



Southern Grampians
SHIRE COUNCIL

Governance Rules

August 2020

CHAPTER 1: GOVERNANCE RULES INTRODUCTION	5
CHAPTER 2: MEETING PROCEDURES	7
1. Purpose	7
2. When Required.....	7
3. Election of Mayor, Any Deputy Mayor and Other Chairpersons.....	7
4. Dates and Times of Meetings	8
5. Council may alter meetings dates	8
6. Notice of Meeting.....	8
7. Leave of Absence	8
8. Special (Emergency) Meetings	8
9. Council Meetings	8
10. Inability to Gain a Quorum.....	9
11. Inability to Achieve or Maintain a Quorum due to Conflict of Interest of Councillors	9
12. Notice for Adjourned Meeting	9
13. Keeping of Minutes.....	9
14. No Debate on Confirmation of Minutes	9
15. Objection to Confirmation of Minutes.....	9
16. Deferral of Confirmation of Minutes	10
17. Contents of Minutes	10
18. The Order of Business.....	10
19. Change to Order of Business	11
20. Chief Executive Officer May Include Items on an Agenda	11
21. Chief Executive Officer May Designate Information as Confidential.....	11
22. How Determined.....	11
23. By Show of Hands.....	11
24. By Secret Ballot.....	11
25. System of Voting by Secret Ballot	11
26. When a Division is Permitted.....	11
27. Procedure for a Division	11
28. Change Between the Original Vote and the Division	11
29. Division Not Allowable if Voting by Secret Ballot.....	11
30. No Discussion Once Declared.....	12
31. Addressing the Meeting.....	12
32. Suspension of Standing Orders.....	12
33. No Motions May Be Accepted During Suspension of Standing Orders.....	12

34.	Interruption for Point of Order	12
35.	Matters Not Provided For	13
36.	Chairperson's Duty	13
37.	Moving a Motion	13
38.	Agreed Alteration to a Motion	13
39.	Right of Reply.....	13
40.	No Right of Reply for Amendments	14
41.	Moving an Amendment.....	14
42.	Who May Propose an Amendment.....	14
43.	Who May Debate an Amendment.....	14
44.	How Many Amendments May Be Proposed	14
45.	An Amendment Once Carried.....	14
46.	Foreshadowing Motions	14
47.	Withdrawal of Motions	14
48.	Separation of Motions.....	14
49.	Chairperson May Separate Motions	14
50.	Motions in Writing.....	14
51.	Debate Must Be Relevant to the Motion	15
52.	Speaking Times.....	15
53.	By Resolution of the Council.....	15
54.	No Extension After Next Speaker Commenced	15
55.	Length of Extension.....	15
56.	Chairperson to Decide.....	15
57.	Chairperson May Adjourn to Consider	15
58.	Final Ruling on a Point of Order	15
59.	Procedure for Point of Order.....	15
60.	Valid Points of Order	16
61.	Contradiction of Opinion	16
62.	Adjournment and Resumption of Meeting.....	16
63.	Formal Motions.....	16
64.	Laying the Question on the Table	16
65.	Proceeding to the Next Business.....	16
66.	The Closure.....	17
67.	Adjourning the Debate.....	17
68.	Must be Listed on Agenda	17
69.	Procedure.....	17

70.	Rejection of a Vague Notice	17
71.	Listing Notice on Agenda.....	17
72.	Register of Notices	18
73.	May be Moved by any Councillor and Amended.....	18
74.	Except for Confirmation of Previous Resolution.....	18
75.	If Lost	18
76.	Procedure.....	18
77.	Listing Notice on Agenda.....	18
78.	If Lost	18
79.	If Not Moved	18
80.	May be Moved by any Councillor.....	18
81.	When Not Required.....	19
82.	Register of Notices	19
83.	Urgent and Other Business	19
84.	During Meetings	19
85.	Meetings.....	19
86.	Chairperson May Remove.....	19
87.	Petitions and Joint Letters	19
88.	Signing Petitions.....	19
89.	Councillor Presenting Petition - Obligations.....	19
90.	The Chairperson's Duties and Discretions.....	20
91.	Infringement Notices	20
92.	Payment of Penalty	20
93.	Joint Council Meetings	20
94.	Informal Meeting of Councillors	21
	CHAPTER 3: DELEGATED COMMITTEES	22
	CHAPTER 4: COMMUNITY ASSET COMMITTEES	23
	CHAPTER 5: USE OF THE COMMON SEAL.....	24
	CHAPTER 6: ELECTION PERIOD POLICY	25
	CHAPTER 7: DISCLOSURE OF CONFLICT OF INTEREST AT COUNCIL AUSPICED MEETINGS.....	32
	CHAPTER 8: REVIEW	34

