



Ararat Rural City

# Governance Rules

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# Governance Rules

## Contents

|      |   |    |
|------|---|----|
| 1    | Introduction .....                                  | 4  |
| 2    | Definitions.....                                    | 4  |
| 3    | Meetings.....                                       | 6  |
| 3.1  | Purpose of Council Meetings.....                    | 6  |
| 3.2  | Meeting Roles and Responsibilities.....             | 6  |
| 3.3  | Attending Meetings via Electronic Means .....       | 8  |
| 3.4  | Community.....                                      | 8  |
| 3.5  | Notice of Meetings and Availability of Agenda ..... | 9  |
| 3.6  | Conduct at meetings.....                            | 10 |
| 3.7  | Motions.....  | 12 |
| 3.8  | Debates .....                                       | 16 |
| 3.9  | Points of Order .....                               | 17 |
| 3.10 | Right to ask questions.....                         | 17 |
| 3.11 | Voting .....  | 18 |
| 3.12 | Procedure for a division .....                      | 18 |
| 3.13 | Urgent Business.....                                | 19 |
| 3.14 | Dissent from Chairperson ruling .....               | 19 |
| 3.15 | Time Limits for Meetings .....                      | 19 |
| 3.16 | Minutes of a Meeting.....                           | 20 |
| 3.17 | Confirmation of the Minutes of a Meeting .....      | 20 |
| 3.18 | Rescission Notification .....                       | 20 |
| 3.19 | Public Question Time .....                          | 21 |
| 3.20 | Petition & Joint Letters .....                      | 22 |
| 3.21 | Speaker to an item on the agenda.....               | 22 |
| 3.22 | Deputation.....                                     | 23 |
| 3.23 | Livestreaming and recording proceedings .....       | 23 |
| 3.24 | Other General Conduct and Modes of Address .....    | 24 |
| 3.25 | Suspension of Standing Orders .....                 | 24 |
| 4    | Election of Mayor and Deputy Mayor .....            | 25 |
| 4.1  | Overview .....                                      | 25 |
| 4.2  | Nominations.....                                    | 25 |
| 4.3  | Determining the Election of Mayor.....              | 26 |
| 4.4  | Deputy Mayor.....                                   | 27 |
| 4.5  | Method of Voting .....                              | 27 |
| 5    | Council Committees .....                            | 28 |
| 5.1  | Delegated Committees .....                          | 28 |
| 5.2  | Community Asset Committees .....                    | 28 |
| 5.3  | Audit and Risk Committee .....                      | 28 |
| 5.4  | Advisory Committees .....                           | 29 |
| 6    | Conflict of Interest.....                           | 30 |

# Governance Rules

---

|      |   |    |
|------|---|----|
| 6.1  | Obligations with regard to conflict of interest .....                       | 30 |
| 6.2  | Councillors and members of delegated committees.....                        | 30 |
| 6.3  | Procedures at a Council or Delegated Committee Meeting.....                 | 30 |
| 6.4  | Procedure at other meetings organized, hosted or supported by Council ..... | 30 |
| 6.5  | Council Staff .....   | 31 |
| 6.6  | Procedure for Disclosures of Conflicts of Interest by Council Staff .....   | 31 |
| 7    | Use of Council Seal.....  | 32 |
| 7.1  | Custodian of Common Seal .....  | 32 |
| 7.2  | Requesting the signing and sealing of a document.....                       | 32 |
| 7.3  | Affixing the Common Seal .....  | 32 |
| 7.4  | Sealing Register .....  | 33 |
| 8    | Election Period Policy .....  | 34 |
| 8.1  | Intent.....   | 34 |
| 8.2  | Policy .....  | 34 |
| 8.3  | Public Consultation.....  | 35 |
| 8.4  | Council Resources.....  | 36 |
| 8.5  | Information.....  | 37 |
| 8.6  | Communication .....   | 38 |
| 8.7  | Council Publication.....  | 39 |
| 8.8  | Assistance to Candidates .....  | 40 |
| 8.9  | Caretaker Statement – Special Council Meeting Reports.....                  | 40 |
| 8.10 | Disclaimer .....  | 41 |
| 8.11 | Administration Updates.....   | 41 |
| 8.12 | Terms / Definitions .....   | 41 |
| 8.13 | References .....  | 41 |
|      | Schedule 1: Content, Format and Order of Items .....                        | 43 |
|      | Schedule 2: Procedural Motions .....  | 44 |
|      | Schedule 3 – Appendix to Mayor and Deputy Mayor Election Procedure .....    | 47 |

# Governance Rules

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## 1 Introduction

Ararat Rural City Council is committed to good governance and ensuring its decision-making processes are fair, transparent and merit based

These Governance Rules have been developed to reflect this commitment and in accordance with section 60 of the Local Government Act 2020.

By adopting and adhering to these Governance Rules, Council can ensure that its commitment to good governance and the overarching governance principles consistently guides its decision-making processes, and those of its delegated committees and officers.

These Governance Rules will be reviewed biannually from the date of adoption or after a Council Election.

## 2 Definitions

In these Governance Rules:

**Act** means the Local Government Act 2020

**Advisory committee** means a committee established by the Council, which provides advice to:

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

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

**Attend, attending & in attendance** includes attend, attending and attendance in electronic means.

**Audit and Risk Committee** means the Audit and Risk Committee established by Council under section 53.

**Ballot** means a draw of ballots from a ballot box for the purposes of eliminating multiple candidates who have an equal number of the lowest votes in the election of the Mayor or Deputy Mayor.

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

**Chief Executive Officer** includes an Acting Chief Executive Officer

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

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

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

**Council** means Ararat Rural City Council

# Governance Rules

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**Council meeting** has the same meaning as in the Act

**Councillor** means a Councillor of Ararat Rural City Council

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

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

**Deputy Mayor** means any person appointed by Council to act as Deputy Mayor

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

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

**Mayor** means Mayor of Council

**Minister** means the Minister responsible for Local Government.

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

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

**Notice of Motion** means a notice setting out the text of a Motion being conducted and a Council decision being made, if the proposal is adopted.

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

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

**Urgent Business** means a matter that relates to or arising out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred un the next meeting.

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

# Governance Rules

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## **3 Meetings**

### **3.1 Purpose of Council Meetings**

- 3.1.1 Council holds scheduled Meetings and, when required unscheduled Meetings to conduct the business of Council
- 3.1.2 Council is committed to transparency in decision making and, in accordance with the Local Government Act 2020, Council and Delegated Committee Meetings are open to the public and the community are able to attend.
- 3.1.3 Community members may only participate in Council meetings in accordance with these Governance rules that include addressing how the community can participate if the meeting is electronic, or a hybrid style meeting.
- 3.1.4 Meeting will only be closed to members of the public if:
  - a) There are clear reasons for particular matters to remain confidential (specified in the definition of confidential (specified in the definition of confidential information in section 3(10) of the Act) or
  - b) A meeting is required to be closed for security reasons; or
  - c) It is necessary to enable the meeting to proceed in an orderly manner.
- 3.1.5 In a meeting that is closed to the public for the reasons outlined in sub-rule 3.1.4(b) or 3.1.4(c) the meeting can be livestreamed. In the event a livestream is not available the meeting may be adjourned, or a recording of the proceedings may be available on Council website.

### **3.2 Meeting Roles and Responsibilities**

- 3.2.1 Chairperson and member responsibilities  
The Chairperson, Councillors and members of Delegated Committees will ensure good Council decision-making by endeavoring to ensure
  - a) Decision making is transparent to members and observers.
  - b) Meeting members have sufficient information to make good decisions.
  - c) Every member is supported to contribute to decisions.
  - d) Any person whose rights are affected has their interest considered.
  - e) Debate and discussion are focused on the issue at hand.
  - f) Meetings are conducted in an orderly manner; and
  - g) Decisions should be made on the merits of the matter
- 3.2.2 Mayor to take the Chair
  - 3.2.2.1 The Mayor must take the Chair at all Council Meetings at which the Mayor is present.
  - 3.2.2.2 If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair.
  - 3.2.2.3 If the Mayor and Deputy Mayor are not in attendance at a Council Meeting, Council must appoint one of the Councillors as Chair.
  - 3.2.2.4 The Chief Executive Officer will invite nominations for a temporary Chairperson for the period the Mayor is to be absent.

# Governance Rules

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3.2.2.5 If there is more than (1) nomination, the Councillors present at the meeting must vote for one (1) of the candidates by a show of hands and the candidate receiving a majority of the votes will be declared to have been duly elected.

## 3.2.3 Delegated Committee Chairperson

3.2.3.1 At a Meeting at which Council established a delegated committee it must also appoint Chairperson.

3.2.3.2 The Chair of a delegated committee must be a Councillor

3.2.3.3 For the avoidance of doubt, rule 3.2.3.2 does not intend to limit the powers of the Mayor provided in the Act

## 3.2.4 The Chairperson's Duties and Discretions

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

3.2.4.1 Must not accept any Motion, question or statement which is:

- a) Vague or ambiguous
- b) Defamatory, malicious, abusive or objectionable in language or substance; or
- c) Outside the powers of Council

3.2.4.2 Must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting.

3.2.4.3 Must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council.

3.2.4.4 May direct that a vote be recounted to be satisfied of the result; and

3.2.4.5 Must decide on all points of order

3.2.4.6 Where these Governance Rules does not provide a procedure for the Meeting, the Chairperson shall decide the procedure to be followed.

## 3.2.5 Chief Executive Officer

3.2.5.1 The Chief Executive Officer is responsible for the preparation of the Council meeting agenda in accordance with Schedule 1

3.2.5.2 The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chairperson

3.2.5.3 The Chief Executive Officer should:

- a) Immediately advise, to the best of their knowledge, if a proposed motion or action is contrary to the law.
- b) Advise if there are operational, financial or risk implications arising from a proposed motion.
- c) Help clarify the intent of any unclear motion or resolution to facilitate implementation.
- d) On request, assist with procedural issues that may arise.

# Governance Rules

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## 3.2.6 Councillors and members of delegated committees

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

- 3.2.6.1 Seeking views of community members and reading agenda prior to the meeting.
- 3.2.6.2 Demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers.
- 3.2.6.3 Attending meetings and participating in debate and discussion.
- 3.2.6.4 Demonstrating respect for the role of the Chairperson and the rights of others  
Councillors or members of Delegated Committees to contribute to the decision-making.
- 3.2.6.5 Be courteous and orderly.

