Submissions received on the draft Governance Rules

Number	Community Submission with Officer Response provided in italics
Submitter 1	I do not agree with the proposed Governance rules, I vote against as a resident and member of the Bass Coast Ratepayers Association. I joined to have my say in how our rates are spent in our Ward. I also disagree that absentee councillors are given the opportunity to vote on the day, as 3 councillors were absent on the 20th April meeting, throwing the vote into disarray. *Absentee voting is not allowed under the Local Government Act 2020. Where a quorum is achieved and there are an even number of votes for and against a motion, the Chair has a casting vote. This is what occurred at the 20 April 2022 Council meeting.*
Submitter 2	I am strongly opposed to the proposed change to the Governance Rules concerning Public Question Time. Surely it is a basic right of all residents to be heard by the people who elected them. Question Time should be open & transparent & available to all residents of the Shire. *Public Question Time will be retained as "must" be held at a Council Meeting in the draft Governance Rules.*
Submitter 3	I strongly object to the Draft Proposals as presented and being recommended by Council. The decisions made by this Council are completely contrary to the concept of Democracy. The only two current Councillors with any integrity are Bauer and Halstead. Should the Council continue with these plans, against community consultation, which 4 weeks in which to have community involvement is ridiculous considering that most consultations are ten weeks. The erosion of democracy is evident. By removal of Council transparency, one wonders WHY? What do they wish us not to see, hear or know about. Clearly a forensic audit is inevitable. *The draft Governance Rules were available for review for a period of five weeks from the time of release of the April 2022 Council agenda.*
Submitter 4	The phrase 'his or her' is used throughout this document. In the interest of gender neutrality and simpler English those words should be replaced with 'their' eg 'raise his or her hand' would become 'raise their hand'? *All gendered language has been removed from the draft Governance Rules.* During a meeting, once a motion is seconded the Chairperson should be mandated to ask 'Is there anyone who wants to speak against the motion?' and if there is none, the motion should be put to a vote to avoid pointless grandstanding by Councillors who patently agree with the motion. *Councillors often celebrate an achievement, highlight opportunities or good results when there is full support for an item. Only allowing Councillors to speak when there is opposition to a motion would create a very negative Council meeting environment.*

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	Questions from the public should not be part of the meeting. There is ample opportunity for the public to have questions answered without the need for this ritualistically arcane process. A simple email, forwarded to the appropriate officer at any time, with a timely response would the remove the platform that Council provides for self serving, self aggrandizing, self appointed stalwarts of governatorial rectitude and electorally focused destabilization of Council. It would also remove the monthly batching effect. *Public Question Time will be retained as "must" be held at a Council Meeting in the draft Governance Rules. The Governance Rules provide flexibility for the Chair to determine whether questions will be taken on notice or read out at the Council meeting.*
Submitter 5 – Bass Coast Residents and Ratepayers Association	BCRRA opposes the proposed change and requests that clause 9.2 be changed so as to read as follows; Meetings will be conducted electronically providing a livestream is available through Council's website, where legislation allows. *Changing this clause as requested would remove the public gallery. As drafted, the Governance Rules provide for electronic attendance of Councillors and livestream of the Council meeting, where legislation allows.* Clause 20.1 - BCRRA opposes this new clause and requests that it be struck out entirely *Draft clause 20.1 allows the CEO, in consultation with the Mayor, to change the order of the agenda prior to the commencement of the Council Meeting. This provides flexibility to respond to matters arising more efficiently such as conflicts of interest.* BCRRA opposes the proposed change and requests that clause 20.3.1 be changed so as to read as follows; A final notice of motion must be in writing signed above the Officers comments by a Councillor and be lodged with or sent to the Chief Executive Officer by 5pm 5 working days prior to the Council meeting agenda being published. *Officers note that there is no clause 20.3.1 in the draft Governance Rules and have provided a response on the basis that BCRRA are referring to clause 23.1 which relates to Notice of Motion. Officer comments cannot be provided until the final Notice of Motion has been submitted to the CEO. Submission 5 working days prior to publication of the Council agenda does not allow all Councillors the opportunity to review the NoM within the draft agenda.* Clause 23.8 - BCRRA opposes this new clause and requests that it be struck out entirely *Officers do not recommend this requested change. Repeated re-submission of lost motions is an inefficient use of resources. A period of delay allows for generation of further information or reflection.* Clause 54.1 - BCRRA opposes this new clause and requests that it be changed so as to read as follows;

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	Public question time must be held at each Council meeting fixed under Rule 9 to enable members of the public to submit questions to Council. *This change has been made. Public Question Time will be retained as "must" be held at a Council Meeting.* Clause 54.2 - BCRRA opposes this new clause and requests that it be struck out entirely *This change has been made and the clause has been removed.* Clause 54.6 - BCRRA opposes this new clause and requests that it changed so as to read as follows; The Chair or a member of Council staff nominated by the Chair must at the meeting read all public questions and Councils response to each public question submitted in accordance with the governance rules. *Officers do not recommend this requested change. This clause allows for questions to be taken on notice if a longer response is required to be prepared to answer the question.* Clause 54.8 - BCRRA opposes this new clause and requests that it changed so as to read as follows; Other than any question which the Chair deems to pose a risk to the safety of persons or property, all question which are disallowed by the Chair will be read at the meeting and recorded in the minutes. *This change is not recommended. If a question has been disallowed it does not meet the standard for being read out at a Council meeting.* Public question time - BCRRA requests that a new clause be inserted, and it read as follows; Where a question is disallowed by the Chair, the Chair will advise the meeting as to nominated rule by which the question is disallowed and the Chair will provide substantive explanation to the meeting as to why the Chair believes the question is in breach of the nominated rule. *Officers do not recommend the requested change. A question which has been disallowed should not be referenced during a Council meeting. The submitter is advised under which provision their question has been disallowed.* Clause 54.1 - BCRRA requests that this clause be amended to read as follows; All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors or by the questioner if present in the public gallery for the purposes of clarification. *Officers do not recommend the requested change. Only Councillors can participate in Council meetings, including asking questions for the purpose of clarification.* Clause 54.11 - BCRRA requests that this clause be changed to read as follows; Questions must be limited to 100 words inclusive of any preamble and additional information.

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	Officers do not recommend the requested change. Clause 54.13 - BCRRA requests that this clause be changed to read as follows; The Chair must nominate a Councillor or the Chief Executive Officer to respond to a question. *Officers do not recommend the requested change. This removes the flexibility for the Chair to respond to a question.* Clause 54.14 - BCRRA requests that this clause be changed to read as follows; A Councillor or the Chief Executive Officer may require a question to be put on notice. A question will only be put on notice in exceptional circumstances. The Chair will provide substantive explanation to the meeting as to why a question is put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question and the question and answer will be recorded in the minutes of the next Ordinary Council meeting. *Officers do not recommend the requested change. As drafted, Council already provides a written copy of the response to the submitter. Questions and responses submitted in line with the Governance Rules, including questions taken on notice, are published in the Council minutes.* Clause 54.15 - BCRRA requests that this clause be changed to read as follows; A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer must provide substantive explanation to the meeting why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given. *Change not required. Section 3(1) of the* Local Government Act 2020 *sets out the definitions of confidential information. Council can only consider matters in closed Council that meet those definitions. In order to make the response in a meeting closed to members of the public Council is already required to state which of the clauses the information relates to.*
Submitter 6	As I am sure you are aware, members of the Bass Coast Residence Association have been asked to write to you about some specific issues. It is not my intention to follow this request specifically, but wish to remind you as to why the BCRRA was formed in the first place. Several years ago, we had a group of councilors who either failed to consult on important issues, or totally ignored the consultations that did take place. For example, the infamous effective banning of dogs on Inverloch beaches took place after councilors received a report telling them a large survey of the local population confirmed approximately 96% of dog owners preferred walking on the beach. There was no call for any further dog restrictions on beaches. The current dog's breakfast of signage on

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	Inverloch beaches was the direct result of councilors trashing the results of extensive and expensive consultation. Despite claims to the contrary, the same councilors agreed not to consult with the public on the details of the proposed waste management services (it was in their own report). I could go on. Sadly, many of us lost confidence in local government processes at that time. This will take many years to rebuild. In the meantime we will support any organization that might help hold future councilors to account. Whilst I do not have strong feelings about the usefulness of question time, I do expect questions/comments from the President of the BCRRA to be dealt with by someone with appropriate seniority within council. I trust you will give the office of President of BCRRA with the respect it deserves. *No changes to the draft Governance Rules required.*
Submitter 7	Dear Councillors, Question time at council meetings is a great opportunity for residents to put a question and watch/hear the response from the elected councillors over a matter that is of concern to them. If this comes to an end you will alienate many that use this forum as a way to communicate with the council, and I am sure that you would not want that. I am a resident that is a paid member of the BCRRA and I believe that this is an absolute essential group that informs residents of issues. Some of the council staff and I guess some councillors have an issue with the unpaid President of this group. Yes he may be a bit outspoken, providing he is not acting in an aggressive manner he should be heard. You cannot be dismissive of him because "you don't like him" or what he says. *No change to Governance Rules required.*
Submitter 8	I request public Community Question Time must be a standard part of all Ordinary Council meetings, Special Council meetings and Community Connect meetings. *This change has been made. Public Question Time will be retained as "must" be held at a Council Meeting. Officers note that under the Local Government Act 2020 there are no Special Council meetings. Community Connection sessions are not subject to the Governance Rules.* I request all public Community Question Time questions must be read out by the Mayor, the head of council at all Ordinary Council meetings, Special Council meetings and Community Connect meetings. *Officers do not recommend this change. It is considered the CEO's role to read and respond to questions asked of Council operations and decisions. Officers note that under the Local Government Act 2020 there are no Special Council meetings. Community Connection sessions are not subject to the Governance Rules. Response to be finalised following Councillor Workshop.*