CHAPTER 1: GOVERNANCE RULES INTRODUCTION

1. Nature of the Rules

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

2. Contents

These Governance Rules are divided into the following chapters:

Chapter	Name
Chapter 1	Governance Rules Introduction
Chapter 2	Meeting Procedures
Chapter 3	Delegated Committees
Chapter 4	Community Asset Committees
Chapter 5	Use of the Common Seal
Chapter 6	Election Period Policy
Chapter 7	Disclosure of Conflict of Interest at Council-Auspiced Meetings
Chapter 8	Review

3. These rules should be read in the context of and in conjunction with:

- a) The overarching governance principles specified in section 9(2) of the Act; and
- b) The following documents adopted or approved by Council
 - Code(s) of Conduct
 - Council Meetings Policy
 - Public Transparency Policy
 - Meeting Procedure Local Law No. 10 of 2013

4. Definitions

In these Governance Rules, the following phrases mean:

Act	means the <i>Local Government Act 2020</i>
Advisory Committees	means a committee established by the Council that provides advice to the Council or a member of Council staff who has been delegated a power, duty or function of the Council – that is not a Delegated Committee
Agenda	means the notice of a meeting setting out the business to be transacted at the meetings
Authorised Officer	has the same meaning as the 1989 Act or any other Act

Chairperson	means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson
Chief Executive Officer	means the Chief Executive Officer of Council
Community Asset Committee	means a Community Asset Committee established under section 65 of the Act
Council	means Southern Grampians Shire Council
Councillor	means a person who is an elected member of Council
Council Meeting	means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled and unscheduled meeting
Delegated Committee	means a Delegated Committee established under section 63 of the Act
Deputy Mayor	means the Councillor elected as Deputy to the Mayor (if Council resolves to elect a Deputy Mayor)
Division	means a formal count of those for and those against a motion, generally to remove any doubt as to whether the motion is supported or opposed
Formal Motion	means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure
Mayor	means the Mayor of Council;
Minutes	means the collective record of proceeding of Council;
Municipal district	means the municipal district of Council
Quorum	means a majority of the members of the Council
Suspension of Standing Orders	means the suspension of the provisions of this chapter to facilitate full discussion on an issue without formal constraints

CHAPTER 2: MEETING PROCEDURES

PART 1 - PRELIMINARY

1. Purpose

- (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 *Local Government Act 2020*, Council and Delegated Committee Meetings are open to the public and the community are able to attend.
- (3) Meetings will only be closed to members of the public if:
 - a) there are clear reasons for particular matters to remain confidential; or
 - b) a meeting is required to be closed for security reasons; or
 - c) it is necessary to enable the meeting to proceed in an ordinary manner.

If a meeting is closed to the public for the reasons outlined in sub-rule 3(b) or 3(c), the meeting will continue to be livestreamed. In the event a livestream is not available the meeting may be adjourned, or a recording of the proceedings may be available on Council website.

PART 2 – ELECTION OF MAYOR AND ANY DEPUTY MAYOR

2. When Required

The meeting to fill the vacancy of the Mayor will be held:

1. Annually, in accordance with the provisions of Section 26 of the Act or biennially should Council resolve in accordance with Section 26(5) of the Act to appoint a Mayor for a two-year term;
2. Where the position of Mayor otherwise becomes vacant, as soon as practicable after the vacancy has occurred.

3. Election of Mayor, Any Deputy Mayor and Other Chairpersons

1. At any meeting to elect the Mayor, any Councillor may be appointed as a temporary chair to deal with:
 - a. the receipt of nominations for the election of Mayor;
 - b. the election of the Mayor.
2. In determining the election of the Mayor, the following will apply:
 - a. where only one nomination is received, that Councillor must be declared elected;
 - b. where two nominations are received, the Councillor with the majority of votes cast will be declared elected;
 - c. where there are two or more nominations and all votes cast are equally divided between two or more candidates, the election must be determined by lot;
 - d. where there are more than two nominations received and a result has not been achieved under paragraphs (b) or (c), the candidate with the least number of votes cast must be eliminated, and if more than one of them, the candidate to be eliminated must be determined by lot, with the first candidate drawn to be eliminated. The names of the remaining candidates must be put to the vote again;

