

GOVERNANCE
RULES AND
INCORPORATED
ELECTION PERIOD
POLICY

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CITY OF GREATER
BENDIGO

Governance Rules and Incorporated Election Period Policy

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Document Control

Introduction

1 Purpose

- 1.1 This document incorporates the Governance Rules and Election Period Policy of City of Greater Bendigo Council.
- 1.2 The Governance Rules have been developed in accordance with section 60 of the [Local Government Act 2020](#) (“the Act”). Their purpose is to ensure that Council:
- Makes decisions on any matter fairly on the merits and with accurate and adequate information considering the interests of anyone affected by decisions, and
 - Has decision-making processes that are transparent and respectful, ensuring that all decision-makers have the opportunity to be heard.
- 1.3 The Governance Rules outline:
- An overview of alignment of the Governance Rules within Council’s Governance and Integrity Framework
 - Election of Mayor and Deputy Mayor; or Acting Mayor if required
 - Conduct of meetings of Council, Delegated Committees, Advisory Committees, meeting conducted under the auspices of council and Community Asset Committees
 - Provision of notice of meetings and record and make available meeting records (minutes and live broadcasting of meetings)
 - How Councillors are informed in their decision making through community engagement, Council Officer reports, advisory committees and Councillor areas of responsibility; and
 - The required disclosure and management of conflicts of interest.

2 Date of Commencement

- 2.1 These Governance Rules commence December 2025.
- 2.2 Council’s Election Period Policy commenced on January 29, 2024.

3 Scope

- 3.1 The Governance Rules apply to all Councillors, Delegated Committee members, Community Asset Committee members, Council staff and community members. They establish proper rules and procedures for making decisions, conducting meetings and disclosing conflicts of interest as set out in the Act.
- 3.2 This document addresses Council’s statutory requirements by providing guidance at an operational level to ensure compliance and enhance the transparency and accountability of Councillors and Council officers regarding governance matters, meeting procedures and during the election period.

4 Context

- 4.1 These Rules should be read in the context of and in conjunction with:
- The overarching governance principles specified in section 9(2) of the Act; and
 - The following documents:
 - Model Councillor Code of Conduct
 - Good Governance Framework

- Community Complaints About a Councillor Policy
- Councillor Appropriate Behaviour Policy
- Councillor Communication and Information Policy
- Councillor Expense and Support Policy
- Councillor Gift Policy
- Councillor Prevention of Sexual Harassment Policy
- Community Engagement Policy
- Public Transparency Policy
- Social Justice Framework
- Internal Resolution Procedure

5 Decision Making

- 5.1 In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and decide:
- Fairly, by giving consideration and deciding which is balanced, ethical and impartial; and
 - On the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.
- 5.2 Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered).
- 5.3 Without limiting anything in the above paragraph of this sub-Rule:
- Before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made
 - If a report to be considered at a Council meeting concerns subject- matter which will directly affect the rights of a person or persons, the report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered
 - If a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
 - If a member of Council staff proposes to decide under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons, and such person or persons were provided with an opportunity to communicate their views and their interests considered.
- 5.4 Decision-makers should seek out and impartially listen to the community's views before making decisions. Noting that decisions will need to consider the best interest of the entire municipal community over time and including overall financial sustainability.

6 Definitions

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

Absolute Majority means the number of:

- Councillors which greater than half the total number of Councillors of Council; and
- Members of a Delegated Committee which is greater than half the total number of members of the Delegated Committee.

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

Additional Council Meeting means a meeting called in accordance with rule 15.2.

Adjournment means postponing a meeting with the intention of resuming at another time.

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

Annual (Statutory) Meeting means the Council Meeting at which the Mayor is elected.

Authorised Officer means an Officer who is authorised by the CEO or Council under section 224 of the *Local Government Act 1989* (Victoria).

Caretaker period has the same meaning as ‘election period’ in Section 3(1) of the Act, and means the period that starts on the entitlement date and ends at 6pm on Election Day

Chair means the:

- Councillor elected as Mayor under rule 7.
- Person appointed as the Chair of a Delegated Committee; or
- Person taking the chair at a Meeting in accordance with these Rules in the absence of the Mayor or Chair of the Delegated Committee, as the case requires.

Chief Executive Officer (CEO) means the person occupying the position of Chief Executive Officer of Council and includes a person acting that position.

Committee Meeting means a meeting of Legislative Committee, Strategic Planning Committee, Advisory Committees, Reference Committee, Delegated Committee or Community Asset Committee.

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

Community Engagement Policy means the Community Engagement Policy adopted by the Council under section 55 of the Act.

Confidential Information has the same meaning as in section 3(1) of the Act.

Council means the Greater Bendigo City Council being all the Councillors collectively.

Council Chambers means the place where a scheduled meeting of Council is advertised to be held.

Council Meeting includes Scheduled Council meeting and Additional Council Meeting as defined by section 61 of the Act; and includes a scheduled or unscheduled meeting that may be held as a face-to-face (in person) meeting at a set location or via electronic means (virtual or remote) or in a hybrid format that mixes in person and virtual (remote) attendance.

Councillor means a person holding the office of member of Greater Bendigo City Council.

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

Delegated Committee Meeting means a meeting of a Delegated Committee convened in accordance with these Governance Rules. A Delegated Committee Meeting includes a scheduled or unscheduled meeting that may be held as a face-to-face (in person) meeting at a set location or via electronic means (virtual or remote) or in a hybrid format that mixes in person and virtual (remote) attendance.

Deputy Chair means the:

- Councillor elected as Deputy Mayor under rule 8.1 or
- Person appointed as the Deputy Chair of a Delegated Committee; as the case requires.

Deputy Mayor means the Councillor elected Deputy of the Council who must perform the role of Mayor in the Mayors absence.

Division means a formal count of those Councillors or members of a Delegated Committee who voted for or against, or did not vote in respect of, a motion and the recording of that count and the way each Councillor or member of the Delegated Committee voted in the minutes of the Meeting.

Hearings Council Meeting is a meeting of Council for the specific purpose of hearing submissions in accordance with section 223 of the Local Government Act 1989.

Informal Councillor Meeting means a Councillor Briefing.

Joint letter means any correspondence signed by more than one person, which attempts to influence the Council's decision making or actions. The joint letter must contain the full name of the signatories, suburb and signatures. It does not have to include a request at the top of each page.

Leave of absence means formal leave requested and taken by a Councillor who is not available, or unable, to perform their Council duties for a specified period of time.

Meeting means a Scheduled Council Meeting, an Additional Council Meeting, a Hearings Council Meeting, Delegated Committee Meeting and a Community Asset Committee Meeting, a meeting conducted under the auspice of council as the context requires.

Meeting conducted under the auspices of Council means a meeting scheduled or planned for the purpose of discussing the business of Council or briefing Councillors. Councillor briefing is a method to assist in decision making and supports Councillors to become informed about matters which are subject to Council decisions.

Minister means the Victorian State Government Minister responsible for administering the Act.

Minutes means the record of proceedings of a Meeting.

Model Councillor Code of Conduct means the Model Councillor Code of Conduct prescribed in Schedule 1 of the *Local Government (Governance and Integrity) Regulations 2020*.

Municipality means the municipal district of Council.

Notice of Motion means a notice setting out the text of a motion, which a Councillor proposes to move at a Council Meeting.

Officer means a member of Council staff.

Officer Report means a report prepared by a Council Officer for consideration by Council.

Operational Service Request Process means a request for action through Council's Customer Request System in use by the Council or request relating to the day to day management of Council operations as defined in Section 94A(1) of the Act as the functions of the CEO.

Point of Order means a point of order raised in accordance with rule 53.

Procedural Motion means a motion contained in the Table at Appendix 1 to these Rules.

Quorum at a Council Meeting or Delegated Committee Meeting means an Absolute Majority of Councillors or members of the Delegated Committee, as the case requires.

Rescission Motion means a Notice of Motion proposing the rescission of a resolution made by Council.

Resumption of Standing Orders means the resumption of the provisions of these Rules governing the conduct of Meetings to allow decisions to be made.

Senior Officer has the same meaning as in Section 3(1) of the Local Government Act 1989.

Significant Expenditure means one percent or more of general rate income of the Council

Suspension of Standing Orders means the suspension of the provisions of these Rules governing the conduct of Meetings to facilitate full discussion on a matter without formal constraints.

these Rules means these Governance Rules.

Urgent Business means a matter that has arisen since distribution of the Agenda for a Meeting and cannot safely or conveniently be deferred until the next Meeting.

Visitor means any person (other than a Councillor or an Officer) present at a Meeting.

Written or In Writing includes duplicated, photocopied, photographed, printed and typed and extends to both hard copy and soft copy form.

Meeting Procedure

7 Election of Mayor and Deputy Mayor

- 7.1 The CEO must facilitate the election of the Mayor and Deputy Mayor in accordance with the provisions of the Act (section 26 of the Act).
- 7.2 Before the election of the Mayor,
 - 7.2.1 Council must vote on whether or not the office of the Deputy Mayor will be established (section 20A of the Act)
 - 7.2.2 Council must determine by resolution whether the Mayor and if established Deputy Mayor is to be elected for a 1 year or a 2-year term (Section 26 subsection 3)
- 7.3 A Mayor is to be elected no later than:
 - 7.3.1 One month after the date of a general election (section 26, sub-section 1)
 - 7.3.2 As close to the end of the term as is reasonably practicable (section 26, sub-section 4 or 5)
 - 7.3.3 Within one month after any vacancy in the office of Mayor occurs (section 26, sub-section 6)
- 7.4 Any Councillor (subject to section 147 and 167 (Misconduct and Serious Misconduct findings) of the Act) is eligible for election or re-election.
- 7.5 By convention at the City the election is undertaken during an informal assembly of Councillors (being not a Council Meeting as defined by section 61 of the Act) then endorsed publicly at a Council Meeting.
- 7.6 The CEO must open the assembly and invite nominations for the Mayor and confirm acceptance of the nomination with the nominee.
 - 7.6.1 Any nominations for the office of Mayor must be seconded by another Councillor.
 - 7.6.2 A Councillor may nominate themselves.
- 7.7 Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:
 - 7.7.1 If there is only one nomination, the candidate nominated must be declared to be duly elected
 - 7.7.2 If there is more than one nomination, the Councillors in attendance at the meeting must vote for one of the candidates.
- 7.8 The Mayor-Elect is determined at an informal assembly of Councillors by:
 - 7.8.1 The CEO, or their delegate, will act as a Returning Officer.
 - 7.8.2 One Councillor not standing for election may act as scrutineer. If all Councillors stand for election, the Councillors may nominate one scrutineer.
 - 7.8.3 All Councillors present are required to vote and are entitled to one vote.
 - 7.8.4 If a candidate receives an absolute majority of total number of votes, they are declared Mayor-Elect.
 - 7.8.5 If a single candidate fails to receive an absolute majority of votes, there are further rounds of voting and each time the candidate with the least amount of votes is eliminated until a single candidate is declared in accordance with rule 7.8.4 above.
 - 7.8.6 If at any stage there are candidates tied for the least number of votes, Councillors vote to eliminate a candidate. If there is still an even number of votes Councillors will pause for further discussion and vote again. If there is still an even amount of votes a candidate will be eliminated by ballot.

