



**Mount Alexander  
Shire Council**

**DRAFT GOVERNANCE RULES**

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## 1. TITLE

Mount Alexander Shire Council Governance Rules (the Governance Rules)

## 2. OBJECTIVES

The objectives of the Governance Rules are to:

- (a) provide for the peace, order and good government of the Mount Alexander municipal district;
- (b) provide for the administration of Council's powers and functions;
- (c) regulate proceedings at meetings of Council, a Delegated Committee and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of these Governance Rules are to apply;
- (d) regulate the procedure for the election of the Mayor and Deputy Mayor; promote and encourage local community participation in the system of local government by providing mechanisms within the meeting arrangements for council to ascertain the local community's views and expectations; and
- (e) provide an Election Period Policy to regulate compliance in the lead up to local government elections.

## 3. AUTHORISING PROVISION

The Governance Rules are made under section 60 of the Act.

## 4. OPERATION DATE

The Governance Rules first came into operation on 1 September 2020.

## 5. DEFINITIONS

**Act** means the *Local Government Act 2020* (Victoria);

**Advisory Committee** means a committee established by the Council that provides advice to:

- (a) the Council; or
- (b) a member of Council staff who has been delegated a power, duty or function of the Council;
- (c) that is not a Delegated Committee;

**Agenda** means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting;

**Agreement of Council** means indicative agreement of the majority of the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote;

**Audit and Risk Committee** means the Audit and Risk Committee established by a Council under section 53 of the Act;

**Authorised Officer** has the same meaning as in the *Local Government Act 1989* (Victoria) or any other relevant Act;

**Chairperson** means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson;

**Chamber** means any room where the Council holds a Council Meeting;

**Chief Executive Officer** means the person occupying the office of Chief Executive Officer (CEO) of Council, and includes a person acting in that office;

**Committee Meeting** means a Meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance);

**Common Seal** means the common seal of Council;

**Council** means Mount Alexander Shire Council;

**Councillor** means a Councillor of Council;

**Code of Conduct** has the same meaning as in the Act;

**Council Meeting** means a Meeting of the Council convened in accordance with these Governance Rules and includes a scheduled Meeting or unscheduled Meeting (whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance);

**Delegate** means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation;

**Delegated Committee** has the same meaning as in the Act;

**Delegated Committee Meeting** means a Meeting of a Delegated Committee;

**Deputy Mayor** means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor;

**Director** means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer;

**Disorder** means any disorderly conduct of a Member of the Gallery or a Councillor and includes:

- interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;
- making comments that are defamatory, malicious, abusive or offensive;
- refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and
- engaging in any other conduct which prevents the orderly conduct of the Meeting;

**Foreshadowed Motions** means when a Councillor states during a debate that they may move a further motion in the event that a particular matter is decided in a certain way.

**Majority of the Votes** means a majority of Councillors present at the time of a vote voting in favour of a motion;

**Mayor** means the Mayor of Council and any person appointed by Council to be acting as Mayor;

**Meeting** means a Council Meeting or a Delegated Committee Meeting;

**Member** means a member of any committee to which these Governance Rules apply;

**Minister** means the Minister for Local Government;

**Minutes** means the official record of the proceedings and decisions of a Meeting;

**Motion** means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted;

**Notice of Motion** means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting;

**Notice of Rescission** means a Notice of Motion to rescind a resolution made by Council;

**On Notice** means held or deferred to enable preparation of a response;

**Point of Order** means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting;

**Procedural Motion** means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure;

**Rule or Sub-rule** means a rule or sub-rule included in these Governance Rules;

**Signature** means an unaltered mark from a person that authenticates his or her identity and his or her agreement with what is being requested or said. It can be either hand written or electronic. An electronic signature can be attached to or logically associated with a petition or joint letter and executed or adopted by a person as demonstration of their intent to sign the petition or joint letter.

**Urgent Business** means a matter that relates to or arises out of a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next Meeting;

**Unscheduled Meeting** means a Meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council Meetings set by Council.

## 6. MEETING PROCEDURE

### 6.1 Purpose Of Council Meetings

- 6.1.1 Council holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of Council.
- 6.1.2 In accordance with the Local Government Act 2020, Council and Delegated Committee Meetings are open to the public and the community are able to attend.
- 6.1.3 In accordance with section 66 of the Act, Meetings will only be closed to members of the public if:
  - (a) there are clear reasons for matters to remain confidential; or
  - (b) a Meeting is required to be closed for security reasons; or
  - (c) it is necessary to enable the Meeting to proceed in an orderly manner.
- 6.1.4 If a Meeting is closed to the public for the reasons outlined in Sub-Rule 6.1.3(b) or (c), the Meeting will be livestreamed. In the event a livestream is not available the Meeting may be adjourned, or a recording of the proceedings may be made available on Council's website.

## **7. MEETING ROLES**

### **7.1 Chairperson and Members**

- 7.1.1 The Chairperson, Councillors and Members of Delegated Committees will ensure good Council decision-making by endeavouring to ensure:
- (a) The Decision making is transparent to Members and observers;
  - (b) Meeting Members have sufficient information to make good decisions;
  - (c) Every Member is supported to contribute to decisions;
  - (d) Due process and natural justice in decision making for any person whose rights are affected;
  - (e) Debate and discussion is focussed on the issues at hand;
  - (f) Meetings are conducted in an orderly and respectful manner;
  - (g) Decisions are made on the merits of the matter.

### **7.2 Mayor to take the Chair**

- 7.2.1 Except as otherwise provided by this Clause, the Mayor must take the role of Chairperson in all Council Meetings at which the Mayor is present.
- 7.2.2 If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the role of Chairperson.
- 7.2.3 If the Mayor and the Deputy Mayor are not present at the meeting, a Councillor who is present at the Council Meeting will be appointed as Chairperson for the meeting by a resolution of the Council.
- 7.2.4 In accordance with Clause 7.4, a key role of the Chairperson is to preside impartially over the meeting. Therefore, should a person occupying the role of Chairperson wish to enter the debate on a matter before a meeting, they must advise the meeting prior to the matter being discussed and must vacate the role of Chairperson for the duration of the debate on that matter. In such instances, the role of Chairperson shall be temporarily filled through a resolution of Council and the temporary Chairperson shall exercise all functions and powers (including the casting vote) specified in these Governance Rules.
- 7.2.5 To facilitate the appointment of a temporary Chairperson, the CEO (or delegate) will chair the meeting until the appointment is resolved.

### **7.3 Delegated Committee Chairperson**

- 7.3.1 At the Meeting at which Council establishes a Delegated Committee it must also appoint a Chairperson.
- 7.3.2 The Chair of a Delegated Committee must be a Councillor.
- 7.3.3 For the avoidance of doubt, sub-clause 7.3.1 does not intend to limit the powers of the Mayor provided in the Act.
- 7.3.4 Where the Chairperson of a Delegated Committee wishes to enter the debate on a matter before the meeting, they must advise the meeting prior to the matter being discussed and must vacate the role of Chairperson for the duration of the debate on that matter. In such instances, the role of Chairperson shall be temporarily filled through a resolution of the meeting and the temporary Chairperson shall exercise all functions and powers (including the casting vote) specified in these Governance Rules.

## **7.4 The Chairperson's Duties, Responsibilities and Discretions**

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

- 7.4.1 must preside over and control the Meeting, conduct it impartially and according to these Governance Rules and established protocols in order to ensure the smooth passage of the business.
- 7.4.2 must not accept any Motion, question or statement which is:
  - (a) vague or ambiguous;
  - (b) defamatory, malicious, abusive or objectionable in language or substance; or
  - (c) outside the powers of Council;
- 7.4.3 must allow the CEO the opportunity to correct factual errors or incorrect assertions that arise during the Meeting;
- 7.4.4 must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council;
- 7.4.5 must declare the results of all votes and may direct that a vote be recounted to be satisfied of the result; and
- 7.4.6 must decide on all points of order.