- e. the procedure in paragraph (d) must be repeated until the circumstances in paragraph (c) apply or until only two candidates remain. A further vote must be taken and the candidate with a majority of votes cast will be declared elected or, if there is an equal number of votes, the election must be determined by lot.
3. If it is necessary to determine an election by lot, the Chief Executive Officer must place the names of the remaining candidates in a container and the candidate whose name is drawn first by the Chief Executive Officer will be declared elected as Mayor.
4. If the Mayor is unable to attend a Council meeting for any reason, the Council will appoint one of the Councillors to be the Acting Mayor in accordance with Section 20B of the Act, but if the Council has elected a Deputy Mayor the Councillors will give preference to appointing the Deputy Mayor as the Acting Mayor in those circumstances.
5. Any election by Council of a Deputy Mayor or acting Chair of a Council meeting, will follow the same procedure as that for an election of the Mayor.

PART 3 - COUNCIL MEETINGS – NOTICES AND AGENDAS

4. Dates and Times of Meetings

The Council must provide at least 7 days' notice for Council Meetings comprised solely of Councillors unless urgent or extraordinary circumstances prevent the Council from doing so in which case, the Council must give public notice that is practicable for the circumstances.

The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting.

5. Council may alter meetings dates

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

6. Notice of Meeting

A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every Councillor at least 48 hours before the meeting.

The notice on agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by hand, post, or electronic means or as nominated by the Councillors.

7. 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 his or her absence.

8. Special (Emergency) Meetings

In the case of an emergency, the Chief Executive Officer or, in his or her absence, a senior officer, may call or postpone a meeting of the Council, without the necessity to comply with clauses 6 and 7, provided reasonable attempts are made to notify every Councillor.

The Chief Executive Officer or senior officer must submit a full written report of the circumstances requiring his or her action to the next meeting of the Council.

PART 3 – COUNCIL MEETINGS – QUORUMS

9. Council Meetings

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

10. Inability to Gain a Quorum

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

Inability to Maintain a Quorum

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

11. Inability to Achieve or Maintain a Quorum due to Conflict of Interest of Councillors

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of declarations of conflicts of interests by Councillors, the Chief Executive Officer, or in his or her absence, a senior officer may adjourn the meeting.

Where a Council cannot maintain a quorum because the number of Councillors who have a conflict of interest in a decision in regard to a matter, then the Council must consider whether the decision can be made by dealing with the matter in an alternative manner.

Section 67 of the Act states an alternative manner may include:

- i. Resolving to split the matter into two (2) or more separate parts, so that a quorum can be maintained for each separate part; or
- ii. Making prior decisions on component parts, so that a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.

If a Council is unable to use an alternative manner, the Council must decide to establish a delegated committee under Section 63(2) of the Act to make the decision in regard to the matter consisting of:

- a) All the Councillors who have not disclosed a conflict of interest in regard to the matter; and
- b) Any other persons or person that Council considers suitable.

12. Notice for Adjourned 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 member, notice by telephone, facsimile, in person or by some other means will be sufficient.

PART 4 - MINUTES

13. Keeping of Minutes

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

14. 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.

15. Objection to Confirmation of Minutes

If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:

- a) state the item or items with which he or she is dissatisfied; and
- b) propose a motion clearly outlining the alternative wording to amend the minutes.

16. Deferral of Confirmation of Minutes

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

17. 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 names of Councillors and whether they are PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc.;
- b. the names of Officers IN ATTENDANCE with their organisational title;
- c. the arrival and departure times of Councillors (including any temporary departures or arrivals);
- d. every motion and amendment moved, including the mover (and seconder*) of any motion or amendment;
- e. the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED etc. and identification of those motions voted on by secret ballot;
- f. where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
- g. when requested by a Councillor, a record of that Councillor's support or opposition for any motion;
- h. details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
- i. the time and reason for any adjournment of the meeting or suspension of standing orders;
- j. disclosure by a Councillor of a conflict of interest and the details associated with that disclosure required by these Rules and any disclosure of conflict of interest by the Chief Executive Officer required by these Rules;
- k. 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.

* If relevant

2. In addition, the Minutes should:

- a. bear the date and time the meeting was commenced, adjourned, resumed and concluded;
- b. be consecutively page numbered; and
- c. contain consecutive item numbers which are clearly headed with a subject title and where appropriate sub-titles and file references.

