



**CENTRAL
GOLDFIELDS**
SHIRE COUNCIL

GOVERNANCE RULES

GOVERNANCE RULES

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on 28 September 2022.

3. Contents

These Governance Rules are divided into the following Chapters:

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

4. Definitions

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

Act means the *Local Government Act 2020*.

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

Chief Executive Officer includes an Acting Chief Executive Officer.

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

Council means Central Goldfields Shire Council.

Council meeting has the same meaning as in the Act and includes a scheduled meeting and unscheduled meeting (whether held as face-to-face (in person) *attendance* in a set location or via electronic means (virtual) or in a 'hybrid' format that mixes in-person and electronic attendance.

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

Mayor means the Mayor of Council.

These Rules means these Governance Rules.

1. Context

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

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:

Councillor Code of Conduct

2. Decision Making

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

Chapter 2 – Meeting Procedure for Council Meetings

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Part A – Introduction

1. Title

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

2. Purpose of this Chapter

The purpose of this Chapter is to:

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

3. Definitions and Notes

3.1 In this Chapter:

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

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

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

Note: Section 18(1)(a) of the Act states that the role of the Mayor is to chair Council Meetings.

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

Part B – Election of Mayor

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

4. Election of the *Mayor*

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

5. Method of Voting

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

6. Determining the election of the *Mayor*

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

6.2 Any nominations for the office of *Mayor* must be:

6.2.1 seconded by another Councillor; and

6.2.2 Accepted by the nominee.

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

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

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

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

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

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

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

- a) a defeated candidate; and
- b) duly elected

the declaration will be determined by lot.

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

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

7. Election of Deputy Mayor and Chairs of Delegated Committees

7.1 At a meeting to elect the Mayor, Council may resolve to elect a Deputy Mayor.

7.2 Any election for:

7.2.1 any office of Deputy Mayor; or

7.2.2 Chair of a *Delegated Committee*

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

7.2.3 Chief Executive Officer is a reference to the Mayor; and

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

8. Appointment of Acting Mayor

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

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

Part C – Meetings Procedure

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

Division 1 – Notices of Meetings and Delivery of Agendas

9. Dates and Times of Meetings Fixed by *Council*

Subject to Rule 10, *Council* must from time to time fix the date, time and place of all *Council meetings*.

10. *Council* May Alter Meeting Dates

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

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

- 11.1 The *Mayor* or at least 3 Councillors may by a *written* notice call a *Council meeting*.
- 11.2 The notice must specify the date and time of the *Council meeting* and the business to be transacted.
- 11.3 The *Chief Executive Officer* must convene the *Council meeting* as specified in the notice.
- 11.4 Unless all Councillors are in attendance and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Council meeting*.

12. Notice Of Meeting

- 12.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 48 hours before the meeting.
- 12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of their absence.

12.3 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:

12.3.1 for *meetings* which it has fixed by preparing a schedule of meetings annually:

- a) by listing the *Council meeting dates* on its website and;
- b) arranging publication of such schedule in a newspaper generally circulating in the *municipal district* (if such a newspaper exists), either at various times throughout the year, or prior to each such *Council meeting*; and
- c) for any meeting by giving notice on its website and where timing for publishing a notice permits in at least one newspaper generally circulating in the municipal district (if such a newspaper exists).

Division 2 – Quorums

13. Inability To Obtain A Quorum

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

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

14. Inability To Maintain A Quorum

- 14.1 If during any Council meeting, a quorum cannot be maintained then Rule 13 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 14.2 Sub-Rule 14.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

Section 67 of the Act details the process to be followed where a quorum is unable to be maintained because of the number of Councillors who have a conflict of interest in the matter to be considered.

15. Adjourned Meetings

- 15.1 *Council* may adjourn any meeting to another date or time.

- 15.2 *Council* may only adjourn a meeting in session to another location is but there is disorder or a threat to the safety of any Councillor or member of Council staff.
- 15.3 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 15.4 If it is impracticable for the notice given under sub-Rule 15.3 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

16. Time limits for Meetings

- 16.1 A *Council meeting* must not continue after 3 hours unless a majority of Councillors who are *in attendance* vote in favour of it continuing.
- 16.2 A meeting cannot be continued for more than 30 minutes at a time.
- 16.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 15.3 and 15.4 apply.

17. Cancellation or Postponement of a Meeting

- 17.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 17.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 17.1.

