

GOVERNANCE RULES



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PART 1 – PRELIMINARY

1. Purpose

The purpose of these Governance Rules is to provide for:

- a) the conduct of Council meetings;
- b) the conduct of meetings of delegated committees;
- c) the form and availability of meeting records;
- d) the election of the Mayor and Deputy Mayor;
- e) the appointment of an Acting Mayor;
- f) an election period policy;
- g) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee at a meeting of the Council or a delegated committee;
- h) the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a delegated committee;
- i) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
- j) the consideration and making of decisions on any matter being considered by Council fairly and on the merits;
- k) the institution of decision-making processes to ensure 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; and
- l) any other matters prescribed by regulations made under the Act.
- m) To ensure the transparent and accountable operation of Council and to encourage an informed and engaged community.

2. Role of Council

- 1) The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Gannawarra municipal community.
- 2) Council will provide good governance through —
 - a) the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and
 - b) the Councillors of the Council performing their roles in accordance with the requirements of the Act.
- 3) In performing its role, Council may—
 - a) perform any duties or functions or exercise any powers conferred on Council by or under the Act or any other Act; and
 - b) perform any other functions that Council determines are necessary to enable Council to perform its role.
- 4) If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

3. Overarching governance principles and supporting principles

- 1) Council will in the performance of its role give effect to the overarching governance principles.
- 2) The following are the overarching governance principles—

- a) Council decisions are to be made and actions taken in accordance with the relevant law;
 - b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - d) the municipal community is to be engaged in strategic planning and strategic decision making;
 - e) innovation and continuous improvement is to be pursued;
 - f) collaboration with other Councils and Governments and statutory bodies is to be sought;
 - g) the ongoing financial viability of the Council is to be ensured;
 - h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
 - i) the transparency of Council decisions, actions and information is to be ensured.
- 3) In giving effect to the overarching governance principles, Council will take into account the following supporting principles—
- a) the community engagement principles;
 - b) the public transparency principles;
 - c) the strategic planning principles;
 - d) the financial management principles; and
 - e) the service performance principles.

4. Council decision making

- 1) Council must consider, and make decisions on, any matter being considered by Council fairly and on the merits.
- 2) Any person whose rights will be directly affected by a decision of the Council is entitled to:
 - a) communicate their views by written submission; and
 - b) have their interests considered.
- 3) For the purposes of subclauses (1) and (2), a decision of Council means the following—
 - a) a resolution made at a Council meeting;
 - b) a resolution made at a meeting of a Delegated Committee; or
 - c) the exercise of a power or the performance of a duty or function of Council by a member of Council staff or a Community Asset Committee under delegation.

5. Respectful debate and discussion

- 1) Councillors will listen and participate in discussion and debate respectfully in accordance with the Councillor Code of Conduct and will not:
 - a) make any defamatory, indecent, abusive, offensive, or disorderly statement, and if requested by the Chairperson will unreservedly withdraw the statement;
 - b) interrupt others while speaking, except to raise a Point of Order;
 - c) address the public gallery and must direct all commentary and procedural requests through the Chairperson.

- 2) Where discussion is adjourned by a resolution, the Councillor moving the adjournment has the right to speak first when the discussion is resumed.
- 3) When exercising a right of reply, the Councillor must not introduce new or additional matters.
- 4) The Chairperson can adjourn, postpone or cancel a Council meeting, if order cannot be obtained and will report on the circumstances of the adjournment, postponement, or cancellation at the next scheduled Council meeting.

6. Definitions

In these Governance Rules, unless inconsistent with the context:

Words	Meaning
Act	The <i>Local Government Act 2020</i> .
Agenda	A document containing the date, time and place of a meeting and a list of business to be transacted at the meeting.
Business days	Monday to Friday, excluding public holidays.
Quorum	The number of Councillors which is greater than half of the total number of Councillors of a Council.
Chair	The Chairperson.
Chairperson	The person who chairs a meeting of Council, a Delegated Committee or a Community Asset Committee, and includes a person acting as Chairperson, a temporary Chairperson or a substitute Chairperson.
Chief Executive Officer	The person occupying the office of Chief Executive Officer of Council, including a person acting in that office.
Clause	A clause of these Governance Rules.
Delegated Committee Meeting	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 (in person) attendance in a set location or via electronic means of communication (virtual).
Common Seal	The Common Seal of Council.
Community Asset Committee	A Community Asset Committee established by Council under section 65 of the Act.
Council	The Gannawarra Shire Council
Councillor	A Councillor of the Council
Council Meeting	A meeting of Council convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting whether held as face-to-face (in person) attendance in a set location or via A meeting of Council convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting whether held as face-to-face (in person) attendance in a set location or via electronic means (virtual).
Delegate	A member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation.
Delegated Committee	A Delegated Committee established by Council under section 63 of the Act.
Deputy Mayor	The Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.
Division	A formal count and recording of those for and those against a motion.

Words	Meaning
Mayor	The Mayor of Council and any person appointed by Council to be acting as Mayor.
Meeting	A meeting of Council, a Delegated Committee or a Community Asset Committee.
Member	A person who is entitled to vote at a meeting of Council, a Delegated Committee or a Community Asset Committee.
Minutes	The official record of the proceedings and decisions of a meeting.
Motion	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	A notice setting out the text of a motion which is proposed to be moved at the next relevant meeting.
Notice of Rescission	A Notice of Motion to rescind a resolution made by Council.
Procedural Motion	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.
Suspension of Standing Orders	The suspension of the meetings provisions of the Governance Rules to facilitate full discussion on a matter without formal constraints.

PART 2 – THE MAYOR, DEPUTY MAYOR AND ACTING MAYOR

7. When a Mayor is to be elected

- 1) A Mayor is to be elected:
 - a) as soon as practicable after the declaration of the result of the election; or
 - b) where the position of Mayor otherwise becomes vacant, as soon as practicable after the vacancy has occurred.
- 2) Before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a one or two year term.
- 3) If the Mayor is elected for a one year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the one year term as is reasonably practicable.
- 4) If the Mayor is elected for a two year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the two year term as is reasonably practicable.
- 5) The election of a Mayor after the period specified in this clause does not invalidate the election.
- 6) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one or two year term serves the remaining period of the previous Mayor's term.

8. Election of a Mayor

- 1) Any meeting to elect the Mayor must be chaired by the Chief Executive Officer.
- 2) The election of the Mayor must be undertaken by a show of hands.
- 3) In determining the election of the Mayor, the following will apply:
 - a) Subject to paragraphs c) and d), the Mayor must be elected by an absolute majority of the Councillors.
 - b) 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.
 - c) However, if only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
 - d) In this clause, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.
 - e) where there are more than two nominations received and the result has not been determined under paragraphs (b) or (c) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again.
 - f) the procedure in paragraph (e) must be repeated until the circumstances in paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with an absolute majority will be declared elected.
- 4) If the Mayor is temporarily absent, including being unable to attend a Council meeting for any reason, the Deputy Mayor is the appointed Acting Mayor unless there is no elected Deputy Mayor or such person is unavailable in which case an Acting Mayor is to be appointed.

9. Elections Conducted by Lot

- 1) If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
 - each candidate who has an equal number of votes with another candidate or candidates will draw one lot;
 - 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
 - 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. The Councillors in attendance at the meeting will then vote for one of the remaining candidates.
 - If one of the remaining candidates receives an absolute majority of the votes, they are duly elected. If none of the remaining candidates receive an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate, or determining the defeated candidate by lot, must be repeated until two candidates remain.
 - Where a Councillor is attending the meeting by electronic means they are to nominate a member of Council staff to draw out the paper on their behalf.

10. Resolution to Conduct a New Election

- 1) 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 date and time.
- 2) The resolution to conduct a new election at a later date and time must specify the date and time of the new meeting to conduct the election.

11. Deputy Mayor

Any election by Council of a Deputy Mayor will follow the same procedure as that for an election of the Mayor with the exception of clause 1).

12. Acting Mayor

Any appointment of an Acting Mayor will be in accordance with section 20B of the Act.