PART 5 - BUSINESS OF MEETINGS

18. The Order of Business

The order of business of Council meetings will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.

19. Change to Order of Business

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

20. Chief Executive Officer May Include Items on an Agenda

The Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered by the meeting.

21. Chief Executive Officer May Designate Information as Confidential

The Chief Executive Officer may designate information as confidential in accordance with the confidential definitions provided for under the Act; and

Council can resolve to release confidential information.

PART 6 - VOTING AT MEETINGS

22. How Determined

In determining a question before a meeting of Council, 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.

23. By Show of Hands

Unless the Council resolves otherwise, voting on any matter will be by show of hands.

24. By Secret Ballot

The Council may resolve to deal with any matter by secret ballot unless the meeting is required to be open to the public and the Act prohibits voting by secret ballot.

25. System of Voting by Secret Ballot

If the Council resolves to deal with any matter by secret ballot then the Chief Executive Officer must establish and cause to be administered a system for voting by secret ballot to ensure that the privacy of the vote is maintained.

26. When a Division is 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.

27. 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 and those Councillors voting against the motion and the names shall be recorded in the Minutes of the Meeting.

28. Change Between the Original Vote and the Division

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

29. Division Not Allowable if Voting by Secret Ballot

If the question on any matter is determined by secret ballot, a request to the Chairperson for a Division must not be accepted.

30. 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-

- a. for a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
- b. for a Councillor to a call for a division.

PART 7 - ADDRESSING THE MEETING

31. Addressing the Meeting

1. Except for the Chairperson, any Councillor or person who addresses the meeting must stand and direct all remarks through the Chair, however, the Chairperson may permit at their discretion any Councillor or other person to remain seated while addressing the Chair.
2. Any person addressing the Chair should refer to the Chairperson as:
 - a. Madam Mayor;
 - b. Mr Mayor;
 - c. Madam Chairperson; or
 - d. Mr Chairperson;as the case may be.
3. All Councillors, other than the Mayor, should be addressed as Cr (name).
4. All Officers, should be addressed as Mrs, Ms, Miss or Mr(name).

32. Suspension of Standing Orders

1. The provisions of these Rules may be suspended for a particular purpose by resolution of the Council.
2. The suspension of such provisions (standing orders) should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
3. The purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
4. It should not be used purely to dispense with the processes and protocol of the government of the Council.
5. Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary.

33. No Motions May Be Accepted During Suspension of Standing Orders

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

34. Interruption for Point of Order

A Councillor who is addressing the meeting must not be interrupted unless called to order when he or she must sit down and remain silent until the Councillor raising the point of order has been heard and the question disposed of.

PART 8 – DIVISION ONE - OTHER MEETING PROCEDURES

35. Matters Not Provided For

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

PART 8 – DIVISION TWO - MOTIONS

36. Chairperson's Duty

Any motion or amendment which-

- a) is defamatory; or
 - b) is objectionable in language or nature; or
 - c) is outside the powers of the Council; or
 - d) is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or
 - e) purports to be an amendment but is not-
- must not be accepted by the Chairperson.

37. Moving a Motion

The procedure for any motion is-

- a) The mover must state the motion without speaking to it;
- b) Unless the motion is a formal motion, it must be seconded by a Councillor other than the mover;
- c) If a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- d) If the motion is seconded, the Chairperson must ask
 - i. the mover to address the Council on the motion; and
 - ii. any Councillor opposed to debate the motion; and
 - iii. any other Councillors for and against the motion to debate in turn.
- e) Except as provided for in Clause 45 or for the purposes of Clauses 47 to 51 or for the raising of a point of order no Councillor may speak more than once on any motion
- f) A Councillor may, with the leave of the Chairperson, ask a question for the purposes of clarification. In asking such questions Councillors must not offer opinions on the issue to be considered. Asking a question for the purposes of clarification will not be deemed as speaking to the motion.

38. Agreed Alteration to a Motion

1. With the leave of the Chairperson, both the mover and the seconder of the motion may agree to an alteration proposed by another Councillor.
2. For the purposes of these Rules, any such alteration shall not be regarded as an amendment to the motion.

39. Right of Reply

1. The mover of an original motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.
2. After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

40. No Right of Reply for Amendments

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

41. 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.

42. Who May Propose an Amendment

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

43. Who May Debate an Amendment

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

44. How Many Amendments May Be Proposed

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.