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	I request all public Community Questions received by council must be provided to all Councillors with there answers one working day prior to an Ordinary Council meeting, Special Council meeting and Community Connect meetings. *No change required. This practice already occurs.* I request all public Community Questions must be recorded in the minutes of the meeting with there answers. *No change required. This practice already occurs for questions submitted in line with the Governance Rules. Questions which have been disallowed cannot be read out or recorded in the minutes.* I request the number of public Community Questions must be a total of no more than 4 questions with 70 words to each question per pesos and must be submitted to the Mayor no later than 48 hours prior to the declared start time of an Ordinary Council meeting, Special Council meeting and Community Connect meeting. *Officers do not recommend an increase to 4 questions per person or an increase in the word limit, this would have a considerable impact on the length of the meeting.* I request the Mayor, Deputy Mayor and Councillors to seek clarification to any answer to a single question provided to the meeting after the answer is provided to the meeting or in the minutes of the meeting. *No change required. Councillors are already able to seek clarification if required.* I request the Mayor and Deputy Mayor determine an answer to a single question is not to be provided during an Ordinary Council meeting, Special Council meeting and Community Connect meeting if the question is personal or abusive or inflammatory. If a ruling is determined then the Mayor must state to the meeting the reason for excluding the answer to the single question to the meeting. *Clause 54.6 sets out the reasons why a question may be disallowed. It is inappropriate for questions which have been disallowed to be referenced in the Council meeting. The submitter is provided with advice on which clause their question has breached.* I request public Community Question Time agenda item period to be after all agenda items requiring a decision of Councillors at an Ordinary Council meeting, Special Council meeting and Community Connect meeting. *No change required. The CEO, in consultation with the Mayor, sets the order of the agenda for the Council meeting.*

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Submitter 9 – Island Voice	Determining election of the Mayor – requested change to wording as follows: "Candidate with the majority is declared to the position." *Council must use "absolute majority" as set out in the Local Government Act. The means that the outcome cannot be influenced by a casting vote.* Notices of motion requested change – A motion that is lost cannot come before Council again for two months in line with a recission motion. *The requested change is now inconsistent with the recission motion clause and is not recommended.* Change to deadline for submission of a finalised notice of motion to 5pm 5 days prior to the Council meeting agenda being published. *Officers do not recommend this change. Submission 5 working days prior to publication of the Council agenda does not allow all Councillors the opportunity to review the NoM within the draft agenda.* Public question time: 54.1 Public question time **MUST** be held at each *Council meeting* fixed under Rule 9 to enable members of the public to submit questions to *Council*. *This change has been made. Public Question Time will be retained as "must" be held at a Council Meeting.* 54.4.2 be lodged **ELECTRONICALLY OR IN PERSON BY 8 AM AT THE Bass Coast Civic Centre ON THE DAY OF** the *Council meeting.* *Officers do not recommend this change. This would make it difficult for an answer to be provided in time for the Council meeting and would likely result in more questions being taken on notice.* *54.6* The *Chair* or a member of Council staff nominated by the *Chair* may read a question and response at the meeting which has been submitted in accordance with this Rule. Not all questions are required to be read at the meeting. **THOSE OF SIMILAR TOPICS TO BE TREATED AS A BLOCK.** *No change required. This is provided for in Clause 54.12.* **54.9** Any question which has been disallowed by the *Chair* must be made available to any other Councillor **OR MEMBER** upon request. *Officers believe that the submitter is referring to a community member. Officers do not recommend this change. Questions which do not meet the standards of the Governance Rules should not be circulated.*

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	54.11 Questions must be limited to **80** words inclusive of any preamble and additional information. *Officers do not recommend an increase to 4 questions per person or an increase in the word limit, this would have a considerable impact on the length of the meeting.* 54.13 The *Chair* may nominate a Councillor or **COUNCIL OFFICERS INCLUDING THE** *Chief Executive* Officer to respond to a question. *Officers support this suggested change.* 54.14 **QUESTION TIME IS LIMITED TO NOT MORE THAN 30 MINUTES, IF IT APPEARS LIKELY THAT THIS TIME IS TO BE EXCEEDED THEN A RESOLUTION FROM COUNCIL WILL BE REQUIRED TO EXTEND THAT TIME.** *Clause 54.14 in the draft Governance Rules does not relate to time limits. Officers have treated this as a request for an additional clause. This clause is not required as there is currently no time limit on public question time. Adding the need for a motion is an unnecessary step.* 54.15 A Councillor or the *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, a *written* copy of the answer will be sent to the person who asked the question **WITHIN 10 BUSINESS DAYS.** *Responses to questions taken on notice are currently provided in the meeting minutes, two working days after the Council meeting.* Clause 59 – Casting Vote. HOWEVER, IF MORE THAN TWO COUNCILLORS ARE ABSENT FROM THE MEETING, THE SUBJECT IS TO BE HELD OVER UNTIL THE NEXT COUNCIL MEETING. *This request contradicts the Local Government Act 2020 which sets out quorum numbers and the right for the Chairs casting vote. Requiring decisions to only be made when 8 or more Councillors are in attendance would also significantly delay Council operations.* Chapter 6 – Miscellaneous. Request addition "c. MAKE ANY MINUTES AVAILBLE TO THE COMMUNITY UPON REQUEST unless the meeting was held 'in camera'." *This already occurs. Records of Informal Meetings of Council are currently published in the Council agenda each month in the Statutory Reports section.* Another area that could be looked at is introducing a Public Presentation time slot for a max of 30min before Public Question time as Whitehorse Council have in their Governance Rules.

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	Officers do not support this request. There are already a variety of ways that community members and groups can engage with Council.
Submitter 10	Items 54.1 and 54.2 which replace previous convention that Public Question Time be held to respond to public questioning directed at Council Administrators during Council Meetings , are a barrier to communication and insight among Residents and Ratepayer regarding the performance and priorities of the Council. Also, items 54.1 and 54.2 which give the Mayor in consultation with the CEO authority to withhold Public Question Time is unnecessary considering the safeguards referred to in 54.7 (1-9) in regard to acceptable conduct and/ or responsibilities. *This change has been made. Public Question Time will be retained as "must" be held at a Council Meeting.*
Submitter 11	Thank you for giving me the opportunity to provide my requests to council for consideration. It is concerning to me that I was not informed of this review by council. It was word of mouth that I learnt of this review earlier this week. That being, it is concerning some 12,000 other rate payers who live outside the shire would not have been informed. My requests are:- 1. All chapters must have review periods included. *It is unnecessary for each chapter to have a review section. The Election Period Policy has a legislated review timeframe and a review clause will be included in the updated draft.* 2. Community Question Time must be a continuing agenda item at Ordinary and Special Council meetings *This change has been made. Public Question Time will be retained as "must" be held at a Council Meeting. Officers note there are no Special Council meetings in accordance with the Local Government Act 2020.* 3. The number of questions allowed for Community Question Time is to be 3, containing 75 words or less per each question. *Officers do not recommend an increase to 3 questions per person or an increase in the word limit, this would have a considerable impact on the length of the meeting.* 4. The Election Period Policy must not include rules for Federal or State government elections. This policy to state the connection link to the legislation of the Victorian Electoral Commission and Section. *Requested change not supported. It is good practice for Council to have guidelines for Councillors standing as candidates in State or Federal elections.* 5. Each chapter to include direct links to each section of the Local Government Act 2020. *Change not supported. It is unnecessary for links to the Local Government Act to be included.* 6. The chapter listing rules to Community Question Time to be made a new separate chapter.

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	Change not supported. If Public Question Time is to remain a part of Council meetings, the clauses governing public question time need to be includes in Chapter 2 – Meeting Procedure for Council Meetings. 7. A Mayoral robe (light weight) to be made available for robing after a new Mayor is elected, to be worn to council meetings and official functions the Mayor attends. This will show Mayoral status. *This requested is not supported. The Mayor is introduced at official events and wears a name tag identifying them as the Mayor.* 8. A Mayoral oath be determined through a community engagement process, to be read out by the Mayor at the time of being elected as a New Mayor. *Development of a Mayoral Oath is not supported. The Oath of Office is prescribed by the State Government and the role of the Mayor set out in the Local Government Act 2020.* 9. The period Notices of Motions are to be presented to the CEO is to be no less than 5 working days and that the councillor providing the Notice of Motion must sign above the councils comments. *Officer comments cannot be provided until the final Notice of Motion has been submitted to the CEO. Submission 5 working days prior to publication of the Council agenda does not allow all Councillors the opportunity to review the NoM within the draft agenda.* 10. All councillors must send all communications directly to the CEO who will determine which department of council will provide a response back to the CEO who will forward a CEO response back to councillors. *The Governance Rules do not cover Councillor communication protocols. Existing processes are in place to effectively manage Councillor communication and requests.*
One individual made five (5) separate submissions on the draft Governance Rules. These have all been collated and addressed as the one submission (following).	
Submitter 12	I request public Community Question Time MUST be a standard part of all Ordinary Council meetings, Special Council meetings and Community Connect meetings. *Officers note that under the Local Government Act 2020 there are no Special Council meetings. Community Connection sessions are not subject to the Governance Rules. This change has been made. Public Question Time will be retained as "must" be held at a Council Meeting.* I request all public Community Question Time questions MUST be read out by the mayor the head of council at all Ordinary Council meetings, Special Council meetings and Community Connect meetings. *Officers do not recommend this change. It is considered the CEO's role to read and respond to questions asked of Council operations and decisions. Officers note that under the Local Government Act 2020 there are no Special Council meetings. Community Connection sessions are not subject to the Governance Rules. Response to be finalised following Councillor Workshop.*