## 3.3 Attending Meetings via Electronic Means

3.3.1 Councillors and members of Delegated Committees who wish to attend a meeting via electronic means for any reason may notify the Chief Executive Officer

- a) The notification can be made verbally or in writing
- b) The notification should be received no later than 1 hour prior to a meeting

3.3.2 The Councillor or member attending electronically is responsible for ensuring they have the required equipment, access and environment suitable for electronic communications.

- a) Equipment must include a functioning video camera / webcam and microphone
- b) Camera must be switched on for the entire duration of the meeting unless they are excused from the meeting for any reason.
- c) Camera must be positioned appropriately so the Councillor or member's vote by show of hands is clearly visible
- d) Microphone must be switched on when the Councillor or member is speaking and muted when not speaking.

## 3.4 Community

3.4.1 Council meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings

3.4.2 Community members may only participate in meetings in accordance with requirements contained in these Governance Rules that include addressing how the community can participate if the meeting is electronic or "hybrid" style meetings.

3.4.3 Community members may seek to inform individual Councillors of their views by contacting them directly in advance of meetings.



# Governance Rules

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- 3.4.4 Persons registered to speak to an item on the agenda or ask a public question in accordance with rules 3.4.2, 3.19.1, 3.4.3 and 3.21.1 may also attend a meeting via electronic means for any reason by notifying Council Officers upon registration in accordance with those rules.

## 3.5 Notice of Meetings and Availability of Agenda

### 3.5.1 Date, Time and Place of Council Meetings

- 3.5.1.1 Council will fix the dates, times and places of all Meetings for a twelve-month period at the Statutory Meeting which is held in November each year.
- 3.5.1.2 Council by resolution, or by the Chief Executive Officer, May change the date, time and place of, or cancel, any Meeting which has been fixed and must provide notice of the change to the public.
- 3.5.1.3 A schedule of Meetings must be prepared and published that ensures it is available to a broad section of the community, including on Council's website and in at least one newspaper generally circulated in the municipality district at least once each year and with greater frequency, if the Chief Executive Officer determined necessary.

### 3.5.2 Notice of Council Meetings

- 3.5.2.1 A notice of a Meeting, that is not an unscheduled Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council Meetings, at least 48 hours before the Meeting.
- 3.5.2.2 An agenda for each Council Meeting, that is not an unscheduled Meeting will Be made available on Council's website no less than 48 hours before the Council Meeting.

### 3.5.3 Postponement

- 3.5.3.1 The Chief Executive Officer may, in the case of an emergency necessitation the cancellation or postponement of a Council Meeting, cancel or postpone a Council Meeting
- 3.5.3.2 The Chief Executive Officer must present to the immediately following Council Meeting a written report on any exercise of the power conferred by sub-rule 3.5.7

### 3.5.4 Unscheduled Meetings

- 3.5.4.1 Council may by resolution call an unscheduled Meeting of the Council
- 3.5.4.2 Any resolution of Council to call an unscheduled Meeting must specify the date and time of the unscheduled Meeting and the business to be transacted.
- 3.5.4.3 The date and time of the unscheduled Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution was made.
- 3.5.4.4 The CEO, following consultation with the Mayor, call an unscheduled meeting.

# Governance Rules

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3.5.4.5 The Mayor, or three Councillors, may by written notice call an unscheduled Meeting of the Council. A written notice to call an unscheduled Meeting must:

- a) Specify the business to be transacted.
- b) Be delivered to the Chief Executive Officer or Delegate in sufficient time to enable the required period of notice to be given.

3.5.4.6 The Chief Executive Officer must determine the time and date for the meeting, considering:

- a) The urgency of the business to be transacted
- b) The availability of Councillors
- c) A reasonable notice period for person whose rights or interest may be impacted by the business to be transacted.

3.5.4.7 The Chief Executive Officer must call an unscheduled Meeting to elect a Mayor, following a Council election declaration, in accordance with the Act

3.5.4.8 The unscheduled Meeting for the election of a Mayor following an election, may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer

3.5.4.9 Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled Meeting, unless all Council, by unanimous resolution, determine to admit another matter.

## 3.5.5 Notice of Unscheduled meetings

3.5.5.1 Notice of an unscheduled meeting must be published on Council's website and social media platforms as soon as practicable after the time and date of the meeting has been determined.

3.5.5.2 An Agenda for an unscheduled Meeting must be made available electronically to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.

3.5.5.3 An Agenda for an unscheduled Council Meeting will be made available on Council's website no less than 24 hours before the Council Meeting.

## 3.6 Conduct at meetings

### 3.6.1 Quorum

3.6.1.1 The quorum for a meeting is greater than half the total number of the Councilors, or in the case of a Committee, more than half the total number

# Governance Rules

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- 3.6.1.2 Section 61(6A) of the Act specifies a member's attendance can only be recorded where the members can confirm that they meet all three of the following:
- a) He / she can hear proceedings;
  - b) They can see other members in attendance and can be seen by other members.
  - c) They can be heard (to speak)
- 3.6.1.3 A quorum or members of council is breached where a member forming a quorum cannot meet the above requirements
- 3.6.1.4 A meeting cannot commence, resume or continue without a quorum
- 3.6.1.5 Should a quorum be unachievable or maintainable due to the disclosure of conflicts of interest by one (1) or more Councilors, the Chairperson may:
- a) Defer the item of business to a future meeting; or
  - b) Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
  - c) Determined to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at the meeting for which quorum can be maintained.
- 3.6.1.6 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests y the majority of Councilors, and the matter cannot be separated into component parts of prior decisions made, Council will delegate the decision to be made
- a) By the Chief Executive Officers; or
  - b) By a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councilors who have not disclosed a conflict of interest and any other person(s) the Council considered suitable
- 3.6.1.7 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.
- 3.6.2 Business Meetings
- 3.6.2.1 No business can be dealt with at a Meeting unless.
- a) It is included in the agenda, or
  - b) Councillors who vote by unanimous vote in favour of a matter being dealt with as urgent business
- 3.6.2.2 Unless the Chairperson otherwise determines –
- a) The order of business at a Meeting must be as it is set out in the agenda; and
  - b) The meeting shall conclude the business set out on the agenda has been dealt with.

# Governance Rules

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## 3.6.3 Adjourning meetings

- 3.6.3.1 Should a quorum be unachievable 30 minutes after the commencement of the scheduled starting time or cannot be maintained during the meeting, those Councillors present may adjourn the meeting, by resolution to a date/or time to be determined. In the event there are no Councillors present, the CEO (or Delegate) may adjourn the meeting for a period not exceeding seven (7) days.

## 3.6.4 Technical Difficulties

- 3.6.4.1 Where the council experiences technical difficulties in being able to broadcast a meeting to the public, the meeting may be adjourned until the issue is resolved or postponed to another time and date in accordance with Council's meeting procedures, local laws or governance rules.
- 3.6.4.2 The Chair may indicate at the commencement of a meeting that if technical problems are encountered by the council then the meeting will be adjourned until resolution or postponed.
- 3.6.4.3 The Council is not responsible for any data usage charges or technical difficulties a member of the public may have experience in accessing the live stream or recordings of meetings.

## 3.7 Motions

- 3.7.1 A "Motion" may be in the form of an Officer's recommendation (as contained in a Council report) or a motion as proposed by a Councillor.
- 3.7.2 Amendments
- 3.7.2.1 An "Amendment" is a motion which has been moved and seconded by formally amended to include / exclude words
- 3.7.2.2 An amendment must not be the negative of or substantially contrary to the motion and must be relevant to the subject of the motion.
- 3.7.2.3 An amendment may be proposed or seconded by any Councillor, except to the mover or seconder of the original motion.
- 3.7.2.4 Any Councillor moving an amendment to a motion will be allocated thirty (30) seconds to explain the reasons for the amendment

# Governance Rules

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3.7.2.5 Only one (1) amendment can be before the Meeting at a time and until it is put to the vote, no further amendment can be proposed, but with the leave of the Chairperson, another amendment of a new motion can be foreshadowed by any Councillor stating in brief terms the nature of it.

3.7.2.6 A Councillor cannot move more than two (2) amendments in succession.

3.7.2.7 When any amendment is put to the vote, and is declared carried by the Chairperson it thereupon becomes the substantive motion before the meeting and can be debated and further amended.

## 3.7.3 Foreshadowed Motion

3.7.3.1 A "Foreshadowed Motion" is a new motion, prefaced by a Councillor with a statement that in the event of a motion before the Chair being lost, a Councillor intends to move an alternative motion.

3.7.3.2 At any time during debate a Councillor may foreshadow a motion, but this does not extend any special right to the foreshadowed motion. A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a Council meeting

3.7.3.3 Foreshadowed motions are not recorded in the Minutes until the foreshadowed motion is formally moved.

## 3.7.4 Notices of Motion

3.7.4.1 A "Notice of Motion" is a notice setting out the text of a motion that a Councillor proposed to move at a meeting

3.7.4.2 A Notice of Motion must:  
a) Be received by the Chief Executive Officer at least seven (7) days prior to a Meeting and  
b) Be included in order of receipt on the agenda for that Meeting.

3.7.4.3 Should a Councillor who has given a Notice of Motion be absent from the meeting, any other Councillor may move the motion.

3.7.4.4 A Notice of Motion must call for Council report if the Notice of Motion proposed any action that:  
a) Impacts levels of Council service.  
b) Commits Council to expenditure greater than (insert councils upper limit) that is not included in the adopted Council Budget  
c) Proposes to establish, amend or extend Council policy  
d) Proposes to impact the rights of any person who has not had the opportunity to contribute their views;  
e) Commits Council to any contractual arrangements; or  
f) Concerns any litigation in respect of which Council is a party.

3.7.4.5 The Chief Executive Officer must reject any Notice of Motion which  
a) Is too vague.  
b) Is defamatory

# Governance Rules

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- c) May be prejudicial to any person or Council
- d) Is objectionable in language or nature
- e) Is outside the powers of Council
- f) Relates to a matter that is the subject of a rescission motion within three (3) calendar months of the rescission motion having been dealt with
- g) Is submitted during Election Period.

- 3.7.4.6 The Chief Executive Officer may reject a proposed Notice of Motion that
- a) Relates to a matter that can be addressed through the operational service request process; or
  - b) Relates to a matter that has been previously resolved by Council or is acted upon

- 3.7.4.7 If Notice of Motion is lost or lapse for want of a mover / seconder, it cannot be Relisted for three (3) months.