45. An Amendment Once Carried

If the amended motion is carried, it then becomes the question before the Chair.

46. Foreshadowing Motions

1. At any time during debate, a Councillor may foreshadow a motion to inform the Council of his or her 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 Chair 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 have foreshadowed motions recorded in the Minutes until the foreshadowed motion is formally moved, but may do if it is thought appropriate.

47. Withdrawal of Motions

Before any motion is put to the vote, it may be withdrawn with leave of the Council.

48. 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.

49. Chairperson May Separate Motions

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

50. 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.

51. Debate Must Be Relevant to the Motion

1. Debate must always be relevant to the question before the Chair, 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 speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.

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

PART 8 - DIVISION 3 - EXTENSION OF SPEAKING TIME

53. By Resolution of the 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.

54. No Extension After Next Speaker Commenced

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

55. Length of Extension

Any extension of speaking time must not exceed three minutes.

PART 8 - DIVISION 4 - POINTS OF ORDER

56. Chairperson to Decide

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

57. Chairperson May Adjourn to Consider

1. The Chairperson may adjourn the meeting to consider a point of order otherwise she or he must rule on it as soon as it is raised.
2. All other matters before the Council are to be suspended until the point of order is decided.

58. Final Ruling on a Point of Order

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

59. Procedure for Point of Order

A Councillor raising a point of order must:

- a) state the point of order; and
- b) the clause, paragraph or provision constituting the point of order.

60. Valid Points of Order

A point of order may be raised in relation to:

- a) a procedural matter;
- b) a Councillor who is or appears to be out of order; or
- c) any act of disorder.

61. Contradiction of Opinion

Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

62. 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.

63. Formal Motions

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

64. Laying the Question on the Table

1. A motion may be moved "That the (question, letter, document, report etc.) lay on the table"-
2. The motion in sub-clause (1):
 - a. is a formal motion which may be debated and, if carried, has the effect of adjourning any further debate on the matter currently before the Council until such time (if any) as the Council resolves to take the question from the table; and
 - b. if carried in respect to an amendment, has the effect that both the original motion and the amendment will be adjourned; and
 - c. prevents debate on the matter currently before the Council proceeding until a motion to take the question from the table is passed.

65. Proceeding to the Next Business

1. A motion may be moved "That the meeting proceed to the next business"-
2. The motion in sub-clause (1):
 - a. is a formal motion which cannot be moved during the election of Chairperson; and
 - b. if carried in respect to an original motion, requires the Chairperson to direct the meeting to the next item of business; and

- c. if carried in respect to a formal motion, disposes of the formal motion immediately and permits debate upon the original motion to proceed; and
- d. if carried in respect to an amendment, disposes of the amendment immediately and permits debate upon the original motion to proceed but no similar amendment may be moved at that meeting or any adjournment of it.

66. The Closure

1. A motion "That the motion be now put"-
 - a. is a formal 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 is deemed to have been achieved when those possessing different views have been given an opportunity to state them.

67. Adjourning the Debate

1. A motion may be moved "That the motion and amendments now before the meeting be adjourned until....." -
 - a. is a formal 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.

PART 8 - DIVISION 5 - NOTICE OF MOTION

68. Must be Listed on Agenda

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.

69. Procedure

A Councillor may give notice of motion on any matter he or she wants discussed at a meeting by delivering a notice of motion outlining the subject and the motion proposed for discussion to the Chief Executive Officer.

70. Rejection of a Vague Notice

The Chief Executive Officer -

- a) may reject any notice of motion that is too vague, but before rejecting it must give the Councillor delivering the notice an opportunity to amend it; and
- b) must notify the relevant Councillor of any notice of motion which has been rejected and give the reasons for its rejection.

71. 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.

72. Register of Notices

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

73. 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

74. Except for Confirmation of Previous Resolution

If a notice of motion to confirm a previous resolution of the Council cannot be carried in its original form, it is lost.

75. 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 (3) months from the date it was last lost.

PART 8 - DIVISION 6 - NOTICE OF AMENDMENT OR RESCISSION

76. Procedure

1. A Councillor may propose a motion to amend or rescind a decision of the Council provided :
 - i. the previous motion has not been acted upon; and
 - ii. 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. A decision will be deemed to have been acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has been carried out as a result of that decision.

77. Listing Notice on Agenda

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 and the effect of the amendment or rescission and any subsequent action required of the Council.