7.8.7 If at any stage all remaining candidates are tied for the number of votes Councillors will pause for a period of time (agreed by a majority of Councillors) for further discussion and vote again. If all remaining candidates remain tied the Mayor-Elect will be drawn by lot.

7.9 At the Council Meeting to elect the Mayor:

7.9.1 The Mayor-Elect is nominated for the position of the Mayor. By convention it is expected that the Mayor-elect will be elected to be the Mayor. Should multiple Councillors be nominated - contrary to established convention - the election shall be conducted as above.

7.9.2 The Meeting will be:

- Conducted in accordance with section 25 of the Act
- Chaired by the CEO
- Open to the public

8 Election of the Deputy Mayor and Chairs of Delegated Committees

8.1 The election of the Deputy Mayor and Chairs of Delegated Committees will follow the same procedure as described above for the Mayor.

9 Appointment of an Acting Mayor

9.1 From time to time it may be necessary for Council to appoint an Acting Mayor if:

9.1.1 The Mayor is unable to perform the duties of Mayor due to ill health or other incapacitation

9.1.2 The Mayor is on leave, interstate or overseas for more than one week

9.1.3 Other unforeseen circumstances require.

In these circumstances the Deputy Mayor will be Acting Mayor.

9.2 If the Deputy Mayor is unable to fulfil the role of Acting Mayor, the position of Acting Mayor will be determined by Resolution of the Council.

10 Office Of The Deputy Mayor

10.1 At the beginning of the Council term, the Council must vote on whether to establish the office of the Deputy Mayor for the Council term.

10.2 If the office is established, the Deputy Mayor will be elected for a term of that coincide with the term of the Mayor.

10.3 If the office is established, at the end of the Deputy Mayor's term, at the same meeting conducted to elect the Mayor, the Council must conduct the election of the next Deputy Mayor.

11 Acting Mayor when there is no Office of Deputy Mayor

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

11.1.1 Resolving that a specified Councillor be so appointed; or

11.1.2 Following the procedure set out in Rules 7.8 and 7.9 of this Chapter, at its discretion.

12 Vacancy

12.1 If the office of the Mayor or Deputy Mayor becomes vacant:

- 12.1.1 A new Mayor or Deputy Mayor must be elected within one month after any vacancy in the office of the Mayor or Deputy Mayor; and
- 12.1.2 the Councillor elected to fill the vacancy of Mayor or Deputy Mayor serves the remaining period of the previous term.

13 Election of Chair for Community Asset Committees

13.1 Process of Community Asset Committee election of chair will be determined by the committee's instrument of delegation.

14 Duties and Discretions

14.1 The Chair

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

- a) Must not accept any motion, question or statement which is:
 - i. vague or ambiguous
 - ii. defamatory, malicious, abusive or objectionable in language or substance; or
 - iii. outside the powers of Council.
- b) Must allow the CEO the opportunity to correct factual errors or incorrect assertions that arise during the meeting
- c) Must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council
- d) May direct that a vote be recounted to be satisfied of the result
- e) Must decide on all points of order in accordance with section 53; and
- f) Subject to sub-rule 14.1.1 (a), the Chair may determine to close a meeting to the public to maintain security and order, if the circumstances prevent seeking a Council resolution in accordance with Rule 47.
- g) The Chair may determine to adjourn a meeting in accordance these rules

14.2 Chief Executive Officer

14.2.1 The CEO, or delegate, may participate in the meeting to provide support to the Chair.

14.2.2 The CEO:

- a) Should immediately advise if a proposed resolution or action is, to the best of their knowledge, contrary to legislation or Council policy
- b) May advise if there are administrative or operational implications arising from a proposed resolution
- c) May assist to clarify the intent of any unclear motion to facilitate implementation of a resolution
- d) On request, assist with procedural issues that may arise.

14.3 Councillors and members of Delegated Committees

14.3.1 Councillors and members of Delegated Committees contribute to good governance and decision making by:

- a) Seeking views of community members and reading agenda papers prior to the meeting
- b) Consider the diversity of interests and needs of the municipal community

- c) Demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers
- d) Attending meetings and participating in debate and discussion
- e) Demonstrating respect for the role of the Chair and the rights of other Councillors or members of Delegated Committees to contribute to the decision making
- f) Being courteous and orderly
- g) Comply with Model Councillor Code of Conduct and other procedures required for good governance.

14.4 Community

- 14.4.1 Council Meetings are decision making forums for the Council that are open to the community to attend and/or view proceedings.
- 14.4.2 Conduct and behaviour at Council meeting is outlined in accordance with Rule 56. Community members are encouraged to pre-register to attend
- 14.4.3 Community members may preregister a question to be asked and answered at Council meetings in accordance with the Public Question Time Rule 17.5
- 14.4.4 Community members are encouraged to take part in Council's engagement processes
- 14.4.5 Community members may look to inform individual Councillors of their views by contacting them directly in advance of meetings.

15 Notice of Meeting and Delivery of Agenda

15.1 Dates and Times of Council Meetings

- 15.1.1 The Council:
 - a) shall fix the day, time and place of all Scheduled Council Meetings by resolution.
 - b) may, by resolution at a Council Meeting, determine or alter the day, time and place of any Council Meeting.

15.2 Additional Council Meetings

- 15.2.1 An Additional Council Meeting will be held where:
 - a) the CEO determines that an Additional Council Meeting is necessary or desirable; or
 - b) written notice of the Additional Council Meeting is provided to the CEO having been signed by the Mayor, or by three or more Councillors.
- 15.2.2 The written notice must:
 - a) Specify the date, time and place.
 - b) Specify the business to be discussed.
 - c) Explain why the business must be addressed before the next Scheduled Council Meeting.
 - d) Be delivered to the CEO in sufficient time to enable notice to be given in accordance with Rule 15.6.

15.3 Virtual and / or Hybrid Council Meetings

- 15.3.1 A Councillor may request to attend a Council Meeting via electronic means.
- 15.3.2 Any request made under sub-Rule 15.3.1 must:
- a) be in writing.
 - b) be given to the Chair and the CEO no later than 2 business days prior to the commencement of the relevant Council Meeting; and
 - c) specify the reasons why the Councillor is unable or does not wish to attend the Council Meeting in person.
- 15.3.3 The Chair must ensure that any request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council Meeting.
- 15.3.4 The Chair may approve and must not unreasonably refuse any request.
- 15.3.5 A Councillor who is attending a Council Meeting by electronic means must ensure that they are attending the meeting from a location that is secure and fit for business purposes, which includes access to such equipment that facilitates participation in the Council Meeting.
- 15.3.6 Without detracting from anything said in sub-rule 15.3.5, a Councillor who is attending a Council Meeting by electronic means must be able to:
- a) hear the proceedings
 - b) see all Councillors and participants, at least while a Councillor or participant is speaking
 - c) be seen by all Councillors, Council Officers and members of the public who are physically present at the Council Meeting; and
 - d) be heard when they speak.
- 15.3.7 If the conditions of sub-Rule 15.3.6 cannot be met by one or more Councillors attending a Council Meeting, whether because of technical difficulties or otherwise:
- a) the Council Meeting will nonetheless continue as long as a quorum is present and
 - b) the relevant Councillor (or Councillors) will be treated as being absent from the Council Meeting or that part of the Council Meeting,
- unless the Council Meeting has been adjourned in accordance with these Rules.
- 15.3.8 Nothing in this Rule prevents a Councillor from joining (or re-joining) a Council Meeting at the time that they achieve compliance with sub-Rule 15.3.6 even if the Council Meeting has already begun or has continued in their absence.

15.4 Meeting time limits

- 15.4.1 The initial time limit of a Meeting is four hours.
- 15.4.2 The time limit may be extended, by Council resolution, limited to a maximum of two 30 minute extensions.
- 15.4.3 If at the end of the time limit, there is further business to be completed, the Meeting must stand adjourned to 6pm on the following day.

15.5 Postponement or Cancellation of Council Meetings

- 15.5.1 The CEO, after consulting the Mayor, may postpone or cancel a Council Meeting if:
- a) they have been informed by Councillors that a quorum will not be reached; or
 - b) other circumstances exist which mean that the Council Meeting cannot be safely or effectively convened.

15.5.2 If a Council Meeting is postponed or cancelled under rule 15.5.1, the CEO, must give such notice of that postponement or cancellation as they see fit, provided that all Councillors are notified.

15.6 Notice of Council Meetings

15.6.1 The CEO shall ensure that the notice of a Council Meeting is published for Councillors, and community members and is accompanied by an Agenda of the business to be dealt with at least two business days before the Council Meeting.

15.6.2 The notice for any Council Meeting must

- a) state the date, time and place of the Council Meeting;
- b) state the business to be dealt with at the Council Meeting; and
- c) be delivered or provided electronically.