## 3.7.5 Procedures for Motions

- 3.7.5.1 A motion which is proposed by a Councillor at a Meeting must be:
- a) Clearly expressed and unambiguous
  - b) Not defamatory or objectionable in nature
  - c) Related to the powers or functions of Council; and
  - d) Relevant to an item on the agenda (unless it relates to an item which has been agreed by the Meeting as urgent business)
- 3.7.5.2 If a motion is to be moved or debated by the Chairperson, the Chairperson must vacate the Chair and appoint the Deputy Mayor or another Councillor as Temporary Chair of the duration of the motion.
- 3.7.5.3 Any motion that differs in wording from an Officer's recommendation, be written out by the proposer.
- 3.7.5.4 The Chairperson may request that a motion be read to the meeting before the vote is taken
- 3.7.5.5 The Chairperson may reject any motion that does not conform to rule 3.7.4.4 And 3.7.4.5 and 3.7.5.1
- 3.7.5.6 A Councillor who is proposing a motion must first state briefly the nature of the motion and then move it, without speaking to it
- 3.7.5.7 The Chairperson must then call for the motion to be seconded and after it is seconded (by any Councillor other than the mover); the mover may then speak to it or may with the consent of the Chairperson defer speaking on it until later in the debate.
- 3.7.5.8 Any motion that his not seconded lapses.

# Governance Rules

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- 3.7.5.9 The Chairperson may ask after a motion is moved and seconded whether it is opposed and if no opposition is indicated, he or she may then put it to the vote, without debate. Similarly, the Chairperson may ask at any time during the debate whether the motion before the Meeting is opposed or is further opposed and if no opposition or no further opposition is indicated, he or she may put it to the vote, without further debate.
- 3.7.5.10 The mover of a motion has the right of reply with respect to the debate on his or her motion immediately before the vote is take, but that right is lost if an Amendment to the motion is carried.
- 3.7.5.11 If an amendment to a motion is carried, the Mover of the Amendment has no right of reply.
- 3.7.5.12 Apart from the mover's right of reply referred to in rule 3.7.5.10, a Councillor may only speak once on the motion and once on any amendment of a motion, A Councilor may request at any time before a vote is taken on a motion that it is in two or more parts, that each part be put to a vote separately. The Chairperson must then out the motion to the vote without making or allowing any further comment on it
- 3.7.5.13 When the mover of a motion has a right of reply under rule 3.5.7.10 and has exercised that right, the Chairperson must then put the motion to the vote without making or allowing any further comment on it.
- 3.7.5.14 A motion must otherwise be put to the vote when the Chairperson believes that the issues have been reasonably canvassed in the debate.
- 3.7.5.15 A Councillor calling a point of order or foreshadowing a new motion or further amendment is not deemed to be speaking on the motion before a Meeting
- 3.7.5.16 A motion of amendment cannot be withdrawn without Council consenting to the withdrawal by resolution.
- 3.7.5.17 If the mover or seconder of a motion indicates that he or she wishes to withdraw from moving or seconding the motion, the Chairperson may seek another mover or seconder (as the case requires), but if no Councillor indicates his or her willingness to be the substitute mover or seconder, the motion lapses.
- 3.7.5.18 If a Councillor proposes to alter a motion and the original mover and seconder of the Motion both indicate their agreement with the alteration, the altered Motion becomes the substantive Motion without the need to move an amendment.
- 3.7.5.19 Council may defer an item until another Meeting if further consideration or clarification is required prior to a decision being made. The motion to defer an item is a substantive motion and may be debated.

# Governance Rules

3.7.5.20 The Chairperson may allow like motions to be moved, or request Councillors to move like items, in a block (en bloc)

## 3.7.6 Procedural Motions

- 3.7.6.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 3.7.6.2 The mover/seconded of a procedural motion must not have moved, seconded or spoken to the motion or any amendment of it before the Chair.
- 3.7.6.3 A procedural motion cannot be moved by the Chairperson
- 3.7.6.4 Notwithstanding any other provision in the Meeting Procedure, procedural motions must be dealt with in accordance with the procedures set out in Schedule 2 of the Meeting Procedure.

## 3.8 Debates

### 3.8.1 Rules for Debate

- 3.8.1.1 Debate must always be relevant to the question before the Chair, and if not, the Chairperson will request the speaker to confine debate to the subject matter.
- 3.8.1.2 If after being told to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may disallow the speaker any further comment in respect to the matter before the Chair.
- 3.8.1.3 A speaker to whom a direction has been given under rules 3.8.1.1 and 3.8.1.2 must comply with that direction.
- 3.8.1.4 A Councillor must not speak on any one motion or other matter before a Meeting for a time longer than that stated below unless granted an extension by the Chair immediately prior to the speaker speaking.

### 3.8.2 Order, Time Limit of Debate

- 3.8.2.1 Once seconded, the Chairperson will call for any Councillor wishing to speak to the motion;
- 3.8.2.2 If any Councillor indicates they wish to speak to the motion, the Chairperson must:
- Invite the mover to address Council (five (5) minutes)
  - Invite any Councillor opposing the motion to address council (three (3) minutes)
  - Invite the Seconder to address Council (three (3) Minutes)
  - Invite any Councillor abstaining from the vote to address Council (two (2) minutes)
  - Invite speakers for, against and abstaining in alternate sequence until all Councillors wishing to speak to the motion have had an opportunity (two (2) minutes)
  - Invite the mover to close debate with right of reply (two (2) minutes)



# Governance Rules

- 3.8.2.3 In cases where there is competition for the right to speak at a meeting then the Chairperson must decide the order in which Councillors may speak.
- 3.8.2.4 A Councillor must not be interrupted except by the Chairperson, or upon a point of order being taken
- 3.8.2.5 The Chairperson may remain seated when speaking at any meeting and he or she may speak on any matter under discussion.
- 3.8.2.6 When exercising a right of reply, a Councillor must not introduce fresh matter.
- 3.8.2.7 No resolution may be discussed after it is dealt with, unless the Chairperson allows it.
- 3.8.2.8 Except that the mover of an unamended motion has the right of reply and that any Councillor may take a Point of Order or offer a personal explanation; a Councillor must not speak more than once to the same motion or amendment.

## 3.9 Points of Order

- 3.9.1 A Councillor who is addressing the meeting must not be interrupted unless a Point of Order is called, at which time he or she must remain silent until the Councillor raising the Point of Order has been heard and the question disposed of.
- 3.9.2 A Councillor raising a Point of Order must
  - a) State the Point of Order; and
  - b) State any section, clause, paragraph or provision relevant to the point of order before resuming his or her seat
- 3.9.3 A Point of Order may be raised in relation to
  - a) A motion or a public question which, under this Procedure should not be accepted by the Chairperson.
  - b) A question of procedure; or
  - c) Any act of disorder
- 3.9.4 The Chairperson shall decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the Point of Order, without entering into any discussion or comment.
- 3.9.5 The Chairperson may adjourn the Meeting to consider a Point of Order; otherwise, he or she must rule on it as soon as it is raised.
- 3.9.6 All other matters before Council are suspended until the Point of Order is decided.
- 3.9.7 A Point of Order cannot be taken for the sole purpose of:
  - a) Expressing a mere difference of opinion; or
  - b) Contradicting a speaker; or
  - c) Disrupting the meeting.

## 3.10 Right to ask questions

- 3.10.1 A Councillor may, at any time when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair

# Governance Rules

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## 3.11 Voting

3.11.1 To determine a motion that is put to a meeting, the Chairperson will first ask for those in favour of the motion, then those opposed to the motion, then those abstaining from the vote and will then declare the results to the meeting

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

3.11.3 Motion to be read again:

- a) Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again
- b) The Chairperson, without being so requested, may direct the Chief Executive Officer (or other person authorized by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) to read the question, motion or amendment to the meeting before the vote is taken.

3.11.4 The Motion is determined in the affirmative by a majority of the Councillors present at a meeting at the time the vote is taken voting in favour of the question.

3.11.5 If a Councillor present at the meeting does not vote (abstains), it must be taken that they have voted against the question.

3.11.6 If the number of votes in favour of the question, motion or amendment is half the number of Councillors present at the meeting at the time the vote is taken, the Chairperson as a second / casting vote.

3.11.7 Any Councillor, before the next item of business is considered, may ask that his or her opposition or abstention regarding a motion adopted by the meeting be recorded in the minutes of the meeting.

3.11.8 A Councillor may call for a division immediately after any motion is put to a meeting and before the next item of business has commenced.

3.11.9 The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken, but cannot be requested after the next item of business has commenced.

## 3.12 Procedure for a division

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

3.12.2 When a division is called for, the Chairperson will;

- a) First ask each Councillor wishing to vote in the affirmative to raise their hand. The Chairperson must then state the names of those Councillors voting in the affirmative; and
- b) Then ask each Councillor wishing to vote in the negative to raise their hand. The Chairperson must then state the names of those Councillors voting in the negative; and
- c) Then ask any Councillor wishing to abstain from the vote to raise their hand. The Chairperson must then state the names of those Councillors abstaining from the vote.
- d) The Chief Executive Officer (or any person authorized by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record in the minutes the vote of each Councilor.

# Governance Rules

3.12.3 No Councillor is prevented from changing his or her original vote when voting on the division.

3.12.4 Councillors must remain seated in silence while a vote is being taken.

3.12.5 The Chairperson may direct that the vote be re-counted as often as may be necessary to be satisfied of the result.

3.12.6 The Chairperson must declare the result of the vote or division as soon as it is taken.

## 3.13 Urgent Business

3.13.1 If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:

- a) It related to or arises out of a matter which has arisen since distribution of the Agenda; and
- b) Deferring that item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
- c) The item involves a matter or urgency as determined by the Chief Executive Officer; and
- d) It cannot be addressed through an operational service request process

3.13.2 Provided the matter does not:

- a) Substantially affect the levels of Council service;
- b) Commit Council to significant expenditure not included in the adopted budget
- c) Establish or amend Council Policy; or
- d) Commit Council to any contractual arrangement.

## 3.14 Dissent from Chairperson ruling

3.14.1 The decision of the Chairperson in respect to a Point of Order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present at the meeting move a motion of dissent.

3.14.2 A motion of dissent required no seconder, and the Chairperson must immediately stand down.

3.14.3 A Temporary Chairperson takes the chair for discussion on the motion of dissent following the process outlined in rule number 3.2.2, 3.2.3, 3.2.4 and 3.2.5, 3.7.20

3.14.4 The Chairperson is given the opportunity to explain their decision and the mover also puts forward their reason for dissent.

3.14.5 The meeting then votes on the motion; if the motion is upheld, the Chairperson must reverse their decision. If the motion is lost, the meeting continues as before.