PART 3 – COUNCIL MEETINGS

Division 1 – General

13. Purpose of Council Meetings

- 1) Council holds scheduled meetings and, when required, unscheduled meetings to conduct the business of Council.
- 2) Council is committed to transparency in decision making and, in accordance with the Act, Council and Delegated Committee meetings are open to the public including by:
 - a) allowing members of the community to attend the meetings;
 - b) livestreaming virtual meetings;
 - c) making a recording of the meeting proceedings available on Council's website; and/or
 - d) making available the agenda and minutes of the meetings, except to the extent that these documents contain confidential information or information which is contrary to the public interest to release.
- 3) Meetings will only be closed to members of the public if:
 - a) the meeting is to consider confidential information as defined in the Act; or
 - b) a meeting is required to be closed for security reasons; or
 - c) the meeting is required to be closed for the protection of Councillors, or the public consistent with state or federal government guidelines or public health considerations; or
 - d) it is necessary to enable the meeting to proceed in an orderly manner.
- 4) If a meeting is closed to the public for the reasons outlined in subclause 3b), 3c) or 3d), and if that meeting is a virtual meeting, the meeting will continue to be livestreamed. In the event the meeting is being held face-to-face, or a livestream is not available, the meeting may be adjourned, or a recording of the proceedings may be available on Council's website.
- 5) If it has been determined that a meeting is to be closed to the public to consider confidential information, the minutes of the meeting that are available for public inspection must record:
 - a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in clause 3(1) of the Act; and
 - b) an explanation of why the specified ground or grounds have been applied.

14. Apologies and absences

- 1) Councillors and members of Delegated Committees who are unable to attend a meeting may submit an apology:
 - a) in writing to the Chairperson, who will advise the meeting; or
 - b) by seeking another Councillor or member of a Delegated Committee to submit it at the meeting on their behalf.
- 2) An apology submitted to a meeting will be recorded in the minutes.
- 3) A Councillor intending to take a leave of absence should submit it in writing to the Mayor.
- 4) The Mayor will seek to have any leave of absence request received included in the agenda of the next Council meeting.
- 5) A leave of absence not included in a Council meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.

- 6) Council will not unreasonably withhold its approval of a leave of absence request.
- 7) 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.

Division 2 – Notice of meetings and availability of agendas

15. Date, time, place and format of Council meetings

- 1) By default, Council meetings will be held face-to-face except as provided for in this division.
- 2) At or before the last meeting each calendar year, Council must fix the date, time and place of all scheduled Council meetings and any Delegated Committee meetings for the following calendar year.
- 3) Council by resolution may change the date, time, place or format of, or cancel any meeting which has been fixed and must provide notice of the change to the public.
- 4) The Chief Executive Officer may change the date, time, place or format of, or cancel any meeting which has been fixed and must provide notice of the change to all councillors and the public. This includes changing the meeting format following receipt of a written request signed by an absolute majority of councillors, received by the Chief Executive Officer at least 24 hours prior to the commencement of the meeting.
- 5) Before making a determination that circumstances warrant a meeting to be a virtual meeting, the following factors will be taken into account:
 - a) Any risk to the health and safety of Councillors, staff and the community
 - b) whether all or part of the meeting is planned to be closed to members of the public under section 66(2) of the Act
 - c) the ability to provide public notice to members of the public who may wish to attend the meeting
 - d) whether the orderly conduct of a meeting may be affected by the choice of meeting format
 - e) the availability of suitable meeting facilities.

16. Unscheduled Council meetings

- 1) Council may by resolution call an unscheduled meeting of the Council.
- 2) The Mayor, or three Councillors may by written notice call an unscheduled meeting of the Council.
- 3) The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting of the Council.
- 4) A written notice to call an unscheduled meeting must:
 - a) specify the business to be transacted; and
 - b) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with clause 14) and;
 - c) include the proposed motion or a summary of the proposed action.
- 5) The Chief Executive Officer must determine the date, time, place and format for the meeting, giving consideration to:
 - a) the urgency of the business to be transacted;
 - b) the availability of Councillors; and
 - c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted; and

- d) relevant factors listed at subclause 12. 5).
- 6) The Chief Executive Officer must arrange for notice of the meeting on Council's website.
- 7) Any resolution of Council to call an unscheduled meeting must specify the date, time, place and format of the unscheduled meeting and the business to be transacted. The date and time of the unscheduled meeting must not be prior to 6pm on the day following the Council meeting at which the resolution was made. Determination of the meeting format will consider factors listed at subclauses 12. 5) and 13. 5).
- 8) The Chief Executive Officer must call an unscheduled meeting to elect a Mayor following a Council election declaration, in accordance with the Act.
- 9) The unscheduled meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.
- 10) Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled meeting, unless Council, by unanimous resolution determines to admit another matter.

17. Notice of meeting

- 1) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be provided electronically to every Councillor:
 - a) for a Council meeting that is not an unscheduled meeting, at least five business days before the meeting. A period of less than five business days may be justified if exceptional circumstances exist; and
 - b) for an unscheduled meeting at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- 2) A notice may be handed personally to a Councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant Councillor is held by the Chief Executive Officer.
- 3) An Agenda for each Council meeting, that is not an unscheduled meeting, will be made available on Council's website no less than 48 hours before the Council meeting.
- 4) Notice of an unscheduled meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.
- 5) An Agenda for an unscheduled meeting will be made available on Council's website no less than 24 hours before the unscheduled meeting.
- 6) A schedule of Council meetings must be prepared and published ensuring it is available to a broad section of the community, including on Council's website at least once each year and with such greater frequency as the Chief Executive Officer determines. The schedule of Council meetings must also be available from Council's Customer Service Centres.

18. Leave of Absence

It will not be necessary for a notice of meeting or agenda to be served on 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 to be held during the period of their absence.

19. Emergency meetings

- 1) In the case of an emergency, the Chief Executive Officer or, in their absence, a senior officer, may call or postpone a meeting of the Council, without the necessity to comply with clauses 13 to 15 provided reasonable attempts are made to notify every Councillor.
- 2) The Chief Executive Officer or senior officer must submit a full written report of the circumstances requiring their action to the next meeting of the Council.

Division 3 – Quorums

20. Council meetings

The quorum required for Council meetings will be a majority of the councillors capable of being elected to Council (as currently constituted).

21. Virtual Meetings

In accordance with section 61(6A) of the Act, a Councillor present at a virtual Council meeting is deemed present for the purpose of a quorum.

22. Unscheduled or emergency meetings

The quorum required for unscheduled or emergency meetings will be the same as for a Council meeting.

23. Meetings of Delegated Committees and Community Asset Committees

The quorum for a meeting of a Delegated Committee or a Community Asset Committee will be determined by Council for each committee, but in the absence of Council's determination, the quorum required will be not less than a majority of members.

24. Inability to gain a quorum

If a quorum cannot be obtained within 30 minutes of the scheduled starting time of any meeting or adjournment the Chairperson, or if the Chairperson is not present, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in their absence, a senior officer may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

25. Inability to maintain a quorum

If during any meeting or any adjournment of the meeting, a quorum cannot be maintained, the Chairperson, or if the Chairperson is not present, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in their absence, a senior officer may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

26. Inability to achieve or maintain a quorum due to conflicts of interest of Councillors

- 1) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an agenda for a future Council meeting.
- 2) If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of declarations of conflicts of interest by Councillors, Council will:
 - a) determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
 - b) determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained.
- 3) If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of declarations of conflicts of interest by Councillors and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:
 - a) by the Chief Executive Officer; or
 - b) by a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.

- 4) A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council meeting.

27. Notice for adjourning meeting

The Chief Executive Officer 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 means will be sufficient.

Division 4 – Conduct of business

28. Business at meetings and Order of Business

- 1) The order of business of Council meetings will be determined by the Chief Executive Officer, in consultation with the Mayor, to facilitate and maintain open, efficient and effective processes of government.
- 2) Although preparation should aim at consistent agendas from meeting to meeting, this should not preclude altering the order of business to enhance the fluent and open process of government of the Council, to meet identified needs of Council or to take advantage of opportunities which may arise from time to time.
- 3) No business can be dealt with at a meeting unless it is:
 - a) contained on the agenda; or
 - b) admitted as Urgent Business in accordance with Clause 28).
- 4) In determining the agenda, the Chief Executive Officer should consider:
 - a) the general attitude of the Council;
 - b) convenience to the community and interested community groups particularly in relation to the administration of the municipal district;
 - c) the sensitivity of issues;
 - d) the interest of the community and community groups; and
 - e) any other relevant factor which may impact on the fluent and open processes of the government of the Council.
- 5) As a guide, the Chief Executive Officer should list items, giving priority as follows:
 - a) Procedural and protocol matters, which may include:
 - An Acknowledgement of, or Welcome to Country
 - Opening Declaration or Prayer
 - Receipt of apologies
 - Requests for leave of absence
 - Confirmation of minutes
 - Declarations of Conflict of Interest
 - Questions from the public
 - Petitions
 - b) Reports for Council decision
 - c) Other matters, which may include:
 - Notices of Motion
 - Urgent Business
 - Council Delegates Reports.