## **7.5 Chief Executive Officer**

- 7.5.1 The CEO, or delegate, may participate in the Meeting to provide support to the Chairperson.
- 7.5.2 The CEO should:
  - (a) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
  - (b) advise if there are operational, financial or risk implications arising from a proposed resolution;
  - (c) help clarify the intent of any unclear motion or resolution to facilitate implementation;
  - (d) on request, assist with procedural issues that may arise.

## **7.6 Councillors and Members of Delegated Committees – Attendance / Participation**

- 7.6.1 Councillors and Members of Delegated Committees contribute to good governance and decision making by:
  - (a) reading and understanding items in the Agenda and being aware of the community impact of these Meetings;
  - (b) demonstrating due respect and consideration to community views and the professional or expert advice provided in the Agenda papers;
  - (c) attending Meetings and participating in debate and discussion;
  - (d) demonstrating respect for the role of the Chairperson and the rights of other Councillors or Members of Delegated Committees to contribute to the decision-making;
  - (e) being courteous and orderly.

- 7.6.2 Councillors and members of Delegated Committees who wish to attend a meeting via electronic means must submit a request to the Chairperson as follows (unless otherwise agreed by the Chairperson prior to the meeting):
- (a) The request must be made in writing and must state the reasons why the Councillor or Committee Member wishes to attend the meeting via electronic means. Such reasons must be significant in nature and may include serious personal matters, travel or illness.
  - (b) The request must be made no later than two (2) working days prior to the meeting.
- 7.6.3 The Chairperson will provide a response to the request no later than 24 hours before the meeting is scheduled to commence and will notify other members of the meeting of this decision. The Chairperson's decision is final.
- 7.6.4 If a request is approved, it is the responsibility of the member attending electronically to ensure that they have the required access and environment suitable for electronic communications.
- 7.6.5 Should the Chairperson reject a request to attend a meeting via electronic means, the requestor will be deemed an apology for the meeting if they do not attend in person.

## **7.7 Community**

- 7.7.1 Council Meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings.
- 7.7.2 Community Members may only participate in Council Meetings in accordance with clauses 12.1 and 12.3.
- 7.7.3 Council will adopt policies, protocols or guidelines to ensure opportunities exist for community input, beyond formal consultation processes.
- 7.7.4 Community Members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

## **7.8 Apologies and absences**

- 7.8.1 Councillors and Members of Delegated Committees who are unable to attend a Meeting may submit an apology in writing or verbally to the Chairperson, the CEO or the Principal Governance Officer.
- 7.8.2 An apology submitted to a Meeting will be recorded in the minutes.
- 7.8.3 A Councillor intending to take a leave of absence should submit a request in writing to the Mayor or CEO and the request will be included in the Agenda of the next Council Meeting.
- 7.8.4 A leave of absence not included in a Council Meeting Agenda may still be considered by Council if a written request has been received by the Mayor or CEO prior to the Meeting.
- 7.8.5 Council will not unreasonably withhold its approval of a leave of absence requests for reasonable periods of time.
- 7.8.6 A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee Meeting will be recorded as absent.

## **8. NOTICE OF MEETINGS AND AVAILABILITY OF AGENDA**

### **8.1 Scheduled Meetings**

- 8.1.1 At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year.
- 8.1.2 The schedule of Council Meetings must be posted on the Council website and also be available from Council's Customer Service Centres.
- 8.1.3 The public must be given at least seven days' notice of all Meetings by notice posted on the Council website
- 8.1.4 The Council, or the CEO, may change the date, time and place of any Council Meeting and must provide as much notice as possible of the change to the public via the Council website.
- 8.1.5 The notice necessary to call a scheduled Meeting in accordance with the Act must, except in exceptional circumstances, be delivered to the CEO in sufficient time to enable seven days' notice to be given to Councillors.
- 8.1.6 A notice of Meeting incorporating or accompanied by an Agenda of the business to be dealt with must be sent electronically to every Councillor:
  - (a) at least four working days before a scheduled Meeting, or
  - (b) at least two working days before an unscheduled Meeting.
- 8.1.7 Agendas will be available to the public on the Council website at least three working days before the Meeting.
- 8.1.8 It will not be necessary for a Notice of Meeting or Agenda to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the CEO in writing to continue to be given notice of any Meeting to be held during the period of their absence.
- 8.1.9 In the case of an emergency, unexpected or circumstances deemed urgent by the CEO or, in the absence of the CEO, a delegate of the CEO may without the requisite notice stated above:
  - (a) call or postpone a Meeting of the Council,
  - (b) change the place of a Meeting.

### **8.2 Unscheduled Meetings**

- 8.2.1 An unscheduled meeting of Council may be called by:
  - (a) resolution of Council
  - (b) written notice by the Mayor and supported by three Councillors
  - (c) the CEO following consultation with the Mayor.
- 8.2.2 The CEO must determine the time and date for the Meeting, giving consideration to:
  - (a) the urgency of the business to be transacted
  - (b) the availability of Councillors
  - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.

- 8.2.3 The CEO must call an unscheduled Meeting to elect a Mayor following a Council election declaration, in accordance with Section 26 of the Act.
- 8.2.4 The unscheduled Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the CEO.
- 8.2.5 Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled Meeting, unless all Councillors, by unanimous resolution, determine to admit another matter.

### **8.3 Quorum**

- 8.3.1 The quorum required for Council Meetings will be not less than half the total number of elected Councillors.

In accordance with Section 61(6A) of the Act, subject to clause 7.6 of the Governance Rules a Councillor may attend and be present at a Council Meeting by electronic means of communication. Notwithstanding this provision, the Councillors commit that they will, wherever possible, attend meetings in person in the Chamber.

- 8.3.2 In the event of a loss of communication with any Councillor attending a meeting by electronic means, at the discretion of the Chairperson, the meeting may be temporarily adjourned to allow the communication to be re-established. If, after a period deemed reasonable by the Chairperson, the communication cannot be re-established, and a quorum exists, the Chairperson may recommence the meeting.
- 8.3.3 The quorum for Committee Meetings will be determined by the Committee but in the absence of the Committee determination, the quorum required will be not less than half of the total number of persons elected to the Committee.
- 8.3.4 In the case of an emergency where the CEO or, in the absence of the CEO, a delegate of the CEO, has called a Meeting, the quorum for an (Emergency) Meeting will be not less than half of the total number of elected Councillors.
- 8.3.5 If after thirty (30) minutes of the scheduled starting time of any Meeting or adjournment a quorum cannot be obtained, those Councillors present or if there are no Councillors present, the CEO or, in the absence of the CEO a delegate of the CEO, may adjourn the Meeting for a period not exceeding ten (10) days from the date of the Meeting.
- 8.3.6 If during any Meeting or any adjournment of the Meeting a quorum cannot be achieved and maintained, those Councillors present or if there are no Councillors present, the CEO or, in the absence of the CEO a delegate of the CEO, may adjourn the Meeting for a period not exceeding ten (10) days from the date of the Meeting.
- 8.3.7 If during any Meeting or adjournment a quorum cannot be achieved or maintained due to the declaration of conflict of interest by the majority of Councillors, the CEO, or in the absence of the CEO, a delegate of the CEO, may adjourn the Meeting for a length of time sufficient to enable special dispensation for the affected Councillors to be obtained from the Minister. In the event that a Councillor or Committee Member attending a meeting via electronic means has declared a conflict of interest that Councillor or Committee Member will be electronically removed from the meeting while the matter involving the conflict is dealt with.

- 8.3.8 The CEO may provide written notice of an adjourned Meeting but where that is not practicable because time does not permit that to occur then provided a reasonable attempt is made to contact each Councillor, notice by telephone, email, in person or by some other measure will be sufficient.

## 9. ELECTION OF MAYOR

The Mayor must be elected in accordance with Sections 25 and 26 of the Act which states:

### 9.1 Section 25 – Election of Mayor

- (1) *“At a Council Meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.*
- (2) *Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.*
- (3) *The election of the Mayor must—*
  - (a) *be chaired by the CEO; and*
  - (b) *subject to this section, be conducted in accordance with the Governance Rules.*
- (4) *Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.*
- (5) *If an absolute majority of the Councillors cannot be obtained at the Meeting, the Council may resolve to conduct a new election at a later specified time and date.*
- (6) *If only one Councillor is a candidate for Mayor, the Meeting must declare that Councillor to be duly elected as Mayor.*
- (7) *In this section, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.”*

### 9.2 Section 26 – When is a Mayor to be elected?

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

- (8) *A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term."*

### **9.3 Time and date for election of Mayor**

- 9.3.1 The CEO must determine the most appropriate time and date for the election of the Mayor, except that the election of the Mayor must be held in accordance with any provisions contained in the Act.
- 9.3.2 The CEO will preside during the election of the Mayor.
- 9.3.3 The CEO must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.