## 3.15 Time Limits for Meetings

3.15.1 Unless Council resolved to the contrary a Council Meeting or Committee Meeting shall not continue beyond four (4) consecutive hours.

3.15.2 Any business not reached or dealt with the time the meeting closes shall be held over until the next Council or Committee Meeting.

3.15.3 Council may resolve to extend the meeting by one (1) forty-five (45) minutes interval only if deemed necessary.

# Governance Rules

3.15.4 Any business not dealt with that is adjourned until the next Council or Committee Meeting shall be recorded in the minutes of the meeting.

## 3.16 Minutes of a Meeting

3.16.1 The Chief Executive Officer or delegate is responsible for the keeping of Minutes on behalf of Council, those Minutes must record;

- a) The date, place, time, and nature of the Council Meeting
- b) The names of Councillors and whether they are present, an apology for leave of absence etc.
- c) The titles of the members of Council staff present who are not part of the gallery.
- d) The disclosures of a conflict of interest made by a Councillor in accordance with the Act.
- e) The arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals).
- f) Every Motion and Amendment moved (including procedural Motions),
- g) The outcome of every Motions moved.
- h) Where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
- i) When requested by a Councillor, a record of their support, opposition to, or abstention from voting on any Motion.
- j) Details of any failure to achieve or maintain a quorum;
- k) A summary of any questions asked (including the name and suburb of the person), and the response provided as part of public question time.
- l) Details of any petitions made to Council.
- m) Details of any speakers to an agenda item or deputation.
- n) The time and reason for any adjournment of the Meeting or suspension of standing orders.
- o) Any other matter, which the Chief Executive Officer or Delegate thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes; and
- p) The time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public.

## 3.17 Confirmation of the Minutes of a Meeting

3.17.1 When confirming the minutes of a Meeting, the Chairperson must ask if any times in the minutes is opposed.

3.17.2 Opposition can only be expressed regarding items in the minutes on the basis that the record is incomplete or inaccurate.

3.17.3 The Chairperson must not allow discussion or motions on any other issues than the alleged omission from or inaccuracy of the minutes.

3.17.4 If no Councillor indicates opposition, a resolution of Council must confirm the minutes.

3.17.5 If any Councillor indicates opposition, he or she must specify the particular item or items in the minutes concerned and can, after asking any questions, to clarify the matter, only move a motion to rectify the alleged error(s) in the record.

## 3.18 Rescission Notification

3.18.1 A notice of motion to rescind or alter a previous resolution of Council.

- a) Must be given to the Chief Executive Officer in sufficient time to enable the Chief Executive Officer to give ninety-six (96) hours' notice to all Councillors.
- b) Is deemed to have been withdrawn if not moved at the next meeting at which

# Governance Rules

such business may be transacted.

- c) Cannot be considered at a meeting unless the number of Councillors in attendance at the meeting is at least equal to the number of Councillors in attendance when the resolution of Council was adopted.

3.18.2 A Councillor may propose a motion to amend or rescind a decision of the Council provided.

- a) The decision has not been acted upon; and
- b) A notice is delivered to the Chief Executive Officer by the close of business on the day following the meeting at which the decision of Council was made stating;
  - i. The decision proposed to be amended or rescinded; and
  - ii. The meeting and date when the decision was made.

3.18.3 The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which;

- a) Has not been acted on; and
- b) Is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with rule number 3.18.1.

## 3.19 Public Question Time

3.19.1 At each meeting there is an opportunity for members of the public to ask questions of the Council. If the meeting is to be held in a single electronic or hybrid format, then the general public will follow the set procedures to submit a question or petition.

3.19.2 Question time will take place during the Council Meeting as provided for in the agenda

3.19.3 Questions in writing in the form prescribed by the Chief Executive Officer will be accepted up to 5pm on the day before the Meeting.

3.19.4 A person must not submit more than two (2) individual questions at a meeting inclusive of all parts and variants as interpreted by the Chairperson or other person authorized for this purpose by the Chairperson.

3.19.5 A question will only be read to the meeting if the Chairperson or other person authorized for this purpose by the Chairperson has determined that the:

- a) Person directing the question is present in the gallery or provided a link to join them meeting virtually;
- b) Question does not relate to a confidential matter;
- c) Question does not relate to a matter of which Council has no power to act.
- d) Question is not defamatory, indecent, abusive or objectionable in language or substance.
- e) Question is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and
- f) Question is not asked to embarrass a Councillor, member of Council staff or member of the public.

3.19.6 Persons submitting questions should either be available through the virtual meeting platform or be present in the public Gallery. If they are not present in the Gallery or through virtual attendance, the Chairperson shall decide if the question will be read in their absence or held over to the next meeting.

- a) If the Chairperson decides that the question will be held over, it shall be held over to the next meeting only.

# Governance Rules

3.19.7 The Chairperson shall decide and nominate who will read out each question and who will answer each question.

## 3.20 Petition & Joint Letters

3.20.1 Petitions and joint letters presented to Council must be in writing and contain the “prayer” or request of the petitioners or signatories.

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

3.20.3 It is the incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language which is disrespectful towards Council.

3.20.4 Petitions and joint letters should include the name and contact information of a Head Petitioner or representative of the petition or joint letter.

3.20.5 Petitions and joint letters must be signed by the persons whose names are appended to it and include their address.

3.20.6 Any signature appearing on a page, which does not bear the text of the whole of the petition or request, may not be considered by Council.

3.20.7 Electronic petitions or joint letters must comply with the rules as stated about and include the name and email address of each petition (these functions as the “signature” of a petitioner.)

3.20.8 If a petition, joint letter, memorial or other like application relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration

## 3.21 Speaker to an item on the agenda

3.21.1 Council has made provision in the conduct of its Meetings for speakers to address Council in relation to matters included on the agenda for consideration.

3.21.2 Persons wishing to address Council on a matter included in the agenda shall inform Council prior to 3.00pm on the day of the meeting by contacting Councillor’s Customer Service or Governance Officers and registering their name and agenda item being spoken to.

3.21.3 At the meeting the Chair will invite the persons wishing to speak to an item to address the Council on the agenda item.

3.21.4 The person may elect to sit or stand to address Council and state their name and address before commencing. No debate on the item is permitted between the person addressing Council and the Council.

3.21.5 A maximum of three (3) minutes per person will be allocated. An extension of time may be granted at the discretion of the Chair.

# Governance Rules

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3.21.6 Councillors, through the Chair, may ask the person address Council for clarification of matters presented.

3.21.7 The Chair may direct that a member of the gallery ceases speaking if the above procedure is not followed.

## 3.22 Deputation

3.22.1 A deputation wishing to be heard by Council may make a request to the Chief Executive Officer who must refer the request to the Mayor.

3.22.2 The Mayor may direct the Chief Executive Officer as to the meeting at which the deputation will be heard or, alternatively, ask the Chief Executive Officer to place a request before Council.

3.22.3 If the Mayor asks for a deputation to be heard, the Chief Executive Officer must notify all Councillors of that direction, and also notify a member of the deputation of the date, time, and place at which the deputation will be heard.

3.22.4 A deputation may lodge with the Chief Executive Officer, a written submission detailing the subject matter of the deputation prior to the deputation addressing Council.

3.22.5 Council will not hear more than two (2) speakers on behalf of any deputation and may set time limits on the length and address of each speaker.

3.22.6 Councillors and members of Council staff may question the deputation on matters raised by it for purpose of clarification, but no discussion will be allowed.

3.22.7 No motion will be allowed on any deputation until the next Ordinary meeting after the deputation has been heard unless Council, by resolution, decides otherwise.

## 3.23 Livestreaming and recording proceedings

3.23.1 The Chief Executive Officer (or other person authorized by the Chief Executive Officer) may conduct a livestream of the proceedings of the Council Meeting.

3.23.2 The Chief Executive Officer (or other person authorized by the Chief Executive Officer) may also otherwise record all the proceedings of a Council or Delegated Committee Meeting using a suitable electronic recording device.

3.23.3 Media representatives may, with the consent of Council or the Delegated Committee (as the case may be), be permitted to record any part of the proceedings of the Council or Delegated Committee Meeting. The consent of Council or the Delegated Committee must not be unreasonably withheld by may be revoked at any time during the course of the relevant meeting.

3.23.4 Members of the public must not operate recording equipment at any Council or Delegated Committee Meeting without the prior written consent of Council. Such consent may be given only after receipt of a written application and may at any time during the meeting be revoked by Council or the Delegated Committee as the case may be.



# Governance Rules

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## **3.24 Other General Conduct and Modes of Address**

- 3.24.1 A Councillor or any other person who addresses a Meeting must do so in a courteous manner,
- 3.24.2 Any Councillor or person who addresses the meeting must direct all remarks through the Chairperson
- 3.24.3 A Councillor or any other person must not at a Meeting make any defamatory, indecent, abusive, offensive or disorderly statement or comment.
- 3.24.4 If such a statement or comment is made, the Chairperson may require the Councillor to withdraw it, and the Councillor concerned must immediately and unreservedly do so.
- 3.24.5 If a Councillor continues to engage in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business, Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
- 3.24.6 Where Council suspends a Councillor or the Mayor directs a Councillor to leave the meeting, the Councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
- 3.24.7 Visitors at a meeting must not interject or take part in the debate.
- 3.24.8 The gallery must always preserve silence during a Meeting
- 3.24.9 In any visitor is called to order by the Chairperson for any improper or disorderly conduct on more than one occasion during the Meeting, the Chairperson may order him or her to leave the Meeting room or building.
- 3.24.10 The Chairperson may adjourn a disorderly Meeting.

## **3.25 Suspension of Standing Orders**

- 3.25.1 Any provision of this Procedure except that relating to a quorum may by resolution be suspended for any part of a Meeting.
- 3.25.2 The suspension of Standing Orders will be used to enable full discussion of any issues without the constraints of formal meeting procedures.
- 3.25.3 An appropriate motion would be “That Standing Orders be suspended to enable discussion on \_\_\_\_\_”.
- 3.25.4 No motion, except one that proposes the resumption of standing orders, may be accepted by the Chairperson during such suspension.