Division 3 – Business of Meetings

18. Agenda and the Order Of Business

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

19. Change To Order Of Business

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

20. Urgent Business

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

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

Division 4 – Motions and Debate

21. Councillors May Propose *Notices Of Motion*

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

22. Notice Of Motion

- 22.1 A *notice of motion* must be in *writing* signed by a Councillor, and be lodged with or sent to the *Chief Executive Officer* at least one week before the *Council meeting* to allow sufficient time for the *notice of motion* to be included in agenda papers for a *Council meeting* and to give each Councillor at least 48 hours notice of such *notice of motion*.
- 22.2 The *Chief Executive Officer* may reject any *notice of motion* which:
 - 22.2.1 is vague or unclear in intention
 - 22.2.2 it is beyond *Council's* power to pass; or
 - 22.2.3 if passed would result in *Council* otherwise acting invalidlybut must:
 - 22.2.4 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 22.2.5 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.
- 22.3 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.
- 22.4 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 22.5 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.
- 22.6 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- 22.7 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses.

23. Chair's Duty

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

- 23.1 defamatory;
- 23.2 objectionable in language or nature;
- 23.3 vague or unclear in intention;
- 23.4 outside the powers of Council; or
- 23.5 irrelevant to the item of business on the agenda and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

24. Introducing a Report

24.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes, unless the *Chair* indicates otherwise:

24.1.1 its background; or

24.1.2 the reasons for any recommendation which appears.

25. Introducing A Motion or an Amendment

The procedure for moving any motion or amendment is:

- 25.1 the mover must state the motion without speaking to it;
- 25.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
- 25.3 if a motion or an amendment is moved and seconded the Chair must ask:
"Is the motion or amendment opposed? Does the mover wish to speak to the motion or amendment?"
- 25.4 if no Councillor indicates opposition and the mover has no desire to speak to it, the Chair may declare the motion or amendment carried without discussion;
- 25.5 if a Councillor indicates opposition or a desire to speak to it, then the Chair must call on the mover to address the meeting;
- 25.6 after the mover has addressed the meeting, the seconder may address the meeting;

- 25.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- 25.8 Apart from the mover's right of reply referred to below, a Councillor may only speak once on the motion and once any amendment of a motion;
- 25.9 if, after the mover has addressed the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.
- 25.10 A Councillor may, with the leave of the Chair, ask a question for the purposes of clarification. In asking such questions Councillors must not offer opinions on the issue to be considered. Asking a question for the purposes of clarification will not be deemed as speaking to the motion.

26. Right Of Reply

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

27. Moving An Amendment

- 27.1 Subject to sub-Rule 27.4 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 27.2 A Councillor 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;
- 27.3 The mover of an amendment has no right of reply;
- 27.4 A motion to confirm a previous resolution of *Council* cannot be amended.
- 27.5 An amendment must not be directly opposite to the motion.

28. Who May Propose An Amendment

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

29. How Many Amendments May Be Proposed

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

30. An Amendment Once Carried

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

31. Withdrawal Of Motions

- 31.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.
- 31.2 If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

32. Separation Of Motions

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

33. Chair May Separate Motions

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

34. Priority of address

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

35. Motions In Writing

- 35.1 The *Chair* may require that a complex or detailed motion be in writing.
- 35.2 *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

36. Repeating Motion and/or Amendment

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

37. Debate Must Be Relevant To The Motion

- 37.1 Debate must always be relevant to the motion before the Chair, and, if not, the *Chair* must request the speaker to confine debate to the motion.
- 37.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.
- 37.3 A speaker to whom a direction has been given under sub-Rule 38.2 must comply with that direction.

38. Speaking Times

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

- 38.1 the mover of a motion or an amendment which has been opposed: 5 minutes;
- 38.2 any other Councillor: 3 minutes; and
- 38.3 the mover of a motion exercising a right of reply: 2 minutes.

39. Addressing the Meeting

- 39.1 Except for the *Chair*, any Councillor or person who addresses the meeting must stand and direct all remarks through the Chair, However, the *Chair* may permit any Councillor or person to remain seated while addressing the *Council meeting* for reasons of injury, sickness, disability or otherwise at the *Chair's* discretion.
- 39.2 Any person addressing the *Chair* must refer to the *Chair* as:
 - 39.2.1 Mayor; or
 - 39.2.2 Chair
 as the case may be;
- 39.3 All Councillors, other than the *Mayor*, must be addressed as
Cr(name).
- 39.4 All members of Council staff, must be addressed by their official title.