15.6.3 Despite the provisions of this rule, the CEO, after consulting the Mayor, may determine to provide shorter public notice of a Council Meeting where they consider it necessary to do so.

16 Quorum

16.1 Inability to gain quorum to commence

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

- a) those Councillors present; or
- b) if there are no Councillors present, the CEO; or,
- c) in the absence of the CEO, an Authorised Officer;
- d) must adjourn the Council meeting for a period within four (4) weeks from the date of the adjournment.

16.2 Inability to gain quorum

16.2.1 If during any Council Meeting or any adjournment of the Council meeting, a quorum cannot be maintained:

- a) those Councillors present; or
- b) if there are no Councillors present, the CEO; or,
- c) in the absence of the CEO, an Authorised Officer;
- d) must adjourn the Council meeting for a period not exceeding seven days from the date of the adjournment.

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

16.3.1 If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of 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.

16.4 Delegation due to conflicts of interests

16.4.1 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council may delegate the decision to be made:

- a) By the CEO; 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.

16.4.2 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.

16.5 Adjournment

16.5.1 The CEO must provide written notice of an adjournment under sub-rules 16.1, 16.2 or 16.3, however, where this is not practicable because time does not permit that to occur, then, provided every reasonable attempt is made to contact every Councillor; notice by telephone, email, in person or by some other means is sufficient.

16.6 Adjourned meetings

16.6.1 Council may resolve to adjourn any Council meeting and must include the reason for the adjournment in the resolution.

16.6.2 The CEO, or his or her delegate, must give notice to each Councillor of the date, time and place to which the Council meeting stands adjourned and of the business remaining to be considered.

16.6.3 Notice of an adjournment to another date or time must be published on Council's website as soon as practical.

17 Business of Meeting

17.1 Order of business

17.1.1 The order in which business is listed on the agenda shall be determined at the discretion of the CEO to facilitate and maintain open, efficient and effective processes of government. Prior to making any changes to the default order of business set out in Rule 17.1.2, the CEO must consult with the Mayor.

17.1.2 Subject to any changes made by the CEO, the default order of business is as follows:

- a) Acknowledgement of Country and Opening Statement
- b) Councillor Apologies and Leave of Absence Applications
- c) Public Question Time
- d) Disclosure of Conflict of Interest in any item on the Agenda; (see Rule 20)
- e) Adoption and Confirmation of the Minutes of previous Meetings
- f) (On Notice) Mayoral Presentation
- g) Ward Reports
- h) Petitions and Joint Letters
- i) Report Items
- j) (On Notice) Reports from Committees and other parties
- k) (On Notice) Notices of Motion
- l) Urgent Business
- m) Mayor's Report
- n) CEO Report
- o) (On Notice) Confidential (Section 66) Reports

17.2 Change to Order of Business

- 17.2.1 Once the Agenda for a Council Meeting has been prepared and sent to Councillors, the order of business for the Council Meeting may only be altered by resolution of the Council. This includes a request for an item to be brought forward.

17.3 Acknowledgement of Country and Opening Statement

- 17.3.1 At each meeting, the Chair must read out the Acknowledgement of Country and Opening Statement.

17.4 Councillor attendance, apologies and leave of absences application

- 17.4.1 If a Councillor has a planned period of leave, a leave of absence should be sought from the Council at the Meeting prior to the absence.
- 17.4.2 Councillors who are unable to attend a Meeting must submit an apology in advance in writing or verbally to the Chair, the CEO or the Manager Governance and Performance.
- 17.4.3 Council must move a Motion to accept or reject apologies and leaves of absence.
- 17.4.4 A Councillor who is absent from a Meeting and has not submitted a request for approval of the apology or leave of absence will be recorded as absent, with no Motion required to accept the absence.
- 17.4.5 Councillor absences from a Council Meeting where no leave of absence request or apology has been sought prior are subject to Section 35 (1) (e) of the Act, where:
- a Councillor ceases to hold the office of Councillor and the office of the Councillor becomes vacant if the Councillor is absent from Council meetings for a period of four consecutive months without leave obtained from the Council.*
- 17.4.6 All attendances, apologies, leave of absences and unaccepted absences will be recorded in the Minutes.

17.5 Public question time

- 17.5.1 Unless the Council resolves otherwise, there must be a public question time at every Scheduled Council Meeting to enable members of the public to submit questions to the Council.
- 17.5.2 Rule 17.5.1 does not apply during any period when a Scheduled Council Meeting is closed to members of the public or during a Caretaker Period.
- 17.5.3 Up to 30 minutes will be allocated at each meeting for Public Question Time. Where 30 minutes has been allocated exhausted, a motion to extend must be put and passed for Public Question Time to be extended. Questions submitted in writing prior to the Meeting will have priority.
- 17.5.4 Questions may be presented in person, with no pre-amble, and subject to 17.5.6.
- 17.5.5 Questions will be limited to one per person, unless time permits at the discretion of the Chair
- 17.5.6 A question may be disallowed by the Chair if the Chair has determined that it:
- a) Relates to a specific planning application
 - b) Is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance
 - c) Is aimed at embarrassing a Councillor or member of Council staff
 - d) Relates to confidential information as defined under the Act
 - e) Relates to personnel matters
 - f) Relates to the personal hardship of any resident or ratepayer

- g) Breaches any obligations of the Council under legislation
 - h) Relate to matters outside the powers of Council
 - i) Deals with a subject matter already answered
 - j) Relates to any other matter which the Council or the CEO considers would prejudice the Council, the City, or any person.
- 17.5.7 Where the CEO, or delegate, does not accept a written question, the submitter and Councillors are to be informed of the reason or reasons for which their question was not accepted.
- 17.5.8 The *Chair* or a member of Council staff nominated by the *Chair* may read to those attending the meeting a question which has been submitted in accordance with this Rule.
- 17.5.9 The *Chair* will have the discretion to paraphrase questions for the purpose of clarity or brevity.
- 17.5.10 All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.
- 17.5.11 Like questions may be grouped together, and a single answer provided.
- 17.5.12 The *Chair* may nominate a Councillor or the *CEO* to respond to a question.
- 17.5.13 A Councillor or the *CEO* may require a question to be put on notice. If a question is put on notice, a *written* copy of the answer will be sent to the person who asked the question within 5 *business days* of the meeting of Council having concluded.

17.6 Declarations of Conflicts of Interest

Refer to Conflict of Interest section

17.7 Confirmation of minutes

- 17.7.1 At every Council meeting the minutes of the preceding Council meeting must be dealt with as follows:
- a) a copy of the minutes must be delivered with the next meeting's agenda to each Councillor no later than 2 days before the next Council meeting
 - b) if no Councillor indicates opposition, the minutes must be declared to be confirmed
 - c) if a Councillor indicates opposition to the minutes:
 - i. the Councillor must specify the item(s) to which they object
 - ii. the objected item(s) must be considered separately and in the order in which they appear in the minutes
 - iii. the Councillor objecting must move a motion clearly setting out the alternative wording to amend the minutes without speaking to the motion; and
 - iv. the motion must then be open to debate and at the conclusion of debate, the Chair must put the motion to the vote.
 - d) a resolution of Council must confirm the minutes

17.8 No debate on confirmation of minutes

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

17.9 Deferral of confirmation of minutes

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

17.10 (On notice) Mayoral presentation

17.10.1 From time to time, the Mayor, as the principle spokesperson for Council, may give a short presentation or make a statement relating to their civic and ceremonial duties or to issues of interest and/or importance to the Council, provided that the presentation is no longer than five minutes.

17.11 Ward reports

17.11.1 Ward reports will be rostered alphabetically by ward to allow three reports per scheduled Council Meeting. Therefore, every Ward will be presented quarterly excluding the Mayor's ward whose details will be included in the Mayor's Report.

17.11.2 Ward Reports are limited to five minutes speaking time per speaker.

17.11.3 Such reports may include updates regarding:

- meetings of any committees on which a Councillor represents Council that have been held since the last Ward Report
- other meetings the Councillor has attended, or actions undertaken since the last Ward Report
- any professional development activity undertaken or conference attended in association with their role as a Councillor and
- particulars of Ward issues or Council wide issues of note

17.11.4 Reports by Councillors shall be made verbally and a written summary must be emailed to the CEO (or their delegate) within 24 hours of the meeting for inclusion in the minutes.

17.12 Petitions and joint letters

17.12.1 Every petition accepted by Council must, unless otherwise approved by the CEO:

- a) Be legible and in permanent writing
- b) Clearly state on each page the matter and action sought from Council
- c) Include the names, suburb and original signatures

17.12.2 Every petition submitted to Council must not:

- a) Be derogatory, defamatory or objectionable in language or nature
- b) Relate to matters outside the powers of Council
- c) Contain signatures that are false or misleading
- d) Relate to a statutory matter (these will be considered as part of the public submissions process in accordance with the relevant legislation)

17.12.3 Where a petition or joint letter does not meet the specified requirements, Council officers will notify the lead submitter and provide an explanation outlining why the submission cannot be accepted.

17.12.4 If the petition relates to:

- a) a planning matter which is the subject of a public notification process under the Planning and Environment Act 1987; or
- b) a matter which is the subject of a public submission process under Section 223 of the Local Government Act 1989 or
- c) a community engagement process under the Community Engagement Policy

the petition or joint letter will be treated as a submission in relation to the matter rather than a petition or joint letter.

17.12.5 Every joint letter submitted to Council must comply with the above excepting 17.12.1 (b).

- 17.12.6 Electronic or online petitions and joint letters must contain the name, and postcode or suburb of each petitioner or signatory, which details will, for the purpose of this rule qualify as the signature of such petitioner or signatory. The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.
- 17.12.7 Every petition and joint letter that has 10 or more signatures will be tabled at a Council Meeting, with the Motion that:
- a) That the petition or joint letter be received
 - b) That the petition or joint letter be referred to the CEO or relevant Director for:
 - i. Consideration and response; or
 - ii. Preparation of a report to inform a Motion at a future Council Meetingwithin two Council Meetings, unless otherwise resolved.
- 17.12.8 Councillors must not speak to the motion to receive and respond to a petition or joint letter other than to discuss whether the petition should be received and what response they think appropriate. Any debate on the motion to receive and respond to a petition should not include discussion on the substantive issues raised by that petition.
- 17.12.9 Every tabled petition and joint letter will be addressed in the Agenda item for Petitions and Joint Letters unless it relates to an item listed on the Agenda, where it may be dealt with in conjunction with.
- 17.12.10 Every petition and joint letter that has nine or less signatures will be forwarded directly to the appropriate member of City staff for action as an operational item.