29. Change to Order of Business

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

30. Chief Executive Officer may include items on an agenda

The Chief Executive Officer may include any matter on an agenda which they think should be considered by the meeting following consultation with the Mayor.

31. Urgent Business

- 1) Business cannot be admitted as Urgent Business other than by resolution of Council and only then if:
 - a) it relates to or arises out of a matter which has arisen since distribution of the agenda; and
 - b) deferring the item until the next meeting will mean a decision on the item will not have any effect on the matter; or
 - c) the item involves a matter of urgency as determined by the Chief Executive Officer; and
 - d) it cannot be addressed through an operational service request process.

Provided the matter does not:

- Substantially affect the levels of Council service;
 - Commit Council to significant expenditure not included in the adopted budget;
 - Establish or amend Council policy; or
 - Commit Council to any contractual arrangement.
- 2) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 12 pm on the day of the meeting.
 - 3) The Chief Executive Officer will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.

32. Time limits for meetings

- 1) A meeting must not continue after three hours from the time it commences unless a majority of Councillors present vote in favour of its extension.
- 2) In the absence of such an extension, the meeting must stand adjourned to a date, time and place to be then and there announced by the Chairperson.
- 3) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered for an additional period of 30 minutes. Further additional 30 minute extensions are also available by way of further resolution of Council.

33. Meetings of Delegated Committees and Community Asset Committees

The agenda for a meeting of a Delegated Committee or a Community Asset Committee will be relevant to the issues which are to be raised at the meeting and any reference to Councillors extends to non-Councillor members of a Delegated Committee or Community Asset Committee and any reference to the Council is to be read as referring to the Community Asset Committee or Delegated Committee.

Division 5 – Disclosure of conflicts of interest

34. Procedure for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee at a meeting of the Council or a delegated committee

- 1) If a Councillor or member of a delegated committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the council or the delegated committee, the Councillor or member must, if they are attending the meeting, disclose the conflict of interest in accordance with subclause 2), and if applicable, subclause 3) below.
- 2) A councillor or member of a delegated committee who has a conflict of interest and is attending the meeting of the Council or delegated committee must make a full disclosure of that interest by either advising:
 - a) the Council or delegated committee at the meeting immediately before the matter is considered at the meeting; or
 - b) the Chief Executive Officer in writing before the meeting –whether the interest is a general conflict of interest or a material conflict of interest; and the nature of the interest.
- 3) If the Councillor or member advised the Chief Executive Officer of the details under paragraph (b) of subclause 2) above, the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.
- 4) The Chief Executive Officer must –
 - a) keep written disclosures received under this clause in a secure place for three years after the date the Councillor or member of a delegated committee who made the disclosure ceases to be a Councillor or member of a delegated committee; and
 - b) destroy the written disclosure when the three year period referred to in paragraph (a) has expired.
- 5) While the matter is being considered or any vote is taken in relation to the matter in a face-to-face meeting, the Councillor or member of a delegated committee must –
 - a) leave the meeting and notify the Mayor or the Chairperson of the delegated committee of their departure; and
 - b) remain outside the room and any gallery or other area in view or hearing of the meeting.
- 6) While the matter is being considered or any vote is taken in relation to the matter in a virtual meeting, the Mayor or the Chairperson of the delegated committee will request the meeting host to temporarily disconnect the Councillor or member of a delegated committee from the meeting.
- 7) The Mayor or the Chairperson of the delegated committee must cause the Councillor or member of a delegated committee to be notified that they may return to a face-to-face meeting after –
 - a) consideration of the matter; and
 - b) all votes have been cast on the matter.
- 8) The Mayor or Chairperson of the delegated committee must request the meeting host to reconnect the Councillor or a member of a delegated committee to the meeting after –
 - a) consideration of the matter; and
 - b) all votes have been cast on the matter.
- 9) If a Councillor or member of a delegated committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting –
 - a) the declaration of the conflict of interest; and
 - b) the classification of the interest that has given rise to the conflict; and

- c) if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.

35. Procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of Council or a delegated committee

- 1) At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of –
 - a) the names of all Councillors and members of Council staff attending;
 - b) the matters considered;
 - c) any conflict of interest disclosures made by a Councillor attending under subclause 3);
 - d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3) leaves the meeting.
- 2) The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable –
 - a) reported at a meeting of the Council; and
 - b) incorporated in the minutes of that Council meeting.
- 3) If a Councillor attending a meeting held under this clause knows, or would reasonably be expected to know, that a matter being considered by the meeting is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest, the Councillor must, at the time set out in subclause 4), disclose to the meeting that they have a conflict of interest and leave the meeting whilst the matter is being considered by the meeting.
- 4) A Councillor must disclose the conflict of interest either –
 - a) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
 - b) if the Councillor realises that they have a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that they have a conflict of interest.

36. Disclosure of a conflict of interest by a member of Council staff

- 1) A member of Council staff who is providing information to:
 - a) a meeting of Council, a delegated committee or a community asset committee; or
 - b) another member of Council staff exercising a power of delegation or performing a statutory function –and who has a conflict of interest in a matter to which the information relates, must disclose the conflict of interest when providing the information and before the information is considered by the applicable meeting referred to in paragraph a) or another member of staff referred to in paragraph b).
- 2) A disclosure made by a person under subclause 1) must be recorded:
 - a) in the minutes of the applicable meeting referred to in paragraph a); or
 - b) in a conflict of interest disclosure register maintained by the Chief Executive Officer if the information is provided to another member of Council staff referred to in paragraph b).
- 3) A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must –
 - a) not exercise the power or discharge the duty or function; and

- b) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest to –
 - i. the Mayor, in writing, as soon as they become aware of the conflict of interest in the matter; and
 - ii. the Council by no later than the next meeting of the Council; and
 - c) in the case of another member of staff, disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as they become aware of the conflict of interest in the matter.
- 4) The Chief Executive Officer does not have a conflict of interest in a matter if the matter only relates to –
- a) the adoption or amendment of a policy relating to Council staff generally;
 - b) the adoption of a code of conduct for Council staff; or
 - c) a decision to delegate a power, duty or function to a member of Council staff.

Division 6 – Virtual Meetings

37. Adjustments to meeting rules

- 1) If a meeting is a virtual meeting, the following further modifications to the application of the Rules in this Division are to be made:
 - a) References to a Councillor being present at a meeting shall be a reference to a Councillor being able to both hear and see other members in attendance and be heard and be seen by other members in attendance.
 - b) Momentary absences (less than one minute) shall not be recorded as absences for the purposes of the meeting minutes, unless a vote or the Mayor's request for the declaration of conflicts of interest occurs during the absence;
 - c) Casting a vote may occur by a Councillor either raising their hand in view of their camera such that it can be seen by others in attendance or, at the Chair's request, verbally stating their vote;
 - d) In the event of the absence of a Councillor during a vote due to an apparent technical failure, a Councillor may bring this to the attention of the meeting Chair, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Should the Councillor be unable to reconnect within five minutes, the meeting shall resume in the Councillor's absence.
- 2) The Chair may, with the consent of the meeting, modify the application of a Rule to facilitate the more efficient and effective transaction of the business of a virtual meeting.

Division 7 – Minutes

38. Keeping of minutes

The Chief Executive Officer is responsible for arranging the keeping of minutes on behalf of the Council.