### **9.4 Determining the Mayor-Elect and the Mayor**

- 9.4.1 Where Council chooses to do so, voting to determine the Mayor-Elect is by an informal process at a Councillor Briefing Session (Assembly of Councillors).
- 9.4.2 In such circumstances, the CEO or a Member of Council staff will act as a Returning Officer. One Councillor not standing for election may act as scrutineer. If all Councillors stand for election, the Councillors will nominate one scrutineer.
- 9.4.3 All Councillors present are required to vote.
- 9.4.4 If a candidate receives an absolute majority of total number of votes then they are declared Mayor-Elect.
- 9.4.5 If a candidate fails to receive an absolute majority of votes, there are further rounds of voting and each time the candidate with the least amount of votes is eliminated.
- 9.4.6 If at any stage there are an equal number of votes, Councillors vote to eliminate a candidate. If there is an even number of votes Councillors will pause for further discussion and vote again. If there is still an even amount of votes a candidate will be eliminated by lot.
- 9.4.7 If there is an even number of Councillors present and at the end of the process there is still an equal number of votes Councillors will pause for a period of time (agreed by a majority of Councillors) for further discussion and vote again; if there is still an equal number of votes for the two (2) remaining candidates, the Mayor-Elect will be drawn by lot.
- 9.4.8 At the Meeting of Council to elect the Mayor, and a Mayor-Elect process has occurred, the Mayor-Elect is nominated for the position of the Mayor. By convention it is expected that the Mayor-Elect will be elected as Mayor.
- 9.4.9 Where only one candidate is nominated that candidate must be declared elected.
- 9.4.10 If there is more than one nomination at the Council Meeting, the election of the Mayor will follow the same process as for the Mayor-Elect. In this event voting must be carried out by a show of hands.

### **9.5 Role and Election of Deputy Mayor**

- 9.5.1 At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- 9.5.2 The predominant role of the Deputy Mayor is to support the Mayor as required during the Mayoral term.

- 9.5.3 In order to support the Mayor, the role of the Deputy Mayor is to:
- (a) Chair Meetings in the absence of the Mayor in accordance with these Governance Rules;
  - (b) At the Mayor's request, deputise for the Mayor at civic, social and other functions, ceremonies and engagements;
  - (c) Preside at Citizenship Ceremonies in the absence of the Mayor.
- 9.5.4 If the Council resolves to elect a Deputy Mayor the provisions contained in this part for the election of the Mayor will apply to the election of Deputy Mayor.
- 9.5.5 As outlined in sub-clause 7.2.2, if the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the Chair.
- 9.5.6 The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- 9.5.7 If the Council has not resolved to establish the position of Deputy Mayor, any provisions in this these Governance Rules relating to the Deputy Mayor have no effect.

## **9.6 Election of Acting Mayor**

- 9.6.1 From time to time it may be necessary for Council to appoint an Acting Mayor if:
- (a) the Mayor is unable to perform the duties of Mayor due to ill health or other incapacitation;
  - (b) the Mayor is on leave, interstate or overseas for more than one week;
  - (c) Other unforeseen circumstances require.
- 9.6.2 In these circumstances the Deputy Mayor will be Acting Mayor.
- 9.6.3 If the position of Acting Mayor is unable to be filled by the Deputy Mayor for any reason, Council may appoint an Acting Mayor in accordance with Sections 25 and 26 of the Local Government Act.

## **10. BUSINESS OF MEETINGS**

### **10.1 Order of Business**

10.1.1 The Order of Business for Council Meetings will be determined by the CEO to facilitate and maintain open, efficient and effective processes of government.

A typical Order of Business of a Scheduled Council Meeting is as follows:

- (a) Acknowledgement of Country.
- (b) Confirming Councillors present at the meeting.
- (c) Apologies/Leave of Absence.
- (d) Confirmation of minutes of the previous meeting.
- (e) Disclosures of interests/conflicts of interest.
- (f) Public Time.
- (g) Committee Reports.

- (h) Petitions, joint letters, including any received on the night of the meeting
- (i) Officer reports.
- (j) Delegate's and Councilor's reports
- (k) Notices of motion.
- (l) Urgent special business.
- (m) Confidential Items.

Notwithstanding this typical Order of Business for a Scheduled Council Meeting, provision for Public Time, Confirmation of the Previous Minutes, Notices of Motion and Urgent Special Business shall be made in all Scheduled Council Meeting Agendas.

10.1.2 Once an Agenda has been sent to Councillors the Order of Business for that Meeting may only be altered by resolution of the Council.

10.1.3 The CEO may include any matter on an Agenda which they think should be considered by the Meeting.

10.1.4 No business may be conducted at a Meeting of Council unless it is business:

- (a) That notice of which has been given either by inclusion in the Agenda or any report accompanying the Agenda; or
- (b) in a Notice of Motion; or
- (c) the Council agrees by resolution to consider it as an item of urgent business.

## **10.2 Urgent Business**

10.2.1 Items of Urgent Special Business may be considered by resolution of Council, subject to the following criteria:

- (a) it relates to or arises out of a matter which has arisen since distribution of the Agenda and it cannot safely or conveniently be deferred until the next Council meeting, or
- (b) the item involves a matter of urgency as determined by the CEO.

## **11. MEETING TIME LIMITS AND ADJOURNMENTS**

### **11.1 Time Limits**

11.1.1 A Meeting must not continue after four hours from the time it commences unless a majority of Councillors present vote in favour of its extension in accordance with this clause.

11.1.2 Extensions of a Meeting will be in block periods of 30 minutes.

11.1.3 After the initial 30 minute extension the Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.

11.1.4 A Meeting may only be continued for a maximum of two 30 minute extensions.

11.1.5 In the absence of such extensions as provided for in sub-clauses 11.1.1, 11.1.2 and 11.1.3, or in the event there is further business to be transacted at the completion of two extensions, the Meeting must stand adjourned to 6.00 pm on the following day.

11.1.6 Notwithstanding sub-clause 11.1.5, the Chairperson may seek the Agreement of Council not to adjourn the Meeting to the following day, if the Chairperson reasonably believes the remaining business will take less than 10 minutes to transact.

## **11.2 Chairperson may temporarily adjourn a Meeting exceeding two hours**

11.2.1 The Chairperson may adjourn a Meeting for a 10 minute break, at an appropriate point in proceedings after two hours has elapsed.

11.2.2 Notwithstanding sub-clause 11.2.1, the Chairperson may seek the agreement of Council not to adjourn the Meeting if the Chairperson reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

## **11.3 Adjournment of Meeting to another time and date**

11.3.1 Subject to the conditions included in the Governance Rules, the Chairperson or the Council may adjourn any Meeting until another time and/or date or place to be determined.

## **12. OTHER MEETING MATTERS**

### **12.1 Questions and Statements to Council**

12.1.1 The Council will hold a period of public time for questions and statements to Council from members of the public for up to 30 minutes duration at each Council Meeting (except those Meetings called for a special purpose such as to elect the Mayor). Extension of time may be granted by resolution of Council.

12.1.2 Where a Council Meeting is unable to be held in person in the Chamber then all questions and statements from members of the public must be submitted in writing by twelve noon on the day of the Meeting. In such instances, and where deemed acceptable, the questions or statements will be read out on behalf of the submitters.

12.1.3 Where a Council Meeting is being held in person in the Chamber then, subject to the provisions of clause 12.1, questions and statements from members of the public may be made in person at the meeting during Public Time. Written questions and statements meeting the requirements of sub-clause 12.1.6 and submitted by twelve noon on the day of the meeting will also be accepted and read out on behalf of the submitters.