17.13 Report Items

- 17.13.1 Recommended Motions from reports prepared by City Officers will be considered as part of the Report Items section of the order of business.

17.14 (On Notice) Reports from Committees and other parties

- 17.14.1 From time to time, Committees may present reports to Council

17.15 (On Notice) Notices of Motion

Refer to section 50

17.16 Urgent Business

- 17.16.1 Any matter that has arisen since the distribution of the Agenda for a Meeting that cannot safely or conveniently be deferred until the next Meeting will be considered as part of Urgent Business.

17.17 Mayor's Report

- 17.17.1 The Mayor's Report may include updates regarding:
- events in which the Mayor has represented Council that have been held since the last Mayor's Report
 - meetings of any committees on which the Mayor has represented Council that have been held since the last Mayor's Report
 - other meetings the Mayor has attended, or actions undertaken since the last Mayor's Report
 - any professional development activity undertaken or conference attended in association with their role as a Mayor and
 - particulars of Council wide issues of note.

17.17.2 The Mayor's Report shall be made verbally, and a written summary will be included in the minutes.

17.18 CEO Report

17.18.1 The CEO Report may include updates regarding:

- Significant work and milestones for the organisation
- Events in which the CEO has represented the organisation that have been held since the last CEO Report

17.18.2 The CEO Report shall be made verbally, and a written summary will be included in the minutes.

17.19 (On Notice) Confidential (Section 66) Reports

17.19.1 Council meetings must remain open to the public unless one of the following conditions applies:

- a) the meeting is to consider confidential information,
- b) there is a security-related concern, or
- c) closure is necessary to ensure the meeting proceeds in an orderly manner.

17.19.2 If a meeting must be closed to the public to consider confidential matters under Section 66(2)(a) of the Act, a procedural motion must be passed. All members of the gallery will be asked to leave, and the live stream will end before Council considers the confidential items.

17.20 Live Streaming and Recording of Meetings

17.20.1 The CEO (or other persons authorised by the CEO) may live stream Council Meetings, except those parts of the Council Meetings that are closed to the public.

17.20.2 Community members may also follow proceedings via the radio (currently Phoenix FM 106.7)

17.21 Minutes of Meetings

17.21.1 The CEO (or other person authorised by the CEO to attend the Council Meeting and to take the minutes of such meeting) must keep minutes of each Council meeting and those minutes must record:

- a) the date, place, time and nature of the Council meeting
- b) the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance
- c) the titles of the members of Council staff present who are not part of the gallery or are in attendance for administrative purposes
- d) any disclosure of an interest or a conflict of interest made by a Councillor in accordance with the Act
- e) arrivals and departures (including temporary departures) of Councillors during the Council meeting
- f) each motion, amendment moved and foreshadowed motions (including motions and amendments that lapse for the want of a seconder)
- g) the outcome of every motion, being:
 - i. Carried
 - ii. Lost
 - iii. Withdrawn
 - iv. Lapsed
- h) the vote cast by each Councillor upon a request for a division
- i) the vote cast by any Councillor will be recorded in the minutes unless the motion had no debate

- j) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any motion, noting that under s61(5) of the Act that a Councillor present at the meeting who does not vote is taken to have voted against the question
 - k) questions upon notice
 - l) the failure of a quorum
 - m) any adjournment of the Council meeting and the reasons for that adjournment; and
 - n) the time at which standing orders were suspended and resumed.
- 17.21.2 The draft Minutes will be made available by publishing them on Council’s website, within 9 business days (with the exception of confidential items).
- 17.21.3 The draft Minutes will become final through a Motion to confirm the Minutes at the next Council Meeting.

Conflict of Interest

18 Conflict of Interest Definitions

- 18.1 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.
- 18.2 In accordance with section 126 of the Act a Relevant Person means a person who is a Councillor; a member of a delegated committee who is not a Councillor; or a member of City staff.

19 Conflict of Interest Obligations

- 19.1 Relevant Persons must:
- a) Avoid - situations which may give rise to conflicts of interest, if possible
 - b) Identify – all conflicts of interest
 - c) Disclose – or declare all conflicts of interest, clearly stating their connection to the matter
 - d) Manage – all potential, perceived or actual conflicts of interest.
- 19.2 Relevant Persons must not:
- a) Exercise a delegation or make a decision on any matter where they have a conflict of interest
 - b) Participate in any decision-making on a matter in which they have a conflict of interest
 - c) Participate in any discussion with, or in the presence of, a decisionmaker on a matter in which they have a conflict of interest
- 19.3 The following meeting procedures detail the disclosure and management procedures required under section 130(2)(a) and 131(2) of the Act.
- 19.4 Notwithstanding the above, Relevant Persons with a conflict of interest remain solely responsible for ensuring their conflict of interest is disclosed, recorded and appropriately managed.

20 Disclosure of a Conflict of Interest at a Council Meeting

- 20.1 A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which they are in attendance must:
- a) disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Council meeting immediately before the matter is considered, and indicating whether it is a general conflict of interest or a material conflict of interest; or if disclosure of the nature of the conflict of interest would unreasonably disclose the personal affairs of another person; and

- b) disclose that conflict of interest by providing to the CEO before the Council meeting begins a written notice:
- advising of the conflict of interest
 - explaining the nature of the conflict of interest, and indicating whether it is a general conflict of interest or a material conflict of interest and
 - detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
 - name of the other person
 - nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person and
 - nature of that other person's interest in the matter,
 - and then immediately before the matter is considered at the meeting announcing to those in attendance that they have a general or material conflict of interest, its nature and that a written notice has been given to the CEO under this sub-Rule.

20.2 The Councillor must leave the *Council meeting* before the matter is considered and not return to the meeting until after the matter has been decided.

20.3 All disclosures of a conflict of interest at a *Council meeting* will be recorded in the minutes.

21 Disclosure of a Conflict of Interest at a Delegated Committee Meeting

21.1 A member of a Delegated Committee who has a conflict of interest in a matter being considered at a Delegated Committee meeting at which they are *in attendance* must be managed as outlined in section 20

21.2 The member must leave the Delegated Committee meeting before the matter is considered and not return to the meeting until after the matter has been decided. All disclosures of a conflict of interest at a Delegated Committee meeting will be recorded in the minutes.

22 Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

22.1 A Councillor who has a conflict of interest in a matter being considered at a Community Asset Committee meeting at which they are *in attendance* must be managed as outlined in section 20.

22.2 The Councillor must, leave the Committee Asset Committee meeting before the matter is considered and not return to the meeting until after the matter has been decided. All disclosures of a conflict of interest at a Community Asset Committee meeting will be recorded in the minutes.

23 Disclosure at a Meeting Conducted Under the Auspices of Council

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

- a) disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest
- b) unless the meeting takes the form of a site visit, absent themselves from any discussion of the matter and
- c) as soon as practicable after the meeting concludes provide to the CEO a written notice recording that the disclosure was made and accurately summarising the explanation given to those in attendance at the meeting.

23.2 All disclosures of a conflict of interest at the following meetings organised, hosted or supported by Council will be recorded in a meeting record and provided to the Governance unit for recording in the register of Conflicts of Interest.

24 Disclosure by Members of Council Staff Preparing Reports, Presentations and Information for Meetings

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

- a) Council meeting
- b) Delegated Committee meeting
- c) Community Asset Committee meeting or
- d) meeting conducted under the auspices of Council

must, immediately upon becoming aware of the conflict of interest, provide a *written* notice to the *CEO* disclosing the conflict of interest and explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

24.2 The *CEO* must ensure that the Item referred to in Rule 24.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Item.

24.3 If the member of Council staff referred to in Rule 24.1 is the *CEO*:

- a) the *written* notice referred to in Rule 24.1 must be given to the *Mayor*; and
- b) the obligation imposed by Rule 24.2 may be discharged by any other member of Council staff responsible for the preparation of the Item.

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

25.1 If a Council staff member has a conflict of interest in a matter where they are required to make a decision as a delegate, they must, upon becoming aware of the conflict, immediately provide written notice to the *CEO* (or authorised delegate). The notice must explain the nature of the conflict and state whether it is a general or material conflict of interest.

25.2 All officer reports include a conflict of Interest disclosure statement.

26 Disclosure by a Member of *Council* Staff in the Exercise of a Statutory Function

26.1 If a Council staff member has a conflict of interest in a matter involving the performance of a statutory function under an Act, they must, upon becoming aware of the conflict, immediately provide Written notice to the *CEO* (or authorised delegate). The notice must explain the nature of the conflict and specify whether it is a general or material conflict of interest

26.2 All officer reports include a conflict of Interest disclosure statement.

27 Retention of Written Notices

27.1 The *CEO* must retain all written notices received under this Section for a period of three years.

Motions and Debate

28 Chair's Powers and Duties

- 28.1 The Chair of a Council Meeting must ensure the orderly conduct of the Council Meeting and act to prevent any conduct, question or statement which appears to the Chair to be derogatory, defamatory or embarrassing to any Councillor, Council Officer, ratepayer or member of the public.
- 28.2 The Chair must not accept any motion or amendment, which:
- a) Is defamatory
 - b) Is objectionable in language or nature
 - c) Is vague or unclear in intention
 - d) Is outside the powers of Council
 - e) Is irrelevant to the item of business on the Agenda, unless it has been admitted as Urgent Business; or
 - f) Purports to be an amendment but is not.