40. Right to Ask Questions

- 40.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
- 40.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

Division 5 – Procedural Motions

41. Procedural Motions

- 41.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- 41.2 Procedural motions require a seconder.
- 41.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

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

Division 6 – Rescission Motions

42. Notice of Rescission

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

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

- 42.1 A Councillor may propose a *notice of rescission* provided:
- 42.1.1 it is in writing;
 - 42.1.2 the resolution proposed to be rescinded has not been acted on; and
 - 42.1.3 the *notice of rescission* is delivered to the *Chief Executive Officer* within 24 hours of the resolution having been made setting out -
 - 1. the resolution to be rescinded; and
 - 2. the meeting and date when the resolution was carried.
- 42.2 Any Councillor proposing a *notice of rescission* is required to provide written justification that must include one or more of the following:
- ii. The vote may not have accurately reflected the opinion held by the meeting due to the misunderstanding of the motion or for some other reasons; or
 - iii. New information has become available which may affect the decision of *Council*; or
 - iv. Some vital information was overlooked in *Council* forming its decision.
- b. A *notice of rescission* must include the written endorsement of one other Councillor.
- 42.3 A resolution will be deemed to have been acted on if:
- 42.3.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
 - 42.3.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 42.4 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:

42.4.1 has not been acted on; and

42.4.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 42.1.3,

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Sub-Rule 41.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

43. If Lost

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

44. If Not Moved

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

45. May Be Moved By Any Councillor

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

46. When Not Required

46.1 Unless sub-Rule 46.2 applies, a motion for rescission is not required where *Council* wishes to change policy.

46.2 The following standards apply if *Council* wishes to change policy:

46.2.1 if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and

- 46.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 – Points of Order

47. Chair To Decide

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

48. Chair May Adjourn To Consider

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

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

49. Procedure For Point Of Order

A Councillor raising a point of order must:

49.1 state the point of order; and

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

50. Valid Points Of Order

A point of order may be raised in relation to:

50.1 a motion, which, under Rule 23, or a question which, under Rule 51, should not be accepted by the Chair;

50.2 a question of procedure; or

50.3 any act of disorder.

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

Division 9 – Petitions and Joint Letters

51. Petitions and Joint Letters

51.1 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next *Council meeting* after that at which it has been presented.

- 51.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- 51.3 Every Councillor presenting a petition or joint letter to *Council* must:
- 51.3.1 write or otherwise record their name at the beginning of the petition or joint letter; and
 - 51.3.2 confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- 51.4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), contain the request of the petitioners or signatories and be signed by at least 12 people.
- 51.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 51.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 51.7 Every page of a hard copy petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 51.8 Electronic or online petitions, joint letters, memorials or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purposes for Rule 51, qualify as the address and signature of such petitioner or signatory.
- 51.9 If a petition, joint letter, memorial or other like application relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

Division 10 – Voting

52. How Motion Determined

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

53. Silence

Subject to Rule 56, voting must take place in silence.

54. Recount

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

55. Casting Vote

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

56. How Votes are Cast

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

57. Procedure For A Division

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

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

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

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

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

57.3.3 Any Councillor which abstains from voting on the question, motion or amendment will be recorded as having abstained from voting.

Although a Councillor who abstains from voting on a matter will be recorded as so in a division section 61(5)(e) of the Act states that for the purposes of determining the result of a vote, a Councillor in attendance at the meeting who does not vote is taken to have voted against the question.

58. No Discussion Once Declared

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

58.1 a Councillor requesting, before the next item of business is considered, that their opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or

- 58.2 foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

For example, Rule 58 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 58 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 58.2, to discussion about a positive motion were a resolution has just been rescinded.

Division 11 – Minutes

59. Confirmation of Minutes

- 59.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:
- 59.1.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;
 - 59.1.2 A Councillor can express opposition in regard to the items in the minutes on the basis that the record is incomplete or inaccurate;
 - 59.1.3 The Councillor who indicates opposition must specify the particular item or items in the minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record;
 - 59.1.4 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
 - 59.1.5 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed;
 - 59.1.6 unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

60. No Debate on Confirmation Of Minutes

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

61. Deferral Of Confirmation Of Minutes

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

62. Form and Availability of Minutes

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

- i. the date, place, time and nature of the meeting;
- ii. the names of the Councillors in attendance and the names of any Councillors who apologised in advance for their non-attendance;
- iii. the names of the members of Council staff in attendance;
- iv. any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5;
- v. arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- vi. each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
- vii. the vote cast by each Councillor upon a division;
- viii. the vote cast by any Councillor who has requested that their vote be recorded in the minutes;
- ix. questions upon notice;
- x. the failure of a quorum;
- xi. any adjournment of the meeting and the reasons for that adjournment; and
- xii. the time at which standing orders were suspended and resumed.