78. If Lost

Unless the Council resolves to re-list at a future meeting a notice to amend or rescind 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 considered.

79. If Not Moved

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

80. 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.

81. When Not Required

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

82. 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.

83. Urgent and Other Business

Business which has not been listed on the Agenda may only be raised as urgent or other business by resolution agreed by the Council.

PART 8 - DIVISION 7 - PUBLIC PARTICIPATION

84. During Meetings

1. A person wanting to have a deputation to the Council must make a request in writing to the Chief Executive Officer prior to the Council meeting.
2. A person wanting to participate in a Council meeting through any formal process that is provided must comply with any relevant requirements of any policies adopted by Council from time to time.

85. Meetings

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

86. Chairperson May Remove

1. Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction will be guilty of an offence.

Penalty: 10 Penalty Units

2. The Chairperson has a discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.

87. Petitions and Joint Letters

A petition or joint letter to Council will be tabled and received at the next appropriate Council meeting. Petitions or joint letters not related to (Town) Planning matters will then be forwarded to the appropriate Director for action. Petitions or joint letters concerning a (Town) Planning permit application or Planning Scheme amendment will be referred to the relevant Director and considered through the applicable Planning process.

88. Signing Petitions

Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence.

Penalty: 20 Penalty Units

89. Councillor Presenting Petition - Obligations

Any Councillor presenting a petition or joint letter will be responsible for ensuring that:

- a) he or she is familiar with the contents and purpose of the petition or joint letter; and
- b) the petition or joint letter is not derogatory or defamatory.

PART 8 - DIVISION 8 - ADDITIONAL DUTIES OF CHAIRPERSON

90. The Chairperson's Duties and Discretions

In addition to other duties and discretions provided in these 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;
- b) must call to order any person who is disruptive or unruly during any meeting.

The Chairperson, Councillors and members of Delegated Committees will ensure good council decision-making by endeavouring to ensure:

- a) Decision making is transparent to members and observers;
- b) Meeting members have sufficient information to make good decisions;
- c) Every member is supported to contribute to decisions;
- d) Any person whose rights are affected has their interests considered;
- e) Debate and discussion is focussed on the issues at hand;
- f) Meetings are conducted in an orderly manner;
- g) Decisions should be made on the merits of the matter.

PART 9 - ENFORCEMENT AND PENALTIES

91. Infringement Notices

1. As an alternative to prosecution for an offence, an authorised officer may issue an infringement notice containing the information required by the *Infringements Act 2006*.
2. A person issued with an infringement notice can decide not to pay the penalty amount in the notice within the time required in the notice and defend the prosecution in court.
3. If the penalty amount in the infringement notice is paid within 28 days or the notice is withdrawn by an authorised officer within that time the person on whom the infringement notice was served will be considered to have expiated the offence.
4. If a person does not pay the penalty amount within 28 days or any extended time period that the authorised officer has permitted or the notice is not withdrawn, the authorised officer may pursue the matter by prosecuting for the offence or by taking the steps available under the *Infringements Act 2006* for enforcing penalties by registration of infringement notices.
5. The penalty amount for an offence against the Meeting Procedures Local Law No. 10 of 2013 is the amount in Schedule 1 of the Local Law.

92. Payment of Penalty

1. A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Southern Grampians Shire Council, Locked Bag 685, Hamilton VIC 3300.
2. To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.

PART 10 – JOINT COUNCIL MEETINGS

93. Joint Council Meetings

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

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

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

PART 11 – INFORMAL MEETINGS OF COUNCILLORS

94. Informal Meeting of Councillors

1. If there is a meeting of Councillors that:
 - a) Took place for the purpose of discussing the business of Council or briefing Councillors;
 - b) Is attended by at least one member of Council staff; and
 - c) Is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting; then

The Chief Executive Officer must ensure that a list of the topics discussed at the meeting are:

- a) Tabled at the next convenient Council meeting; and
- b) Recorded in the minutes of that Council meeting.

CHAPTER 3: DELEGATED COMMITTEES

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

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

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

CHAPTER 4: COMMUNITY ASSET COMMITTEES

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

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

CHAPTER 5: USE OF THE COMMON SEAL

1. The Chief Executive Officer must ensure the security of the Council's common seal at all times.
2. The Council's common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by at least one Councillor and the Chief Executive Officer.
3. Any person who uses the Council's common seal without authority is guilty of an offence.
4. Any person who uses any replica of the Council's seal without authority is guilty of an offence.