12.1.4 Each speaker in addressing the Council:

- (a) will generally be limited to one question and allowed up to three (3) minutes to speak on their question or statement;
- (b) shall extend due courtesy and respect to the Council and the processes under which it operates;
- (c) shall take direction from the Chairperson whenever called upon to do so.
- (d) shall not attempt to enter into discussion or debate with Council, however Councillors may ask questions of clarification of the speaker.

12.1.5 Questions and statements to Council will not apply during any period when the Council has resolved to close the Meeting in respect of a matter under section 66 (1) of the Act.

12.1.6 Questions and statements to Council may be on any matter except if it:

- (a) relates to a matter outside the duties, functions and powers of the Council;
- (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- (c) is aimed at embarrassing a Councillor or a member of Council staff;
- (d) relates to personnel matters;
- (e) relates to the personal hardship of any resident or ratepayer;
- (f) relates to industrial matters;
- (g) relates to contractual matters;
- (h) relates to legal advice;
- (i) relates to a planning matter already listed on the Council Meeting Agenda;
- (j) relates to matters affecting the security of Council property; or
- (k) relates to any other matter which the Council considers would prejudice the Council or any person; or
- (l) Is a matter that the Chairperson considers has been previously responded to or is repetitive of other questions asked or statements made.

12.1.7 Copies of all written questions will be provided in writing to all Councillors prior to the Meeting.

12.1.8 The Chairperson may cease or reject a question and / or statement that is deemed unacceptable under sub-clause 12.1.6 and will advise the author / speaker of the basis for this decision. Where deemed necessary, the Chairperson may require the speaker to leave the Chamber in accordance with the Governance Rules.

12.1.9 Where possible, a response to a question raised during Public Time will be provided at the Council Meeting to which it is presented. Where the matter is deemed to require further investigation or consideration, the question may be taken on notice and a time for providing a response advised to the speaker.

## **12.2 Petitions and joint letters**

12.2.1 Council will acknowledge in a Scheduled Meeting, receipt of petitions and joint letters that meet the requirements of sub-clause 12.2.5 and are received during Public Time. Council will also acknowledge receipt of complying petitions and joint letters that have been received since the last Scheduled Meeting.

12.2.2 Unless otherwise resolved or provided for in clause 12.2, a report that responds to an accepted petition or joint letter will be provided for Council's consideration within two Scheduled Council Meetings.

12.2.3 If a petition or joint letter relates to a 'statutory matter', planning matter' or any other matter for which there is a community engagement process already in place, the petition or joint letter will be acknowledged and the lead signatory advised that it will be considered and responded to in accordance with those processes.

12.2.4 A response to a petition or joint letter will be provided to the lead signatory only.

12.2.5 To be accepted, any petition, including those created and/or received electronically, must:

- (a) be in legible and permanent writing;
- (b) be clear, and state the matter and action sought from Council on each page;
- (c) not be derogatory, defamatory or objectionable in language or nature;
- (d) not relate to matters outside the powers of Council; and
- (e) must include the full name, residential postcode and written or electronic signature of each petitioner and, as a minimum, must also contain the full property address of at least 10 petitioners who own property or reside in Mount Alexander Shire.

12.2.6 Where a petition does not meet the requirements of sub-clause 12.2.5, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action. Council will be notified of the content of the request and the outcome.

12.2.7 Any Councillor presenting a petition must ensure that:

- (a) they are familiar with the contents and purpose of the petition; and
- (b) the contents meets the requirements of sub-clause 12.2.5.

12.2.8 Unless sub-clause 12.2.6 applies, the only Motions that may be considered by Council on any petition are:

- (a) that the petition be received; and
- (b) that the petition be referred to the CEO or relevant Director for consideration and response; or
- (c) that the petition be referred to the CEO or relevant Director for a report to a future Council Meeting which, if not specified, shall be within two Scheduled Council Meetings.

### **12.3 Public Conduct**

12.3.1 Members of the public present at a Council Meeting must not interject during the Council Meeting.

12.3.2 It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chairperson to do so.

12.3.3 In order to maintain good order in the Chamber, a person must not bring any placard or sign into a Council meeting.

12.3.4 The Chairperson, or the Council in the case of a suspension, may ask any Authorised Officer or member of Victoria Police to remove from the Chamber any person who has committed an offence or breached a Local Law or these Governance Rules adopted by Council for the maintenance of order at Council Meetings.

12.3.5 Additional to sub-clause 12.3.4, the Chairperson may cause the removal from the Chamber of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.

## **12.4 Joint Council Meetings**

12.4.1 Council may resolve to participate in a Joint Council Meeting to consider:

- (a) Matters of joint interest;
- (b) Collaborative procurement;
- (c) Emergency Response.

12.4.2 If Council has resolved to participate in a Joint Council Meeting, the CEO (or delegate) will agree on governance rules with the participating Councils.

12.4.3 Where Council is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.

12.4.4 No fewer than three Councillors will be appointed to represent Council at a Joint Council Meeting.

12.4.5 Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the CEO to facilitate a joint briefing.

12.4.6 A joint briefing arranged in accordance with Sub-Rule 12.5.5 may be held electronically.

## **13. VOTING, CASTING VOTES AND DIVISIONS**

### **13.1 Voting**

13.1.1 A matter before a Council Meeting is to be determined as follows:

- (a) Each Councillor present at a Council Meeting who is entitled to vote, is entitled to one vote.
- (b) Voting at a Meeting must not be in secret, but if the Meeting is closed to the public, a Councillor is not required to divulge their vote to the public.
- (c) A Motion is carried when a majority of the Councillors present at a Meeting, at the time the vote is taken, vote in favour of the Motion.
- (d) For the purpose of determining the result of a vote, a Councillor present at the Meeting who abstains from voting is to be taken to have voted against the Motion.
- (e) To determine a motion before a Meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will then declare the result of the motion.
- (f) Unless the Council resolves otherwise, voting on any matter will be by show of hands.
- (g) Once a vote on a motion has been taken, no further discussions relating to that motion will be allowed unless the discussion is:
  - i. for a Councillor to request that their opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
  - ii. where a Notice of Motion is given to rescind the motion.

- (h) In the event that the motion was lost, any Councillor may move a further motion in relation to the matter. Where the matter related to a planning permit application, the Chairperson must call for a further motion.

## **13.2 Casting Vote**

- 13.2.1 In the event of a tied vote, the Chairperson must exercise the casting vote in accordance with the Act.
- 13.2.2 The Chairperson does not have a casting vote in the election of Mayor or Deputy Mayor as these positions must be elected by an absolute majority of Councillors.

## **13.3 Procedures for a Division**

- 13.3.1 A division may be requested by any Councillor on any matter that has been determined.
- 13.3.2 The request for a division must be made to the Chairperson either immediately prior to or immediately after the vote has been taken on the matter but cannot be requested after the next item of business has commenced.
- 13.3.3 Once a division has been requested, the Chairperson will call for those Councillors voting for the motion to raise their hand and then those Councillors opposed to the motion to raise their hand.
- 13.3.4 The vote taken during this division is a final vote for the purpose of Sub-Rule 13.3.5.
- 13.3.5 The CEO must record in the Minutes the names of Councillors and whether they voted for or against the motion.

## **14. MEETING PROTOCOLS**

### **14.1 Addressing the Meeting**

- 14.1.1 Except for the Chairperson, any Councillor or person who addresses the Meeting must direct all remarks through the Chairperson with all Councillors and Officers being addressed in the form of their official title.
- 14.1.2 A Councillor who has the floor must not be interrupted unless a point of order is called by another Councillor. In such circumstances, the Councillor who had the floor must cease speaking and remain silent until the Councillor who raised the points of order has been heard and the question disposed of.

## **15. MOTIONS AND DEBATE**

### **15.1 Motions**

- 15.1.1 Any motion or amendment which:
  - (a) is defamatory; or
  - (b) is objectionable in language or nature; or
  - (c) is outside the powers of the Council; or
  - (d) is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or

- (e) is intended to be an amendment but is not;  
must not be accepted by the Chairperson.