# Governance Rules

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## 4 Election of Mayor and Deputy Mayor

### 4.1 Overview

The role and function of the Mayor and Deputy Mayor are provided in the Local Government Act. For the purpose of process, the following will occur:

- 4.1.1 A Mayor is to be elected no later than one (1) month after the date of a general election at a Council meeting open to the public;
- 4.1.2 Before the election of the Mayor and Deputy Mayor, a Council must determine by resolution whether each of these roles is to be elected for a one (1) year or a two (2) year term respectively.
- 4.1.3 If the Mayor / Deputy Mayor is elected for a one (1) year term, the next election of the Mayor must be held on a day determined by the Council that is as close to the end of the one (1) year term as is reasonably practicable.
- 4.1.4 If the Mayor / Deputy Mayor is to be elected for a two (2) year term, the next election of the Mayor must be held on a day to be determined by the Council that his as close to the end of the two (2) year term as is reasonably practicable.
- 4.1.5 A Mayor is to be elected within one (1) month after any vacancy in the office of Mayor occurs.
- 4.1.6 The election of a Mayor after the period specified in this section does not invalidate the election.
- 4.1.7 A Councillor elected to fill a vacancy in the office of Mayor cause other than by the expiration on a one (1) year or two (2) year term serves the remaining period of the previous Mayor's term.

### 4.2 Nominations

- 4.2.1 Any Councillor is eligible for election or re-election to the office of Mayor.
- 4.2.2 A Councillor may only nominate one Councillor as a candidate for the role of the Mayor.
- 4.2.3 A Councillor may nominate themselves as a candidate for the role of Mayor.
- 4.2.4 Except where a Councillor has nominated themselves, a nominated Councillor must advise the Chair whether they accept or decline the nomination as a candidate for the role of Mayor.
- 4.2.5 Nominations need not be seconded.
- 4.2.6 If Council resolves to have the office of Deputy Mayor, rules 4.3.3 to 4.3.11 will also apply to the nomination of candidates for the role of Deputy Mayor.

# Governance Rules

## 4.3 Determining the Election of Mayor

- 4.3.1 The Chief Executive Officer will chair the election of the Mayor
- 4.3.2 The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- 4.3.3 The Mayor must be elected by an absolute majority of the Councillors.
- 4.3.4 Where in an election for the Mayor one (1) candidate has been nominated, that candidate must be declared elected.
- 4.3.5 Where two (2) or more candidates have been nominated, a vote must be taken and the candidate who received the number of votes greater than half the Councillors of the Council must be declared elected.
- 4.3.6 Where three (3) or more candidates have been nominated and no candidate received a number of votes greater than half the Councillors of the Council:
  - a) The candidate with the fewest number of votes must be eliminated.
  - b) The names of the remaining candidates must be put to the vote as outlined in rule 4.3.5
- 4.3.7 Where two (2) or more candidates have an equal number of the fewest number of votes, one (1) candidate is to be declared an eliminated candidate under rule 4.3.6 as required. The Chief Executive Officer or delegated will conduct a ballot to eliminate one (1) candidate with the lowest number of votes.
- 4.3.8 The ballot is to be conducted subject to the following provisions;
  - a) Each candidate with the equal number of lowest votes will draw one (1) ballot
  - b) The order of drawing the ballot will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of the lowest votes.
  - c) As many identical ballots as there are Councillors who received an equal number of votes must be placed in the ballot box.
  - d) The word "defeated" shall be written on the number of ballots that is required to eliminate the number of candidates whereby there is only one (1) remaining candidate standing with the equal fewest number of votes.
  - e) The Councillor/s who draws a ballot with the word "defeated" written on it must be declared defeated.
- 4.3.9 A further vote must be taken on the remaining candidates in accordance with rule 4.3.5 and 4.3.6
- 4.3.10 If the further vote taken in accordance with rule 4.3.9 again results in more than one (1) candidate having an equal number of lowest votes, a second ballot may be conducted to eliminate another candidate.
- 4.3.11 If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.

Refer to Schedule 4 – Election Scenarios.

# Governance Rules

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## **4.4 Deputy Mayor**

4.4.1 If Council resolves to have the office of Deputy Mayor, the provisions as outline in rules 4.2 – 4.3 will apply.

4.4.2 At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.

4.4.3 If the Council has not resolved to establish the position of Deputy Mayor, any provisions in these Governance Rules relating to the Deputy Mayor have no effect.

## **4.5 Method of Voting**

4.5.1 The election of the Mayor must be carried out by a show of hands or an electronic method that enables those observing (in attendance and those watching a livestream broadcast) to see who a Councillor has voted for at the time the vote is taken.

# Governance Rules

## 5 Council Committees

### 5.1 Delegated Committees

- 5.1.1 Council may establish Delegated Committees as part of its Governance Framework. Delegated Committees will comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific s, duties and functions to Committees, their meetings procedures need to be formal.
- 5.1.2 If Council establishes a Delegated Committee, these Governance Rules will apply to the Delegated Committee Meetings with any necessary modifications, therefore in such circumstances:
- 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 Chairperson of the Delegated Committee.
- 5.1.3 If Council established a Delegated Committee, Council may resolve that a provision of this governance rules do not apply to that Committee.

### 5.2 Community Asset Committees

- 5.2.1 The Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall. Council may appoint members of the community to the Committee and delegate to its powers, duties of functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegations.
- 5.2.2 The Governance Rules may apply to any Community Asset Committee established by Council.
- 5.2.3 Council may determine, in establishing a Community Asset Committee which parts of the Governance Rules apply but as a minimum must include rules 3.2.1, 3.3.1, 3.5, 3.6 and 3.16
- 5.2.4 A Community Asset Committee must report the minutes of all Committee meetings to the next practicable Council Meeting.
- 5.2.5 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.
- 5.2.6 A Community Asset Committee must adhere to any policy, guideline or protocol introduced by Council, which relates to the operational or governance requirements of the Committee.
- 5.2.7 A Community Asset Committee must provide Council with an Annual Report each year, in a format determined by the Chief Executive Officer.

### 5.3 Audit and Risk Committee

- 5.3.1 The Act provides for Council to establish an Audit and Risk committee to provide oversight.
- 5.3.2 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Committee Charter.
- 5.3.3 Council may resolve, in establishing an Audit and Risk Committee that the meeting procedure chapter of these Governance Rules does not apply

# Governance Rules

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

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

## 5.4 Advisory Committees

5.4.1 The Establishment of non-legislated Advisory Committees is often essential to ensure that the input from subject matter experts, community groups and other stakeholders is considered when Council is developing major strategies, plans, and/or policy that impact the greater Ararat Rural City community.

5.4.2 Advisory Committees cannot make decisions on behalf of Council

5.4.3 Advisory Committees will be established with their own individual Terms of Reference to guide the operations and functionality of those committees are in place to meet Council's expectations.

5.4.4 The Terms of Reference will outline how the Advisory committee is to be structured, what its functions are, how it will operate and report/make recommendations to Council.

# Governance Rules

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## **6 Conflict of Interest**

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

The disclosure of Conflicts of interest apply to Council meetings and meetings conducted under the auspices of Council that are not Council meeting. Meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.

These Governance Rules provided the following procedures for disclosures of conflicts of interest.

### **6.1 Obligations with regard to conflict of interest**

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

### **6.2 Councillors and members of delegated committees**

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

### **6.3 Procedures at a Council or Delegated Committee Meeting**

- 6.3.1 At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:
- a) The item for which they have a conflict of interest; and
  - b) Whether their conflict of interest is general or material; and
  - c) The circumstances that give rise to the conflict of interest.
- 6.3.2 Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- 6.3.3 A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

### **6.4 Procedure at other meetings organized, hosted or supported by Council**

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

# Governance Rules

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- 6.4.2 At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- 6.4.3 If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- 6.4.4 At the time of discussion of that item, the Councillor will leave the discussion and not communicate with any member of the meeting for the duration of the discussion.
- 6.4.5 The existence of a conflict of interest will be recorded in the register of Conflicts of Interest.
- 6.4.6 If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provide to the governance team for recording in the register of Conflicts of interest.
- 6.4.7 Th meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- 6.4.8 Meeting records and reports will be presented to Council for noting and inclusion of the public record.

## **6.5 Council Staff**

- 6.5.1 Must Act in accordance with the Staff Code of Conduct.
- 6.5.2 Must not exercise a delegation or make a decision on any matter where they have conflict of interest.
- 6.5.3 May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and discloser provisions at section 6.6 of and the Staff Code of Conduct.

## **6.6 Procedure for Disclosures of Conflicts of Interest by Council Staff**

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

# Governance Rules

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## 7 Use of Council Seal

Under section 14(1)(b) of the Local Government Act 2020, Council is required to have a common seal which acts like the signature of a Council. Affixing the seal demonstrates approval of the content of a document and shows what Council has done or agreed to do. However, not all documents created to implement decisions of Council require the affixing of a seal.

These rules outline the situation in which a seal is required and how the seal is to be used.

### 7.1 Custodian of Common Seal

7.1.1 The Chief Executive Officer is responsible for keeping the Common Seal in safe custody.

### 7.2 Requesting the signing and sealing of a document

7.2.1 Prior to submitting a document to the Chief Executive's Office for signing and sealing, a Document for Sealing Request form must be completed and approved by the relevant department Manager / Leader.

7.2.2 A copy of the Council resolution approving the use of the Council seal must be attached to the form. The form and the Council resolution must accompany the document being submitted to the Officer of the CEO for signing and sealing.

7.2.3 If the form has not been signed by the relevant Manager / Leader or the Council resolution is not attached, the documents must not be accepted for signing and sealing.

7.2.4 A contract or agreement must only be submitted for signing and sealing, once the document has been fully executed by the party / parties (unless the other party to the contract or agreement is either the State Government of Victoria, the Federal Government or another Local Government entity.)

### 7.3 Affixing the Common Seal

7.3.1 The seal of a Council must not be affixed to any document without the Council's approval granted either generally or specifically by resolution that the seal be so affixed.

Example

*That Council affix the Common Seal to the [description of document]*

Or

*The [document], shall come into force immediately upon the common seal of the Council is affixed to the [document]*

7.3.2 The affixing of the Seal to a document must be witnessed by signatures of a Councillor and the Chief Executive, except in the instance where the Seal is to be appended to the contract of employment for the Chief Executive. In this instance, a second Councillor will sign alongside the Mayor.



# Governance Rules

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7.3.3 Council's preferred sealing clause is as follows:

The COMMON SEAL of the )  
ARARAT RURAL CITY COUNCIL )  
Was affixed by authority of the )  
Council in the presence of: )

.....  
Councillor

.....  
Chief Executive Officer

.....  
Date

7.3.4 The Seal may be affixed to any of the following documents

- a) A contract of employment for the Chief Executive
- b) Council to staff delegations
- c) Agreements or contracts from state or federal government departments.
- d) Planning agreements (s. 173 & 174 of Planning & Environment Act 1987).
- e) Contract for sale or purchase of land.
- f) Contracts and tenders that have been endorsed by Council.
- g) Funding body/agreement.
- h) Any document that changes Council's legal position (e.g. significant contract variations).
- i) Significant financial agreement (e.g. borrowings, changes to overdraft facilities).
- j) Any other legal document Council is requested to affix the Seal to from time to time or where required by legislation or other legislative authorities.