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	I request all public Community Questions received by council MUST be provided to all councillors with there [sic] answers one working day prior to an Ordinary Council meeting, Special Council meeting and Community Connect meetings. *No change required. This practice already occurs.* I request all public Community Questions MUST be recorded in the minutes of the meeting with there [sic] answers. *No change required. This practice already occurs for questions submitted in line with the Governance Rules. Questions which have been disallowed cannot be read out or recorded in the minutes.* I request the number of public Community Questions allowed MUST be a total of 4 questions with 70 words to each question and MUST be submitted to council no later than 48 hours prior to the declared start of an Ordinary Council meeting, Special Council meeting and Community Connect meeting. *Officers do not recommend an increase to 4 questions per person or an increase in the word limit, this would have a considerable impact on the length of the meeting.* I request the Mayor, Deputy Mayor and elected councillors to seek clarification to an answer provide after the answer is provided to the meeting or in the minutes of the meeting. *No change required. Councillors are already able to seek clarification if required.* I request the Mayor and Deputy Mayor determine an answer to a question is not to be provided during an Ordinary Council meeting, Special Council meeting and Community Connect meetings if the question is personal or abusive. If a ruling is determined then the Mayor MUST state to the meeting the reason for excluding the answer at the meeting. *Clause 54.6 sets out the reasons why a question may be disallowed. It is inappropriate for questions which have been disallowed to be referenced in the Council meeting. The submitter is provided with advice on which clause their question has breached.* I request public Community Question Time agenda period to be after all agenda items requiring a decision of councillors at the meeting. *No change required. The CEO, in consultation with the Mayor, sets the order of the agenda for the Council meeting.* Policy means Governance Policy. *The document is titled* Governance Rules *and the definition is already included under Clause 4 – Definitions.*

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	I request the policy include review periods for each chapter. *A separate review clause is only required for the Election Period Policy. A general review clause will be include that covers the rest of the Governance Rules.* The review period for the Election Period Policy must be undertaken when the Victorian Electoral Commission State Government legislation is reviewed and becomes law no less than 12 months prior to a Council election. *Council is required to review its Election Period Policy no later than 12 months prior to a general election.* I request an electronic direct link to the Victorian Electoral Commission legislation be included in the Introduction section on page one. *Not required.* The review period for all other Chapters must be no later than 12 months after a Council election. *A general review clause will be included to cover all sections of the Governance Rules.* I request the wording under the Nature of Rules to include section 69. An electronic direct link to the Local Government Act 2020 to be added. *Not required.* I request the final policy to be modelled in its structure of the Governance Policies of the City of Casey, Yarra Ranges, Whitehorse City Council, Swan Hill Rural City Council and the Latrobe Council. Divisions, Chapter and Contents. *Council's Governance Rules already follow the same basic structure as those of the named Councils. Outside of legislative requirements, each Council adjusts their Governance Rules to reflect the needs of their individual Council and community.* I request the Contents shown in the Introduction section page one show page numbers. *Page numbers are included in the contents page. The section referred to by the submitter is an outline of the chapters included in the Governance Rules.* I request in the Definitions section to add – Deputy Mayor means the Deputy Mayor of Council. *This request has been included.*

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	I request in the Introduction on page one include a new topic number 5 Statement. Bass Coast Shire Council will always determine Governance Policy rules to a higher standard to that set out in the Act. Not required. Outside of legislative requirements Council sets its own requirements for the Governance Rules. I request a new Chapter or Division be included to page one – Councillor meeting proxy vote. *Not required. Proxy voting is not allowed under the Local Government Act 2020.* Requested wording changes identified in **bold** type. **1.** Context *These Rules* **MUST** be read in the context of and in conjunction with: (a) the overarching governance principles specified in section 9(2) of the *Act*; and (b) the following documents adopted or approved by *Council*: • Community Engagement Policy • **Communication and Engagement Strategy** • Councillor Code of Conduct • Public Transparency Policy • **Media Engagement Policy** • **Social Media Policy** *Requested changes not recommended. The Policies listed in the draft Governance Rules are those that Council are mandated to have. Council has a suite of other Policy documents that are subject to change.* **2. Decision Making** (a) In any matter in which a decision must be made by ***the Mayor with advise [sic]from the Chief Executive Officer*** (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision: *Requested change not possible under Local Government Act 2020. The Mayor is unable to make a decision on behalf of Council. A decision can only be made by the Council or by an officer with delegated authority from the Council.* (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial**. and by the exclusion of any donation and gift (Local Government Act 2020 sections 137 and 138 of Division 4; and** *Requested change not supported. This is effectively covered in (ii) below.* (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations

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	(b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate **in a manner to express** their views and have their interests considered). *Requested change not supported. Additional words add no value.* I request Chapter 6 of the Governance Policy Rules state the Local Government Act 2020 with a direct electronic link to the Act and state the meaning of Confidential Information of the Local Government Act 2020 and Section 125 and 66. *Not required. Reproducing sections of the Local Government Act 2020 is inefficient and would make the document more difficult to navigate.* I request the Chief Executive Officer MUST ensure that minutes of matters discussed at an Informal meeting of Councillors. *No change required. This already occurs. Records of Informal Meetings of Council are currently published in the Council agenda each month in the Statutory Reports section.* I request Chapter 2 state a revision period as per my previous email. *A revision clause will be included for the Governance Rules.* Request for the addition to Chapter 6, Clause 1.4 "…the Chief Executive Officer must ensure that "Add – minutes" of the matters discussed at the meeting are:…" *Change not recommended. Already requires that a summary of the matters discussed be recorded. Informal meetings are not decision-making forums and minutes are not required.* I request Chapter 2 of the Governance Policy Rules state the Local Government Act 2020 with a direct electronic link to the Act and state Sections 23, 25, 26, 27, 61, 66, 67, 68, 87 as key headings. *Request not supported, this is not required.* I request Chapter 2 state a revision period as per my previous email. *A revision clause will be included for the Governance Rules.* I request Division 8 – Public Question Time, Rules 54 and 55 be removed from Chapter 2. Chapter 2 is stating rules mainly for Councillors, however Division 8 Rule 54 and 55 applies to ratepayers in general.

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	Chapter 2 sets out the procedures to be followed at Council meetings. If Public Question Time is part of a Council meeting then clauses relating to its function need to remain in Chapter 2. I request a new Chapter 2A – division 8 – Public Question Time, Rules 54 and 55 contain the rules details. *Not supported. If Public Question Time is part of a Council meeting then clauses relating to its function need to remain in Chapter 2.* I request to be informed in writing the reason the Mayor and the Chief Executive Officer require the rule 54.1 to be changed from 'Public question time must be held at each Council meeting ….. to the wording of Public question time may be held at each Council meeting ……..'. *The change in wording has been recommended to provide Council with maximum flexibility.* I request public Community Question Time Must be a standard part of all Ordinary Council meetings, Special Council meetings and Community Connect meetings. *This change has been made. Public Question Time will be retained as "must" be held at a Council Meeting. Under the Local Government Act 2020 there are no Special Council meetings. Community Connection sessions are not subject to the Governance Rules.* I request all public Community Question Time questions MUST be read out by the Mayor the head of Council at all Ordinary Council meetings, Special Council meetings and Community Connect meetings. *Officers do not recommend this change. It is considered the CEO's role to read and respond to questions asked of Council operations and decisions. Officers note that under the Local Government Act 2020 there are no Special Council meetings. Community Connection sessions are not subject to the Governance Rules. Response to be finalised following Councillor Workshop.* I request all public Community Questions received by Council MUST be provided to all councillors with there [sic] answers one working day prior to an Ordinary Council meeting, Special Council meeting and Community Connect meeting. *No change required. This practice already occurs.* I request all public Community Questions received Must be recorded in the minutes of the meeting with their answers. *All questions received in line with the Governance Rules are published in the minutes of the Council meeting, including questions taken on notice.*

Number	Community Submission with Officer Response provided in italics
	I request the number of public Community Questions allowed Must be a total of 4 questions with 70 words to each question and MUST be submitted to council no later than 48 hours prior to the declared start of a meeting. *Officers do not recommend an increase to 4 questions per person or an increase in the word limit, this would have a considerable impact on the length of the meeting.* I request the Mayor, Deputy Mayor and elected councillors to seek clarification to an answer provided after the answer is provided to the meeting or in the minutes of the meeting. *No change required. Councillors are already able to seek clarification if required.* I request the Mayor and Deputy Mayor determine an answer to a question (single question) is not to be provided during a meeting if the question is personal or abusive. If a ruling is determined then the Mayor MUST state to the meeting the reason for excluding the answer to the single question at the meeting. *Clause 54.6 sets out the reasons why a question may be disallowed. It is inappropriate for questions which have been disallowed to be referenced in the Council meeting. The submitter is provided with advice on which clause their question has breached.* I request public Community Question Time agenda period to be after all agenda items requiring a decision of Councillors at the meeting. *No change required. The CEO, in consultation with the Mayor, sets the order of the agenda for the Council meeting.* I request Council to take action to commence Town Planning meetings for the consideration of all Planning applications. This would reduce the length of time to Ordinary Council meetings and enable matters of planning applications to be along the lines of what a number of other Victorian Councils are doing. *Request not recommended. This would require Council to set up a Delegated Committee to consider a small number of reports. This would be an inefficient use of resources.* I request Notices of Motions presented by a Councillor to Council MUST have the Councillors signature directly below the wording of the notice and above any Officer Comments. *No change required. Councillors already sign off on their Notices of Motion.* I request to have rule 54.2 completely removed. *This has been removed.* I request council obtain a Mayoral Robe for the purposes of status as head of Council and the Mayoral Robe is the be passed from the outgoing Mayor to the newly elected