29 Introducing a Motion or an Amendment

- 29.1 The procedure for moving any motion or amendment is:
- a) The mover must read the motion without speaking to it
 - b) The motion must be seconded, and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses. If the motion lapses, the Chair may call for another motion
 - c) If a motion or an amendment is moved and seconded, the Chair will invite the mover to address the meeting
 - d) After the mover has addressed the meeting, the seconder may address the meeting
 - e) After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair will provide an opportunity for any Councillor who wishes to speak for or against the motion, waiting until all Councillors wishing to speak to the motion have spoken. A Councillor can only speak once on the motion (except the mover, who may exercise a right of reply in accordance with Rule 31); or
 - f) If, after the mover has addressed the meeting and the seconder has been given an opportunity to speak, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.
 - g) If a motion is Carried, it becomes a Council Resolution in accordance with Section 59 of the Act.

30 Debate from the Chair

- 30.1 By convention the Chair, being the Mayor, as spokesperson for the City speaks to the following strategic motions:
- Council Plan
 - Annual Budget
 - Annual Report
 - Long Term Financial Plan
- 30.2 The Chair can also participate in the debate if a motion primarily impacts their ward and the Chair considers it is appropriate to make a contribution. A procedural motion is required to appoint the Deputy Mayor to assume to role of Chair while the original Chair takes part in the debate.

- 30.3 If the Chair wishes to participate in the debate of a motion, they must vacate the Chair for the duration of their contribution. To enable this, a procedural motion is required to appoint the Deputy Mayor to assume to role of Chair while the original Chair takes part in the debate.

31 Right of Reply

- 31.1 If there has been any opposition to a motion or an amendment, and once debate has been exhausted, the mover of that motion or amendment has a right of reply to matters raised during debate.
- 31.2 No new matters may be raised in the right of reply.
- 31.3 After the right of reply has been taken, the motion must immediately be put to the vote without any further discussion, debate, or points of clarification other than to enquire as to the correct motion.
- 31.4 A mover of an amendment has no right of reply before the substantive motion is put to the vote.

32 Moving an Amendment

- 32.1 Subject to sub-Rule 32.2 a motion that has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 32.2 A motion to confirm a previous resolution of Council cannot be amended.
- 32.3 An amendment must not be the negative of or substantially contrary to the motion.
- 32.4 If a proposed amendment is ruled to be the negative of, or substantially contrary to, the motion, it should be treated as an alternative motion to be considered only in the event that the motion before the chair is lost.

33 Who may propose an amendment

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

34 How many amendments may be proposed

- 34.1 Any number of amendments may be proposed to a motion, but only one amendment may be accepted by the *Chair* at any one time.
- 34.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.
- 34.3 Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.
- 34.4 Debate on an amendment must be confined to the terms of the amendment.

35 An Amendment once carried

- 35.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting.
- 35.2 Unless subject to further amendment and debate, the motion (as amended) must be put to the vote by the *Chair*, but only after Councillors who did not speak to the original motion have exercised their right to do so.
- 35.3 The mover of the original motion retains the right of reply to that motion.

36 Alternative and Foreshadowed Motions

- 36.1 Any motion or amendment substantially different from the officer's recommendation must be submitted to the *CEO* for circulation by 12 pm on the day of the Council meeting.
- 36.2 At any time during debate, a Councillor may foreshadow a motion so as to inform Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 36.3 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion, before the chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 36.4 The *CEO* or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 36.5 A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a *Council meeting*.

37 Withdrawal of Motions

- 37.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder.

38 Separation of Motions

- 38.1 Where a motion contains more than one part, a Councillor may request the *Chair* to put the motion to the vote in separate parts.
- 38.2 The *Chair* may decide to put any motion to the vote in several parts.

39 Motions and/or amendments in writing

- 39.1 For clarity, the *Chair* may require any motion or amendment to be in *writing*.
- 39.2 Council may adjourn the meeting while the motion or amendment is being *written*, or Council may defer the matter until the motion or amendment has been *written*, allowing the meeting to proceed uninterrupted.

40 Repeating Motion and/or Amendment

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

41 Debate must be relevant to the Motion

- 41.1 Debate must always be relevant to the motion before the chair, and if not, the *Chair* must request the speaker to confine debate to the motion.
- 41.2 If, after being requested to confine debate to the motion before the chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to not speak further in respect of the motion before the chair.
- 41.3 A speaker to whom a direction has been given under sub-Rule 41.2 must comply with that direction.

42 Deferral of a Motion

- 42.1 Council may defer an item until later in the meeting or until another meeting if further consideration or clarification is required prior to a decision being made.

43 Speaking times

- 43.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chair*:
- a) the mover of a motion or an amendment: 3 minutes;
 - b) the seconder of a motion or an amendment: 3 minutes or reserve the right to speak later in the debate;
 - c) any other Councillor: 3 minutes alternating for and against if possible
 - d) Secunder – must exercise or forfeit reserved right (if exercised above)
 - e) the mover of a motion exercising a right of reply or summary: 3 minutes;
 - f) a Councillor raising a point of order: 1 minute;
 - g) a Councillor when answering a question or when clarifying a matter: 1 minute;
- 43.2 Notice will be provided 30 seconds before the end of the allocated speaking time.
- 43.3 A Councillor must not speak longer than the time set out above, unless the Chair at their discretion allows one extension of a further 2 minutes

44 Questions or Points of Clarification

- 44.1 A Councillor may, when no other Councillor is speaking, raise a question or point of clarification with the Chair in order to clear up confusion, ask a question about the motion, or enquire as to the correct motion.
- 44.2 A point of clarification should be limited to the facts and should not seek opinions of members of Council staff beyond what is expressed in a report but may seek clarification of facts related to a notice of motion or item of Urgent Business
- 44.3 Where a Councillor is determined by the Chair to be intentionally mischievous and/or disruptive to the meeting by calling for frivolous points of clarification, the Councillor may be called to order and refused any further requests by the Chair.
- 44.4 The Chair has the right to limit points of clarification and direct that debate be commenced or resumed.
- 44.5 The Chair must determine whether the point of clarification is to be answered and, if it is, nominate by whom the clarification is to be made.

45 Ordering withdrawal of remark

- 45.1 The Chair may direct a Councillor to withdraw any remark which is defamatory, indecent, abusive or offensive in language or substance, or that is disorderly or capable of being applied offensively to any other Councillor or member of Council staff, and/or make a satisfactory apology to the meeting. A Councillor required to withdraw a remark and/or make an apology must do so immediately without qualification or explanation.
- 45.2 Where a Councillor does not withdraw a remark or issue an apology after two requests from the Chair, the Chair shall suspend the Councillor for the remainder of the meeting and direct them to leave the chamber. If the Councillor fails to comply, a security officer will escort them from the premises.

46 Suspension of Standing Orders

- 46.1 To expedite the business of a meeting, Council may suspend standing orders.
- 46.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be:
"so much of standing orders as would prevent a discussion about be suspended."
- 46.3 A seconder is required for the motion, which can then be put to the vote.

- 46.4 The *Chair* can elect to suspend standing orders without the requirement of a seconder or vote
- 46.5 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.
- 46.6 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. A vote is not required to resume standing orders. An appropriate statement from the *Chair* would be:

"That standing orders are now resumed."

47 Closing meetings to Community

- 47.1 Council meetings must be open to the public so that the community is able to attend, to the maximum extent practicable.
- 47.2 Notwithstanding sub-rule , Council meetings may, in accordance with the Act, be closed to members of the public if:
- the meeting is to consider confidential information,
 - there is a security-related concern, or
 - closure is necessary to ensure the meeting proceeds in an orderly manner.
- 47.3 If a meeting must be closed to the public to consider confidential matters under Section 66(2)(a) of the Act, a procedural motion must be passed. All members of the gallery will be asked to leave, and the live stream will end before Council considers the confidential items.

48 Resumption of Adjourned Debate

- 48.1 The business to which the debate relates must be placed on the agenda of the meeting to which it is adjourned.
- 48.2 Adjourned business should have priority over any other business.
- 48.3 If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless they have already spoken to the motion or amendment.

49 Rescission Motions

49.1 Notice of Rescission

- 49.1.1 A Councillor may propose a notice of rescission provided:
- it has been signed and dated by at least five Councillors
 - the resolution proposed to be rescinded has not been acted on; and
 - the notice of rescission is delivered to the CEO within 24 hours of the resolution proposed to be rescinded having been made, setting out:
 - the resolution proposed to be rescinded; and
 - the meeting and date when the resolution was carried.
 - A resolution will be deemed to have been acted on if:
 - its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or
 - a statutory process has been commenced,
 - so as to vest enforceable rights in or obligations on Council or any other person.
- 49.1.2 The *CEO* or an appropriate member of Council staff must defer implementing a resolution which:
- has not been acted on; and

- b) is the subject of a *notice of rescission*, which has been delivered to the *CEO* in accordance with sub-Rule 49.1.1
- c) unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

49.2 If not moved

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

49.3 May be moved by any Councillor

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

49.4 When not required

49.4.1 Unless sub-Rule 49.4.2 applies, a motion for rescission is not required where Council wishes to change policy.

49.4.2 The following standards apply if Council wishes to change policy:

- a) If the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to Council; and
- b) Any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

50 Notice of Motion

50.1 A Notice of Motion must be in writing signed by two Councillors and received by the *CEO* (whether personally, email or otherwise), by 12 noon on a business day not less than 10 business days prior to the next Council meeting at which the Notice of Motion may be raised. If a Notice of Motion is received after that time, it must, unless withdrawn, be included in the agenda for the following Council meeting.

50.2 A Notice of Motion may be withdrawn by a request in writing received (whether personally, email or otherwise) prior to the publication of the agenda for which the Notice of Motion was intended to be raised. Otherwise, the item must be dealt with at a Council meeting.

50.3 The *CEO* may reject any Notice of Motion which is:

- a) defamatory
- b) objectionable in language or nature
- c) vague or unclear in intention
- d) seeking significant expenditure meaning one percent or more of general rate income of the Council.
- e) outside the powers of Council or
- f) if passed would result in Council otherwise acting invalidly.

50.4 If a Notice of Motion is rejected under sub-Rule 50.3, the *CEO* must:

- a) give the Councillors who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
- b) notify in writing the Councillors who lodged it of the rejection and reasons for the rejection.