## 7.4 Sealing Register

7.4.1 The Chief Executive Officer will ensure that a register of all users of the Common Seal is kept by Council. The register will contain a description of the document, the date the Seal was affixed and the date Council resolved to affix the Seal.

# Governance Rules

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## 8 Election Period Policy

### 8.1 Intent

In the lead up to an election, the Local Government sector adopts a caretaker period to avoid actions and decisions that may be interpreted as influencing voters or binding an incoming Council.

Specific provisions have been incorporated into the Local Government Act 2020 (the Act) that prohibit Council making some decisions, or publishing or distributing electoral matter in an “election period”.

The relevant provisions of the Act and definitions are detailed in the Attachment to this Policy.

### 8.2 Policy

Ararat Rural City Council is committed to the principle of fair and democratic elections and therefore adopts and endorses the following practices and legislative requirements.

The Election Period Policy has been developed in order to ensure that general elections for Ararat Rural City Council to be held on Saturday 26 October 2024 are conducted in a manner that is fair and equitable, and is publicly perceived as such.

#### 8.2.1 Election Period

8.2.1.1 The election period (or caretaker period) commences 12 noon (12.00pm) on Tuesday 17th September 2024 and continues until 6pm Saturday 26 October 2024, a period of 39 days.

8.2.1.2 During the election period the Council will be deemed to be in ‘election Caretaker mode’.

8.2.1.3 The Chief Executive Officer will ensure that all Councillors and employees are informed of the requirements of this policy.

#### 8.2.2 Decision Making

8.2.2.1 It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. The Council therefore commits to the principle that it will make every endeavour to avoid making decisions that inappropriately bind the incoming Council.

8.2.2.2 This includes a commitment to comply with the requirements of section 69 of the Act which prohibits specific Council decisions during an election period.

8.2.2.3 Council will not hold a scheduled Council Meetings during the election caretaker period.

8.2.2.4 Scope exists for Council to hold an unscheduled Council Meeting but only in the most urgent or extraordinary circumstances or statutory processes that may arise.

# Governance Rules

## 8.2.3 Prohibited Decisions

- 8.2.3.1 Council is prohibited from making any Council decision:
- a) During the election period for a general election that:
    - i. 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
    - ii. 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
    - iii. the Council considers could be reasonably deferred until the next Council is in place; or
    - iv. the Council considers should not be made during an election period; or
  - b) 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.

## 8.2.4 What is a Council Decision?

- 8.2.4.1 A Council decision means the following
- a) A resolution made at a Council meeting
  - b) Resolution made at a meeting of a delegated committee; or
  - c) The exercise of a power or the performance of a duty or function of Council by a member of Council staff (which includes the Chief Executive Officer) or a Community Asset Committee under delegation.

## 8.2.5 Misuse of Position

- 8.2.5.1 Councillors cannot use their current position to gain access to information or resources that would otherwise not be available. Councillors and candidates must be given equal access to support and information.
- 8.2.5.2 The penalty for Misuse of Position under Section 76D of the Local Government Act 1989 is 600 penalty units or imprisonment for 5 years or both.

## 8.3 Public Consultation

- 8.3.1 Public consultation means a process that involves inviting individuals, groups or organisations or the community generally to comment on an issue or proposed action or proposed policy, and which includes discussion of that matter with the public.
- 8.3.2 Public consultations are best to be avoided during the election period unless they are required under the *Planning and Environment Act 1987*, or section 223 of the *Local Government Act 1989*.
- 8.3.3 Consultations may be undertaken during the election period to facilitate the day-to-day business of Council, to ensure matters continue to be proactively managed.
- 8.3.4 Consultations will avoid any express or implied links to the election.
- 8.3.5 Consultations under statutory provisions should only proceed after express agreement by the Chief Executive Officer and then if it relates solely to the normal day-to-day business of Council.

# Governance Rules

## 8.4 Council Resources

- 8.4.1 It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. Council therefore commits to the principle that it will ensure that Council resources are not used inappropriately during a Council election.
- 8.4.2 Council will ensure that due propriety is observed in the use of all Council resources, and Council employees are required to exercise appropriate discretion in that regard. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice is to be sought from the Chief Executive Officer.
- 8.4.3 Council resources, including offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business during the election caretaker period, and shall not be used in connection with any electioneering activity.
- 8.4.4 Reimbursements of Councillors' out-of-pocket expenses during the election caretaker period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- 8.4.5 No Council events, logos, letterheads, or other Ararat Rural City Council branding should be used for, or linked in any way to, a candidate's election campaign.
- 8.4.6 The Chief Executive Officer or any employee should not be asked to undertake any tasks connected directly or indirectly with electioneering.
- 8.4.7 Photos or images taken by or provided by Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign. This applies equally to images on Council websites that may be able to be copied.
- 8.4.8 No election material or active campaigning is to be conducted at any Council sponsored events or be displayed in any Council building.
- 8.4.9 Allocations on budget for Councillors seminars/training and attendance at conferences are to be **allocated on a pro rata basis** between the commencement of the financial year and the election date, i.e. pro rata basis of 4 months out of 12-month period.
- 8.4.10 The Council will also ensure other Ararat Rural City resources are not used inappropriately in ways that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human and material resources. Council employees must adhere to the following:
- 8.4.10.1 Council employees will not undertake an activity that may affect voting in the election;
- 8.4.10.2 Council employees will not authorise, use or allocate a Council resource for any purpose that may influence voting in the election; and
- 8.4.10.3 Council employees who believe they are being placed in a compromising situation by a request from a Councillor should politely refer the Councillor to the Chief Executive Officer for clarification on their request.
- 8.4.11 Prior to the election period the Chief Executive Officer will ensure that all Council employees are advised regarding the application of the caretaker procedures.

# Governance Rules

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- 8.4.12 Any employee who considers that a particular use of Council resources may influence voting in an election or provide an undue advantage for a candidate should advise Chief Executive Officer before authorising, using or allocating the resource. The Chief Executive Officer will decide if the use of Council resources is appropriate or not.
- 8.4.13 In applying these principles, the Council understands that the following will be normal practice during election periods:
- 8.4.13.1 Public events will only be organised and run if it is totally unavoidable to conduct such events during the caretaker period and then only with the express permission of the Chief Executive Officer;
  - 8.4.13.2 Speeches for Councillors will only be prepared by Council officers in relation to events that are part of the normal services or operation of the Council and such speeches will not be circulated or available for publication;
  - 8.4.13.3 Media services, including media releases, will not be provided for Councillors during the election period;
  - 8.4.13.4 Media releases will not mention or quote any Councillor(s) during the caretaker period;
  - 8.4.13.5 Councillor Newsletters will not be printed by Council during the election period; and
  - 8.4.13.6 Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election.
- 8.4.14 Equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for campaigning purposes.
- 8.4.15 Where Councillors have Council funded services, such as mobile phones, land lines and internet connections, and where it is impractical for Councillors to discontinue their use of these during the election, Councillors will reimburse the Council for usage of those services during the caretaker period that exceeds normal usage levels.
- 8.4.16 Councillors may wish to consider the specific ways to administer this procedure. For instance, Councillors may decide to use a private mobile phone for all election enquiries and publicise such on election literature.

## 8.5 Information

- 8.5.1 The Council recognises that all election candidates have rights to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council officers that might be perceived to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the election caretaker period.
- 8.5.2 Information and briefing material prepared by employees for Councillors during the election caretaker period will relate only to factual matters or to existing Council services to assist Councillors in conducting normal day to day activities.

# Governance Rules

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- 8.5.3 An Information Request Register will be maintained by the Governance Unit commencing on the opening of nominations. This Register will be a public document (available for inspection) that records all requests for information of a non-election nature by all candidates, and the responses given to those requests.
- 8.5.4 Responses to candidates' requests will be provided by the Chief Executive Officer. Only information that can be reasonably accessed will be released.
- 8.5.5 Section 76D of the *Local Government Act 1989* prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in the role of Councillor, to gain an advantage.
- 8.5.6 Any Freedom of Information (Fol) applications lodged during the election period on matters such as expenses, costs etc. regarding current Councillors will be dealt with where possible outside of the election period (The Fol Act specifies a 30-day period in providing a response to a Fol application).

## 8.6 Communication

- 8.6.1 Council communication will not be used in any way that might influence the outcome of a Council election.
- 8.6.2 During the election caretaker period, no employee will initiate any public statement that relates to an election issue. Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.
- 8.6.3 Any requests for media advice or assistance from Councillors during the election period will be channeled through the Chief Executive Officer.
- 8.6.4 In response to media inquiries the Chief Executive Officer will only provide information that relates to current services and operations.
- 8.6.5 In the election period no media releases will be issued quoting or featuring the Mayor or Councillor(s).
- 8.6.6 During the election caretaker period, Council initiated communications shall be restricted to the communication of normal Council activities.
- 8.6.7 No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- 8.6.8 No publicity will be provided that involves specific Councillors.
- 8.6.9 Councillors should not use their position as an elected representative or their access to Council employees and other Council resources or information in support of an election campaign. This includes photos or images provided by Council for past Council activities.
- 8.6.10 Sessions with the local media will be restricted to the communication of normal Council activities and responding to questions not involving the election or possible election outcomes.
- 8.6.11 Publicity of Council events (if any during the election period) will be restricted to the communication of normal Council activities.

# Governance Rules

8.6.12 Councillor participation at Council sponsored events (if any during the election period) should not be used to gain attention in support of an election campaign. Council sponsored events includes launches, events, and any other public forum outside of the normal Council meeting cycle – the easiest way to deal with these is to simply not have them during this time period.

## 8.7 Council Publication

8.7.1 Council will limit printing, publishing and distributing publications during an election period. This is to ensure that Council does not utilise public funds that may influence or be seen to influence people's voting intentions.

8.7.2 Council must not print, publish or distribute a publication during the election period unless it has been authorised in writing by the Chief Executive Officer.