Number	Community Submission with Officer Response provided in italics
	Mayor. The Mayoral Robe to be worn by the Mayor at all Council meetings and official duties. *This requested is not supported. The Mayor is introduced at official events and wears a name tag identifying them as the Mayor.* I request a Mayoral Oath to be developed by Councillors and ratepayers and the Mayoral Oath is to be read out by the newly elected Mayor after the Mayoral Robe is placed on the Mayor. *Development of a Mayoral Oath is not supported. The Oath of Office is prescribed by the State Government and the role of the Mayor set out in the Local Government Act 2020.* Clause 4 - <u>Add- 23 Declaration of office of Mayor or Deputy Mayor to be vacant</u> *Not required. Council does not have a role in declaring the office of the Mayor or Deputy Mayor vacant, this is set out in legislation.* Clause 6 - seconded by another Councillor **<u>Add – in writing.</u>** *Not required. The preceding clause 6.2.1 already sets out that it must be in writing.* **<u>6.3.2</u> Add – if there is more than one nomination, the Councillor who nominates another Councillor has the right to speak to the meeting. The seconder of the nomination can also speak to the meeting.** *Not recommended. Nominations are for the purpose of voting.* 6.3.4 the candidate receiving an absolute majority, **<u>Add – one more than the number of Councillors present,</u>** of the votes is declared to have been elected; *Cannot be altered. Definition of absolute majority is set out in the Local Government Act 2020 and means "the number of Councillors which is greater than half the total number of Councillors of the Council".* **<u>6.3.6 Add – if the meeting to elect the Mayor is deferred the Chief Executive Officer must declare a new meeting date and publicly advertise the Mayoral election meeting.</u>** *Not required. If Council chooses to continue the meeting with a temporary chair, the election will be listed in the agenda of the next fixed Council meeting. If the meeting is adjourned, the requirements for the CEO are set out in clause 16 – Adjourned Meetings.* 9.2 Meetings **<u>must</u>** be conducted **<u>in person and electronically</u>** providing a livestream is available through Council's website, where legislation allows. *Not required. The draft Governance Rules provide for both in person and electronic attendance of Councillors, where legislation allows. An electronic meeting is a meeting held wholly electronically, therefor the requested wording is contradictory.*

Number	Community Submission with Officer Response provided in italics
	Clause 10 - *Council* may change the date, time and place of any *Council meeting* which has been fixed by it and must *provide* reasonable notice of the change to the public. **Add – a new meeting date must be advertised publicly 8 working days prior to the meeting.** *Requested change not supported, it removes the flexibility currently provided to Council.* Clause 11.1 - The *Mayor* or at least 3 Councillors may by a *written* notice call a *Council meeting*, **Add – including Special Council meetings.** *A special council meeting doesn't exist in the Local Government Act 2020.* Clause 13 - Attendance by electronic means Wording has been changed in 13.1. *No response required.* Clause 16.2 - *Council* may adjourn a meeting to another date or time due to technical difficulties. **Add – The mayor must determine a new meeting date and publicly advertise the new meeting date to all Councillors and ratepayers.** *No change required. This is already addressed in Clause 12 – Notice of Meeting.* Clause 17 – time limits for Council meetings. 17.2 **Add – if a meeting has not determined all agenda items after three hours and additional time is allowed by Councillors then the remaining agenda items are to be listed for a Special Council meeting at a date to be fixed by the Mayor.** *No change required. Assume submitter means when additional time is* not *allowed. Clause 17.3 addresses this.* Clause 20 Change to order of business. 20.1 Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered by the *Chief Executive Officer* **Add- with approval by** the Mayor. **Delete 20.2 completely.** *No change required for 20.1. Request not supported for removal of 20.2, this would require a motion to change the order of business once a meeting commences.* Clause 23 Notice of Motion. 23.1 A final notice of motion must be in writing signed by a Councillor **Add – directly below the wording of the motion** and be lodged with **and** sent to the Chief Executive Officer by 5pm **5 working** days prior to the Council meeting agenda being published. *Request not supported. Submission 5 working days prior to publication of the Council agenda does not allow all Councillors the opportunity to review the NoM within the draft agenda.*

Number	Community Submission with Officer Response provided in italics
	23.2Add – the Chief Executive Officer may add Council Officer comments below the signature of the Councillor presenting the motion and must sign to the comments. *Not required. This practice is already in place.* 23.9 If a motion is lost, a similar motion may not be put before Council for at least **Add – one scheduled meeting date** from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting. *Suggested change not recommended. It is recommended that the clause be consistent with the timeframe set out in recission motions.* Clause 40.1 the mover of a motion or an amendment: **5** minutes; *Not recommended. Councillors can request extra time if they look like they will exceed the 3 minute allocation.* Clause 40.2 any other Councillor: **5** minutes; and *Not recommended. Councillors can request extra time if they look like they will exceed the 3 minute allocation.* I request Division 8 become a new Chapter 2A. *If public question time is part of the Council meeting then division 8 needs to remain in Chapter 2 which sets out the provisions for Council meetings.* 54.1 Public question time **MUST** be held at each Council meeting fixed under Rule 9 to enable members of the public to submit questions to Council. *This change has been made. Public Question Time will be retained as "must" be held at a Council Meeting.* 54.2 **Add – all public question that are determined by the Mayor under rule 54.7 should not be read out must be answered in the meeting minutes. All remaining public questions must be read to the meeting and there [sic] answer stated.** *Requested change not supported. It is inappropriate for questions which have been disallowed to be referenced in the Council meeting or published in the minutes.* 54.6 The Chair or a member of Council staff nominated by the Chair **MUST** read a question and response at the meeting which has been submitted in accordance with this Rule. **The last sentence to be removed.** *Requested change not supported. This clause allows for questions to be taken on notice if a longer response is required to be provided to answer the question.* 54.8 **Removed completely.**

Number	Community Submission with Officer Response provided in italics
	Requested change not supported. This clause provides clarity to submitters on what occurs when their question has been disallowed. 70. Removal from Chamber. The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Office, a member of staff, o*r a member of the Victoria Police **Add – called upon** to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 71. *Not required. Adding the words 'called upon' does not make sense in the context of this clause.* I request Chapter 3 of the Governance Policy Rules state the Local Government Act 2020, Sections 63, 64 and 61. *Not required.* I request Chapter 3 state a revision period as per my previous email. *A Governance Rules revision clause will be included.* I request Chapter 4 of the Governance Policy Rules State the Local Government Act 2020, Section 47. *Requested change not supported. Section 47 of the Local Government Act 2020 sets out the provisions for Delegations by Chief Executive Officer. Chapter 4 of the Governance Rules covers meeting procedure for Community Asset Committees.* I request Chapter 4 state a revision period as per my previous email. *A Governance Rules revision clause will be included.* I request Chapter 5 of the Governance Policy state the Local Act 2020, section 131, 130, 138 and 154. *Not supported. Reproducing sections of the Local Government Act 2020 is inefficient and would make the document more difficult to navigate.* I request Chapter 5 state a revision period as per my previous email. *A Governance Rules revision clause will be included.* I request Chapter 6 of the Governance Policy Rules state the Local Government Act 2020 with a direct electronic link to the Act and state the meaning of Confidential Information of the Local Government Act 2020 and Section 125 and 66. *Not supported. Reproducing sections of the Local Government Act 2020 is inefficient and would make the document more difficult to navigate.*

Number	Community Submission with Officer Response provided in italics
	I request the Chief Executive Officer MUST ensure that minutes of matters discussed at an Informal meeting of Councillors. *This is already included in the Governance Rules. A summary of matters discussed at Informal Meetings of Councillors is published in each Council agenda in the Statutory Reports section.* I request Chapter 2 state a revision period as per my previous email. *A Governance Rules revision clause will be included.* I request Chapter 7 of the Governance Policy Rules state the Local Government Act 2020 with a direct electronic link to the Act and state Part 8 and the Division numbers. *This is already included in the Governance Rules. A summary of matters discussed at Informal Meetings of Councillors is published in each Council agenda in the Statutory Reports section.* Draft Election Period Policy. I request all of the new wordings shown in RED be removed and Council take action to review other Election Period Policies of all 19 Large Rural Councils, Monash City Council, Casey City Council, Cardinia Shire Council, Latrobe City Council and Yarra Ranges Councils so that the Bass Coast Shire Council's Election Period Policy 2022 is consistent and uniform in its wordings. *Request not supported. It is good practice for Council's Election Period Policy to also address Councillors standing as candidates in State or Federal Elections to enhance good governance, transparency, and accountability. The additions to the Election Period Policy reflect the guidelines issued by the Municipal Association of Victoria (MAV) in 2021 in advance of the elections scheduled for 2022.* I request Chapter 7 state a revision period as per my previous email. *A review process is already included and states that Council will review the Election Period Policy no later than 12 months prior to a general election.* I request Chapter 3 state a revision period as per my previous email. *A Governance Rules revision clause will be included.* I request Chapter 4 of the Governance Policy Rules State the Local Government Act 2020, Section 47. *Requested change not supported. Section 47 of the Local Government Act 2020 sets out the provisions for Delegations by Chief Executive Officer. Chapter 4 of the Governance Rules covers meeting procedure for Community Asset Committees.* I request Chapter 4 state a revision period as per my previous email. *A Governance Rules revision clause will be included.*

Number	Community Submission with Officer Response provided in italics
	I request Chapter 5 of the Governance Policy state the Local Act 2020, section 131, 130, 138 and 154. *Not supported. Reproducing sections of the Local Government Act 2020 is inefficient and would make the document more difficult to navigate.* I request Chapter 5 state a revision period as per my previous email. *A Governance Rules revision clause will be included.* I request Chapter 6 of the Governance Policy Rules state the Local Government Act 2020 with a direct electronic link to the Act and state the meaning of Confidential Information of the Local Government Act 2020 and Section 125 and 66. *Not supported. Reproducing sections of the Local Government Act 2020 is inefficient and would make the document more difficult to navigate.* I request the Chief Executive Officer MUST ensure that minutes of matters discussed at an Informal meeting of Councillors. *This is already included in the Governance Rules. A summary of matters discussed at Informal Meetings of Councillors is published in each Council agenda in the Statutory Reports section.* I request Chapter 2 state a revision period as per my previous email. *A Governance Rules revision clause will be included.* I request Chapter 7 of the Governance Policy Rules state the Local Government Act 2020 with a direct electronic link to the Act and state Part 8 and the Division numbers. *This is already included in the Governance Rules. A summary of matters discussed at Informal Meetings of Councillors is published in each Council agenda in the Statutory Reports section.* Draft Election Period Policy. I request all of the new wordings shown in RED be removed and Council take action to review other Election Period Policies of all 19 Large Rural Councils, Monash City Council, Casey City Council, Cardinia Shire Council, Latrobe City Council and Yarra Ranges Councils so that the Bass Coast Shire Council's Election Period Policy 2022 is consistent and uniform in its wordings. *Request not supported. It is good practice for Council's Election Period Policy to also address Councillors standing as candidates in State or Federal Elections to enhance good governance, transparency, and accountability. The additions to the Election Period Policy reflect the guidelines issued by the Municipal Association of Victoria (MAV) in 2021 in advance of the elections scheduled for 2022.*

Number	Community Submission with Officer Response provided in italics
	I request Chapter 7 state a revision period as per my previous email. *A review process is already included and states that Council will review the Election Period Policy no later than 12 months prior to a general election.*

Draft Governance Rules 2022 Comparison Statement

The Local Government Act 2020 (the Act) mandates that Council adopt Governance Rules. The Governance Rules 2020 were adopted on 1 September 2020. Two years later it is timely to review the Governance Rules to reflect legislative changes and any continuous improvement opportunities.