15.1.2 The procedure for any motion is:

- (a) the mover must state the motion without speaking to it;
- (b) the motion must be seconded by a Councillor other than the mover;
- (c) if a motion is not seconded the motion will lapse for want of a seconder;
- (d) if the motion is seconded, the Chairperson must ask "Is the motion opposed?";
- (e) if a Councillor indicates opposition, the Chairperson must request:
  - i. the mover to address the meeting on the motion; and
  - ii. the seconder to address the meeting on the motion (who may, without speaking to the motion, reserve their address until later in the debate); and
  - iii. the Councillor who opposed the motion is invited to speak third; and
  - iv. any other Councillor may speak for or against the motion to debate in turn.

Irrespective, all Councillors, other than the Chairperson, are entitled to speak to a motion whether there is opposition or not.

15.1.3 No Councillor may speak more than once in debating a motion, except where the mover of the motion has a right of reply and after which the motion shall be immediately put without further discussion or debate. No right of reply is available where an amendment to a motion is before the Council.

15.1.4 The mover of the motion is entitled to exercise a right of reply, but may not raise any new matter.

15.1.5 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion. A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole. An amendment shall not be a direct negative of the motion.

15.1.6 If the mover and seconder for the original motion accept an amendment, the amendment does not have to be put to a vote.

15.1.7 A Councillor, other than the Chairperson, may address the Meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.

15.1.8 If the amendment is carried, the Motion as amended then becomes the Motion before the Meeting (known as the 'substantive Motion') before the Chairperson. The mover of the original motion retains the right of reply to that motion.

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

- 15.1.10 At any time during debate a Councillor may foreshadow a motion to inform other Councillors 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.
- 15.1.11 Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- 15.1.12 The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- 15.1.13 Debate must always be relevant to the question before the Chairperson and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- 15.1.14 If after being requested to confine debate to the motion before the Chairperson, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chairperson.
- 15.1.15 Unless a motion for an extension of time has been carried, the maximum speaking times will be:
- (a) The mover of a motion - 5 minutes;
  - (b) The mover of a motion when exercising their right of reply - 2 minutes
  - (c) Any other Councillor - 3 minutes
  - (d) Any Councillor, other than the Chairperson, can move a motion to extend the speaking time to a motion. This is a formal motion that does not allow debate.
- 15.1.16 Any one or more of the sub-clauses contained in this clause may be suspended for a particular purpose by resolution of the Council but shall not be done to prevent a Councillor from exercising their right to debate a motion in accordance with the Governance Rules.
- 15.1.17 No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of standing orders.

## **15.2 Formal Motions**

- 15.2.1 A formal motion may be moved and seconded at any time and must be dealt with immediately by the Chairperson.
- 15.2.2 The mover of a formal motion must not have moved, seconded or spoken to the question before the Chairperson or any amendment of it.
- 15.2.3 A formal motion cannot be moved by the Chairperson.
- 15.2.4 Unless otherwise stated, debate on a formal motion is not permitted and the mover does not have a right of reply.
- 15.2.5 A formal motion cannot be amended.
- 15.2.6 A motion "That the (motion, report etc.) be deferred" is a formal motion which if carried, has the effect of deferring any further debate on the matter until such time (if any) as the Council resolves to consider the motion, report."

15.2.7 A motion “That the motion be now put”:

- (a) Is a formal motion which if carried in respect to an original motion, that original motion must be put to the vote immediately without any further debate, discussion or amendment.
- (b) The Chairperson has the discretion to reject the motion upon which it is proposed if they feel that the matter has not yet been sufficiently debated.

15.2.8 A motion “That the motion and amendments now before the Meeting be deferred until:

- (a) Is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
- (b) Is a motion on which debate is permitted, but may only be amended in relation to the time, date and place of proposed adjournment.

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

<b>Motion</b>	<b>Form</b>	<b>Mover/ Second</b>	<b>When prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted</b>
<b>Alter the order of business</b>	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a)At a Meeting to elect the Mayor; or  (b)During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the <i>Agenda</i>	No
<b>Suspension of Standing Orders</b>	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion  No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
<b>Resumption of Standing Orders</b>	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
<b>Consideration of confidential matter(s) (Close the meeting to members of the public)</b>	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 <i>is confidential as it relates to [insert]</i>	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes
<b>Reopen the meeting</b>	'That the meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The meeting remains closed to the public	No

### **15.3 Councillors May Propose Notices of Motion**

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

### **15.4 Notices of Motion**

15.4.1 A Notice of Motion must be in writing signed by a Councillor, and be lodged with or sent to the CEO to allow sufficient time to include the Notice of Motion in agenda papers for a Council Meeting and to give each Councillor at least 48 hours' notice of such notice of motion.

15.4.2 The CEO:

- (1) May reject any Notice of Motion that is too vague or appearing to be contrary to the Local Government Act or any other law; and
- (2) Must, without delay, notify the relevant Councillor of any Notice of Motion which has been rejected and give the reasons for its rejection and discuss the matter with the Mayor and Councillors.

15.4.3 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 Chairperson, any other Councillor may move the motion.

15.4.4 If a recorded Notice of Motion is not moved or postponed, it will be struck out.

15.4.5 Unless the Council resolves to re-list at a future meeting a Notice of Motion which has been lost, a similar motion must not be put before the Council for at least three months from the date it was last lost.

15.4.6 The Notice of Motion may be accompanied by supporting information provided by the Councillor.

15.4.7 At the discretion of the CEO, an Officer comment may be included in the Meeting Agenda to accompany the Notice of Motion.

### **15.5 Notices of Rescission**

15.5.1 A Councillor may propose a motion to rescind a decision of the Council provided the previous resolution has not been acted upon.

15.5.2 A resolution may be acted upon at any time after the close of the Meeting at which it was carried. A resolution will be considered as having been acted upon once its details have been communicated to persons affected by or reliant upon the resolution or where a statutory procedure has been carried out.

15.5.3 Once a Notice of Rescission Motion has been given in writing and accepted by the CEO in accordance with clause 15.5, no further action is to be taken on the resolution until the Rescission Motion has been decided upon by Council.

15.5.4 A Notice of Rescission must be lodged in writing with the CEO or Principal Governance Officer within two business days of the decision of the Council or such Notice is deemed to have lapsed. Any Councillor providing a Notice of Rescission Motion, is required to provide written justification that must include new and pertinent information to hand.

15.5.5 A Notice of Rescission Motion must include the written endorsement of one other Councillor.

- 15.5.6 The CEO must inform the Councillor whether or not the motion has been accepted or not, and any grounds for refusal and discuss the matter with the Mayor and Councillors at the earliest opportunity.
- 15.5.7 For a decision of the Council to be rescinded, the motion for rescission must be carried by a Majority of the whole Council (which may include the casting vote of the Chairperson).
- 15.5.8 If a motion for rescission is lost, a similar motion may not be put before Council.
- 15.5.9 If a motion for rescission is not moved at the Meeting for which it is listed, it lapses.
- 15.5.10 A motion for rescission listed on an Agenda may be moved by any Councillor present but may not be amended.

## **15.6 Change of Council Policy**

- 15.6.1 Council regularly reviews its policies to ensure they are current and continue to reflect community expectations and the position held by Council.
- 15.6.2 Such reviews may lead to change in policy position.
- 15.6.3 If Council wishes to change a Council policy, a formal notice of rescission is not required.

## **15.7 Foreshadowed Motions**

- 15.7.1 At any time during a debate, a Councillor may foreshadow a motion to inform the 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.
- 15.7.2 A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chairperson is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 15.7.3 A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting.
- 15.7.4 The CEO is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved, but may do so if thought appropriate.

## **15.8 Points of Order**

- 15.8.1 A point of order may be raised in relation to:
- (a) A procedural matter;
  - (b) A Councillor who is, or appears to be, out of order;
  - (c) Any act of Disorder;
  - (d) An error in fact;
  - (e) Objectionable/offensive language; or
  - (f) Lack of relevance to the motion before the Council
- 15.8.2 The Chairperson will decide all points without entering into any discussions or comment.

- 15.8.3 The Chairperson may adjourn the Meeting to consider a point of order otherwise they must rule on it as soon as it is raised.
- 15.8.4 All other matters before the Council will be suspended until the point of order is decided.
- 15.8.5 A Councillor raising a point of order must state:
- (a) The point of order; and
  - (b) The reason for the point of order.
- 15.8.6 Expressing a mere difference of opinion or contradicting another speaker during the debate will not be treated as a point of order.