50.5 Unless rejected pursuant to Rule 50.3, Notices of Motion will be included in the agenda for:

- a) the next available Council meeting as an item for information and awareness only, that does not require debate or voting (**First Meeting**); and
- b) a subsequent Council meeting (**Second Meeting**), to be formally tabled, debated and voted on (which will be the next available meeting after the First Meeting, unless the Councillors raising the Notice of Motion request otherwise).

- 50.6 If a Councillor who has given a Notice of Motion is absent from the Second Meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.
- 50.7 If a Notice of Motion is not moved at the Second Meeting in accordance with sub- Rule 50.6, the Notice of Motion shall be deemed to have lapsed for want of a mover.
- 50.8 The CEO may provide a report to Council detailing the implications for Council and the community in respect of any Notice of Motion which has been submitted for inclusion on the agenda paper for the Second Meeting.

51 Procedural Motions

Refer to Appendix 1

52 Voting

52.1 How Motion is Determined

- 52.1.1 To determine a motion before a meeting, the Chair must first call for those in favour of the motion and call each vote in favour by name. The Chair must declare the result to the meeting.

52.2 Entitlement to Vote

- 52.2.1 Each Councillor in attendance at a Council meeting who is entitled to vote must vote. Any Councillor who is in attendance and does not vote will be taken to have voted against the motion in accordance with section 61(5)(e) of the Act.

52.3 Recount

- 52.3.1 The Chair may direct that a vote be recounted as often as may be necessary to satisfy themselves of the result.

52.4 Casting Vote

- 52.4.1 In the event of a tied vote, the Chair must exercise a casting vote.
- 52.4.2 The Chair may adjourn a Council meeting to consider how their casting vote will be cast.

52.5 How Votes Are Cast

- 52.5.1 Voting on any matter is by show of hands or such other visible or audible means as the Chair determines.
- 52.5.2 A Councillor who is physically unable to vote by show of hands can vote by stating “Aye” (for the motion) or “No, not I” (against the motion).

52.6 Recording of Vote

- 52.6.1 The minutes of the meeting will record each Councillor and whether they voted in the affirmative or in the negative.
- 52.6.2 If a Councillor is temporarily absent from the Chamber at the time of the vote, the minutes will note their absence. No vote for or against will be recorded.

52.7 No Discussion Once Declared

- 52.7.1 Once a vote on a motion has been taken, no further discussion relating to the motion is allowed unless the discussion involves seeking an alternative resolution in relation to a statutory planning matter where, in the absence of a resolution, the application will be left undecided. Where this occurs:
- a) the Chair will call for an alternative resolution to allow the statutory planning matter to proceed; and

- b) the Chair may seek to either adjourn the meeting or change the order of business in order to allow time for an alternative resolution to be prepared.

53 Points of order

53.1 Valid Points of Order

53.1.1 A point of order may be raised in relation to:

- a) Anything that is contrary to these Governance Rules
- b) Debate that is irrelevant to the matter under consideration
- c) A matter that is outside the powers of Council
- d) Conduct that constitutes improper behaviour or conduct contrary to the Model Councillor Code of Conduct
- e) Is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance
- f) Is aimed at embarrassing a Councillor or member of Council staff
- g) Relates to confidential information as defined under the Act
- h) Relates to personnel matters
- i) Relates to the personal hardship of any resident or ratepayer
- j) Breaches any obligations of the Council under legislation
- k) Deals with a subject matter already answered
- l) Relates to any other matter which the Council or the CEO considers would prejudice the Council, the City, or any person or
- m) An act of disorder.

53.2 Procedure for Point of Order

53.2.1 A Councillor raising a point of order must state:

- a) the point of order; and
- b) any section, Rule, paragraph or provision relevant to the point of order.

53.3 Chair to decide

53.3.1 The Chair must decide all *points of order* by stating the provision, Rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment, except for the purpose of clarifying the position or providing reasons for their decision.

53.4 Chair may adjourn to consider

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

53.4.2 All other questions before Council are suspended until the *point of order* is decided.

53.5 Effect of Ruling

53.5.1 If the Chair rules in favour of the point of order, no Councillor must do or say anything which would cause another like point of order to be raised; or

53.5.2 If the Chair rules against the point of order the speaker may continue.

Behaviour

54 Roles and Responsibilities

54.1 Role of the Mayor

As defined in Section 18 of the Act:

- (1) *The role of the Mayor is to—*
 - a) *chair Council meetings; and*
 - b) *be the principal spokesperson for the Council; and*
 - c) *lead engagement with the municipal community on the development of the Council Plan; and*
 - d) *report to the municipal community, at least once each year, on the implementation of the Council Plan; and*
 - e) *promote behaviour among Councillors that is consistent with the Model Councillor Code of Conduct; and*
 - f) *assist Councillors to understand their role; and*
 - g) *take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and*
 - h) *provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and*
 - i) *perform civic and ceremonial duties on behalf of the Council.*
- (2) *The Mayor is not eligible to be elected to the office of Deputy Mayor.*
- (3) *To avoid doubt, reasonable steps taken by a Mayor carried out in a reasonable manner to perform their role in accordance with subsection (1)(e) or (f) is not bullying.*

As defined in Section 19 of the Act:

- (1) *The Mayor has the following specific powers—*
 - a) *to appoint a Councillor to be the chair of a delegated committee;*
 - b) *to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;*
 - c) *to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.*
- (2) *An appointment under subsection (1)(a) prevails over any appointment of a chair of a delegated committee by the Council.*

54.2 Roles of the Deputy Mayor

- 54.2.1 The Deputy Mayor (as defined in section 21 of the Act) must perform the role of the Mayor and may exercise any of the powers of the Mayor if:
 - a) The Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
 - b) The Mayor is incapable of performing the duties of the office of Mayor for any reason including illness; or the office of the Mayor becomes vacant, until the next election of the Mayor.

54.3 Councillor

54.3.1 As defined in Section 28 of the Act:

- (1) *The role of every Councillor in representing their municipal community includes the following—*
 - a) *to participate in the decision making of the Council;*
 - b) *to represent the interests of the municipal community in that decision making;*
 - c) *to contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.*
- (2) *In performing the role of a Councillor, a Councillor must—*
 - a) *consider the diversity of interests and needs of the municipal community; and*
 - b) *support the role of the Council; and*
 - c) *acknowledge and support the role of the Mayor; and*
 - d) *act lawfully and in accordance with the oath or affirmation of office; and*
 - e) *act in accordance with the Model Councillor Code of Conduct; and*
 - f) *comply with Council procedures required for good governance.*
- (3) *The role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer.*

54.4 Role of the CEO

54.4.1 As defined in Section 46 of the Act:

- (1) *A Chief Executive Officer is responsible for—*
 - a) *supporting the Mayor and the Councillors in the performance of their roles; and*
 - b) *ensuring the effective and efficient management of the day to day operations of the Council.*

55 Conduct of Councillors During the course of any Council Meeting

- 55.1 Councillors must comply with the Councillor Model Code of Conduct, a copy of which is available on the Council Website or can be obtained by contacting the CEO's office.
- 55.2 The Chair may, pursuant to section 19(1)(b) of the Act, direct a Councillor to leave a Council meeting if the behaviour of the Councillor is preventing Council from conducting its business.

56 Conduct of Community Members

- 56.1 Community members must not:
- a) Interject or take part in the debate at a Council Meeting.
 - b) Display or bring placards, posters, banners or other signage in the Council Chamber.
 - c) Operate photographic audio or video recording equipment or any other recording device at any Council Meeting without first obtaining the consent of the Council.
- 56.2 Community members must extend due courtesy and respect to the Council and the processes under which it operates and Councillors and Officers present at the Council Meeting and must take direction from the Chair whenever called on to do so.
- 56.3 When meetings are closed to the public to discuss confidential items, community members must leave the meeting as requested in accordance with rule 47.

57 Chair May Remove

- 57.1 The Chair may order and cause the removal of any person including a Councillor who disrupts any Council Meeting or fails to comply with a direction.
- 57.2 A person removed from a Council Meeting must leave the Council Chamber or move to a public area of the Council Chamber where they can no longer disrupt the Council Meeting.

58 Removal from the Meeting

- 58.1 If necessary, the Chair may:
- a) Ask any Authorised Officer or member of the Victoria Police to remove from the Chamber any person who has committed an offence or breached a Local Law adopted by Council or acted in contravention of this Policy
 - b) Cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful
- 58.2 It is an offence under Council Local Laws, for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chair to do so.

59 Chair may Adjourn Disorderly Meeting

- 59.1 If the Chair is of the opinion that disorder at the Council table or in the Council Chamber makes it desirable to adjourn a Council Meeting, the Chair may adjourn the Council Meeting to a later time on the same day (online or in person), or to some later day prior to the next Scheduled Council Meeting, at a time and date and venue to be fixed.

Delegated Committees

- 59.2 If Council establishes a Delegated Committee, these Governance Rules will apply to the Delegated Committee meetings with any necessary modifications.
- 59.3 For the purpose of rule 59.2
- a) a Council meeting is to be read as a reference to a Delegated Committee meeting;
 - b) a Councillor is to be read as a reference to a member of the Delegated Committee; and
 - c) a reference to the Mayor is to be read as a reference to the Chair of the Delegated Committee.
- 59.4 If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules do not apply to that committee.

Community Asset Committees

- 59.5 In this section, “Instrument of Delegation” means an instrument of delegation made by the CEO under section 47(1)(b) of the Act.
- 59.6 Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a Community Asset Committee is in the discretion of the Community Asset Committee.
- 59.7 The CEO must submit an annual report to Council in relation to the activities and the performance of the established Community Asset Committees.
- 59.8 A Community Asset Committee must act in accordance with its adopted, Instrument of Delegation and any Terms of Reference adopted by Council.