39. Contents of minutes

- 1) In keeping the minutes of any meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
 - a) the date, time, place, duration and nature of the Council meeting;

- b) the names of Councillors present;
 - c) apologies and leaves of absence;
 - d) the titles of the members of Council staff present who are not part of the gallery;
 - e) the number of media and gallery attendees;
 - f) any conflicts of interest that a Councillor or Council officer has declared in relation to an item (or items) of business listed on the agenda;
 - g) a record of any meetings held under the auspices of Council that are not meetings of Council or a delegated committee since the previous meeting of Council;
 - h) the arrival and departure times of Councillors during the course of the meeting (including any temporary departures or arrivals);
 - i) every motion and amendment moved, including the mover (and seconder if relevant) of such motion or amendment;
 - j) the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED or AMENDED;
 - k) procedural motions (which may be highlighted);
 - l) where a valid division is called, the names of every Councillor and the way their vote was cast; either FOR or AGAINST, or whether they ABSTAINED;
 - m) when requested by a Councillor, a record of that Councillor's support of, opposition to or abstention from voting on any motion noting that under section 61(5) of the Act, a councillor present at the meeting who does not vote is taken to have voted against the question;
 - n) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
 - o) a summary of any question asked and the response provided as part of public question time;
 - p) details of any petitions made to the Council;
 - q) the time and reason for any adjournment of the meeting or suspension and resumption of standing orders;
 - r) disclosure by a Councillor of a conflict of interest and the details associated with that disclosure required by section 130 and 131 of the Act and any disclosure of conflict of interest by the Chief Executive Officer required by section 126 of the Act;
 - s) closure of the meeting to members of the public and the reasons for such closure; and
 - t) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
- 2) In addition, the minutes should:
- a) bear the date and time the meeting was commenced, adjourned, resumed and concluded;
 - b) be page numbered;
 - c) contain consecutive item numbers which are clearly headed with a subject title and where appropriate sub-titles and file references; and
 - d) contain an index which lists every item in the minutes.

40. Confirmation of Minutes

- 1) The minutes as recorded by the Chief Executive Officer, or delegate, will be made available as the proposed minutes to:
 - a) Councillors, within seven business days;
 - b) members of the public, by publishing them on Council's website, within nine business days of the Council meeting they relate to.
- 2) At every Council meeting, the minutes of the preceding Council meeting(s) must be dealt with as follows:
 - a) A motion will be moved to confirm the minutes in the following terms: *'That the Minutes of the _____ Meeting held on _____ 20__ be confirmed.'*;

41. No Debate on Confirmation of Minutes

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

42. Objection to Confirmation of Minutes

- 1) If a Councillor is dissatisfied with the accuracy of the minutes, then they must:
 - a) state the item or items with which they are dissatisfied; and
 - b) propose a motion to rectify the alleged error(s) in the minutes by adding the following words to the motion in clause 35 *'... subject to the following alterations(s) _____'.*

43. Deferral of Confirmation of Minutes

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

44. Record Keeping

Following confirmation, the minutes will be captured into Council's Electronic Content Management System, in accordance with the requirements of the *Public Records Act 1973* and clause 8.4.1 of the Retention & Disposal Authority for Records of Local Government Functions (PROS 09/05).

45. Availability of Minutes

The Chief Executive Officer will make available confirmed minutes of open meetings of Council and Delegated Committees together with relevant reports on Council's website.

46. Recording of meetings

- 1) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record with appropriate recording equipment the proceedings of a Council meeting.
- 2) Subject to sub-clause 1), a person must not operate any visual or sound recording equipment at any Council meeting without first obtaining the consent of Council or the Chairperson. Such consent may be at any time during the course of such meeting be revoked by Council or the Chairperson.

Division 8 – Voting at Meetings

47. How determined

To determine a matter before a meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.

48. By show of hands

Voting on any matter will be by show of hands.

49. Casting vote

In the event of a tied vote, the Chairperson may exercise the casting vote either in favour or against the motion.

50. When a division permitted

- 1) A division may be requested by any Councillor on any matter.
- 2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

51. Procedure for a division

- 1) Once a division has been requested, the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.
- 2) The Chairperson shall name those Councillors voting for the motion, those Councillors voting against the motion, and any Councillor abstaining from voting, and the names shall be recorded in the minutes of the meeting.

52. Change between the original vote and the division

No Councillor is prevented from changing their original vote at the voting on the division, and the voting by division will determine Council's resolution on the issue.

53. No discussion once declared

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is:

- 1) for a Councillor to request that his or her opposition to the motion be recorded in the minutes; or
- 2) a Councillor foreshadowing a notice of rescission where a resolution has just been made, or a positive Motion where a resolution has just been rescinded.

54. Addressing the meeting

- 1) Any Councillor or person who addresses the meeting may remain seated and shall direct all remarks through the Chair.
- 2) Any person addressing the Chairperson should refer to the Chairperson as:
 - Mayor, or
 - Chairpersonas the case may be.
- 3) All Councillors, other than the Mayor, should be addressed as Councillor _____ (surname).
- 4) All Council staff, should be addressed as Officer _____ (surname) or by their official title.

PART 4 – DELEGATED COMMITTEE MEETINGS

55. **Schedule 1 applies to the conduct of Delegated Committee meetings.**

PART 5 – OTHER MEETING PROCEDURES

Division 1 – Matters not provided for

56. Matters not provided for

Where a situation has not been provided for under these Governance Rules, Council may determine the matter by resolution.

Division 2 – Motions

57. Introducing a report

- 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 3 minutes:
 - a) its background; or
 - b) the reasons for any recommendation which appears.
- 2) Unless Council resolves otherwise, a member of Council staff need not read any written report to Council in full.

58. Chairperson's duty

- 1) The Chairperson must not accept any motion or amendment which:
 - a) is defamatory; or
 - b) is objectionable in language or nature; or
 - c) is vague or unclear in its intention; or
 - d) is outside the powers of Council; or
 - e) is not relevant to an item of business on the agenda and has not been admitted as urgent business; or
 - f) purports to be an amendment but is not.

59. Moving a motion

- 1) The procedure for any motion is:
 - a) the mover must state the motion without speaking to it;
 - b) unless the motion is a procedural motion, it must be seconded by a Councillor other than the mover;
 - c) if the motion is not seconded and is not a procedural motion, 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 no Councillor indicates opposition, and no Councillor desires to speak for the motion, the motion must be declared to be carried without being voted on and will be treated as being passed unanimously;
 - f) if a Councillor indicates opposition to the motion, then the Chairperson must call:
 - 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 on the motion, reserve their address until later in debate); and

- iii. any Councillor opposed to debate the motion; and
- iv. any other Councillors for and against the motion to debate in turn.
- g) the Chairperson will determine the order of Councillors debating the motion.

60. Right of reply

- 1) The mover of a motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate but cannot introduce any new material.
- 2) After the right of reply has been exercised, the motion must be immediately put to the vote without any further discussion or debate.

61. No right of reply for amendments

No right of reply is available where an amendment is before the Council.

62. Moving an amendment

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.

63. Who may propose an amendment

An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the motion.

64. Who may debate an amendment

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

65. How many amendments may be proposed

- 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. No second or subsequent amendment, whether to the motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- 2) A Councillor cannot move more than two amendments in succession.

66. An amendment once carried

If the amendment is adopted, it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson but only after Councillors who did not speak to the motion have exercised their right to do so.

67. Foreshadowing motions

- 1) At any time during 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.
- 2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the meeting is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 4) The Chief Executive Officer is not required to record foreshadowed motions in the minutes, but may do if it is thought appropriate.

68. Withdrawal of motions

The mover of a motion may withdraw it only if the meeting gives leave (unanimous consent) to do so and if it has not already been amended.

69. Separation of motions

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

70. Chairperson may separate motions

The Chairperson may decide to put any motion to the vote in separate parts.

71. Motions in writing

- 1) The Chairperson may require any motion to be submitted in writing where it is lengthy, unclear or for any other reason.
- 2) The Chairperson may suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

72. Debating the motion

- 1) Debate must always be relevant to the motion before the meeting, and if not, the Chairperson may request the speaker to confine debate to the subject motion.
- 2) If after being requested to confine debate to the motion before the Chair, the Councillor continues to debate irrelevant matters, the Chairperson may require the Councillor to not speak further in respect of the motion before the Chairperson.
- 3) Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to debate.
- 4) A motion has not been sufficiently debated if opposing views (where they exist) have not been sufficiently put, not so much the number of those who have spoken, but whether all minority opposing views have not been put.
- 5) Once the views put are representative of the views of all Councillors, the debate would be regarded as sufficient.