## **15.9 Disorderly Conduct**

- 15.9.1 The conduct of Councillors and Members at Meetings is governed by the *Act*, these Governance Rules and the Councillor Code of Conduct.
- 15.9.2 The Chairperson may adjourn a disorderly Meeting for either a short time, or to resume another day if:
- (a) the behaviour at the Council table or in the gallery is significantly disrupting the Meeting; or
  - (b) when a Meeting has been in progress for longer than 4 hours.
- 15.9.3 Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
- (a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
  - (b) The Mayor, under section 19 of the *Act*, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the Meeting for a period of time or the balance of the Meeting.
- 15.9.4 Where Council suspends a Councillor under Sub- Rule 15.9.3 (a), or the Mayor directs a Councillor to leave the Meeting under Sub-Rule 15.9.3 (b) the Councillor will take no active part in the portion of the Meeting from which they have been suspended.
- 15.9.5 If a Councillor has been suspended from a Meeting or directed to leave in accordance with Sub-Rule 15.9.3 the Chairperson may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

The Act (section 19(1)(b) provides the power to the Mayor to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council Meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

## **16. MINUTES AND CONFIRMATION**

### **16.1 Minutes**

16.1.1 In keeping the minutes of any Meeting, the CEO must arrange the recording of minutes so as to show:

- (a) The names of Councillors and whether they are PRESENT, and APOLOGY, on LEAVE OR ABSENCE, etc; and
- (b) The names of officer's present;
- (c) The arrival and departure of Councillors during the course of the Meeting (including any temporary departures or arrivals);
- (d) The outcome of every motion and amendment, that is,
  - Whether it was put to the vote:
  - If it was put to the vote, the result of the vote (namely CARRIED, NOT CARRIED, WITHDRAWN OR LAPSED)
- (e) Procedural motions (which might be highlighted);
- (f) Where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
- (g) Details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
- (h) The time and reason for any adjournment of the Meeting or suspension of standing orders; and
- (i) Disclosure of any conflict interest and the reason for the conflict of interest prior to the report being considered.

16.1.2 Confidential items considered under the Act are maintained in a separate record.

16.1.3 In addition, the minutes should:

- (a) bear the date and time the Meeting was commenced, adjourned, resumed and concluded;
- (b) be consecutively page numbered;
- (c) contain consecutive item numbers which are clearly headed with subject titles and, where appropriate, sub-titles; and
- (d) be indexed and be supplemented by an annual cumulative index.

16.1.4 The CEO is responsible for the keeping of minutes on behalf of the Council.

### **16.2 Confirmation of Minutes**

16.2.1 The Minutes as recorded by the CEO, or Delegate, will be made available as the proposed Minutes to:

- (a) Councillors and members of the public, by publishing them on Council's website, by the close of business three working days after the Meeting has concluded (with the exception of confidential items that shall not be made available to the public);
- (b) The next Council Meeting for the purpose of confirming their accuracy.

- 16.2.2 At every Council Meeting the Minutes of the preceding Council Meeting(s) must be dealt with through a motion to confirm the minutes.
- 16.2.3 If a Councillor is dissatisfied with the accuracy of the minutes, they must:
- (a) State the item or items with which they are dissatisfied; and
  - (b) Propose a motion clearly outlining the alternative wording to amend the minutes.
- 16.2.4 No debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate;
- 16.2.5 The confirmed Minutes must be made available to the public as soon as practicable via Council's website.
- 16.2.6 A master set of Council Meeting minutes, agenda, and associated reports will be retained and stored in accordance with the Public Records of Victoria Act 1973 and Clause 8.4.1 of the Retention and Disposal Authority for Records of Records of Local Government Function (PROS 09/05 VAR2).

### **16.3 Recording of Proceedings**

- 16.3.1 The CEO (or other person authorised by the CEO), may record on suitable audio and visual recording equipment all the proceedings of a Council Meeting.
- 16.3.2 A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.
- 16.3.3 The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

### **16.4 Suspension of Standing Orders**

- 16.4.1 To expedite the business of a Meeting, the Chairperson may indicate an intention to suspend standing orders and may proceed on that intention by the resolution of Council.
- 16.4.2 The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal Meeting procedure. (Public Time and recognition of achievements of staff and residents is conducted during the suspension of standing orders).
- 16.4.3 Its purpose is to enable the formalities of Meeting procedure to be temporarily disposed of while an issue is discussed.
- 16.4.4 It should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be: "That standing order be suspended to enable discussion on ....."
- 16.4.5 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be: "That standing orders be resumed."

## **17. COMMITTEES**

### **17.1 Establishment of a Delegated Committee**

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

17.1.1 For the purpose of this clause:

- (a) a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
- (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
- (c) a reference to the Mayor or Chairperson is to be read as a reference to the Chairperson of the Delegated Committee.

17.1.2 If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules do not apply to that Committee.

### **17.2 Community Asset Committees**

17.2.1 The Governance Rules may apply to any Community Asset Committee established by Council.

17.2.2 Council may resolve, in establishing a Community Asset Committee which parts of the Governance Rules apply but as a minimum must include Part 16 (Minutes).

17.2.3 A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council Meeting.

17.2.4 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

### **17.3 Audit and Risk Committee**

The Act provides for Council to establish an Audit and Risk Committee to provide oversight.

17.3.1 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.

17.3.2 Council may resolve, in establishing an Audit and Risk Committee that the Meeting procedure part of these Governance Rules does not apply.

17.3.3 An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council Meeting.

17.3.4 Agendas of all Audit and Risk Committee Meetings are to be made available to all Councillors.

17.3.5 An Audit and Risk Committee must act in accordance with its Charter adopted by Council.

## 18. POLICY AND PROCEDURES

### 18.1 Election Period Policy

18.1.1 Council will have in place an election period policy that:

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

18.1.2 At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its Election Period Policy.

18.1.3 The Election Period Policy forms part of these Governance Rules.

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

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

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

18.1.7 See Appendix One for Council's Election Period Policy

### 18.2 Conflict of Interest

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

These Rules provide the procedures for disclosures of conflicts of interest. Further guidance is available from the Conflicts of Interest Policy.

18.2.1 Obligations with regard to conflict of interest are:

- (a) Councillors, members of Delegated Committees and Council staff are required to:
  - Avoid - all situations which may give rise to conflicts of interest;
  - Identify - any conflicts of interest; and
  - Disclose – or declare all conflicts of interest.
  - Manage – any potential, perceived or actual conflicts of interest.

### 18.2.2 Councillors and Members of Delegated Committees:

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

### 18.2.3 Procedure at a Council or Delegated Committee Meeting

- (a) At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that Agenda must indicate they have a conflict of interest by clearly stating:
  - i. The item for which they have a conflict of interest; and
  - ii. Whether their conflict of interest is general or material; and
  - iii. The circumstances that give rise to the conflict of interest.
- (b) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.
- (c) A Councillor who is not present at the designated time in the Agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at sub-rule (a) prior to leaving the Meeting.
- (d) A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council Meeting must not communicate with any participants in the Meeting while the decision is being made.

### 18.2.4 Procedure at other Meetings organised, hosted or supported by Council

- (a) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (b) At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (c) If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- (d) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the Meeting for the duration of the discussion.
- (e) The existence of a conflict of interest will be recorded in the minutes of the Meeting.

- (f) If there are no minutes kept of the Meeting, the conflict of interest will be recorded in a Meeting record and provided to the Governance Team for recording in the register of Conflicts of Interest.
- (g) The Meeting minutes or record will also record the duration of the discussion and whether the Councillor left the Meeting.
- (h) Meeting records and reports will be presented to Council for noting and inclusion on the public record.

#### 18.2.5 Council staff:

- (a) Must act in accordance with the Employee Code of Conduct.
- (b) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (c) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 18.2.6 and the Employee Code of Conduct.

