.3 The Chief Executive Officer has the discretion and authority to delay publication of a recording in instances where comments made by members of the public at the meeting are considered to be objectionable, offensive, defamatory or inappropriate.

77.4 The Council is authorised to resolve that audio and live stream recordings of meetings be edited by the deletion of comments from the public which the Council considers to be objectionable, offensive, defamatory or inappropriate.

78. Criticism of members of Council staff

78.1 The *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a Councillor made at the *Council meeting* criticising him or her or any member of Council staff.

78.2 A statement under sub-Rule 78.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has resumed his or her seat.



Chapter 3 – Meeting Procedure for Delegated Committees

1. Appointing Chairs of Delegated Committees

The Act provides the Mayor with specific power to appoint a Councillor to be the Chair of a Delegated Committee.

The Council may also resolve to appoint a Councillor to be Chair of a Delegated Committee (however the appointment by the Mayor prevails).

2. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

2.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and

2.2 any reference in Chapter 2 to:

2.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;

2.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and

2.2.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

3. Meeting Procedure Can Be Varied

Notwithstanding Rule 2, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

3.1 *Council* may; or

3.2 the *Delegated Committee* may, with the approval of *Council*

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

4. Requests to address a Delegated Committee

Where the Instrument of Delegation specifically permits, a person may request to be heard at a Delegated Committee meeting, comprising all Councillors, in relation to a matter listed on the Agenda.

5. No Public Question Time

There will be no public question public time at Delegated Committee meetings.



Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

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

2. Meeting Procedure

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



Chapter 5 – Disclosure of Conflicts of Interest

3. Definition

In this Chapter:

- 3.1 “meeting conducted under the auspices of *Council*” means a meeting of the kind described in section 131(1) of the Act, and is a meeting of Councillors that is a scheduled or planned meeting for the purpose of discussing the business of Council or briefing Councillors, which is attended by at least one member of Council staff, and is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting; and
- 3.2 a member of a *Delegated Committee* includes a Councillor.

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

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

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

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

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

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

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

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



5.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the Delegated Committee meeting commences a written notice:

5.2.1 advising of the conflict of interest;

5.2.2 explaining the nature of the conflict of interest; and

5.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

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

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

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

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

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

6.1 are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or

6.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:

6.2.1 advising of the conflict of interest;

6.2.2 explaining the nature of the conflict of interest; and

6.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

6.2.4 nature of that other person's interest in the matter,

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



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

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

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

- 7.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- 7.2 absent themselves from any discussion of the matter; and
- 7.3 as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

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

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

- 8.1.1 *Council meeting*;
- 8.1.2 *Delegated Committee* meeting;
- 8.1.3 *Community Asset Committee* meeting

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

8.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 8.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

8.3 If the member of Council staff referred to in sub-Rule 8.1 is the *Chief Executive Officer*:

- 8.3.1 the written notice referred to in sub-Rule 8.1 must be given to the *Mayor*; and
- 8.3.2 the obligation imposed by sub-Rule 8.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

9.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

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



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

10.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

10.2 If the member of Council staff referred to in sub-Rule 10.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

11. Retention of Written Notices

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



Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

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

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

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

2. Confidential Information

- 2.1 Where the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, they may advise the information is confidential and advise Councillors and/or members of Council staff in writing accordingly. If not advised then the information may still be confidential by virtue of the *Act*.
- 2.2 Information which has been advised by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.
- 2.3 Notwithstanding sub-Clauses 2.1 and 2.2, *Council* may resolve to release confidential information within the meaning of the *Act*, or that which has been advised by the *Chief Executive Officer* as confidential information within the meaning of the *Act*.



Chapter 7 – Election Period Policy

18.4 Election Period Policy

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1. INTRODUCTION

The *Local Government Act 2020* ('the Act') provides that during the 'election period' certain prohibitions apply on certain functions and powers of Council being performed and exercised. It is during this time that Council enters the 'election period'.

The 'election period' is defined by the Act as starting on the last day for nominations and ending at 6pm on Election Day. The last day for nominations is the day that is 32 days before the Election day (currently scheduled for 24 October 2020).

The 'election period' for the 2020 Local Government Elections will therefore commence at midnight on 22 September 2020 and conclude at 6pm on Saturday 24 October 2020.

This policy replaces and overrides any previous policy or document that refers to the election or caretaker period.

2. PURPOSE

This Election Period Policy has been developed in order to ensure that the general elections for the Colac Otway Shire on Saturday 24 October 2020* and subsequent elections are conducted in a manner that is ethical, fair and equitable, and are publicly perceived as such.