8.7.3 The Chief Executive Officer must not authorise a publication that contains electoral matter.

8.7.4 Electoral matter is any matter that is intended or likely to affect voting in an election.

8.7.5 The authorisation by the Chief Executive Officer must be in writing and cannot be delegated. Authorisation wording – over the Chief Executive Officers signature - should be as follows *“Authorised by the Chief Executive Officer in accordance with the Election Period Policy”*

8.7.6 The following documents are Council publications:

- Council newsletters
- Advertisements and notices e.g. job advertisements, public notices of contracts etc.
- Media releases
- Leaflets and brochures
- Mail-outs to multiple addresses

**All these publications will require authorisation by the Chief Executive Officer provided that the CEO is certain they do not contain electoral matter.**

8.7.7 This Policy also applies to the publication of material specified in this Policy published on Council's website.

8.7.8 The recommended practice – in line with State and Federal Governments – is where possible to avoid all publication activity during the election period except where it is essential for the conduct of Council operations.

8.7.9 A number of Council publications with references to either current Councillors or candidates, both on website and public display will be withdrawn from such display during an election period.

8.7.10 During the election period Council's website will not contain material which is precluded by this Policy or the statutory requirements relating to publications. Any references to the election will only relate to the election process.

8.7.11 Profiles of the current Mayor and Councillors will be removed from Council's website during the election period but retain their contact details for their day-to-day role as Councillor i.e. names, photos and mobile numbers.



# Governance Rules

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8.7.12 Any new material published on Council's web site during the election period that may be considered to be an advertisement, handbill, pamphlet or notice must also be subject to the certification process. Council agendas, minutes and the annual report are considered exempt from certification.

8.7.13 Council is required by the Act to produce an annual report, and the *Annual Report 2023/24* may be published during the election period. The *Annual Report* will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors but will fulfil its statutory obligations on reporting matters. It may also be required for the Annual Report to be the subject of a Council Meeting in October to confirm the completion of the Annual Report.

8.7.14 Social Media – any publication on social media sites such as Facebook or twitter which are auspice by Council will also require authorisation by the Chief Executive Officer. Similar requirements apply to Council blog sites.

8.7.15 Any matter that exists on Social Media pages that could be viewed as electoral matter will be removed including YouTube videos or photos of Councillors at publicity events, as is done with Councillor profiles on Council websites.

Social media activity during the caretaker period is to conform with the following:

- On all Facebook pages the “post comments’ from all” facility to be disabled.
- Facebook posts to be kept to minimum, normal day-to-day activities only.
- No launches or announcements of any new projects, policy initiatives, or programs.
- You Tube videos to be removed and suspended during the period.
- No matter is permitted that may be construed as electoral matter – sites should be reviewed to ensure there is none.
- No hosting or responding to political content at all is permitted.
- During this time ensure moderation of Twitter and Facebook sites.
- Keep Twitter updates to a minimum – normal day-to-day business only.

## 8.8 Assistance to Candidates

8.8.1 The Council affirms that all candidates for the Council election will be treated equally.

8.8.2 Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

8.8.3 All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer (for instance CEO Lists), to the Chief Executive Officer or a designated Council officer.

## 8.9 Caretaker Statement – Special Council Meeting Reports

8.9.1 As Council will not hold an ordinary Council Meeting this section only applies to reports for a Special Council Meeting, if such a meeting is called.

8.9.2 In order to facilitate compliance with its commitment to ensuring appropriate decision-making during elections, Council endorses the following procedure:

During the election period, the Chief Executive Officer will ensure that a “Caretaker Statement” is included in every report submitted to a Council meeting (if required) for a decision.



# Governance Rules

The “Caretaker Statement” will specify the following:

“The recommended decision is not a “Prohibited Decision”, as defined in section 69 of the Local Government Act 2020.”

During the caretaker period, the Council will not make a decision on any matter or report that does not include the Caretaker Statement

## 8.10 Disclaimer

This Policy has been written to provide a guide only for Council employees, Councillors and candidates and is not a substitute for legal advice. Individuals should seek their own independent advice if they are unsure about any aspect of the Act and associated regulations in relation to the election period.

## 8.11 Administration 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 document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State 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 by resolution of Council.

## 8.12 Terms / Definitions

| Term | Definition                |
|------|---------------------------|
| Act  | Local Government Act 2020 |
| Fol  | Freedom of Information    |

## 8.13 References

In accordance with the Local Government Act 2020 and the Local Government Act 1989 transitional arrangements, the following sections of the Local Government Act 1989 are currently still in force.

|   |  |
|---|--|
| <p><b>Section 76D</b></p> <p><i>Provision to be repealed on 24 October 2020</i></p> | <p><b>Misuse of Position</b></p> <p>1. A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position:</p> <ol style="list-style-type: none"> <li>a. to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or</li> <li>b. to cause, or attempt to cause, detriment to the Council or another person.</li> </ol> <p>Penalty: 600 penalty units or imprisonment for 5 years or both</p> <p>2. For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include:</p> <ol style="list-style-type: none"> <li>a. making improper use of information acquired as a result of the position he or she held or holds; or</li> <li>b. disclosing information that is confidential information within the meaning of section 77(2); or</li> <li>c. directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or</li> </ol> |
|---|--|

# Governance Rules

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>d. exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or</li> <li>e. using public funds or resources in a manner that is improper or unauthorised; or</li> <li>f. failing to disclose a conflict of interest as required under this Division.</li> </ul> <p>3. This section:</p> <ul style="list-style-type: none"> <li>a. has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of special committees; and</li> <li>b. does not prevent the institution of any criminal or civil proceedings in respect of that liability.</li> </ul> |
| <p><b>Section 95</b></p> <p><i>Provision to be repealed 1 July 2021</i></p> | <p><b>Conduct Principles</b></p> <p>Council staff must in the course of their employment:</p> <ul style="list-style-type: none"> <li>a. act impartially.</li> <li>b. act with integrity including avoiding real or apparent conflicts of interest.</li> <li>c. accept accountability for results; and</li> <li>d. provide responsive service.</li> </ul>  |
| <p><b>Section 223</b></p>   | <p><b>Right to make Submission</b></p> <p>Section 223 is not being repealed and has limited ongoing application.</p>  |

# Governance Rules

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## **Schedule 1: Content, Format and Order of Items**

The content, format and order of items on:

### **Council Meeting agendas will include:**

1. Live Streaming
2. Acknowledgement of Country
3. Opening of Meeting and Prayer
4. Present
5. Apologies
6. Confirmation of Minutes
7. Disclosure of Conflict of Interest
8. Public Question Time
9. Petitions
10. Deputations
11. Officers Reports
12. Notices of Motion
13. Urgent Business
14. Confidential Reports
15. Meeting Closure

### **Unscheduled Meeting agendas will include:**

1. Opening
2. Prayer
3. Acknowledge of Country
4. Present
5. Apologies
6. Declaration of Conflict of Interest
7. Council Report (as advertised)
8. Closure

### **Delegated Committee Meeting agenda**

Will include matter that are in accordance with and directly relevant to the Committees Instrument of Delegation.

# Governance Rules

## Schedule 2: Procedural Motions

| Procedural Motion                              | Form   | Mover & Seconder  | When Motion Prohibited  | Effect if Carried   | Effect if Lost              | Debate Permitted on Motion |
|--|--|---|---|---|-----------------------------|----------------------------|
| 1. Adjournment of debate to later hour/or date | That this matter be adjourned to *am / pm          | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | a) During the election of a Chairperson<br>b) When another Councillor is speaking   | Motion and amendment it postponed to the started time and/or date   | Debate continues unaffected | Yes                        |
| 2. Adjournment of debate indefinitely          | That this matter be adjourned until further notice | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | a) During the election of a Chairperson<br>b) When another Councillor is speaking<br>c) When the matter is one in respect of which a call of the Council has been made for that section 85 of the Act; or<br>d) When 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                        |
| 3. The Closure                                 | That the motion be now put                         | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | a) During nominations for Chairperson   | 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 his or her right to ask any question concerning or airing out of the motion | Debate continues unaffected | No                         |



# Governance Rules

| Procedural Motion               | Form                               | Mover & Seconder  | When Motion Prohibited  | Effect if Carried   | Effect if Lost  | Debate Permitted on Motion |
|---------------------------------|------------------------------------|---|---|---|---|----------------------------|
| 4. Laying question on the table | That the question lie on the table | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | <ul style="list-style-type: none"> <li>a) During the election of a Chairperson</li> <li>b) During a meeting which is a call of the Council has been made for that meeting in accordance with section 85 of the Act; or</li> <li>c) When the motion would have the effect of causing Council to be in breach of a legislative requirement</li> </ul>   | <p>Motion and amendment is not further discussed or voted on until</p> <ul style="list-style-type: none"> <li>a) Council resolves to take the question from the table at the same meeting; or</li> <li>b) The matter is placed on a subsequent agenda and Council resolves to take the question from the table</li> </ul> | Debate continues unaffected   | No                         |
| 5. Previous question            | That the question be not now put   | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | <ul style="list-style-type: none"> <li>a) During the election of a Chairperson</li> <li>b) When another Councillor is speaking</li> <li>c) When the matter is one in respect of which a call of the Council has been made for the meeting in accordance with section 85 of the Act</li> <li>d) When an amendment is before Council; or</li> <li>e) When a motion would have the effect of causing Council to be in breach of a legislative requirement</li> </ul> | <ul style="list-style-type: none"> <li>a) No vote or further discussion on the motion until it is placed on a subsequent agenda for a later meeting; and</li> <li>b) Proceed to next business</li> </ul>  | Motion (as amended up to that time) put immediately without further amendment or debate | Yes                        |



# Governance Rules

| Procedural Motion              | Form   | Mover & Seconder  | When Motion Prohibited  | Effect if Carried   | Effect if Lost             | Debate Permitted on Motion |
|--------------------------------|--|---|---|---|----------------------------|----------------------------|
| 6. Proceeding to next business | <p>That the meeting proceed to the next business</p> <p>Note: This motion:</p> <p>a) may not be amended;</p> <p>b) may not be debated; and</p> <p>c) must be put to the vote as soon as seconded</p> | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | <p>a) During the election of a Chairperson;</p> <p>b) When another Councillor is speaking</p> <p>c) When the matter is one in respect of which a call of the Council has been made in accordance with section 88 of the Act; or</p> <p>d) When a motion would have the effect of causing Council to be in breach of a legislative requirement</p> | <p>If carried in respect of:</p> <p>a) An amendment Council considers the motion without reference to the amendment;</p> <p>b) A motion – no vote or further discussion on the motion until it is placed on an agenda for a later meeting</p> | Debate continue unaffected | No                         |