73. When a resolution is acted upon

- 1) The Chief Executive Officer or other senior officer may initiate action or cause action to be initiated on any Council resolution at any time after the close of the meeting at which it was carried.
- 2) A resolution will be considered as having been acted upon once its details have been formally communicated to a person affected by or reliant on the resolution or where a statutory procedure has been actioned.

74. Suspension of standing orders

- 1) The provisions of these Governance Rules may be suspended for a particular purpose by resolution of Council.
- 2) The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- 3) The motion to suspend standing orders should include reference the purpose, eg '*That Standing Orders be suspended to enable discussion on.....*'.
- 4) Once the discussion has taken place, and before any motion can be put, the resumption of Standing Orders will be necessary.

75. No motions may be accepted during the suspension of standing orders

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.

76. Interruption for point of order

A Councillor who is addressing the meeting must not be interrupted unless called to order when they must remain silent until the Councillor raising the point of order has been heard and the point of order determined by the Chairperson.

Division 3 – Speaking times

77. Speaking times

Unless a motion for an extension of time has been carried, the maximum speaking times will be:

- a) the mover of a motion - 3 minutes;
- b) the mover of a motion when exercising his or her right of reply - 3 minutes;
- c) any other Councillor - 3 minutes.

78. Extension of speaking times by resolution of Council

An extension of speaking time may be granted by resolution of the Council but only one extension is permitted for each speaker on any question.

79. When an extension can be proposed

A motion for an extension of speaking time must be proposed:

- a) immediately before the speaker commences debate;
- b) during the speaker's debate; or
- c) immediately after the speaker has concluded debate.

80. No extension after next speaker has commenced

A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced his or her debate.

81. Length of extension

Any extension of speaking time must not exceed three minutes.

Division 4 – Points of order and other procedural matters

82. Points of Order

A Point of Order is an objection that the motion, amendment or statement made is:

- a) contrary to these Governance Rules or the provisions of the Act;
- b) defamatory or disloyal;
- c) irrelevant;
- d) improper;
- e) obscene; or
- f) outside Council's legal powers.

83. Raising a Point of Order

A Councillor raising a Point of Order must:

- a) Identify the point or order; and
- b) The reason for bringing it to the attention of the Chair.

84. Chairperson to decide

- 1) The Chairperson may adjourn the meeting to consider a Point of Order, otherwise the Chairperson must rule on it as soon as it is raised.
- 2) The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the Point of Order raised without entering into any discussion or comment.

85. Disagreeing with the Chairperson's ruling on a Point of Order

- 1) The decision of the Chairperson in respect to a Point of Order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present vote in favour of a motion of dissent.
- 2) A motion of dissent on a Point of Order must contain a provision, rule, practice or precedent in substitution for the Chairperson's ruling.
- 3) A motion of dissent in relation to a Point of Order is not a motion of dissent in the Chair and the Chairperson must at all times remain in the Chair and they will maintain their right to a second vote.
- 4) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Chairperson.

86. Adjournment and resumption of meeting

- 1) The Chairperson or the Council may adjourn any meeting until a time and place to be determined at the time of the adjournment.
- 2) For the purpose of stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

87. Procedural motions

- 1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 2) Procedural motions are not required to be seconded.
- 3) The mover of a procedural motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
- 4) A procedural motion cannot be moved by the Chairperson.
- 5) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- 6) Unless otherwise provided, a procedural motion cannot be amended.

Procedural Motion	Form	Mover & Second	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 Mayor (b) When another Councillor is speaking	Motion and any amendment postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a Mayor or temporary Chair; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The motion be put to vote	That the motion be now put to vote	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for Chair	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
4. To lay a motion on the table	That the motion is unclear in its intent or subject to misinterpretation and be laid on the table until the next Council meeting	Any Councillor who has not moved or seconded the original motion	During the election of the Mayor and Deputy Mayor	Motion carried to the next scheduled Council meeting	Meeting continues	No
5. Continuance of Meeting	That the meeting continue for a further 30 minutes	Any Councillor	When the meeting has already been extended to the maximum time allowed	The meeting will continue for an additional 30 minutes	Where all business is not disposed of, the meeting will stand adjourned at the time of the scheduled closure	No
6. Extend speaking time	That the time available for the speaker be extended by a further ____ minutes	Any Councillor (if the Chair hasn't used their discretion to extend the speaking time)	Not applicable	Extend the time available for the speaker	No change to the time available for speaker	No
8. Alter the	The item listed at xx on	Any Councillor	During the	Alters the order of	Item/s remain as	Limited to 1

Procedural Motion	Form	Mover & Second	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
order of business	the agenda be considered before/after the item listed as xx		election of the Mayor and Deputy Mayor During any debate on an item	business	listed in the agenda	minute as to why the order should not be altered

88. The Closure

- 1) A motion *"That the motion be now put"*-
 - a) is a procedural motion which if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment; and
 - b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
 - c) if lost, allows debate to continue unaffected; and
- 2) The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not been sufficiently debated.
- 3) Sufficient debate arises when those possessing different views have been given an opportunity to state them.

89. Adjourning the debate

- 1) A motion moved *"That the motion and amendments now before the meeting be adjourned until".....*-
 - a) is a procedural motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
 - b) may be debated but may only be amended in relation to the time, date and place of the proposed adjournment;
 - c) should provide a date or time to which the adjournment is sought but if no date or time is included, it may be relisted at the discretion of the Chief Executive Officer or upon a subsequent resolution of Council.

Division 5 – Notice of Motion

90. Must be listed on agenda

Councillors may give advance notice of their intention to move a particular motion at a forthcoming meeting by giving a Notice of Motion.

A Notice of Motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

91. Procedure

- 1) A Notice of Motion must be in writing, signed by the Councillor (including by electronic means) and be accompanied by a preamble setting out the rationale for or intended outcomes from the Notice of Motion and any associated commitment it would likely place upon Council, and be given to the Chief Executive Officer by no later than 12:00 noon 10 days before the meeting at which it is intended to be considered to ensure its inclusion in the agenda.

- 2) The Chief Executive Officer must inform Councillors about any legal and/or cost implications of any proposed Notice of Motion. The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under these Governance Rules.
- 3) A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- 4) A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
 - impacts the levels of Council services;
 - proposes to establish, amend or extend Council policy;
 - commits Council to significant expenditure not included in the adopted budget;
 - proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - commits Council to any contractual arrangement; or
 - concerns any litigation in respect of which Council is a party.

92. Rejection of a vague notice

- 1) The Chief Executive Officer:
 - a) must reject any notice of motion that is vague, defamatory, prejudicial to any person or Council, is objectionable in language or nature, or is outside the powers of Council;
 - b) may reject a proposed Notice of Motion that relates to a matter able to be addressed through operational processes or a matter that has previously been resolved by Council or acted upon.
 - c) must notify the relevant Councillor of any notice of motion which has been rejected no later than eight business days before the Meeting at which it is intended to be considered, and give the reasons for its rejection.

93. Listing notice on agenda

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the Notice of Motion and if more than one, in the order they were received, on the next appropriate meeting agenda.

The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council meeting that is closed to members of the public.

94. Register of notices

The Chief Executive Officer must cause every Notice of Motion received to be sequentially numbered and maintained in a register.

95. May be moved by any Councillor and amended

A notice of motion listed on a meeting agenda may be moved by any Councillor present and, except where the notice of motion is to confirm a previous resolution of the Council, may be amended.

96. If lost

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.

Division 6 – Notice of Rescission

97. Procedure

- 1) A Councillor may propose a motion to amend or rescind a decision of Council provided:
 - a) the decision has not been acted upon; and
 - b) a notice is delivered to the Chief Executive Officer outlining:
 - i. the decision proposed to be amended or rescinded; and
 - ii. the meeting and date when the decision was made.
- 2) Any Councillor providing a Notice of Rescission Motion is required to provide written justification that must include one or more of the following:
 - a) the vote may not have accurately reflected the opinion held by the meeting due to the misunderstanding of the motion or for some other reason; or
 - b) new information or vital information that had been overlooked.
- 3) Once a Notice of Rescission Motion has been given, no further action is to be taken on the decision.

98. Listing notice on agenda

- 1) Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.
- 2) The Chief Executive Officer must inform the Councillor whether or not the motion has met the above criteria and any grounds for refusal at the earliest opportunity.