**In 2020 Colac Otway Shire will be utilising postal voting which closes at 6.00pm Friday 23 October 2020.*

The Policy will also facilitate the continuation of the ordinary business of local government in the Colac Otway Shire 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 that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

3. DEFINITIONS

Where terms used in this Policy are defined in the Act, their use in this Policy is consistent with the definitions in the Act. Relevant sections of the Act are included in Attachment 1.

Definitions used in this Policy which are not defined by the Act are:

Period: Has the same meaning as 'election period' in section 3 (1) of the Act, and means the period that starts on the close of nominations and ends at 6pm on Election Day.

Publication: Includes any means of publication including letters and information on the internet and social media.



Public consultation: Means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.

Significant decision: Means an irrevocable decision that significantly affects the municipality and unreasonably binds the incoming council.

4. REFERENCES & RELATED DOCUMENTS

- Local Government Act 2020
- Victorian Electoral Act 2002
- Councillor Code of Conduct
- Election Period Procedures

5. GUIDELINES

Council will function in accordance with this Policy during the election period commencing at midnight on 22 September 2020 and ending at 6pm on 24 October 2020.

5.1. ROLE OF CHIEF EXECUTIVE

In addition to the Chief Executive's (CE) statutory responsibilities, the CE or his or her delegate will ensure as far as possible, that:

- All Councillors and Officers are informed of the application of this Policy 30 days prior to the commencement of the Period;
- Matters of Council business requiring major policy or significant decisions are scheduled for Council to enable resolution prior to the commencement of the Period, or deferred where appropriate for determination by the incoming Council; and
- Guidelines to staff on the role and responsibilities of staff in the implementation of this Policy are issued, if appropriate.

6. DECISIONS BY COUNCIL

6.1. MAJOR POLICY DECISIONS

6.1.1. DEFINITION

Prohibited Decision is a decision referred to in section 93A (6) of the Act, and including a decision:

- Relating to the employment or remuneration of a Chief Executive Officer (CEO), other than a decision to appoint or remunerate an acting CEO; or



- Committing Council to expenditure which exceeds 1% of the Council's revenue from rates and charges levied under section 158 of the *Local Government Act 1989* in the preceding financial year.

6.1.2. PROHIBITION ON COUNCIL

During the Period, Council cannot make a Prohibited Decision.

Any decision of the kind highlighted in section 6.1.1 above (relating to the employment or remuneration of the CEO or commits Council to expenditure above the threshold) made during the Period is deemed to be invalid under the Act.

6.2. SIGNIFICANT DECISIONS

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

Significant decisions to be avoided include but are not limited to:

- Allocating community grants
- Directing funding to community organisations
- Major planning scheme amendments
- Changes to strategies and strategic objectives in the Council Plan.

Such decisions will generally constitute Prohibited Decisions under section 69(2)(c) and (d) of the Act.

79. COUNCIL MEETINGS

Council meetings will not be held during the Period unless exceptional circumstances warrant it.

6.3. COUNCIL AGENDA ITEMS

Should a Council meeting be required during the Period, papers prepared for the Council meeting 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 Councillor candidates to use the item as part of their electioneering.

Councillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election.

7. PUBLIC CONSULTATION & EVENTS

Public consultation and scheduling of Council events during the Period will be limited.

Council events should not take place at all during the Period.

If consultation must be undertaken or an event held during this time, Council must justify to the community the special circumstances making it necessary and how the risks of influencing the election will be mitigated or prevented.



7.1. STATUTORY REQUIREMENTS

The requirements of Clause 7 do not apply to public consultation required under the *Planning and Environment Act 1987*, or matters subject to section 223 of the *Local Government Act 1989*.

8. COUNCIL PUBLICATIONS

8.1. PROHIBITION ON PUBLISHING MATERIAL DURING THE ELECTION PERIOD

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

8.2. 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 Returning Officer for the purposes of conducting the election; or
- An advertisement in a newspaper announcing the holding of a meeting.

A publication is taken to contain electoral material if it contains an express or implicit reference to, or comment on:

- The election; or
- A candidate in the election; or
- An issue submitted to, or otherwise before, the voters in connection with the election.

Electoral matter includes material which:

- Publicises the strengths or weaknesses of a candidate
- Advocates the policies of the Council or of a candidate
- Responds to claims made by a candidate
- Publicises the achievements of the elected Council.

8.3. COUNCIL PUBLICATIONS INCLUDING COUNCILLOR INFORMATION

Any reference to Councillors standing for re-election in Council publications printed, published or distributed during the Period must not include promotional text.