To assist in understanding the draft Governance Rules 2022 this document provides a comparison to the Governance Rules 2020.

Chapter 1 Governance Framework		
Chapter 2 Meeting Procedure for Council Meetings		
		Comparison to what is currently in the Governance Rules
Part A – Introduction		
1	Title	No material change.
2	Purpose of this Chapter	
3	Definitions and Notes	
Part B – Election of Mayor		
4	Election of the Mayor	No material change.
5	Method of Voting	No material change.
6	Determining the election of the Mayor	Changes to election of the Mayor to align with legislation. The provision of "lots" is no longer allowed in legislation. Election of the Mayor must be by absolute majority. If absolute majority can't be achieved the election is to be held at a later date and time. Council can resolve to defer the meeting or elect a temporary chair to consider the remaining business of the meeting.
7	Election of Deputy Mayor and Chairs of Delegated Committees	No material change.
8	Appointment of Acting Mayor	No material change.
Part C – Meetings Procedure		
Division 1 – Notices of Meetings and Delivery of Agendas		
9	Dates, Times, and Places of Meetings Fixed by Council	Change to allow for remote meetings to be held where legislation allows.
10	Council May Alter Meeting Dates	No material change.
11	Meetings Not Fixed by Council	
12	Notice Of Meeting	
Division 2 – Quorums		
13	Attendance by electronic means	Inclusion of attendance by electronic means where legislation allows, and notification has been given to the Mayor and CEO. Councillors must be seen and heard to be considered present.
14	Inability To Obtain A Quorum	No material change.
15	Inability To Maintain A Quorum	No material change.
16	Adjourned Meetings	Provision for meetings to be adjourned due to technical difficulties.
17	Time limits for Meetings	No material change.
18	Cancellation or Postponement of a Meeting	No material change.
Division 3 – Business of Meetings		
19	Agenda and the Order of Business	No material change.
20	Change To Order of Business	Change can be made by the CEO in consultation with the Mayor after release of the agenda but prior to the meeting beginning. Changes can be made in the meeting by the Chair with consent of Councillors.
21	Urgent Business	No material change
Division 4 – Motions and Debate		
22	Councillors May Propose Notices Of Motion	No material change.

23	Notice Of Motion	A motion that is lost cannot come before Council again for three months in line with a recission motion.. Change to deadline for submission of a finalised notice of motion to 5pm 10 days prior to the Council meeting agenda being published.
24	Chair's Duty	No material change.
25	Introducing a Report	No material change.
26	Introducing A Motion or an Amendment	
27	Right Of Reply	
28	Moving An Amendment	
29	Who May Propose An Amendment	
30	How Many Amendments May Be Proposed	
31	An Amendment Once Carried	
32	Foreshadowing Motions	
33	Withdrawal Of Motions	
34	Separation Of Motions	No material change.
35	Chair May Separate Motions	
36	Priority of address	
37	Motions In Writing	
38	Repeating Motion and/or Amendment	
39	Debate Must Be Relevant To The Motion	
40	Speaking Times	
41	Addressing the Meeting	
42	Right to Ask Questions	
Division 5 – Procedural Motions		
43	Procedural Motions	No material change.
Division 6 – Rescission Motions		
44	Notice of Rescission	
45	If Lost	
46	If Not Moved	No material change.
47	May Be Moved By Any Councillor	
48	When Not Required	
Division 7 – Points of Order		
49	Chair To Decide	
50	Chair May Adjourn To Consider	
51	Dissent From Chair's Ruling	
52	Procedure For Point Of Order	
53	Valid Points Of Order	
Division 8 – Public Question Time		
54	Question Time	Not all questions are required to be read at the meeting. Any question which has been disallowed by the Chair will not be read at the meeting.
Division 9 – Petitions and Joint Letters		
55	Petitions and Joint Letters	Deadline for submission to 5pm 10 days prior to the Council meeting agenda being published.
Division 10 – Voting		
56	How Motion Determined	
57	Silence	
58	Recount	
59	Casting Vote	No material change.
60	By Show Of Hands	
61	Procedure For A Division	
62	No Discussion Once Declared	
Division 11 – Minutes		
63	Confirmation of Minutes	No material change.

64	No Debate on Confirmation Of Minutes	
65	Deferral Of Confirmation Of Minutes	
66	Form and Availability of Minutes	No material change.
Division 12 – Behaviour		
67	Public Addressing The Meeting	No material change.
68	Chair May Remove	Addition of senior member of staff
69	Chair may adjourn disorderly meeting	No material change.
70	Removal from Chamber	No material change.
Division 13 – Additional Duties of Chair		
71	The Chair's Duties And Discretions	No material change.
Division 14 – Suspension of Standing Orders		
72	Suspension of Standing Orders	No material change.
Division 15 – Miscellaneous		
73	Procedure not provided in this Chapter	No material change.
74	Criticism of members of Council staff	No material change.
Chapter 3 Meeting Procedure for Delegated Committees		No material change.
Chapter 4 Meeting Procedure for Community Asset Committees		No material change.
Chapter 5 Disclosure of Conflicts Of Interest		No material change.
Chapter 6 Miscellaneous		No material change.
Chapter 7 Election Period Policy		Policy has been reviewed and updated.

GOVERNANCE RULES

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on 1 August 2022. They will be reviewed no later than every two years from their adoption.

3. Contents

These Governance Rules are divided into the following Chapters:

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

4. Definitions

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

Act means the *Local Government Act 2020*.

Chief Executive Officer includes an Acting Chief Executive Officer.

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

Council means Bass Coast Shire Council.

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

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

Mayor means the Mayor of *Council*.

these Rules means these Governance Rules.

Chapter 1 – Governance Framework

1. Context

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

(a) the overarching governance principles specified in section 9(2) of the *Act*; and

(b) the following documents adopted or approved by *Council*:

- Community Engagement Policy
- Councillor Code of Conduct
- Public Transparency Policy

2. Decision Making

(a) In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and make a decision:

(i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and

(ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations

(b) Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered).

(c) Without limiting anything in paragraph (b) of this sub-Rule:

(i) before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made.

(ii) if a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered.

(iii) if a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered; and

(iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

Chapter 2 – Meeting Procedure for Council Meetings

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Part A – Introduction

1. Title

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

2. Purpose of this Chapter

The purpose of this Chapter is to:

2.1 provide for the election of the Mayor and any Deputy Mayor;

2.2 provide for the appointment of any Acting Mayor; and

2.3 provide for the procedures governing the conduct of *Council meetings*.

3. Definitions and Notes

3.1 In this Chapter:

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

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

"*Minute book*" means the collective record of proceedings of *Council*.

"*Municipal district*" means the municipal district of *Council*.

"*Notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting.

"*quorum*" a quorum at a Council meeting is an absolute majority, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.

"*Notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*; and

"*written*" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

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

Part B – Election of Mayor

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

4. Election of the Mayor

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

5. Method of Voting

The election of the Mayor must be carried out by a show of hands.

6. Determining the election of the Mayor

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

6.2 Any nominations for the office of Mayor must be:

6.2.1 in writing and in a form prescribed by the Chief Executive Officer; and

6.2.2 seconded by another Councillor.

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

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

6.3.2 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.

6.3.3 the candidate receiving an absolute majority of the votes is declared to have been elected.

6.3.4 in the event that no candidate receives an absolute majority of the votes the Chief Executive Officer must resolve to conduct a new election at a later date and time. Council may resolve to defer the meeting or elect a temporary Chair to consider the remaining business of the meeting.

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

7.1 any office of Deputy Mayor; or

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

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

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

8. Appointment of Acting Mayor

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

8.1 resolving that a specified Councillor be so appointed; or

8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter,

at its discretion.

Part C – Meetings Procedure

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

Division 1 – Notices of Meetings and Delivery of Agendas

9. Date, Time and Place of Meetings Fixed by Council

9.1 Subject to Rule 11, Council must from time to time fix the date, time and place of all Council meetings.

9.2 Meetings may be conducted electronically providing a livestream is available through Council's website, where legislation allows.

10. Council May Alter Meeting Dates

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

11. Meetings Not Fixed by Council

11.1 The Mayor or at least 3 Councillors may by a written notice call a Council meeting.

11.2 The notice must specify the date, time and place of the Council meeting and the business to be transacted.

11.3 The Chief Executive Officer must convene the Council meeting as specified in the notice.

11.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council meeting.

12. Notice Of Meeting

12.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered or sent electronically to every Councillor for all Council meetings at least 4 days before the meeting.

12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting during the period of their absence.

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

12.3.1 for meetings which it has fixed by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule on its website at various times throughout the year, or prior to each such Council meeting; and

12.3.2 for any meeting by giving notice on its website and in at least one newspaper generally circulating in the municipal district.

Division 2 – Meeting Attendance

13. Attendance by electronic means

13.1 A Councillor may attend and be present at a Council meeting by electronic means of communication, where legislation allows.

13.2 The Councillor must notify the Mayor and Chief Executive Officer.

13.3 A Councillor must be able to be seen and heard to be considered present at the meeting.

14. Inability To Obtain a Quorum

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

14.1 the meeting will be deemed to have lapsed.

14.2 the Mayor must convene another Council meeting, the agenda for which will be identical to the agenda for the lapsed meeting; and

14.3 the Chief Executive Officer must give all Councillors written notice of the meeting convened by the Mayor.

15. Inability To Maintain a Quorum

15.1 If during any Council meeting, a quorum cannot be maintained then Rule 14 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.