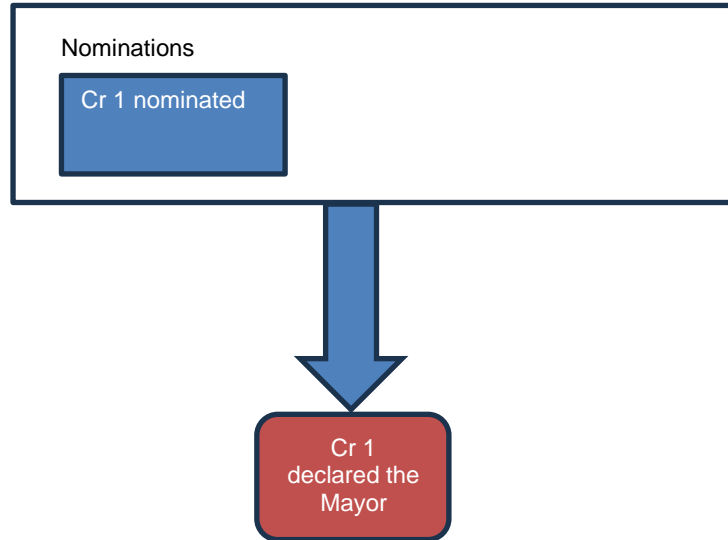
# Governance Rules

## Schedule 3 – Appendix to Mayor and Deputy Mayor Election Procedure

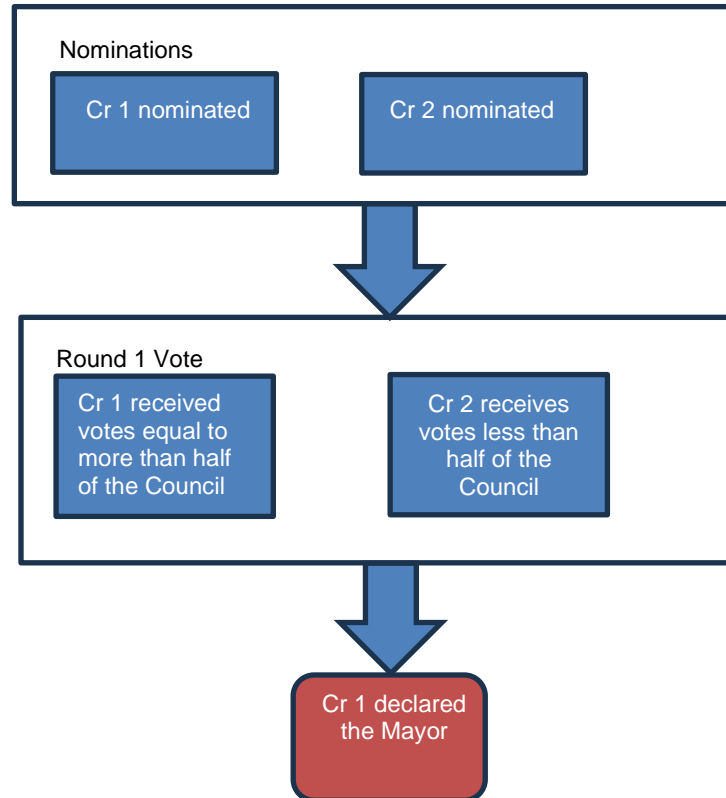
| If 1 Nomination received  | If 2 Nominations received   | If 3 Nominations received  | If 4 Nominations received:   |
|---|---|--|--|
| <p>Cr # nominates Cr #<br/>           Cr # do you accept the nomination<br/>           With an absolute majority and no other candidates, I declare Cr # as elected Mayor for the XX/XX year.</p> | <p>Cr # nominates Cr #<br/>           Cr # do you accept the nomination<br/>           Cr # nominates Cr #<br/>           Cr # do you accept the nomination<br/>           Councillors, I will put each nomination to the vote<br/>           Cr 1;<br/>           Cr 2;<br/>           With an absolute majority, I declare Cr # as elected Mayor for the XX/XX year</p> | <p>Cr # nominates Cr #<br/>           Cr # do you accept the nomination<br/>           Cr # nominates Cr #<br/>           Cr # do you accept the nomination<br/>           Cr # nominates Cr #<br/>           Cr # do you accept the nomination<br/>           Councillors, I will put each nomination to the vote<br/>           Cr 1;<br/>           Cr 2;<br/>           Cr 3;<br/>           With an absolute majority, I declare Cr # as elected Mayor for the XX/XX year</p> <p><b>If no Clear Majority exists</b></p> <ul style="list-style-type: none"> <li>The Councillor with the fewest number of Votes will be eliminated for the next Vote</li> </ul> <p><b>Or</b></p> <ul style="list-style-type: none"> <li>We have a 2 candidates each with 2 votes, a defeated candidate will be decided via a ballot conducted by the CEO</li> </ul> <p>Now only 2 candidates: Cr 1 &amp; Cr 2<br/>           Councillors, I will put each nomination to the vote<br/>           Cr 1:<br/>           Cr 2:<br/>           With an absolute majority, I declare Cr # as elected Mayor for the XX/XX year.</p> <p><b>In no Clear Majority exists</b><br/>           We have 2 candidates with 3 votes. Councillors as an absolute majority cannot be obtained, I will seek the meeting to resolve to conduct a new election at a meeting to be held at 6pm with the date resolved at the Statutory meeting.</p> | <p>Cr # nominates Cr #<br/>           Cr # do you accept the nomination<br/>           Cr # nominates Cr #<br/>           Cr # do you accept the nomination<br/>           Cr # nominates Cr #<br/>           Cr # do you accept the nomination<br/>           Cr # nominates Cr #<br/>           Cr # do you accept the nomination<br/>           Councillors, I will put each nomination to the vote<br/>           Cr 1:<br/>           Cr 2:<br/>           Cr 3:<br/>           Cr 4:<br/>           With an absolute majority, I declare Cr # as elected Mayor for the XX/XX year.</p> <p><b>If no Clear Majority exist</b></p> <ul style="list-style-type: none"> <li>The Councillor with the fewest number of Votes will be eliminated from the next Vote.</li> <li>We have 2 candidates each with 1 votes, a defeated candidate will be decided via a lot conducted by the CEO</li> <li>Then back to 3 nominations.</li> </ul> <p>With an absolute majority, I declare Cr # as elected Mayor for the XX/XX year.</p> <p><b>In no Clear Majority exists</b><br/>           We have 2 candidates with 3 votes. Councillors as an absolute majority cannot be obtained, I will seek the meeting to resolve to conduct a new election at a meeting to be held at 6pm with the date resolved at the Statutory meeting.</p> |

# Governance Rules

## Scenario 1 – Single Candidate



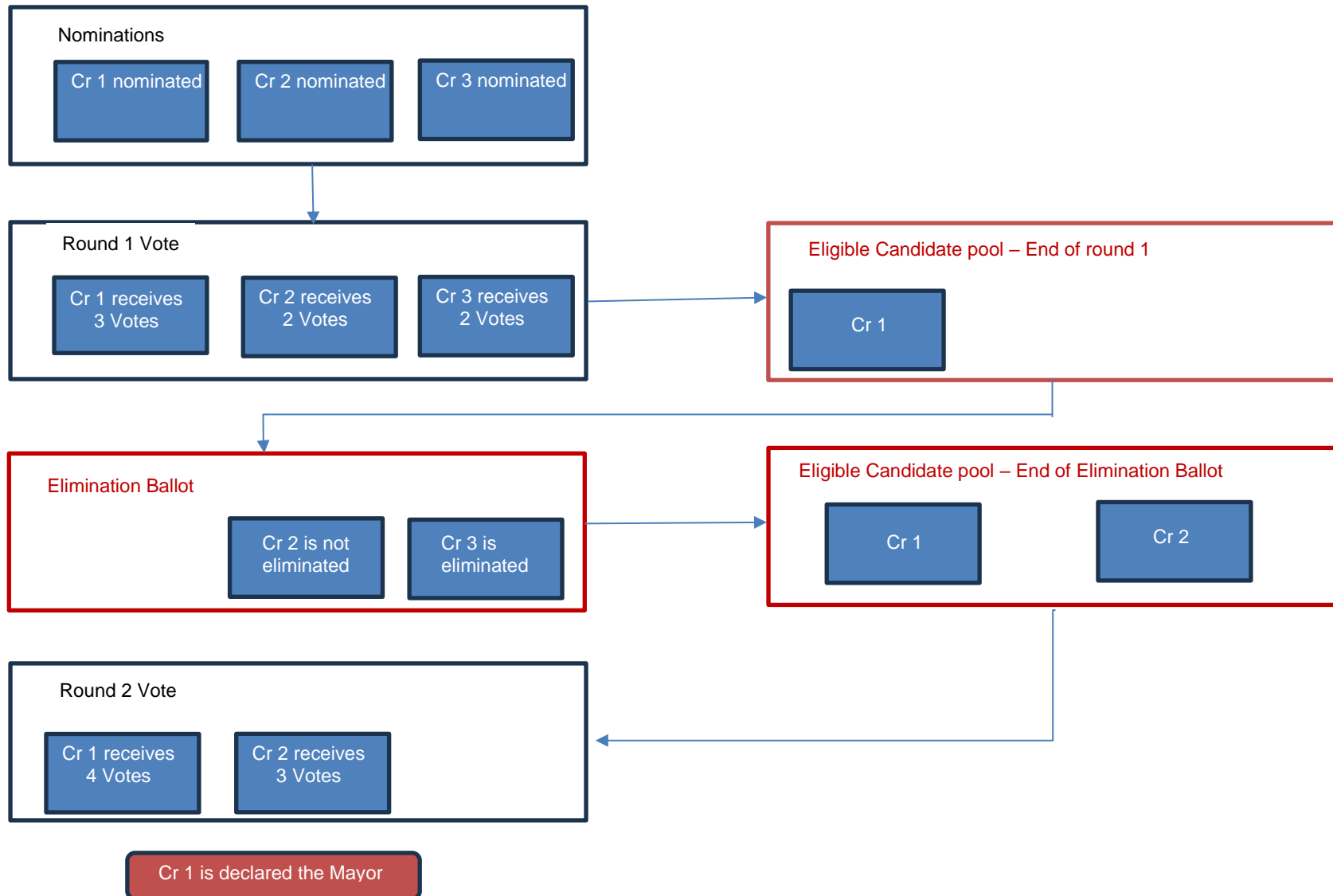
## Scenario 2 – Two Candidates





# Governance Rules

Scenario 3 – Three (or more) Candidates – Two with equal lowest Votes



# Governance Rules

Scenario 4 – Four (or more) Candidates – More than two with equal lowest votes