#### 18.2.6 Procedure for disclosures of conflicts of interest by Council Staff

- (a) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the CEO.
- (b) All conflicts of interest disclosed by Council staff will be provided to the Governance Team for recording in the register of Conflicts of Interest.
- (c) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
  - i. The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
  - ii. The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
  - iii. The staff member's direct Manager determines that the conflict of interest has not influenced the advice provided; and
  - iv. The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

## 19. DOCUMENT HISTORY

<b>Date Approved</b>	<b>Responsible Officer</b>	<b>Unit</b>	<b>Change Type</b>	<b>Version</b>	<b>Approved by</b>	<b>Next Review Date</b>
July 2020	A. Sheppard	Governance	Review	Draft		
July 2020	A. Wilson / J. Holt	Organisational Capability	Review	Draft		
September 2020	Council	Governance	Review	v1	Council	
June 2022	A. Sheppard	Governance	Review			
January 2023	Council	Governance	Review	Draft		

## Appendix One – Election Period Policy

### Election Period Policy



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<b>Related strategic documents, policies, or procedures:</b>	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>		

Date	Version Number	Details of Version	Modified by
7/01/2020	1	Adopted	Principal Governance Officer
01/07/2020	2	Draft Under Review	Principal Governance Officer
01/09/2020	3	Adopted	Principal Governance Officer

## 1. Purpose

This policy has been developed in accordance with the Local Government Act 2020 (the Act) to ensure the Mount Alexander Shire Council elections 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.

The 'election period' as defined by the Act for the 2020 Local Government elections will commence at 12.00 pm on Tuesday 22 September 2020 and end at 6.00 pm on election day, 24 October 2020. The 2020 General Election in Mount Alexander Shire Council will be conducted by postal voting, which closes at 6.00 pm Friday 23 October 2020.

## 2. Scope

This policy applies to the Councillors and employees (including full time, part time, casual employees, agency staff and students) and Community Asset Committees created under Section 65 of the Act. The policy is also applied in the management of contractors, volunteer groups and consultants of Mount Alexander Shire Council.

## 3. Policy

Council is committed to conducting business during the election period in an open, ethical, fair and equitable manner and to safeguarding the incoming Council's authority.

To support this commitment Council will:

- Avoid making significant new policies or major decisions that could unreasonably bind a future Council.
- 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.
- Limit public consultation, media comment, and publications to ensure that no advantage is afforded to a sitting Councillor.
- Ensure the Chief Executive Officer or his delegate approves all media comment and publications during the election period, and hold evidence of those approvals.

### 3.1. Chief Executive Officer

In addition to the Chief Executive Officer's (CEO) statutory responsibilities, the CEO or their delegate will:

- Ensure as far as possible, that all Councillors are informed of their roles and responsibilities thirty (30 days) prior to the commencement of the election period.
- Ensure as far as possible, that matters of Council business requiring significant decisions are scheduled for Council to consider prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

- Not include in the order of business for any Council Meeting scheduled during the election period, any matters requiring major policy decisions or matters that could be considered inappropriate decisions.

The Chief Executive Officer will issue guidelines to staff on the role and responsibilities of staff in the implementation of this policy.

The Chief Executive Officer will also issue guidelines to Councillors to inform them about changes to services, processes and procedures that may impact them in their role during the election period.

### 3.2. Decision Making

In accordance with Section 69 of the Act, Council is prohibited from making any decision during the election period for a general election that:

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

Council is prohibited from making any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

During the election period, the Council, a Committee of Council, the CEO or a Council officer acting under delegation will not:

- a) Approve, amend or repeal any policy, plan or strategy, including those contained in or related to the Mount Alexander Shire Planning Scheme, which has been adopted by Council; or
- b) Use their position to influence Council officers, or access Council resources of information, in support of any election campaign or candidacy.

A Council decision made in contravention of subsection (a) or (b) above is invalid under the Act.

Under the Act, any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of this clause is entitled to compensation from the Council for that loss or damage

During the election period, reports to Council and Committee meetings will be carefully vetted to avoid listing matters on the Agenda which could foreseeably influence voters' intentions at the forthcoming election; or encourage Councillor-candidates to use the matter as part of their election platform.

Councillors will not move motions on, or raise matters at Council or Committee meetings that could potentially influence voting at the election.

### 3.3. Extraordinary Circumstances

If the Council considers that there are extraordinary circumstances which require the making of a decision during the election period that in doing so would breach the Act, the Council may apply in writing to the Minister for Local Government for an exemption from the application of this prohibition.

### 3.4. Council and Special Committee Meetings

Agenda papers and minutes of Council and Committee meetings do not require approval by the Chief Executive Officer unless they are printed or published for a wider distribution than normal.

Questions from the gallery during Public Question Time will be considered by the Chair to ensure that they comply with the principles of the Act in relation to the election period and this policy. In accordance with the Governance Rules, the Chair may disallow a question if it breaches the requirements of the Rules.

Council Meetings will continue to take place during the election period. However, the following adjustments will be made to the Agenda:

- a) Council will suspend public question time at all Council meetings during the election period. Members of the public will still be able to make written submissions and/or address the Committee meeting in relation to items listed on the agenda;
- b) Delegates Reports and Notice of Motion will not be allowed where the matter is an Electoral Matter;
- c) Councillors will limit their discussion during debate to the topic under consideration and will avoid raising Electoral Matter; and
- d) Reports for the consideration of Council will be referred to the CEO for approval before inclusion on the meeting agenda.

### 3.5. Application of Resources

The use of Council resources including, but not limited to, vehicles, staff, services, property, equipment, stationery, websites, social media and hospitality for any Federal, State or Council election campaign purposes is prohibited.

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 Chief Executive Officer or their delegate.

In accordance with Section 304 of the Act, a Councillor or member of Council staff must not use Council resources in a way that is intended to or is likely to affect the result of an election under this Act.

A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on

behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

### 3.6. Council staff

The Executive Assistant to the CEO, Governance officers, or any other staff member, will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

### 3.7. Use of Council Equipment by Councillors

Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Councillor 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. Specifically, Council resources, including (but not limited to) fleet vehicles, laptops, mobiles, office accommodations, IT, meeting rooms, support staff and photographs. Equipment and stationery will be used exclusively for normal Council business during the election period and will not be used in connection with any election campaign.

### 3.8. Public Consultation

As a general rule, community consultation and engagement activity will be suspended during the election period and/or organised so as not to fall within this period.

Some community consultation activities may be necessary during the Election Period to facilitate the day to day business of Council and must be approved by the CEO or their delegate.

Any such community consultations will avoid express or implicit links to the election or an Electoral Matter. Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the Election Period.

In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the Election Period, Council reserves the right to postpone a matter if the issue is likely to become an Electoral Matter.

The requirements of this clause do not apply to community consultation required under the Planning and Environment Act 1987 or matters where Council, by public notice, has invited public submissions

Where community engagement has occurred prior to the election period but the report has not yet proceeded to a Council or Committee meeting, results of the consultation will also not be provided to a Council or Committee meeting until the election period has concluded.

### 3.9. Council Publications

#### Prohibition on Publishing Material during the Election Period

Council is prohibited from printing, publishing or distributing any advertisement, handbill, pamphlet or notice during an election period unless it has been approved by the CEO or their delegate.

The publication of any material containing Electoral Matter is prohibited unless that material is only about the election process.

Publications which require approval include:

- Brochures, pamphlets, handbills, flyers, magazines and books;
- Reports (other than agenda papers and minutes);
- Advertisements, newsletters and notices except newspaper notices of meetings;
- New website material;
- Social media publications (which includes Facebook and Twitter posts);
- Emails with multiple addresses, used for broad communication with the community;
- Mass mail outs or identical letters sent to people by or on behalf of Council;
- Media releases;
- Material to publicise a function or event; and
- Any publication or distribution of speeches.

A publication is taken to contain Electoral Matter 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.

### 3.10. Council Publications Including Councillor Information

References to Councillors who are standing for re-election in Council publications printed, published or distributed during the election period could be considered electoral matter and will be carefully vetted and unless it has been approved by the CEO or their delegate.

The publishing and distribution of electoral matter, as defined in Section 3 in the Act is prohibited.

### 3.11. Existing Publications

Existing publications, including material published on Council's website in advance of the Election Period, are not subject to certification requirements.