Appendix 1 – Procedural Motions table

Procedural Motion	Form	Mover / Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
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 motion or otherwise spoken to the motion.	<ul style="list-style-type: none"> • During the election of Mayor / Deputy Mayor or Chair • When another Councillor is speaking 	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected	Yes
Adjournment of debate indefinitely	That this matter be adjourned until further notice.	Any Councillor who has not moved or seconded the motion or otherwise spoken to the motion.	<ul style="list-style-type: none"> • During the election of Mayor / Deputy Mayor or Chair • When another Councillor is speaking • When the motion would have the effect of causing Council 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
End of Debate	That the motion be now put to the vote	Any Councillor	During nominations for Mayor / Deputy Mayor or 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	Debate continues unaffected	No

Procedural Motion	Form	Mover / Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
				their right to ask any question concerning or arising out of the motion.		
Closing the Meeting to the public	That Council close the meeting to members of public pursuant to Section 66 (2)	Any Councillor	<ul style="list-style-type: none"> • During the election of Mayor / Deputy Mayor or Chair • When another Councillor is speaking • When the motion would have the effect of causing Council to be in breach of a legislative requirement 	<ul style="list-style-type: none"> • The meeting will be closed to the public • The gallery will be asked to leave • Live Stream recording will stop 	Confidential items cannot be considered	No
Reopen the Meeting	That the Meeting be reopened	Any Councillor	N/A	The Meeting is reopened	Meeting ends	No
Mayor vacates the role of Chair	That the Mayor vacates the role of Chair temporarily to participate in the debate or address another temporary issue.	Any Councillor	<ul style="list-style-type: none"> • During the election of Mayor / Deputy Mayor or Chair • When another Councillor is speaking 	Deputy Mayor becomes the Chair	<ul style="list-style-type: none"> • Mayor remains the chair • Mayor unable to participate in debate or address temporary issue 	No

Procedural Motion	Form	Mover / Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
Proceeding to next business	<p>That the Meeting proceed to the next business.</p> <p>EG: This Motion</p> <ul style="list-style-type: none"> • May not be amended • May not be debated; and • Must be put to the vote as soon as seconded. 	A Councillor who has spoken to the motion or any amendment of it.	<ul style="list-style-type: none"> • During the election of Mayor / Deputy Mayor or Chair • When another Councillor is speaking • When the motion would have the effect of causing Council to be in breach of a legislative requirement 	<p>If carried in respect of:</p> <ul style="list-style-type: none"> • An amendment, Council consider the motion without reference to the amendment • A motion – no vote or further discussion on the motion until it is placed on an Agenda for a later Meeting. 	Debate continues unaffected	No
Alter the order of business	That the item listed as ## on the agenda be considered before/after the item listed as item ##.	Any Councillor (including the Mayor/Chair)	During debate	Alters the order of business for the Meeting.	Items are considered in the order as listed in the Agenda.	No
Suspension of Standing Orders	That Standing Orders be suspended to ## (reason must be provided)	Any Councillor (including the Mayor/Chair)	During any debate	The rules of the Meeting are temporarily suspended for the specific reason given in the motion.	Meeting continues unaffected.	No
Resumption of Standing Orders	That the Standing Orders be resumed.	Any Councillor (including the Mayor/Chair)	When Standing Orders have not been suspended	The temporary suspension of the rules of the Meeting is removed.	The Meeting cannot continue.	No
To suspend a Councillor from a portion /	That Cr X be suspended from the remainder/ specified portion of the meeting	Any Councillor	<ul style="list-style-type: none"> • When Chair has not previously warned the 	The suspended Councillor immediately cease to take active part in the meeting for the period of the suspension	The Councillor continues to take active part in the meeting	No

Procedural Motion	Form	Mover / Secunder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
remainder of a meeting			Councillor concerned. <ul style="list-style-type: none"> When the Chair has already made a determination to suspend the Councillor 			
Remove Voting Information from minutes	That the voting record for this matter is not published in the minutes of the meeting.	Any Councillor	<ul style="list-style-type: none"> During the election of Mayor / Deputy Mayor or Chair When another Councillor is speaking 	Voting record for the motion and any amendment not be published in the minutes.	Debate continues unaffected	Yes

ELECTION PERIOD POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	29/01/2024
Review cycle:	Within 12 months prior to the commencement of an election period.
Review Date:	24/01/2028
Responsible Officer:	Manager Governance and Performance
Owner:	Governance and Performance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	<i>Local Government Act 2020 (Vic)</i> <i>Freedom of Information Act 1982 (Vic)</i>
DOCSETID:	5040833

1. PURPOSE

- 1.1 This Policy has been developed to ensure that general elections and by-elections for the Council are conducted in a manner that is ethical, fair and equitable, and are publicly perceived as such.
- 1.2 It specifies procedures intended to prevent the Council and City from making inappropriate decisions, taking inappropriate actions or using resources inappropriately during the Election Period before a general election, a by-election and at other times as specified in this Policy.
- 1.3 Further, this Policy:
 - 1.3.1 Facilitates the continuation of the ordinary business of local government in the municipality throughout the Election Period in a responsible and transparent manner.
 - 1.3.2 Ensures the authority of an incoming Council is not restricted by decisions to which it may find itself unreasonably bound and unable to change. This could include significant contractual matters.
 - 1.3.3 Requires that Council and City materials produced and/or publicly available during the Election Period must not contain matters that will affect voting at the election.

2. BACKGROUND

- 2.1 This Policy has been prepared in accordance with the *Local Government Act 2020 (Vic)* which requires Council to include an Election Period policy in its Governance Rules to be applied by Council during the Election Period for a general election, a by-election and at other times as specified in this Policy.

3. SCOPE

- 3.1 This Policy applies to the Council, Councillors, Council Committees, the CEO and City employees.
- 3.2 This Policy replaces and overrides any previous policy that refers to the Election Period.

4. DEFINITIONS

In this Policy:

Act means the *Local Government Act 2020* (Vic).

By-Election means an election at which a new Councillor is elected to fill a vacancy after a Councillor has resigned or cannot complete their term in a single -councillor ward and there is more than 6 months before the next general council election.

Candidate means a person who is nominated to stand for a Federal, State or Local election, including a current Councillor.

Chief Executive Officer (CEO) means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.

City means the Greater Bendigo City organisation, being a body corporate constituted under section 14 of the Act.

City Employee means a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) to enable:

- a) the functions of the Council and City to be carried out; and
- b) the CEO to carry out their functions;

The CEO is also a City employee.

Community Consultation means the process in which the City and/or Council and municipal community connect with each other to exchange views, ideas and information to:

- a) inform decisions;
- b) build capacity; and
- c) strengthen relationships.

Council means the Greater Bendigo City Council being all of the Councillors operating collectively in accordance with section 59 of the Act.

Councillor means a person holding the office of member of Greater Bendigo City Council.

Councillor Candidate Information Kit means the Councillor Candidate Information Kit provided by the Victorian Electoral Commission.

Council Meeting means a Council Meeting that complies with section 61 of the Act.

Delegate:

- a) of the CEO means the Director, Corporate Performance and/or another Director or Manager as appointed.
- b) of the Manager Communications means another City employee as appointed.

Election Day means the day of an election as determined under the Act.

Election Period has the same meaning as 'election period' in the Act.

Electoral advertisement, handbill, pamphlet or notice means any document that is produced for the purpose of communicating with the community and which contains electoral matter, such as:

- a) newsletters and other circulars (including those sent by email);
- b) media releases;
- c) leaflets, pamphlets, handbills, flyers, magazines and brochures;
- d) any new email, web-based publications or social media posts; and
- e) mailouts to multiple addresses

Electoral Material means an advertisement, handbill, pamphlet or notices that contains Electoral Matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.

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. Electoral matter is 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

Information Request Register this Information Request Register will be a public document that records all requests relating to Electoral Matters and non-routine requests for information by Councillors and Candidates, and the responses given to those requests.

Publish means publish by any means including by publication on the internet.

5. PRINCIPLES

The City is committed to fair, transparent and democratic elections and therefore adopts and endorses the legislative requirements.

6. POLICY

6.1 Role of Councillors

6.1.1 During the Election Period, Councillors will:

- a) be supported to continue to undertake their role as Councillor;
- b) continue to fulfil their Councillor duties (unless granted a leave of absence); and
- c) continue to engage and communicate with the community in their Councillor role.

6.2 Role of the Chief Executive Officer (CEO)

6.2.1 In addition to the CEO's statutory responsibilities, the CEO has the following responsibilities:

- a) to inform all Councillors and City employees of this Policy 30 days prior to the commencement of the Election Period;
- b) to support all Councillors and City employees in the application of this Policy during the Election Period; and
- c) to reschedule matters of Council business requiring decisions prohibited during the Election Period by this Policy or the Act to Council Meetings before or after the Election Period, as appropriate.

6.3 Decision making

6.3.1 In accordance with section 69(2) of the Act, Council and the City are prohibited from making any decision during the Election Period for a general election that:

- a) relates to the appointment or remuneration of the CEO, but not to the appointment or remuneration of an acting CEO;
- b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
- c) the Council considers could be reasonably deferred until the next Council is in place; or
- d) the Council considers should not be made during an Election Period.

6.3.2 In accordance with Section 69(3) of the Act, Council and the City are prohibited from making any decision during the Election Period for a general election or a by-election that would enable the use of City resources in a way that is intended to influence, or is likely to influence, voting at the election.

6.3.3 During the Election Period, a Councillor, the Council, a Committee of Council, the CEO or a City employee acting under delegation will not:

- a) approve, amend or repeal any policy, plan or strategy, including those contained in or related to the Greater Bendigo Planning Scheme, which has been adopted by Council; or
- b) use their position to influence City employees, or access City resources of information, in support of any election campaign or candidacy.

6.3.4 A Council decision made in contravention of subsection 6.3.1 (a) or (b) above is invalid under the Act.

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

6.4 Council Meetings

6.4.1 Council Meetings will continue to take place during the Election Period. However, during a general election the following adjustments will be made to the Agenda:

- a) Public Question Time will be suspended and Petitions may be tabled, but not debated;
- b) Mayoral Reports, Councillor Ward Reports and Notices of Motion will be suspended;
- c) Councillors will limit their discussion during debate to the topic under consideration and will avoid raising an Electoral Matter;
- d) The Chair, and all Councillors, will monitor each other's discussion during debate and raise any Points of Order, as appropriate under the [Governance Rules](#).
- e) Reports for the consideration of Council will be referred to the CEO for approval before inclusion on the meeting agenda.