CHAPTER 6: ELECTION PERIOD POLICY

Council will have in place an election period policy that:

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

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

The Election Period Policy forms part of these Governance Rules.

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

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

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

ELECTION PERIOD POLICY

1. INTRODUCTION

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

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

The close of nominations is the day that is 32 days before the Election Day.

The election period for the 2020 Local Government Elections will commence at midday on 22 September 2020 and concludes at 6pm on Saturday 24 October 2020.

2. PURPOSE

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

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

This policy also commits Council during the election period to:

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

3. DEFINITIONS

Election Period	The Act defines the Election Period as commencing on the close of nominations on nomination day and ending at 6 pm on election day, a period of 32 days.
Electoral Material	Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but not does include an advertisement in a newspaper that is only announcing the holding of a meeting.
Handbill	A small printed advertisement or other notice distributed by hand.
Electoral Matter	Matter which is intended to, or likely to, affect voting in an election other than that which is prepared by the Returning Officer for the purposes of conducting the election.
Publication	Includes any means of publication including letters and information on the internet and social media.
Significant Decision	Means a decision that significantly affects the municipality.
Act	Means <i>Local Government Act 2020</i>

4. APPLICATION

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

5. RESPONSIBILITIES

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

6. SCOPE

This Policy is made in accordance with:

- *Local Government Act 2020*
- Local Government (Electoral) Regulations 2020
- Councillor Code of Conduct

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

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

7. POLICY

7.1 CHIEF EXECUTIVE OFFICER

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

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

7.2 DECISIONS BY COUNCIL

Major Policy Decisions

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

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

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

Significant Decisions

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

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

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

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

7.3 COUNCIL MEETINGS

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

7.4 BRIEFING SESSIONS

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

7.5 ADVISORY COMMITTEES

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

7.6 PUBLIC CONSULTATION AND EVENTS

Public consultation will not take place during the election period except where there is a legal

obligation or the CEO determines that special circumstances exist.

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

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

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

7.7 COUNCIL PUBLICATIONS

Prohibition on publishing material that contains electoral material

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

CEO Certification

The CEO must certify a publication that contains electoral matter.

The certification by the CEO will read:

'Certified by the Chief Executive Officer in accordance with section 304(2) of the Local Government Act 2020'

Prohibited material

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

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

Website

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

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

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

Annual Report

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

Social Media

Any publication (comments or new content) on Council-managed social media sites during the

election period must be certified by the CEO.

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

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

Newsletters

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

7.8 COUNCIL RESOURCES

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

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

Use of Council Resources by Councillors

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

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

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

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

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

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

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

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

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

Staff Discretion

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

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

Councillor Expenses Reimbursement

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

7.9 MEDIA

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

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

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

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

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

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

Council staff

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

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

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

7.10 ACCESS TO INFORMATION

Candidates

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

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

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

Current Councillors

As Councillors must continue to perform their elected role during the election period, they may

receive all necessary information for them to fulfil that role. Information that can be provided to Councillors includes:

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

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

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

Information Request Register

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

7.11 DISPLAYING ELECTORAL MATERIAL

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

7.12 USE OF TITLE

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

8. IMPLEMENTATION

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

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

Copies of the Policy will be made available to the Returning Officer for distribution to candidates for their information.

CHAPTER 7: DISCLOSURE OF CONFLICT OF INTEREST AT COUNCIL AUSPICED MEETINGS

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

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

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

Obligations with regard to conflict of interest:

1. Councillors, Members of Delegated Committees and Council staff are required to:

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

2. Councillors and Members of Delegated Committees:

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

3. Procedure at Council or Delegated Committee Meeting

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

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

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

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

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

4. Procedure at other meetings organised, hosted or supported by Council

- A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.

- At the time indicated on the agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- If there is no agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon as the matter arises.
- At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- The existence of a conflict of interest will be recorded in the minutes of the meeting.
- If there are no minutes kept of the meeting, the conflict of interests will be recorded in a meeting record and provided to the Governance Coordinator for recording in the register of Conflicts of Interest.
- The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- Meeting records and reports will be presented to Council for noting and inclusion on the public record.

5. Council staff

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

6. Procedure for disclosures of Conflicts of Interest by Council staff

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

CHAPTER 8: REVIEW

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

These Rules were adopted by Council on 12 August 2020.

The Rules will be reviewed within 12 months of adoption and every four years thereafter.