15.2 Sub-Rule 15.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

16. Adjourned Meetings

16.1 Council may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.

16.2 Council may adjourn a meeting to another date or time due to technical difficulties.

16.3 The Chief Executive Officer must give written notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

16.4 If it is impracticable for the notice given under sub-Rule 16.3 to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.

17. Time limits for Meetings

17.1 A Council meeting must not continue after three hours unless a majority of Councillors present vote in favour of it continuing.

17.2 A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of Councillors has already voted to continue it for 30 minutes).

17.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the Chair immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 16.3 and 16.4 apply.

18. Cancellation or Postponement of a Meeting

18.1 The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a Council meeting.

18.2 The Chief Executive Officer must present a written report on any exercise of the power conferred by sub-Rule 18.1 to the immediate following Council meeting.

Division 3 – Business of Meetings

19. Agenda and the Order Of Business

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

20. Change To Order Of Business

20.1 Once an agenda has been sent to Councillors, the order of business for that Council meeting may be altered by the Chief Executive Officer in consultation with the Mayor.

20.2 Once the meeting has commenced the Chair is able to alter the order of business by consent of Councillors.

21. Urgent Business

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

21.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and

21.2 cannot safely or conveniently be deferred until the next Council meeting.

Division 4 – Motions and Debate

22. Councillors May Propose Notices Of Motion

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

23. Notice Of Motion

23.1 A final notice of motion must be in writing signed by a Councillor and be lodged with or sent to the Chief Executive Officer by 5pm 10 days prior to the Council meeting agenda being published.

23.2 The Chief Executive Officer may reject any notice of motion which:

23.2.1 is vague or unclear in intention

23.2.2 it is beyond Council's power to pass; or

23.2.3 if passed would result in Council otherwise acting invalidly

23.2.4 but must:

23.2.5 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

23.2.6 notify in writing the Councillor who lodged it of the rejection and reasons for the rejection.

23.3 The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.

23.4 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.

23.5 Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register.

23.6 If a Councillor who has given a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.

23.7 If a notice of motion is not moved at the Council meeting at which it is listed, it lapses and is deemed to have been lost.

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

24. Chair's Duty

Any motion which is determined by the Chair to be:

24.1 defamatory.

24.2 objectionable in language or nature.

24.3 vague or unclear in intention.

24.4 outside the powers of Council; or

24.5 irrelevant to the item of business on the agenda and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the Chair.

25. Introducing a Report

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

25.1.1 its background; or

25.1.2 the reasons for any recommendation which appears.

25.2 Unless Council resolves otherwise, a member of Council staff need not read any written report to Council in full.

26. Introducing A Motion or an Amendment

The procedure for moving any motion or amendment is:

26.1 the mover must state the motion without speaking to it.

26.2 the motion must be seconded, and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder.

26.3 if a motion or an amendment is moved and seconded the Chair must ask:

"Is the motion or amendment opposed? Does any Councillor wish to speak to the motion or amendment?"

26.4 if no Councillor indicates opposition or a desire to speak to it, the Chair may declare the motion or amendment carried without discussion.

26.5 if a Councillor indicates opposition or a desire to speak to it, then the Chair must call on the mover to address the meeting.

26.6 after the mover has addressed the meeting, the seconder may address the meeting.

26.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and

26.8 if, after the mover has addressed the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.

27. Right Of Reply

27.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.

27.2 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

28. Moving An Amendment

28.1 Subject to sub-Rule 28.2 a motion which has been moved and seconded may be amended by leaving out, inserting or adding words, which words must be relevant to the subject of the motion and does not change the intent.

28.2 A motion to confirm a previous resolution of Council cannot be amended.

28.3 An amendment must not be directly opposite to the motion.

29. Who May Propose An Amendment

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

29.2 Any one Councillor cannot move more than two amendments in succession.

30. How Many Amendments May Be Proposed

30.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.

30.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

31. An Amendment Once Carried

31.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.

31.2 The mover of the original motion retains the right of reply to that motion.

32. Foreshadowing Motions

32.1 At any time during debate a Councillor may foreshadow a motion so as to inform Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

32.3 The Chief Executive Officer or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

32.4 The Chair is not obliged to accept foreshadowed motions.

33. Withdrawal Of Motions

33.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of Council.

33.2 If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

34. Separation Of Motions

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

35. Chair May Separate Motions

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

36. Priority of address

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

37. Motions In Writing

37.1 The Chair may require all motions, except procedural motions, to be in writing.

37.2 The Chair may adjourn the meeting while the motion is being written or Chair may defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

38. Repeating Motion and/or Amendment

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

39. Debate Must Be Relevant To The Motion

39.1 Debate must always be relevant to the motion before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion.

39.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker not speak further in respect of the motion then before the Chair.

39.3 A speaker to whom a direction has been given under sub-Rule 39.2 must comply with that direction.

40. Speaking Times

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

40.1 the mover of a motion or an amendment: 3 minutes.

40.2 any other Councillor: 3 minutes; and

40.3 the mover of a motion exercising a right of reply: 3 minutes.

41. Addressing the Meeting

If the Chair so determines:

41.1 any person addressing the Chair must refer to the Chair as:

41.1.1 Madam Mayor; or

41.1.2 Mr Mayor; or

41.1.3 Madam Chair; or

41.1.4 Mr Chair

as the case may be.

41.2 all Councillors, other than the Mayor, must be addressed as

Cr .....(name).

41.3 all members of Council staff, must be addressed as Mr or Ms

.....(name) as appropriate or by their official title.

42. Right to Ask Questions

42.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.

42.2 The Chair has the right to limit questions and direct that debate be commenced or resumed.

Division 5 – Procedural Motions

43. Procedural Motions

43.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.

43.2 Procedural motions require a seconder.

43.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

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

Division 6 – Rescission Motions

44. Notice of Rescission

44.1 A Councillor may propose a notice of rescission provided:

44.1.1 it has been signed and dated by at least three Councillors.

44.1.2 the resolution proposed to be rescinded has not been acted on; and

44.1.3 the notice of rescission is delivered to the Chief Executive Officer within 24 hours of the resolution having been made setting out -

(a) the resolution to be rescinded; and

(b) the meeting and date when the resolution was carried.

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

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

44.2 A resolution will be deemed to have been acted on if:

44.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or

44.2.2 a statutory process has been commenced

so as to vest enforceable rights in or obligations on Council or any other person.

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

44.3.1 has not been acted on; and

44.3.2 is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule 44.1.3,

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

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

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

Sub-Rule 44.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

45. If Lost

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

46. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses and is deemed to have been lost.

47. May Be Moved by Any Councillor

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

48. When Not Required

48.1 Unless sub-Rule 48.2 applies, a motion for rescission is not required where *Council* wishes to change policy.

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

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

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

Division 7 – Points of Order

49. Chair To Decide

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

50. Chair May Adjourn to Consider

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

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

51. Dissent From Chair's Ruling

51.1 A Councillor may move that the meeting disagree with the Chair's ruling on a point of order, by moving:

"That the Chair's ruling [setting out that ruling or part of that ruling] be dissented from".

51.2 When a motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, temporary Chair elected by the meeting) must take their place.

51.3 The Deputy Mayor or temporary Chair must invite the mover to state the reasons for their dissent and the Chair may then reply.

51.4 The Deputy Mayor or temporary Chair must put the motion in the following form:

"That the Chair's ruling be dissented from."

51.5 If the vote is in the negative, the Chair resumes the Chair and the meeting proceeds.

51.6 If the vote is in the affirmative, the Chair must then resume the Chair, reverse or vary (as the case may be) their previous ruling and proceed.

51.7 The defeat of the Chair's ruling is in no way a motion of censure or non-confidence in the Chair and should not be so regarded by the meeting.

52. Procedure For Point of Order

A Councillor raising a point of order must:

52.1 state the point of order; and

52.2 state any section, Rule, paragraph or provision relevant to the point of order

before resuming their seat.

53. Valid Points of Order

A point of order may be raised in relation to:

53.1 a motion, which, under Rule 244, or a question which, under Rule 544, should not be accepted by the Chair;

53.2 a question of procedure; or

53.3 any act of disorder.

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

Division 8 – Public Question Time

54. Question Time

54.1 Public question time must be held at each Council meeting fixed under Rule 9 to enable members of the public to submit questions to Council.

54.2 Sub-Rule 54.11 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the Act.

54.3 Questions submitted to Council must be:

54.3.1 in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and

54.3.2 be lodged 48 hours prior to the Council meeting.

54.4 No person may submit more than two questions at anyone meeting.

54.5 The Chair or a member of Council staff nominated by the Chair may read a question and response at the meeting which has been submitted in accordance with this Rule. Not all questions are required to be read at the meeting.

54.6 A question may be disallowed by the Chair if the Chair determines that it:

54.6.1 relates to a matter outside the duties, functions and powers of Council.

54.6.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance.

54.6.3 deals with a subject matter already answered.

54.6.4 is aimed at embarrassing a Councillor or a member of Council staff.

54.6.5 relates to personnel matters.

54.6.6 relates to the personal hardship of any resident or ratepayer.

54.6.7 relates to confidential information as defined in Section 3 of the Act

54.6.8 relates to matters affecting the security of Council property; or

54.6.9 relates to any other matter which Council considers would prejudice Council or any person.

54.7 Any question which has been disallowed by the Chair will not be read at the meeting.

54.8 Any question which has been disallowed by the Chair must be made available to Councillors.

54.9 All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.

54.10 Questions must be limited to 50 words inclusive of any preamble and additional information.

54.11 Like questions may be grouped together and a single answer provided.

54.12 The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.

54.13 A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question.

54.14 A Councillor or the Chief Executive Officer may advise Council that it is their opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must briefly state the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

Division 9 – Petitions and Joint Letters

55. Petitions and Joint Letters

55.1 A petition or joint letter must be received by 5pm 10 days prior to the Council meeting agenda being published.

55.2 Unless Council resolves to deal with it earlier, no motion (other than a motion to receive the same) may be made on any petition, joint letter, or other like

application until a future Ordinary Council meeting after that at which it has been presented.