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

- xiii. published on *Council's* website; and
- xiv. available for inspection at *Council's* office during normal business hours.

62.3 Nothing in sub-Rule 62.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

Division 12 – Behaviour

63. Public Addressing The Meeting

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

64. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 63.2.

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

65. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, the *Chair* may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

66. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 64.

Division 13 – Additional Duties of Chair

67. The Chair's Duties And Discretions

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

- 67.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- 67.2 must call to order any person who is disruptive or unruly during any meeting.

Division 14 – Suspension of Standing Orders

68. Suspension of Standing Orders

- 68.1 To expedite the business of a meeting, *Council* may suspend standing orders.

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

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

- 68.2 The suspension of standing orders 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....."

- 68.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders, other than a motion to resume standing orders.

- 68.4 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."

Division 15 – Physical and Remote Attendance

69. Mode of Attendance

- 69.1 Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:

1. wholly in person;
2. wholly by electronic means; or
3. partially in person and partially by electronic means (hybrid).

- 69.2 The indication in the notice of meeting must be consistent with any Resolution of *Council* that has expressed a preference for, or otherwise specified, when *Council* meetings are to be conducted:

69.2.1 wholly in person;

69.2.2 wholly by electronic means; or

69.2.3 partially in person and partially by electronic means (hybrid)

- 69.3 If a *Council meeting* is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 69.4 Any request made under sub-Rule 69.3 must:
- 69.4.1 Be in writing;
 - 69.4.2 Be given to the *Chief Executive Officer* no later than 24 hours prior to the commencement of the relevant *Council meeting*; and
 - 69.4.3 specify the reasons why the Councillor is unable or does not wish to attend the *Council meeting* in person.
- 69.5 The *Chief Executive Officer* must ensure that any request received in accordance with sub-Rule 69.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant *Council meeting*.
- 69.6 The *Chief Executive Officer* may approve and must not unreasonably refuse any request.
- 69.7 The *Chief Executive Officer* may approve a request received less than 6 hours prior to the commencement of the relevant Council meeting where there is a personal, health, family emergency or extraordinary circumstance.
- 69.8 A Councillor who is *attending* a *Council meeting* by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the *Council meeting*.
- 69.9 Without detracting from anything said in sub-Rule 69.8, a Councillor who is *attending* by electronic means must be able to:
- 69.9.1 hear the proceedings;
 - 69.9.2 see all Councillors and members of Council staff who are also attending the *Council meeting*, at least while a Councillor or member of Council staff is speaking;
 - 69.9.3 be seen by all Councillors, member of Council staff and members of the public who are physically present at the *Council meeting*, and
 - 69.9.4 be heard when they speak.
- 69.10 If the conditions of sub-Rule 69.8 cannot be met by one or more Councillors *attending* a *Council meeting*, whether because of technical difficulties or otherwise:
- 69.10.1 The Council meeting will nonetheless proceed as long as a quorum is present; and
 - 69.10.2 The relevant Councillors (or Councillors) will be treated as being absent from the *Council meeting* or that part of the *Council meeting*. The absence will be announced by the *Chair* to enable recording in the minutes.

Unless the *Council meeting* has been adjourned in accordance with *these Rules*.

69.11 Nothing in this Rule 69 prevents a Councillor from joining (or re-joining) a *Council meeting* at the time that they achieve compliance with sub-Rule 69.8 even if the *Council meeting* has already commenced or has continued in their absence.

69.12 Should the *Chair* lose visual or audio connection with the meeting, the Host will notify attendees and the meeting will be adjourned for a maximum period of 30 minutes to allow for the *Chair* to re-join the meeting.

If the *Chair* re-connects within 30 minutes, the *Chair* will restart the meeting.

If the *Chair* is unable able to reconnect within the 30 minute adjournment period the *Council meeting* is to be chaired by a Councillor who is present at the meeting and is appointed by a resolution of the *Council* to chair the meeting.

69.13 Should the CEO or a presenting officer's visual or audio disconnect the *Chair* may decide whether to adjourn the meeting to allow that attendee to reconnect.

Should the meeting be adjourned the same process for "Loss of Councillor's presence" should be followed.