99. Criteria to amend or rescind a motion

For a decision of the Council to be amended or rescinded, the motion for amendment or rescission must be carried by a majority of the votes cast.

100. If lost

Unless Council resolves to relist at a future meeting, a notice to amend or rescind which has been lost, a similar motion must not be put before Council for at least three months from the date it was lost.

101. If not moved

If a notice of amendment or rescission is not moved at the meeting for which it is listed, it will lapse.

102. May be moved by any Councillor

A notice of amendment or rescission listed on a meeting agenda may be moved by any Councillor present but cannot be amended.

103. When not required

A notice of amendment or rescission is not required where Council wishes to change a previous decision relating to policy of the Council.

104. Register of notices

The Chief Executive Officer must cause every notice of amendment or rescission received to be sequentially numbered and to be maintained in a register.

Division 7 – Public Participation

105. Public Attending and Addressing the Meeting

- 1) To ensure a safe and efficient Council meeting for all attendees, the Chief Executive Officer or their delegate may at their discretion, request members of the public immediately prior to being granted access to the public Council meeting, to provide and or show:
 - a) first and last name;
 - b) current home address;
 - c) current driving licence; or
 - d) passport; or
 - e) government issued identification card, for example veterans' card, seniors' card; or
 - f) other form of identification deemed suitable by officers.
- 2) If in the opinion of the Chief Executive Officer or their delegate, a member of the public has not provided sufficient identification, entry to the Council meeting will be denied.
- 3) If a member of the public's first and last name and current address is recorded, Council will dispose of the information in accordance with Council's Privacy and Data Protection Policy.
- 4) Any member of the public currently subject to a Restriction of Access Notice, issued by the Chief Executive Officer in accordance with Council's Unreasonable Complaints Procedure, will be denied entry.
- 5) A member of the public in attendance at a Council meeting must not disrupt the meeting or obstruct the entrance to the Council Chamber or a building where a meeting is being, or about to be, held, and must not use a megaphone or similar, display any placards or posters in the Council Chamber or in any building where a meeting is being, or is about to be, held, and must take direction from the Chair whenever called on to do so

106. Question Time

- 1) At every meeting of Council, with the exception of unscheduled or emergency meetings, time may be allocated to enable any member of the community to address Council.
- 2) Sub-clause 1) does not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 of the Act.
- 3) Questions must be submitted on a Question Time form to the Chief Executive Officer or a person authorised for this purpose by the Chief Executive Officer no later than 5.00 pm on the day prior to the Council meeting.
- 4) Council may allocate reasonable time to each person who wishes to address the Council having regard to:
 - a) the nature of the matter to be discussed;
 - b) priorities in relation to other Council business;
 - c) other members of the community present who also wish to address the Council;
 - d) whether such an opportunity has already been provided to the person.
- 5) Council may decide to defer discussion to a later date and the views of the person addressing the Council should be sought concerning that other date.
- 6) Question Time guidelines are provided in Schedule 2.

107. Addressing Council during meetings

Any member of the public or community addressing the Council must extend due courtesy and respect to those present and the processes under which Council operates and must take direction from the Chairperson whenever called upon to do so.

108. Chairperson may remove

- 1) The Chairperson has the discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.
- 2) Any member of Victoria Police may remove from the Chamber any person who acts in breach of these Governance Rules.

109. Petitions and Joint Letters

- 1) Any Councillor receiving a petition on behalf of a community member will be responsible for ensuring that:-
 - a) A petition or joint letter presented to Council must lay on the table until the next meeting of the Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.
 - b) A petition or joint letter must be received by Council no later than 12 noon ten business days before the Meeting at which it is intended to be considered to ensure its inclusion in the agenda.
- 2) Any Councillor presenting a petition or joint letter will be responsible for ensuring that –
 - a) they are familiar with the contents and purpose of the petition or joint letter; and
 - b) the petition or joint letter is not derogatory or defamatory.
- 3) Guidelines for Petitions and Joint Letters are provided in Schedule 3.

Division 8 – Additional Duties of Chairperson

110. The Chairperson's duties and discretions

In addition to other duties and discretions provided in these Governance Rules, the Chairperson-

- a) must not accept any motion, question or statement which appears to the Chairperson to be derogatory, defamatory, or embarrassing to any Councillor, member of staff, ratepayer or member of the public; and
- b) must call to order any person who is disruptive or unruly during any meeting.

Division 9 – Tabling of Arbiter's Decision

111. The Tabling of an Arbiter's decision

- 1) In accordance with section 147(4) of the *Local Government Act 2020*, a copy of the arbiter's decision and statement of reason must be tabled at the next Council meeting after the Council received the copy of the arbiter's decision and statement of reason and recorded in the minutes of the meeting.
- 2) A copy of the decision and statement of reason will not be included in the meeting agenda.
- 3) If the arbiter's decision and statement of reason contains any confidential information, the
- 4) confidential information must be redacted from the copy tabled under subsection (4).
- 5) Discussion on the item will be at the discretion of the meeting Chair.

PART 6 – COMMON SEAL

112. The Council's Common Seal

- 1) The Chief Executive Officer must ensure the security of Council's common seal at all times.
- 2) Council's common seal may only be used on the authority of Council given either generally or specifically unless the matter has been previously approved by Council and every document to which the seal is affixed must be signed by the Chief Executive Officer or some other senior officer authorised by him or her.
- 3) The use of the Common Seal must be recorded in a register maintained by the Chief Executive Office or a member of Council staff to whom this duty has been delegated.

PART 7 – MISCELLANEOUS

113. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 1) is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- 2) is attended by at least one member of Council staff; and
- 3) is not a Council meeting or Delegated Committee meeting
- 4) the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:
- 5) tabled quarterly at a Council meeting; and
- 6) recorded in the minutes of that Council meeting.

114. Confidential Information

- 1) If the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2) 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.

SCHEDULE 1 – MEETING PROCEDURE FOR DELEGATED COMMITTEES

1. Notices and agendas

- 1) The date, time and place of all delegated committee meetings are determined on an annual basis by the committee and at least seven days' notice must be provided to the public.
- 2) The delegated committee may change the date, time and place of any committee meeting which has been fixed and must provide at least seven days' notice of the changes to the members.
- 3) The agenda for the delegated committee meeting will be set by the Chairperson.

2. Quorums

- 1) The quorum required for delegated committee meetings will be not less than half the total number of elected committee members.
- 2) If after 30 minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those committee members present may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

3. Minutes

- 1) The Secretary is responsible for the keeping of minutes on behalf of the delegated committee.
- 2) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- 3) If a committee member is dissatisfied with the accuracy of the minutes, then 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.

4. Business of the meeting

- 1) The order of business will be determined by the Secretary to facilitate and maintain open, efficient and effective processes of governance and must include the opportunity for members to declare any conflict of interest on items on the agenda.
- 2) Once an agenda has been sent to committee members, the order of business for that meeting may only be altered by resolution of the delegated committee.

5. Voting

- 1) To determine a matter before a meeting, the Chair will first call for those in favour of the motion and then those opposed to the motion, and will declare the result of the motion.
- 2) Unless the committee resolves otherwise, voting on any matter will be by a show of hands.
- 3) If there is an equal number of votes, the Chair has a second, casting vote.

6. Addressing the meeting

- 1) Except for the Chair, any committee member or person who addresses the delegated committee meeting must address all remarks through the Chair.
- 2) A committee member who is speaking must not be interrupted unless called to order when they must remain silent until the committee member raising the point of order has been heard and the Chairperson has ruled on the point of order

7. Motions and amendments

- 1) Any motion or amendment which is –
 - c) defamatory; or
 - d) objectionable in language or nature; or
 - e) outside the powers of the delegated committee; or
 - f) stated to be an amendment but is notmust not be accepted by the Chairperson.
- 2) The procedure for any motion is –
 - a) the mover must state the motion without speaking to it;
 - b) it must be seconded by a committee member other than the mover;
 - c) if a motion is not seconded, the motion will lapse for want of a seconder; and
 - d) if the motion is seconded, the Chair must ask if the mover wishes to address the committee on the motion and if the seconder wishes to address the committee on the motion or if they wish to reserve their address until later in the debate.
- 3) The Chair will then ask if any committee member is opposed to the motion and if they wish to speak. Other committee members for and against the motion can then debate in turn.
- 4) The mover of a motion shall have a right of reply after the debate, after which the motion shall be immediately put to the vote. No right of reply is available where an amendment is before the delegated committee.
- 5) An amendment may be proposed or seconded by a committee member, except the mover or seconder of the original motion. An amendment shall not be a direct negative of the motion.
- 6) A committee member 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.
- 7) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair 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.
- 8) If the amendment motion is carried, it then becomes the final motion before the Chair.
- 9) At any time during debate a committee member may foreshadow a motion to inform the committee of his or her intention to move a motion at a later stage in the meeting.
- 10) Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- 11) The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- 12) Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- 13) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker not speak further in respect of the matter then before the Chair.
- 14) 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 committee member – 3 minutes.