55.3 It is incumbent on every Councillor or officer receiving a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to Council, and to forward to the Governance Department for inclusion prior to the release of the agenda to be tabled at a Council Meeting.

55.4 A request to table a petition or joint letter at a Council meeting that has not been included in the agenda requires a resolution of Council.

55.5 Every petition or joint letter presented to Council must be in writing (other than pencil), typing or printing, contain the request of the petitioners or signatories, be signed by at least 3 people, and submitted by the lead petitioner with a cover letter containing their contact details.

55.6 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the residential address of every petitioner or signatory must be clearly stated.

55.7 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.

55.8 Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned, or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.

55.9 If a petition, joint letter, or other like application relates to a planning application or a Planning Scheme Amendment currently before Council under the Planning and Environment Act 1987 it will be treated as a submission to that planning application or that Planning Scheme Amendment and will not be treated as a petition or joint letter.

55.10 If a petition, joint letter, or other like application relates to a formal submission process undertaken by Council it will be treated as a submission and will not be treated as a petition or joint letter.

55.11 An electronic/online petition, joint letter or other like application is required to adhere to all the requirements of a written petition unless Council resolves otherwise.

Division 10 – Voting

56. How Motion Determined

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

57. Silence

Voting must take place in silence.

58. Recount

The Chair may direct that a vote be recounted to satisfy themselves of the result. The vote during the recount must reflect the original vote.

59. Casting Vote

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

60. By Show of Hands

60.1 Voting on any matter is by show of hands.

60.2 A Councillor present at the meeting who does not vote is to be taken to have voted against the question.

61. Procedure For a Division

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

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

61.3 When a division is called for, the Chair must:

61.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise their hand. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative; and

61.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise their hand. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the negative.

62. No Discussion Once Declared

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

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

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

For example, Rule 622 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 622 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 62.2, to discussion about a positive motion where a resolution has just been rescinded.

Division 11 – Minutes

63. Confirmation of Minutes

63.1 At every Council meeting the minutes of the preceding meeting(s) must be dealt with as follows:

63.1.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting.

63.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed.

63.1.3 if a Councillor indicates opposition to the minutes:

(a) he or she must specify the item(s) to which he or she objects.

(b) the objected item(s) must be considered separately and in the order in which they appear in the minutes.

(c) the Councillor objecting must move accordingly without speaking to the motion.

(d) the motion must be seconded.

(e) the Chair must ask:

"Is the motion opposed?"

(f) if no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 63.1.3(k);

(g) if a Councillor indicates opposition, then the Chair must call on the mover to address the meeting.

(h) after the mover has addressed the meeting, the seconder may address the meeting.

(i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion.

(j) if, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion; and

(k) the Chair must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

"The question is that the minutes, as amended, be confirmed",

and he or she must put the question to the vote accordingly.

63.1.4 a resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed.

63.1.5 the minutes must be entered in the minute book and each item in the minute book must be entered consecutively; and

63.1.6 unless otherwise resolved or required by law, minutes of a Delegated Committee requiring confirmation by Council must not be available to the public until confirmed by Council.

64. No Debate on Confirmation of Minutes

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

65. Deferral Of Confirmation of Minutes

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

66. Form and Availability of Minutes

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

66.1.1 the date, place, time, and nature of the meeting.

66.1.2 the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance.

66.1.3 the names of the members of Council staff present.

66.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5.

66.1.5 arrivals and departures (including temporary departures) of Councillors during the meeting.

66.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder).

66.1.7 the vote cast by each Councillor upon a division.

66.1.8 the vote cast by any Councillor who has requested that their vote be recorded in the minutes.

66.1.9 the failure of a quorum.

66.1.10 any adjournment of the meeting and the reasons for that adjournment; and

66.1.11 the time at which standing orders were suspended and resumed.

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

66.2.1 published on Council's website; or

66.2.2 available for inspection at Council's office during normal business hours.

66.3 Nothing in sub-Rule 66.2 requires Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

Division 12 – Behaviour

67. Public Addressing the Meeting

67.1 Members of the public do not have a right to address Council and may only do so with the consent of the Chair or by prior arrangement.

67.2 Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.

67.3 A member of the public present at a Council meeting must not disrupt the meeting.

68. Chair May Remove

The Chair may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 67.2.

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

69. Chair may adjourn disorderly meeting

If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of sub-Rules 16.3 and 16.4 apply.

70. Removal from Chamber

The Chair, or Council in the case of a suspension, may ask the Chief Executive Office, a senior member of staff, or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the Chair has ordered to be removed from the gallery under Rule 71.

Division 13 – Additional Duties of Chair

71. The Chair's Duties and Discretions

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

71.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and

71.2 must call to order any person who is disruptive or unruly during any meeting.

Division 14 – Suspension of Standing Orders

72. Suspension of Standing Orders

72.1 To expedite the business of a meeting, Council may suspend standing orders.

> The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
>
> Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

72.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be:

"That standing order be suspended to enable discussion on……"

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

72.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

Division 15 – Miscellaneous

73. Procedure not provided in this Chapter

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

74. Criticism of members of Council staff

74.1 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising him or her or any member of Council staff.

74.2 A statement under sub-Rule 74.1 must be made by the Chief Executive Officer, through the Chair as soon as is practicable after the Councillor who made the statement has resumed their seat.

Chapter 3 – Meeting Procedure for Delegated Committees

1. Meeting Procedure Generally

If Council establishes a Delegated Committee:

1.1 all the provisions of Chapter 2 apply to meetings of the Delegated Committee; and

1.2 any reference in Chapter 2 to:

1.2.1 a Council meeting is to be read as a reference to a Delegated Committee meeting.

1.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and

1.2.3 the Mayor is to be read as a reference to the Chair of the Delegated Committee.

2. Meeting Procedure Can Be Varied

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

2.1 Council may; or

2.2 the Delegated Committee may, with the approval of Council

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

Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

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

2. Meeting Procedure

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

Chapter 5 – Disclosure of Conflicts of Interest

1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the Local Government Act 1989 being repealed.*

2. Definition

In this Chapter:

2.1 "Meeting conducted under the auspices of Council" means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a 'Councillor Briefing' or by some other name); and

2.2 a member of a Delegated Committee includes a Councillor.

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

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which he or she:

3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or

3.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:

3.2.1 advising of the conflict of interest.

3.2.2 explaining the nature of the conflict of interest; and

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

(a) name of the other person.

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

(c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

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

* At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.

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

A member of a Delegated Committee who has a conflict of interest in a matter being considered at a Delegated Committee meeting at which he or she:

4.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Delegated Committee meeting immediately before the matter is considered; or

4.2 intends to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee meeting commences a written notice:

4.2.1 advising of the conflict of interest.

4.2.2 explaining the nature of the conflict of interest; and

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

(a) name of the other person.

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

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

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

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

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

A Councillor who has a conflict of interest in a matter being considered at a Community Asset Committee meeting at which he or she:

5.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee meeting immediately before the matter is considered; or

5.2 intends to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:

5.2.1 advising of the conflict of interest.

5.2.2 explaining the nature of the conflict of interest; and

5.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:

(a) name of the other person.

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

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

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

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

6. Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of Council at which he or she is present must:

6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered.

6.2 absent themself from any discussion of the matter; and

6.3 as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

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

7.1 A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:

7.1.1 Council meeting.

7.1.2 Delegated Committee meeting.

7.1.3 Community Asset Committee meeting

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

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

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

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

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

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

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

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

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

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

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

11. Retention of Written Notices

The Chief Executive Officer must retain all written notices received under this Chapter for a period of three years.

Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

1.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors and contains three or more Councillors.

1.2 is a meeting of a Council Committee that a Councillor is appointed to.

1.3 is attended by at least one member of Council staff; and

1.4 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

(a) tabled at the next convenient Council meeting; and

(b) recorded in the minutes of that Council meeting.

2. Confidential Information

2.1 If, after the repeal of section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

2.2 Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing, accordingly, will be presumed to be confidential information.

Election Period Policy

Preamble

The Election Period Policy sets out how Council will meet the requirements of the *Local Government Act 2020* (the Act) during Council, State or Federal Elections.

This Policy is designed to ensure that Council and Councillors avoid certain actions and decisions which could be seen to be influencing voters or that would have a significant impact on the incoming Council.

Councillors are elected to perform their duties in a lawful manner and must comply with relevant provisions of the Act including the standards of councillor conduct which are prescribed in regulation 12 of the Local Government (Governance and Integrity) Regulations 2020.

Councillors can decide to stand as candidates for State or Federal Elections, and in doing so need to ensure their obligations as a Councillor remains in line with good governance practices. When considering standing for State or Federal Parliament, it is recommended Councillors consider these duties and requirements under the Act, including standards of conduct and potential conflicts of interest.

Policy objectives

The Policy provides clear direction on:

- Decisions to be made by Council
- Any material to be published by Council
- Attendance and participation in functions and events
- Public Consultation
- The use of Council resources
- Access to Council information and
- Media and Communications engagement

The Election Period Policy applies to Councillors, Council officers, Delegated Committees and Community Asset Committees under delegation.

Definitions

Where terms used in this policy are defined in the Act, their use in this policy is consistent with the definitions set out in the Act.

Council	means Bass Coast Shire Council, a body corporate constituted as a municipal Council under the Local Government Act 2020 (the "Act")
Councillors	means the individuals holding the office of a member of Bass Coast Shire Council
Council Officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer
Candidate	a Councillor who is endorsed as a candidate for election by a political party or who if not a member of a political party has announced their intention to nominate as a candidate in State or Federal election or by-election.
Nomination Date	date set by the relevant electoral commission at which nominations to be candidates in an election close.

Policy statement

1. Election Period

The 'election period' is defined by the Act:

> *election period means the period that—*
>
> *(a) starts at the time that nominations close on nomination day; and*
>
> *(b) ends at 6 p.m. on election day.*

2. Council Election Period

2.1 Council Decision Making

Section 69 of the *Local Government Act 2020* prohibits Council from making certain decisions during the election period.