Existing publications will be reviewed at the start of the Election Period. Publications or material which is prominently displayed and might be regarded as likely to influence how people vote will be temporarily removed from display. Any material so removed will still be provided to members of the community upon request.

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

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

## 3.12. Annual Report

Council is required by the Act to produce and put on public display a copy of its Annual Report. The Annual Report may be published during the election period with the approval of the CEO.

The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

## 3.13. Live Streaming of Council meetings

While Council and Committee agenda papers and minutes are considered to be part of normal Council business, the livestreaming of the Council Meetings are not. As such, livestreaming and the YouTube recordings of meetings which take place during the election period will not be made available on Council's website until after the election period has ended.

## 3.14. Social Media

Any new publication on social media sites including Facebook, Twitter and any other form of social media created by Council during the election period must be approved by the CEO, or their delegate.

As public comments posted on Council's social media sites could be considered electoral matter, staff responsible for administering social media sites will, where possible, disable public commenting. Where public commenting cannot be disabled, staff will monitor their respective sites during the Election Period and where possible, remove electoral matter as soon as reasonably practicable after it is posted.

## 3.15. Functions and events

Functions and events are defined as gatherings of internal and external stakeholders, to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community.

Functions or events may take the form of conferences, workshops forum, launches, promotional activities and social occasions such as dinners, receptions and balls.

### Functions or events staged by external bodies

Councillors will continue to attend events and functions during the election period hosted by external bodies.

### Council events and functions

Council organised events and functions during the election period will be limited to:

- Those essential to the operation of the Council.
- Annual events that are included in the Events Calendar.
- Those that have been approved by the Chief Executive Officer.

## Speeches / key note addresses

Councillors may only make speeches at Council organised or sponsored events and functions with the prior approval by the Chief Executive Officer. The preference will be for the any such speeches or key note addresses to be delivered by the Chief Executive Officer or delegate.

## Publication of promotional material

Any promotional material concerning a Council organised or sponsored function or event will be published and distributed in accordance with this Policy.

Where practicable, civic and ceremonial Council events should not be scheduled during the election period. Civic and ceremonial events do not include routine events and programs conducted as part of Council's day-to-day activities (e.g. immunisation sessions, gallery exhibitions, library programs).

Any civic or ceremonial Council event held during the election period will meet one or more of the following criteria:

- It is a planned event endorsed by the current Council Plan.
- It is routinely held at the same time of year.
- It is a commemorative or anniversary event held on or near the anniversary date.
- It demonstrates a clear community benefit, or serves an educational or welfare purpose.
- It contributes to cultural development, social awareness or sense of community identity.

## **3.16. Council Resources**

### Application of Resources

Council resources, including office accommodation, staff, hospitality, services (including phone, internet and email), property, equipment and stationery will be used exclusively for normal Council business during the election period and will not be used in connection with any election campaign or issue.

Councillor-candidates will not use Council resources in connection with any activities associated with their election campaigns, regardless of any entitlement to "reasonable personal use" of Council equipment under any other policy, protocol or terms of use.

### Council staff

The Executive Assistant to the CEO, Governance officers, or any other staff member, will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

### Use of Council Equipment by Councillors

Councillors standing for re-election will not use Council equipment as a resource to assist with election campaigns.

### Councillors' Entitlement to Reimbursement

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

## Council Branding

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

## Ward Publications

Ward-specific publications, printing of community newsletters and the Mayor's column will not be arranged or resourced by Council during the election period.

## Councillor Correspondence

While the routine business of Council must continue, it is important that the administration is not perceived as providing Councillor-candidates any undue advantage whilst campaigning.

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

## Officers' Discretion

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

Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter will be referred to the Chief Executive Officer.

### **3.17. Media Services**

#### Restriction on Services

Council's Communications Unit undertakes the promotion of Council activities and initiatives. During the election period this team's services will not be used in any way that might promote a Councillor as an election candidate. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives, and is subject to certification by the Chief Executive Officer.

During the election period, Council resources will not be used in any way that might promote a Councillor as an election candidate.

New Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the Chief Executive Officer.

#### Media Releases/Spokespersons

Media releases during the election period 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 Chief Executive Officer or his delegate will be consulted.

Media releases require approval by the Chief Executive Officer.

## Councillors

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

## Council Employees

During the election period no Council employee will make any public statement that relates to an election issue unless prior approval from the Chief Executive Officer has been obtained.

### **3.18. Information**

#### Candidates' Access to Information

Council recognises that all election candidates have certain rights to information relevant to their election campaigns from the Council administration subject to legislative constraints such as:

- A Councillor may continue to access Council information only as it is necessary for them to perform their role as Councillor and in accordance with the Councillor Access to Information Policy.
- All election Candidates have equal rights to Council information relevant to their election campaigns from the Council administration in accordance with the Council's Public Transparency Policy and the Freedom of Information Act 1982 (Vic).
- Neither Councillors nor Candidates will receive information or advice from Council officers that may improperly advantage Candidates in the elections.
- Council will provide Candidates with a copy of a Councillor Candidate Information Kit (if any) produced by the Victorian Electoral Commission to assist them in running and nominating for Council.
- Council will provide Candidates with a copy of this policy. A copy of this policy will be available at the Civic Centre upon request.

#### Information Request Register

The Governance Unit will maintain a publicly available Information Request Register during the election period. This Register will record requests by persons who identify themselves as candidates when seeking information relating to electoral matters or when making other general enquiries. The register will also record the responses provided.

Any candidate may, upon request, obtain information about the recorded requests made by another candidate as recorded in the Information Request Register and a copy of information given in response to the request.

The Principal Governance Officer may, at their discretion, automatically circulate to all candidates, the response to any request recorded in the Information Request Register.

### 3.19. Assistance to Candidates

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 Chief Executive Officer or his or her delegate.

#### Candidate Information

Information is available to prospective candidates from the Municipal Association of Victoria and the Victorian Electoral Commission to assist them in running and nominating for Council. Candidates will be informed of their obligation to complete a Nomination Form which will be available from the Returning Officer, which should be accompanied by the nomination fee.

Candidates will also be informed of the requirements to complete and submit an 'Election Campaign Return' to the Chief Executive Officer within 40 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.

## 4. Definitions of Abbreviations Used

Term	Definition
Caretaker Period	Has the same meaning as 'Election Period' in Section 3 of the Act, and means the period that starts on the entitlement date and ends at 6.00 pm on Election Day.
Councillor-Candidate	Means a current Councillor who has nominated, or is considering nominating for election in the 24 October 2020 Council elections.
Electoral Matter	<p>Matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on -</p> <ol style="list-style-type: none"> <li>The election; or</li> <li>A candidate in the election; or</li> <li>An issue submitted to, or otherwise before, the voters in connection with the election.</li> </ol> <p>Electoral matter includes material which:</p> <ul style="list-style-type: none"> <li>Publicises the strengths or weaknesses of a candidate.</li> <li>Advocates the policies of the Council or of a candidate.</li> <li>Responds to claims made by a candidate.</li> <li>Publicises the achievements of the elected Council.</li> </ul>
Election Period	<p>In relation to an election, means the period that -</p> <ul style="list-style-type: none"> <li>Starts on the last day on which nominations for that election can be received; and</li> <li>Ends at 6.00 p.m. on election day;</li> </ul> <p>That is, 12.00 pm on 22 September 2020 through to 6.00 pm on 24 October 2020.</p>
Electoral	Means an advertisement, handbill, pamphlet or notice that contains

Term	Definition
Advertisement, Handbill, Pamphlet Or Notice	electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.
Inappropriate Decisions	Inappropriate decisions made by a Council during an election period include any of the following - a) Decisions that would affect voting in an election. b) Decisions that could reasonably be made after the election.
Publication	Means: a) A published work in any form (e.g. hardcopy or digital) including but not limited to brochures, articles, letters, posters, policies, strategies, papers, letters, commentary. b) The act or process of publishing.
Publish	Means publish by any means including by publication on the Internet
Public consultation	Means a process which 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	An irrevocable decision that significantly effects the municipality.

## 5. Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006).

**Procedure for Motions and Amendments**