69.14 Should a loss of all Councillors or *attendees* occur, and a quorum is not able to be regained within 30 minutes, then the meeting will be automatically adjourned. The remaining items will be held over until the next ordinary meeting or another meeting called for that purpose

70. Meetings Conducted Remotely

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

71. Live Streaming and Recording of Proceedings

71.1 Council Meetings will be livestreamed to the public made available through Council's Facebook Page. A recording of proceedings will also be available through the Council website and Council's Facebook page.

71.2 The *Host* may need to cease the electronic meeting or the livestream should any security threat or technical interruption occur.

71.3 The *Host* will co-ordinate the livestream and alert the meeting *Chair* if the livestream is interrupted or disconnected due to technical issues during the meeting.

The meeting will then be officially adjourned by the meeting chair for a maximum period of 30 minutes to resolve the technical issues. This will be minuted. Should the livestream not be able to be re-connected within 30

minutes the meeting will end and the remaining items will be held over until the next ordinary meeting or an additional meeting called for that purpose.

During adjournment all attendees should remain muted while attempts are made to reconnect the livestream.

Should the livestream be re-connected then the Host will inform the meeting chair who will restart the meeting.

- 71.4 To comply with its obligations under legislation (including but not limited to the Privacy and Data Protection Act 2014), Council maintains the right to cease transmission of live-streaming at any time in order to prevent the broadcasting of material that it deems to be:
- 71.4.1 defamatory;
 - 71.4.2 disclosing personal, health or sensitive information about individuals;
 - 71.4.3 offensive on the basis of race colour, national or ethnic origin;
 - 71.4.4 vilification or inciting hatred on religious or racial grounds;
 - 71.4.5 related to sex, drugs, violence or revolting or abhorrent phenomena, which is likely to cause offence to a reasonable person; and/or an
 - 71.4.6 infringement of copyright.

Division 16 – Miscellaneous

72. Procedure not provided in this Chapter

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

73. Criticism of members of Council staff

- 73.1 The *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a Councillor made at the *Council meeting* criticising the *Chief Executive Officer* or any member of Council staff.
- 73.2 A statement under sub-Rule 71.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has resumed their seat.

Chapter 3 – Meeting Procedure for Delegated Committees

1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

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

2. Meeting Procedure Can Be Varied

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

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

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

Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

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

2. Meeting Procedure

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

1. Definition

In this Chapter:

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

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

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

- 2.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the *Council meeting* immediately before the matter is considered; or
- 2.2 intend to attend must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
 - 2.2.1 advising of the conflict of interest;
 - 2.2.2 explaining the nature of the conflict of interest; and
 - 2.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (c) nature of that other person’s interest in the matter,

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

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

- 2.3 Should an attendee declare a conflict of interest whilst *attending* the *Council meeting* through electronic means, then the meeting chair will pause to allow time for that attendee to be placed in the waiting room – a separated holding space where that attendee cannot participate in the main meeting. The Host will place that attendee in the waiting room upon the declaration. The Host will then notify the meeting chair when the meeting can resume.

The attendee will re-join the meeting at the invitation of the meeting chair at the end of the matter being heard. The meeting Host will be able to reconnect that attendee.

The attendee should remain at their screen and muted ready to return to the meeting when the item has been completed.

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

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

- 3.1 *Are in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the *Delegated Committee* meeting immediately before the matter is considered; or

- 3.2 Intend to *attend* must disclose that conflict of interest by providing to the *Chief Executive Officer* before the Delegated Committee meeting commences a written notice:

3.2.1 advising of the conflict of interest;

3.2.2 explaining the nature of the conflict of interest; and

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

(a) name of the other person;

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

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

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

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

- 3.3 Should an attendee declare a conflict of interest whilst *attending* the *Delegated Committee* meeting through electronic means, then the meeting chair will pause to allow time for that attendee to be placed in the waiting room – a separated holding space where that attendee cannot participate in the main meeting. The Host will place that attendee in the waiting room upon the declaration. The Host will then notify the meeting chair when the meeting can resume.

The attendee will re-join the meeting at the invitation of the meeting chair at the end of the matter being heard. The meeting Host will be able to reconnect that attendee.

The attendee should remain at their screen and muted ready to return to the meeting when the item has been completed.

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

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

- 4.1 Are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the *Community Asset Committee* meeting immediately before the matter is considered; or
- 4.2 intend to *attend* must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:
- 4.2.1 advising of the conflict of interest;
- 4.2.2 explaining the nature of the conflict of interest; and
- 4.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 4.2.4 nature of that other person's interest in the matter,

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

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

- 4.3 Should an attendee declare a conflict of interest whilst *attending* the *Community Asset Committee* meeting through electronic means, then the meeting chair will pause to allow time for that attendee to be placed in the waiting room – a separated holding space where that attendee cannot participate in the main meeting. The Host will place that attendee in the waiting room upon the declaration. The Host will then notify the meeting chair when the meeting can resume.