6.5 Application of Resources

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

6.5.2 Where the use of City resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the Chief Executive Officer or delegate.

6.5.3 In accordance with section 304 of the Act, a Councillor or City employee must not use City resources in a way that is intended to or is likely to affect the result of an election under this Act.

6.5.4 A Councillor or City employee must not use City resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the Election Period on behalf of, or purporting to be on behalf of, the Council or City unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

6.6 Use of City Equipment by Councillors

6.6.1 Councillors may continue to use any City equipment provided to them to facilitate their performance of normal Councillor duties, subject to existing protocols and terms of use.

6.6.2 Councillors must not use City equipment as a resource to assist with election campaigns. Specifically, City resources, including (but not limited to) fleet vehicles, computers, tablets, mobile phones, offices, IT, meeting rooms, support staff, hospitality services, photographs, equipment and stationery will be used exclusively for normal Council business during the Election Period and will not be used in connection with any election campaign.

6.7 Councillor Allowance and Reimbursement

- 6.7.1 Payment of Councillor allowances continues during the Election Period.
- 6.7.2 Reimbursements of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Councillor business, in accordance with the Councillor Expenses and Support Policy and not for expenses that support or relate to a Candidate's election campaign.

6.8 Community engagement

- 6.8.1 During the general election Councillor community consultation/engagement activity or event attendance will be suspended during the Election Period and/or organised so as not to fall within this period.
- 6.8.2 Some City community consultation activities may be necessary during the Election Period to facilitate the day-to-day business of the City and must be approved by the CEO or their Delegate.
- 6.8.3 Any such City community consultations will avoid express or implicit links to the election or an Electoral Matter. The City will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the Election Period.
- 6.8.4 In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the Election Period, the CEO reserves the right to postpone a matter if the issue is likely to become an Electoral Matter.
- 6.8.5 The requirements of this clause do not apply to community consultation required under the *Planning and Environment Act 1987* (Vic).

6.9 Council Publications

- 6.9.1 During a general election Council and City employees are prohibited from printing, publishing or distributing any advertisement, handbill, pamphlet or notice during an Election Period unless it has been approved by the CEO, the Manager Communications (or the equivalent) or their respective delegates.
- 6.9.2 The publication of any material containing Electoral Matter is prohibited unless that material is only about the election process.
- 6.9.3 Publications which require approval include:
 - a) Brochures, pamphlets, handbills, flyers, magazines and books;
 - b) Reports (other than agenda papers and minutes);
 - c) Advertisements, newsletters and notices except newspaper notices of meetings;
 - d) New website material;
 - e) Social media publications (which includes Facebook and Twitter posts);
 - f) Emails with multiple addresses, used for broad communication with the community;
 - g) Mass mail outs or identical letters sent to many people by or on behalf of Council;
 - h) Media releases;
 - i) Material to publicise a function or event; and
 - j) Any publication or distribution of speeches.

6.9.4 A publication is taken to contain Electoral Matter 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.

6.10 Media Releases

6.10.1 Media releases must be approved by the CEO or the Manager Communications or their respective Delegates.

6.11 Councillor Information

6.11.1 Any Council or City publications printed, published or distributed during an Election Period must not include text that promotes Councillors re-standing for election.

6.12 Website

6.12.1 Material published on the City's website in advance of the Election Period is not subject to approval as set out above, however, existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that could be considered Electoral Matter, were it to be published during the Election Period.

6.12.2 Councillor contact information will remain available on the website during the Election Period, but Councillors' profiles will be removed.

6.12.3 Any material published on the City's website during the Election Period must be approved by the CEO or the Manager Communications (or equivalent) or their respective Delegates.

6.13 Annual Report

6.13.1 Council is required by the Act to produce and publish an Annual Report. The Annual Report must, in the year of a general election, be presented at a Council meeting open to the public on a day not later than the day before election day (section 100 of the Act).

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

6.14 Ward Specific Publications

6.14.1 Ward-specific publications, or Councillor profiles and articles in the Council Newsletter, will be suspended during the Election Period.

6.15 Council and Committee Agendas and Minutes

6.15.1 Agendas and minutes of Council and Committee meetings do not require approval by the CEO or the Manager Communications (or equivalent) or their respective delegate unless they are printed or published for a wider distribution than normal.

6.16 Social Media

- 6.16.1 Any publication on social media sites including Facebook, Twitter, Instagram, blogs and Wikipedia pages during the Election Period for a general election must be approved by CEO or the Manager Communications (or equivalent) or their respective Delegates.
- 6.16.2 Staff responsible for administering individual social media sites will monitor their respective sites during the Election Period and use moderation features where available to ensure no Electoral Matter is posted.

6.17 Council Branding

- 6.17.1 No City logos, letterheads, or other corporate branding will be used for, or linked in any way to, a Candidate's election campaign.

6.18 Photographs and Images

- 6.18.1 Photographs and images paid for by the City or taken by City employees are not to be used in electoral material for any Candidate. This includes images of Councillors, Council events and Council owned or maintained infrastructure.

6.19 City spokesperson

- 6.19.1 It is recognised that during the Election Period it may be necessary to release information on the day-to-day business and events of the City.
- 6.19.2 For a general election during the Election Period the primary spokesperson for the City will be the CEO, during a by-election it will remain the Mayor.
- 6.19.3 Only the CEO or their Delegate will speak on behalf of the City on matters relating to the election process.
- 6.19.4 Media releases and speeches issued/delivered by the CEO will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election Candidate.
- 6.19.5 During the Election Period no City employee may make any public statement that relates to an Electoral Matter unless prior approval has been obtained by the CEO or their Delegate.

6.20 Council Advisory and Reference Committees and Working Groups

- 6.20.1 With the exception of the Audit and Risk Committee, the operation of Council Advisory and Reference Committees and Working Groups shall be suspended upon the commencement of the Election Period ahead of a general election.
- 6.20.2 Any outstanding Delegate's Reports may still be reported to a Meeting of Council during this period.
- 6.20.3 Such Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

6.21 Access to Information & Candidate Information

- 6.21.1 A Councillor may continue to access City information only as it is necessary for them to perform their role as Councillor and in accordance with the Councillor Communication and Information Policy.
- 6.21.2 As a member of the public, all election Candidates have equal rights to City information relevant to their election campaigns from the City in accordance with the Public Transparency Policy and the *Freedom of Information Act 1982 (Vic)*.
- 6.21.3 Neither Councillors nor Candidates will receive information or advice from a City employees that may improperly advantage Candidates in the elections.
- 6.21.4 The City will provide Candidates with a copy of a Councillor Candidate Information Kit (if any) produced by the Victorian Electoral Commission to assist them in running and nominating for Council.
- 6.21.5 The City will provide Candidates with a copy of this Policy. A copy of this Policy will be available publicly online.

6.22 Information Request Register

- 6.22.1 The Governance unit will maintain an Information Request Register during the Election Period.

6.23 City employees

- 6.23.1 City employees are discouraged from engaging with candidate hosted on-line media platforms including, but not limited to, websites and all forms of social media.

6.24 City employees as a candidate

- 6.24.1 Section 34 of the Act prohibits a person who is a City employee serving as a Greater Bendigo City Councillor.
- 6.24.2 Under section 256(8) of the Act a City employee is not prevented from nominating as a Candidate at an election if, for the duration of the Election Period for that election:
- a) the person has taken leave from that office or position; and
 - b) the person does not perform any of the duties of that office or position.
- 6.24.3 A City employee cannot take the oath or affirmation of office as a Greater Bendigo City Councillor unless they resign from that office or position before taking the oath or affirmation of office.
- 6.24.4 If a City employee nominates as a candidate for a Federal, State or Local election, they need to immediately notify their manager in writing, with a copy to the Manager Governance. On receiving such notice, the relevant manager will enter into an agreed work plan with the City employee to ensure:
- a) There is no conflict of interest between their duties as a City employee or access to information and his/her role as an election Candidate;
 - b) They do not have access to information that would place them at an advantage over other candidates in the election; and
 - c) No City resources are used in support of their candidacy.

6.24.5 The agreed work plan must be:

- a) Approved by the relevant Director;
- b) Forwarded to the CEO and Manager Governance for noting.

7. ROLES AND RESPONSIBILITIES

As set out in clause 6.

8. RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

- Local Government Act 2020 (Vic)
- Freedom of Information Act 1982 (Vic).
- City’s Public Transparency Policy
- City’s Community Engagement Policy
- Councillor Candidate Information Kit, Victorian Electoral Commission

Further information or advice on this policy should be directed to Governance

9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of ELT or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
18/09/2019	Manager Governance	Governance	Review (significant)	1	August 2023
19/08/2020	Manager Governance	Governance	Review (significant)	2	August 2023
20/01/2024	Manager Governance	Governance	Election 2024	3	January 2028
30/01/2026	Manager Governance and Performance	Governance and Performance	Administrative updates	3.1	January 2028

APPENDIX 1

Relevant sections from the Local Government Act 2020 (Vic)

Section 69 – Governance Rules to include election period policy

- (1) A Council must include an election period policy in its Governance Rules.
- (2) An election period policy must prohibit any Council decision during the election period for a general election that –
 - (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
 - (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
 - (c) the Council considers could be reasonably deferred until the next Council is in place; or
 - (d) the Council considers should not be made during an election period.
- (3) An election period policy must prohibit 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.
- (4) A Council decision made in contravention of subsection (2)(a) or (b) is invalid.
- (5) 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 subsection (4) is entitled to compensation from the Council for that loss or damage.

Section 304 – Prohibition on Councillor or member of Council staff

- (1) A Councillor or member of Council staff must not use Council resources in a way that –
 - (a) Is intended to; or
 - (b) Is likely to –

Affect the result of an election under this Act.
- (2) A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.