8.4. WEBSITE

Material published on Council's website in advance of the Period is not subject to restriction, 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 Period.

Councillor contact information will remain available on the website during the Period but Councillor profiles will be removed.



8.5. ANNUAL REPORT

Council is required by the Act to produce and put on public display a copy of its Annual Report. The 2019-2020 Annual Report will be published during the Period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

8.6. COUNCIL DOCUMENTS

Items submitted for regular Council publications will be reviewed to ensure that they comply with the principles of the Act and this Policy, and may be amended accordingly before publication.

8.7. SOCIAL MEDIA

Any publication on Council-managed social media sites including but not limited to Facebook, Twitter and blogs during the Period will be approved by the CE.

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

Councillors' individual (personal) social media pages are not managed by Council so are not subject to the same provisions.

9. COUNCIL RESOURCES

9.1. APPLICATION OF RESOURCES

It is an established democratic principle that public resources must not be used in any way that would influence the way people vote in elections, except in regard to supporting the actual election process.

Council therefore commits to the principle that it will ensure that Council resources are not used inappropriately during the Period.

Council resources, including offices, vehicles, staff, hospitality, services, property, equipment and stationery, must be used exclusively for Council business during the Period and must not be used in connection with any election campaign or issue.

9.2. ROLE OF OFFICERS

The Executive Officer to the CE, Mayor and Councillors, Governance staff, or any other staff member, will not, during the Period, be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

9.3. 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 proposes 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 subject to the principles of the *Privacy and Data Protection Act 2014* 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 phones and email addresses for election campaigning purposes.

The use of Council's internet or 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 *Privacy and Data Protection Act*. A copy of the voters' roll will be provided to candidates by the Returning Officer. The voters' roll will be available for inspection during the Period at advertised times.

Council facilities booked for electoral campaigning purposes by Councillors, candidates or supporters or other persons during the Period will be made available at the same rate to all hirers.

9.4. OFFICER'S DISCRETION

Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard.

The organisation will continue to provide support to Councillors with respect to their day to day Council business. Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the CE or his or her delegate.

9.5. COUNCILLORS' ENTITLEMENT TO REIMBURSEMENT

Reimbursements of Councillors' out of pocket expenses during the Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that support or are connected with the candidate's election campaign.

10. MEDIA

10.1. RESTRICTION ON SERVICES

Council's Communications services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate. During the Period this team's service must not be used in any way that might promote a Councillor as an election candidate.



Council publicity during the Period will be restricted to communicating normal Council activities and initiatives.

10.2. MEDIA RELEASES / SPOKESPERSONS

Media releases will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate. Where it is necessary to identify a spokesperson, the CE or his or her delegate will be consulted.

Media releases will require approval by the CE.

10.3. COUNCILLORS

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

10.4. COUNCIL EMPLOYEES

During the Period no Council employee may make any public statement that relates to an election issue unless prior approval has been obtained by the CE or his or her delegate.

11. INFORMATION

11.1. CANDIDATES' ACCESS TO INFORMATION

All election candidates have equal rights to information relevant to their election campaigns and from the Council administration. While it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing elected roles, neither Councillors nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections (which includes internal publications such as the weekly CE Update and Councillor Newsletter).

There will be complete transparency in the provision of all information and advice during the Period.

11.2. INFORMATION REQUEST REGISTER

Governance will maintain an Information Request Register during the Period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

11.3. IMPROPER USE OF POSITION

Sections 76D and 76E of the *Local Government Act 1989* prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 76D attracts serious penalties, including possible imprisonment.



12. ASSISTANCE TO CANDIDATES

12.1. ROLE OF RETURNING OFFICER

All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the CE or his or her delegate.

12.2. CANDIDATE INFORMATION

Council will provide candidates with a Councillor Candidate Information Kit to assist them in running and nominating for Council. This will include an outline of meeting dates and times for the first four weeks of Council meetings and Councillor Induction workshops.

Candidates will be informed of their obligation to complete a Nomination Form which will be available from the Returning Officer, accompanied by the nomination fee.

Candidates will also be informed of the requirements to complete and submit an 'Election Campaign Return' to the CE within 60 days after the Election Day. The return must contain details of any campaign donation or gift valued at more than \$500 which was received between 30 days after the previous election and 30 days after the current election.

13. FILE MANAGEMENT

Policy owner	Governance and Communications	Division	Executive
Adopted by council	26 August 2020	Policy Number	18.4
File Number	F19/7224	Review date	2023 or sooner, if required