The Act states:

> *(2) An election period policy must prohibit any Council decision during the election period for a general election that—*
>
> *(a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or*
>
> *(b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or*
>
> *(c) the Council considers could be reasonably deferred until the next Council is in place; or*
>
> *(d) the Council considers should not be made during an election period.*

(3) An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

(4) A Council decision made in contravention of subsection (2)(a) or (b) is invalid.

(5) Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of subsection (4) is entitled to compensation from the Council for that loss or damage.

As set out in Section 59 (2) a decision by resolution of Council includes:

(a) a resolution made at a Council meeting;

(b) a resolution made at a meeting of a delegated committee.

(c) the exercise of a power or the performance of a duty or function of the Council by a member of Council staff or a Community Asset Committee under delegation.

The table below includes a range of scenarios which may come before Council for decision. It provides guidance on whether Council can or cannot make the decision and the basis for that recommendation.

Proposed Council Decision	Is it allowed?	Source
Employment or remuneration of a Chief Executive Officer under section 45, other than a decision to appoint an acting Chief Executive Officer.	No	This is prohibited by s69(2)(a) of the Act
Committing the Council to expenditure exceeding 1% of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year.	No	This is prohibited by s69(2)(b) of the Act
A decision which Council considers could be reasonably deferred until the next Council is in place.	No	This is prohibited by s69(2)(c) of the Act
Decisions that significantly affect the municipality or unreasonably bind the incoming Council.	No	This is prohibited by s69(2)(c) of the Act
A decision to issue a planning permit in accordance with the Bass Coast Planning Scheme.	Yes	Failing to make a decision in these instances could be an abdication of Council's responsibilities under the *Planning and Environment Act 1987* and relegate the decision to the Victorian Civil and Administrative Tribunal.
A decision to proceed with a Planning Scheme Amendment.	No.	This is prohibited by s69(2)(d) of the Act

Proposed Council Decision	Is it allowed?	Source
Decision to adopt a Planning Scheme Amendment.	No	This is prohibited by s69(2)(d) of the Act
A decision to send submissions received in response to an exhibited Planning Scheme Amendment to an Independent Panel.	Yes	This a procedural decision in a situation where the decision to undertake the amendment has already been made by Council. The decision does not bind Council to adopt the amendment after the panel report is received. It is considered that these decisions should not be held up by the election period.

2.2 Material Published by Council

Section 304(2) of the Act prohibits Council from using:

Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Councillors are, however, able to publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or the Bass Coast Shire (e.g. by use of Council logos).

Publication should be read broadly to include electronic information and web-based productions.

The controls do not cover newspaper advertisements which simply announce the holding of a meeting or the election process itself.

Material is electoral matter if it:

- Publicises the strengths or weaknesses of a candidate.
- Advocates the policies of the Council or of a Candidate; or
- Responds to claims made by a candidate.

Considerations of Chief Executive Officer in granting publication approval
In considering whether to grant approval for the publication of material during the election period, in accordance with the provisions in the Act, the Chief Executive Officer:

Must not permit any materials to be published which include reference to the following:

- The election.
- A candidate in the election.
- A current Councillor; or
- An issue before the voters in connection with the election.

May approve publication of material which only contains information about:

- The election process itself; or
- Council information that does not include any reference to a current Councillor otherwise precluded by this Policy.

Bass Coast Shire Council website and social media
During the election period the website, Facebook or Twitter will not contain material which contravenes this Policy. Any references to the election will only relate to the election process. Information about Councillors will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed by Council.

Annual Report
Due to the publication date of the 2019/2020 Annual Report occurring during the election period, it is affected by the legislative restrictions on publications and therefore will not include information about Councillors beyond what is required by the *Local Government (Finance and Reporting) Amendment Regulations 2011*.

Council Publications
Any Council publication which is potentially affected by this Policy will be reviewed by the Manager Governance and Property to ensure that any circulated, displayed or otherwise publicly available material during the election period does not contain material that may be construed as 'electoral matter'. Electoral matter is defined as "matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purpose of conducting the election."

2.3 Functions and Events

In this section reference to functions and events means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities or social occasions such as dinners, receptions and balls.

Public Events Staged by External Bodies
Councillors may continue to attend events and functions during the election period. If a Councillor is attending an event in their capacity as a Councillor, they must refrain from participating in any activity that could be considered electioneering.

Council Events and Functions
Council organised events and functions held during the election period will be reduced to only those essential to the operation of Council. This may be varied by a Council resolution or where prior approval has been given by the Chief Executive Officer.

Speeches/Keynote addresses
Councillors should not give speeches or keynote addresses at Council organised or sponsored events and functions during the election period.

Councillors may make short welcome speeches at Council organised or sponsored events and functions during the election period, subject to prior approval from the Chief Executive Officer.

Publication of promotional material
In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the election period, such preparation must be consistent with the controls under this Policy.

2.4 Community Engagement

Community Engagement means a process that involves an invitation or invitations to individuals, groups or organisations, or the community generally, to comment on an issue or proposed action or proposed policy and includes discussion of that matter with the public.

Where possible, community engagement should not be undertaken during the election period unless it is required to facilitate the day-to-day business of Council and cannot be deferred until the new Council term.

Consultation on any contentious or politically sensitive matter will not commence, or continue, during the election period.

Community engagement required pursuant to the *Planning and Environment Act 1987* is exempt from this clause.

All public consultation that will run into the election period must have prior approval from the Chief Executive Officer. Where approved, the results will not be reported to the Council until after the election period, unless the Chief Executive Officer decides otherwise.

2.5 Use of Council resources

The use of Council resources to support a candidate's election campaign or to develop or deliver election campaign material is expressly prohibited.

Section 304(1) of the Act prohibits Councillors or Council staff from using Council resources in a way that:

(a) is intended to; or
(b) is likely to—
affect the result of an election under this Act.

The Act further stipulates that:

(2) A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on

behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Council resources, including but not limited to offices, support staff, mayoral vehicle, meeting facilities, hospitality, equipment, photocopying and stationery will be used exclusively for normal Council business during the Election Period and will not be used in connection with any election.

Council staff must avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources, including staff, might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Executive Officer.

Reimbursements of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

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

2.6 Access to Council information

All candidates have equal rights to access public information relevant to their election campaigns from Council administration. Neither Councillors nor candidates will be provided information or advice from Council staff that might be perceived to support election campaigns, and there shall be transparency in the provision of all information and advice during the election period.

Information and Briefing Material
Information and briefing material prepared or secured by staff for a Councillor during the Election Period must be necessary to the carrying out of the Councillors' role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

2.7 Media and Communications engagement

Council's communications services are intended to promote Council activity or initiatives and must not be used in any way that might favour a candidate.

Media advice
Any requests for media advice or assistance from Councillors during the election period will be channelled through the Chief Executive Officer or the Chief Executive Officer's delegate/s. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

Media releases/spokespersons
Media releases will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue the Chief Executive Officer will determine the appropriate person.

Publicity campaigns
During the election period, publicity campaigns, other than for the purpose of conducting the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the Chief Executive Officer. In any event, Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

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

Council employees
During the election period no Council employee may make any public statement that relates to an election issue unless statements have been approved by the Chief Executive Officer.

3. Standing for State and Federal Election

3.1 Declaring candidacy in an election

A Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a State or Federal election (a Prospective Candidate), should provide written advice to the Chief Executive Officer, as soon as practicable, who should then provide written advice to all Councillors.

The Councillor who is a Prospective Candidate, should then declare their intended candidacy at a meeting of the Council as soon as practicable.

3.2 Conflict of Interest

A Councillor who is a Prospective Candidate or a Nominated Candidate should take care to declare conflicts of interest that may pertain to their conflicting role as a candidate in line with the Act.

3.3 Leave of Absence

A Councillor who nominates as a candidate for a State or Federal Election (a Nominated Candidate), should apply for leave of absence from Council and this leave of absence should commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election (Nomination Date) and conclude no earlier than the close of voting for the election.

During this period, a Councillor who is on a leave of absence should not attend meetings of the Council or otherwise act as a Councillor.

Council, upon receiving an application for a leave of absence from a Councillor who is a Nominated Candidate or who intends to become a Nominated Candidate, should consider this a reasonable request and approve that application.

3.4 Improper Use of Position by Councillors

A Councillor who is a Prospective Candidate or a Nominated Candidate, should take care to differentiate between their role as a State or Federal Election Candidate and role as a Councillor when making public comment.

Sections 123 and 124 of the Local Government Act 2020 (the Act) prohibit Councillors from misusing or inappropriately making use of their position. Breaches to the Act can attract serious penalties.

3.5 Council Resources and Activities

A Councillor who is a Prospective Candidate or a Nominated Candidate, must not use Council activities, including Council meetings, events, network meetings and Council-related external activities, in relation to their candidacy.

A Councillor who is a Prospective Candidate or a Nominated Candidate, must not use Council resources, including Council staff, equipment and facilities in relation to their candidacy.

3.6 Media Advice and Releases

No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves Councillors standing as candidates. Media releases will not refer to specific Councillors in their capacity as candidates.

Councillors standing as candidates are not eligible to be Council's official spokesperson on Council's advocacy priorities. Council will nominate an alternative Councillor to be Council's advocacy spokesperson where required.

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign for a Councillor who is standing for election.

3.6 Resignation

A Councillor must resign immediately if they are successful in a State or Federal Election.

Additional documents

- Media Engagement Policy
- Social Media Policy
- Councillor Code of Conduct
- *Local Government Act 2020*

Review process

The Election Period Policy will be reviewed no later than 12 months prior to a general election and maintained as part of Council's Governance Rules 2020.

Accountability process

The Manager Governance and Property will ensure compliance with the requirements under this Policy. If any Councillor or Council officer requires advice on any aspect of this Policy, they should contact the Manager Governance and Property.

It is the role of the Chief Executive Officer or the Chief Executive Officer's delegate/s to authorise all published material during the Election Period to ensure Council is not distributing election material.

Approval

Adopted by Council at its meeting held on	Date ……/……../……..
Signed by the Mayor (Name)……	
……..	Date ……/……../……..