8. Other matters

If the committee is required to deal with:

- a) divisions;
- b) formal motions;
- c) separation of motions;
- d) points of order;
- e) adjournment of a meeting;
- f) suspension of standing orders;
- g) a notice of motion;
- h) a notice of rescission motion;
- i) maintenance of order;
- j) suspension; or
- k) removal of the meeting –

these matters should be dealt with in accordance with the relevant Governance Rules applying to the meeting.

SCHEDULE 2 – QUESTION TIME GUIDELINES

Question time at Council meetings provides an opportunity for members of the public to ask questions of Gannawarra Shire Council.

- Questions must be submitted on a Question Time form, available from Council's website and the Kerang and Cohuna Customer Service Centres.
- A maximum number of two questions may be asked by any one person at each Council meeting.
- Completed Questions Time forms must be submitted to the Chief Executive Officer or a person authorised for this purpose by the Chief Executive Officer no later than 5.00pm on the day prior to the Council meeting.
- All Councillors will receive a copy of the questions received and if applicable, the answers to be provided, prior to the relevant Council Meeting.
- When the Council Meeting moves to public question time, the Mayor or in their absence, the Meeting Chair, will call on each person who has submitted an approved question to ask their question verbally, if they wish. If they do not wish to ask their question, the Mayor or Chief Executive Officer will read out their question on their behalf.
- No introductory or background statements in relation to a question will be read out at the Council meeting.
- The Mayor or Chief Executive Officer may indicate that they require further time to research an answer. In this case, an answer will be provided in writing generally within ten days.
- Questions will be answered at the meeting, or later in writing, unless the Mayor or Chief Executive Officer has determined that the relevant question seeks confidential information defined in section 3 of the Act such as:
 - Council business information;
 - security information;
 - land use planning information;
 - law enforcement information;
 - legal privileged information;
 - personal information;
 - private commercial information;
 - confidential meeting information;
 - internal arbitration information;
 - Councillor Conduct Panel confidential information.
 - an issue outside the Gannawarra Shire Council core business.

or if the questions is:

- defamatory, indecent, abusive or objectionable in language or substance
- repetitive of a question already answered (whether at the same or an earlier meeting)
- asked to embarrass a Councillor or Council officer
- No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible

- If a question is, in the opinion of the Chief Executive Officer, effectively a service request, the matter may be addressed directly with the submitter and excluded from the Council meeting as determined by the Chief Executive Officer.

SCHEDULE 3 – GUIDELINES FOR PETITIONS AND JOINT LETTERS

What is a petition?

A petition is a formal written request for action. For example, petitions may ask council to change a decision, policy or local law, or take action for a certain purpose or for the benefit of particular persons.

Presenting a petition to Council

The following information has been prepared to assist people who wish to lodge a petition with Council. It explains the rules governing petitions and provides a link to a petition template.

Alternatives to petitioning Council

Before commencing a petition, consider whether it is the most effective means of dealing with a grievance. In the first instance Council encourages persons to attempt to resolve a matter by contacting customer service staff on (03) 5450 9333. Additionally, councillors are always available to speak with persons on matters of concern.

Using a petition to have your view heard

Notwithstanding the above alternatives, petitions are one way the community can ensure its views are heard by Council.

Should the petition be sent to Council?

Check with Council that the matter comes under its jurisdiction. In other words does Council have the power to act to address the matter, or is it a matter for the state or federal government.

Writing a petition

- Prepare a clear message about what's wrong with the situation, why it needs to change, and how things can get better. For example:

The residents and ratepayers of Gannawarra Shire Council draw to the attention of the Council that there is a problem with speeding motorists at the intersection of ABC Street and XYZ Road.

Drivers coming along XYZ Road typically speed through this busy intersection at 70 km/h, endangering the lives of other motorists and pedestrians.

We therefore request that council replace the give way sign with a stop sign on XYZ Road.

- Choose language that is respectful and non-emotive. This is more likely to gain the support of others who share your view on the topic.
- State the request on each page of the petition.
- Don't attach any other documents to the petition – all the information being presented to the petitioners when they sign is all the information that is required.
- Make sure the signatories include their name, signature and address on the sheet.
- Don't let someone sign for anyone else, not even friends or family (unless they are incapable of signing)

Processing a petition

Petitions should be forwarded to the Chief Executive Officer no later than 12 noon, 10 business days before the Meeting at which it is intended to be considered. The CEO will provide a copy of petitions to all councillors and submit the petition to the Council meeting.

The first named petitioner or the person submitting the petition will be advised of the outcome.

A pro-forma for petitions is available for download from the council's website at www.gsc.vic.gov.au

For further information about the process for presenting petitions, please contact the Council's governance staff on (03) 5450 9333.

SCHEDULE 4 – ELECTION PERIOD POLICY

COUNCIL POLICY NO. 118

1. INTRODUCTION

Councils must comply with special arrangements during the election period in the lead up to a general election.

Election period policy provisions contained within the Local Government Act 2020 (the Act) are intended to ensure councils do not interfere with the integrity or probity of the election process.

The Act regulates council activity in two ways. It prohibits councils from making certain types of decisions and it requires that materials produced by councils must not contain matter that will affect voting at the election.

The 'election period' as defined by the Act for the 2024 local government elections will commence on 24 September 2024 and end at 6 pm on election day, 26 October 2024.

2. POLICY PURPOSE

The purpose of this policy is to specify procedures intended to prevent Council from making inappropriate decisions or using resources inappropriately during the election period before the 2024 general election; the limits on public consultation and the scheduling of Council events; and procedures to ensure that access to information held by Council is made equally available to candidates during the election.

3. DEFINITIONS

Term	Definition	Source
Advertising sign	Means any board, notice, structure, banner or other similar device used for the purposes of soliciting sales or notifying people of the presence of an adjacent property or other address, whether real, internet-based or otherwise electronic and where good or services may be obtained.	Community Amenity Local Law 2023
Candidate	Means a person who has nominated as a candidate for an election under section 256 of the Act.	Act s.3(1)
Council land	Means any land owned or vested in, or under the control and management of the Council, including, but not limited to Roads, Municipal Reserves, watercourses and reservations.	Community Amenity Local Law 2023
Councillor Candidate	Means a current Councillor who has nominated, or is considering nominating for election in the 26 October 2024 Council elections.	Policy
Electioneering	Means any action, statement and/or publication that contains material directly related to, or likely to influence, a Councillor's reelection or a candidate's election.	Policy
Election Manager	Means – a) the VEC; or b) a person appointed in writing by the VEC.	Act s.3(1)

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 the holding of a meeting.	Act s.3(1)
Electoral Matter	Means 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 election manager for the purposes of conducting an election. 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- a) The election; or b) A candidate in the election; or c) An issue submitted to, or otherwise before, the voters in connection with the election.	Act s.3(4) Act s.3(5)
Election Period	Means the period that- a) starts at the time that nominations close on nomination day; and b) ends at 6 pm on election day.	Act s.3(1)
Nomination Day	Means the last day on which nominations to be a candidate at a Council election may be received in accordance with the Act and the regulations.	Act s.3(1)
Publication	Means: a) A published work in any form (eg hardcopy or digital) including but not limited to brochures, articles, letters, posters, policies, strategies, papers, commentary. b) The act or process of publishing.	Policy
Publish	Means publish by any means including by publication on the Internet.	Act s.3(1)
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.	Policy
Significant decision	Means an irrevocable decision that significantly affects the municipality.	Policy

4. ACCOUNTABILITY

4.1 Council

Council will function in accordance with this Election Period Policy during the election period.