The attendee will re-join the meeting at the invitation of the meeting chair at the end of the matter being heard. The meeting Host will be able to reconnect that attendee.

The attendee should remain at their screen and muted ready to return to the meeting when the item has been completed.

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

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

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

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

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

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

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

- 6.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

6.3 If the member of Council staff referred to in sub-Rule 7.1 is the *Chief Executive Officer*:

6.3.1 the written notice referred to in sub-Rule 7.1 must be given to the *Mayor*; and

6.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

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

7.2 If the member of Council staff referred to in sub-Rule 8.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

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

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

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

1. Confidential Information

- 1.1 If the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 1.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

Chapter 7 – Election Period Policy

Directorate:	Chief Executive Office
Responsible Manager:	Manager Governance, Property and Risk
Adoption:	Council
Date Adopted:	25 August 2020

Acknowledgement

Central Goldfields Shire Council acknowledges that we are situated on the traditional lands of the Dja Dja Wurrung people, and we offer our respects to their elders past, present and emerging.

1. Purpose

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

This Policy will also facilitate the continuation of the ordinary business of local government in Central Goldfields Shire throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established election period conventions.

This Policy also commits Council during the election period to:

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

2. Application and Scope

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

3. Definitions

Act means the Local Government Act 2020.

CEO means Chief Executive Officer.

Chief Executive Officer includes an Acting Chief Executive Officer.

Election Period means in relation to a general election means the period that starts on the last day on which nominations for that election can be received and ends at 6pm on election day, a period of 32 days.

Electoral Material means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing holding a meeting.

Electoral Matter means matter which is intended to, or likely to, affect voting in an election other than that which is prepared by the Returning Officer for the purposes of conducting the election.

Handbill means a small printed advertisement or other notice distributed by hand.

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

Significant Decision means a decision that significantly affects the municipality.

Any reference to a Councillor in this Policy is to be read as referring to an Administrator of Council.

4. General Provisions

4.1 Chief Executive Officer

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

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

4.2 Decisions By Council

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

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

Section 69 (4) of the Act states that a decision made in contravention of a) or b) above is deemed to be invalid under the Act.

Section 69(3) of the Act also prohibits any Council decision during the election period for a general election or a by election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

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

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

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

It is the responsibility of the CEO to determine if a matter is significant and urgent.

4.3 Council Meetings

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

4.4 Briefing Sessions

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

4.5 Public Consultation and Events

Public consultation will not take place during the election period except where there is a legal obligation or the CEO determines that special circumstances exist.

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

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

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

4.6 Council Publications

4.7 Prohibition on publishing material that contains electoral material

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

4.8 Approval Procedures for Council Publications during the Election Period

All proposed publications during the election period must be approved by the CEO, or someone authorised by the CEO for the purpose, that they comply with section 304(2) of the Act.

The CEO will determine if there is any electoral material in the proposed publication (other than factual election process information).

Should the proposed publication contain such information, it will be returned to the author for correction.

Should the proposed publication not contain such information, it will be approved for publishing and forwarded to the Manager Community Engagement.

4.9 Website

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

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

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

4.10 Annual Report

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

4.11 Social Media

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

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

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

4.12 Council Resources

Public resources must not be used by Councillors or a member of Council staff in a manner that would influence the way people vote in elections. Council will ensure Council resources are not used inappropriately during the Council election and comply with the requirements of section 304 of the Act.

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

4.13 Use of Council Resources by Councillors

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

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

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

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

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

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

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

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

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

4.14 Staff Discretion

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

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

4.15 Councillor Expenses Reimbursement

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

4.16 Media

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

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

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

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

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

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

4.17 Council staff

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

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

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

4.18 Access to Information

4.19 Candidates

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

Staff must not provide any information to any candidate or prospective candidate that is not publically available. If staff receive requests from candidates, or prospective candidates, for any information that is not publically available these requests must be forwarded to the Manager Governance, Property and Risk.

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

4.20 Current Councillors

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

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

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

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

4.21 Displaying Electoral Material

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

4.22 Use of Title

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

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). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

6 Relevant Legislation and Council Policies

- Local Government Act 2020
- Councillor Code of Conduct