4.2 Chief Executive Officer

In addition to the Chief Executive Officer's statutory responsibilities, the Chief Executive Officer will:

- Prior to an election period, ensure that Councillors and Council staff are advised in regard to the application of this Policy.

- 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 agenda for any Ordinary Council meeting scheduled during the election period, any matters requiring major policy decisions or matters that could be considered inappropriate decisions.

5. POLICY

5.1 Decision making

- 5.1.1 In accordance with Section 69 of the Act Council is prohibited from making any decision during the election period for a general election that:
- relates to the appointment or remuneration of the CEO, but not to the appointment or remuneration of an Acting CEO;
 - 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;
 - the Council considers could be reasonably deferred until the next Council is in place; or
 - the Council considers should not be made during an election period.
- 5.1.2 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.
- 5.1.3 A Council decision made in contravention of a) or b) above is invalid.
- 5.1.4 Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of point 3 above is entitled to compensation from Council for that loss or damage.
- 5.1.4 During the Election Period, the Council, a Committee of Council, the CEO or a Council employee acting under delegation will not:
- approve, amend or repeal any policy, plan or strategy, including those contained in or related to the Gannawarra Shire Planning Scheme, which has been adopted by Council; or
 - use their position to influence Council officers, or access Council resources of information, in support of any election campaign or candidacy.

5.2 Extraordinary Circumstances

If 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, Council may apply in writing to the Minister for Local Government for an exemption from the application of this prohibition.

5.3 Council Resources

Application of Resources

Councillors will continue to be provided with resources and receive information during the election period to continue to perform their elected role.

Council resources such as office space, staff, email services, equipment, branding and stationery are only to be used for normal Council business during the election period and not for any election campaign activities.

Information and briefing material prepared and provided to Councillors must be necessary to the carrying out of the Councillor's role and must not be used for election purposes.

Councillor-candidates should be mindful to manage any perceived conflicts even where a direct expense is not incurred, this may include for example:

- Where campaign-related calls are received on a Council device, provide and encourage the caller to use a non-council number for future calls.
- Where campaign-related emails are received in a Council email account, send any responses from a private email and encourage the correspondent to use that account in future.

Council staff

Council staff must not be asked to undertake any tasks connected directly or indirectly with the election campaign of a councillor standing for re-election.

Councillors' Entitlement to Reimbursement

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

5.4 Public Consultation

Public consultations will be avoided during the election period.

Council will not continue or commence public consultation on major policy decisions, contentious or potentially sensitive matters after the commencement of the election period.

Public consultation associated with activities and decisions which are the subject of statutory processes, for example

- Applications under the Planning and Environment Act 1987
- Council Policy No. 143 – Community Engagement

can be expected to continue through the election period to ensure Council does not breach its statutory obligations.

Public consultation not associated with activities and decisions which are the subject of statutory processes shall only proceed if prior approval is given by the Chief Executive Officer.

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

Any public consultation that does proceed during the election period will be vetted for electoral matter and express or implicit links to the election.

Postponing consultation

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 where possible and practicable, to postpone public consultation and any associated decisions where the matter is considered likely to affect voting in the election.

5.5 Council Events

Normal Council events are not prohibited during the election period however Council will keep these events to a minimum.

Any civic or ceremonial Council event held during the election period should 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 services an educational or welfare purpose; or
- It contributes to cultural development, social awareness or sense of community identity.

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.

Material printed or disseminated during the election period to publicise a function or event will be subject to a certification process.

Functions or events for the purpose of electioneering will not be resourced or publicised by Council.

5.6 Information

With respect to Council held information, Councillor candidates will be treated in the same way as other candidates.

Councillors may continue to automatically access Council held documents during the election period, but only as is necessary for them to perform their current role and functions. Information routinely provided to Councillors will include:

- Information that is publicly and freely available, eg Council Plans, Annual Reports, strategies, policies.
- Information and advice provided by Council officers as part of Council meeting agendas.
- Briefing papers in relation to matters to be decided upon at forthcoming Council meetings. It is likely that the briefing information provided to Councillors during the election period will be of a more routine nature than normal, given the approach to decision making during the election period.

All requests received by Council staff for information about Council projects, programs or services will be responded to in a 'business as usual' manner. This means up to date responses will be provided about progress on Council projects or services to Councillors, candidates or the public.

Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign, will be referred to the Chief Executive Officer or the Director Corporate Services for consideration.

All election related enquiries from candidates or prospective candidates will be directed to the Election Manager.

Information Request Register

An Information Request Register will be maintained by the Manager Governance during the election period. This Register will be a public document and records 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 Manager Governance may, at his or her discretion, automatically circulate to all candidates, the response to any request recorded in the Information Request Register.

5.7 Council Publications

Council is prohibited from printing, publishing or distributing any advertisement, handbill, pamphlet or notice during an election period unless it has been certified, in writing, by the Chief Executive Officer, Manager Governance or their delegate.

The prohibition does not apply to the publishing of any document published before the election period commences, or publication of any document required to be published in accordance with, or under any Act or regulation.

Certification of Publications

New publications to be printed, published or distributed during the election period must first be certified by the Chief Executive Officer, Manager Governance or their delegate.

The certification will be in writing on or affixed to a copy of the publication and be in the following form:

‘Certified in accordance with Gannawarra Shire Council Governance Rules’

Copies of all certified documents will be retained on Council records.

Publications which require certification may include:

- Brochures, pamphlets, handbills and flyers
- Reports (other than agenda papers and minutes required under the Act for Council meetings)
- Advertisements 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 many people by or on behalf of Council
- Media releases
- Material to publicise a function or event
- Any publication or distribution of councillors’ speeches.

Documents permitted or required under legislation (such as rate notices, food premises registrations and parking fines) are not publications for the purposes of the prohibition and do not require certification.

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 during the certification process.

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 may be temporarily removed from display. Any material so removed may still be provided to members of the community upon request.

In the context of Council’s website, prominently displayed means content visible on the Gannawarra Shire Council’s website: www.gsc.vic.gov.au and all pages contained within.

During the election period, Councillor profile pages will be limited to names, contact details and date elected.

Annual Report

Council is required by the Act to produce and put on public display a copy of its Annual Report. The 2023-2024 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.

The Annual Report does not require certification by the Chief Executive Officer, however any publication of an extract or summary of the Annual Report will require certification.

Council and Delegated Committee Meetings

Council's Governance Rules require Council to:

- Give public notice of Council meetings and Delegated Committee meetings; and
- Produce and make available agendas and minutes of Council meetings and Delegated Committee meetings.

No Delegated Committee meetings will be scheduled during the election period.

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

Social Media

At the start of the election period, a message will be posted on Council's social media channels and website stating these channels will have no new content added until after the election period unless it relates to existing Council services.

Any new publication on social media channels including Facebook, Twitter, Instagram, blogs and wiki pages created by Council during the election period must be certified by the Chief Executive Officer, Manager Governance or their delegate.

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

5.8 Media Services

Restriction on services

During the election period, Council resources must 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 will be consulted.

Media releases will require certification by the Chief Executive Officer.

Councillors

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

5.9 Assistance to Candidates

All election enquiries from candidates, whether sitting councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibilities of the Election Manager, to the Chief Executive Officer.

Council staff

Upon becoming a candidate in a Gannawarra Shire Council election, the Council staff member must:

- Inform the Chief Executive Officer
- Take leave from their duties at least for the duration of the election period
- Return any Council equipment (including but not limited to motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the election period; and

- If elected, immediately resign from their employed position at Council.

5.10 Advertising signage

Candidates and their supporters are not permitted to affix, attach or place advertising signs on Council land or a Council road during election campaigns including during the election period.

Advertising signs must be erected or placed in accordance with Gannawarra Shire Council Local Law No. 1 Community Amenity and the Gannawarra Planning Scheme.

Gannawarra Planning Scheme - Clause 52.05-10 (Signs not requiring a permit):

A sign with a display area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes. Only one sign may be displayed on the land, it must not be an animated or internally illuminated sign and it must not be displayed longer than 14 days after the event is held or 3 months, whichever is sooner. A sign publicising a local political event may include information about a candidate for an election.

6. RELATED LEGISLATION/POLICIES

Local Government Act 2020

ECM Folder & Ref #: : 3.000352 & INT25/613027BA
 Originally Adopted: 19/8/2020
 Revised 18/8/2022, 20/9/2023, 5/2025
 To be reviewed: 2027