# Bayside City Council

## Governance Rules

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Bayside CITY COUNCIL

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# Part 1 – Preliminary

## 1 Nature of rules

1.1 These are the Governance Rules of Bayside City Council, made in accordance with section 60 of the Local Government Act 2020.

1.2 **If any provision of these Governance Rules is inconsistent with the *Local Government Act 2020*, regulations made under that Act, or any prescribed Model Governance Rules, the Act, regulations or prescribed Model Governance Rules prevail to the extent of the inconsistency.**

## 2 Date of Commencement and Review of these Rules

2.1 **These Governance Rules were adopted and commenced on xx xxxxxx 2026.**

2.2 **The Governance Rules will be reviewed at least once during each Council term, and may be reviewed more frequently where legislative, regulatory, policy or operational changes warrant.**

**A delay in reviewing, or failure to review, these Rules in accordance with this Rule will not affect the validity of these Rules.**

2.3 **Council will also review these Governance Rules following the commencement of any prescribed Model Governance Rules under the *Local Government Act 2020* or any significant amendment to the governance framework established under that Act.**

## 3 Definitions

3.1 In these Governance Rules, unless the context suggests otherwise:

3.1.1 '*Act*' means the Local Government Act 2020;

3.1.2 '*Additional Council meeting*' means a *Council meeting* called under Rule 16;

3.1.3 '*affected person*' has the same meaning as it has in section 128 of the *Act*;

3.1.4 '*agenda*' means the notice of a meeting setting out the business to be transacted at the meeting;

3.1.5 '*business day*' means a day other than a Saturday, Sunday, public holiday or public half-holiday at any place within the municipal district;

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

3.1.7 '*Chief Executive Officer*' includes an acting Chief Executive Officer and a member of Council staff acting under delegation;

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3.1.8 *'clear day'* in respect of the *notice of motion deadline* means a day that does not include the day of the *Council meeting* or the day of the *notice of motion deadline*.

3.1.9 '*confidential information'* has the same meaning as it has in the *Act*;

3.1.10 '*Council*' means Bayside City Council;

3.1.11 *'Council Delegated Committee'* means a delegated committee established under section 63 of the *Act* or a joint delegated committee established under section 64 of the *Act*;

3.1.12 '*Council meeting*' has the same meaning as it has in the *Act*;

3.1.13 '*Council officer'* means a member of Council staff or a contractor or consultant providing services or advice at the Council's direction, instruction or request.

3.1.14 '*Councillor'* means a person who holds the office of member of the *Council*;

3.1.15 '*delegated committee*' has the same meaning as it has in the *Act*;

3.1.16 '*election period*' has the same meaning as it has in the *Act*;

3.1.17 '*Mayor*' means:

(a) a Mayor of the Council elected under section 25 of the *Act*;

(b) a Deputy Mayor performing the role of the Mayor under section 21 of the *Act*;

(c) an Acting Mayor appointed under section 20B of the *Act*;

(d) the Lord Mayor of the City of Melbourne; and

(e) the Deputy Lord Mayor of the City of Melbourne performing the role of the Lord Mayor under section 21 of the *Act*;

3.1.18 '*meeting conduct standards*' has the meaning given to it by Rule 42 of *these Rules*.

3.1.19 '*meeting to which conflict of interest provisions apply*' means:

(a) a *Council meeting*;

(b) a meeting of a *delegated committee*;

(c) a meeting of a *Community Asset Committee*; or

(d) a meeting which is scheduled or planned for the purpose of discussing the business of *Council* or briefing *Councillors* and is attended by an absolute majority of *Councillors* and at least one *Council officer*.

3.1.20 '*notice of motion*' means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

3.1.21 '*notice of motion deadline*' means midday on the latest *business day* that is ten clear days before the day on which the meeting is



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to be held.

3.1.22 '*notice of rescission*' means a notice setting out the text of a motion to rescind a previous resolution of the Council;

3.1.23 '*relevant person*' has the same meaning as it has in the Act;

3.1.24 '*substantive motion*' means a motion that has been moved and seconded and is under consideration by the meeting;

3.1.25 '*these Rules*' means these Governance Rules; and

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

# Part 2 – Governance framework

The Governance Rules provide the foundation for Council's decision-making and operational conduct, ensuring alignment with the overarching governance principles set out in section 9(2) of the Local Government Act 2020. They establish clear procedures for Council meetings, ethical and impartial decision-making, and the management of conflicts of interest.

Through this framework, Council promotes transparency, fairness, and accountability in decision-making processes, while striving for continuous improvement, collaboration, and sustainability in service to the municipal community—now and into the future.

## 4 Context

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

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

4.1.2 Council approved policies relating to good governance.

## 5 Decision-making

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

5.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and

5.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.

5.2 Council must, when making any decision to which the principles of natural justice apply, ensure procedural fairness by adhering to those principles. This includes, without limitation, providing any person whose rights are directly affected by the decision with a reasonable opportunity to communicate their views and have their interests duly considered.

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# Part 3 – Office bearers

## Division 1 – Election of the Mayor

6 Conducting the election

6.1 The election of the *Mayor* must take place at a *Council meeting* which is open to members of the public.

6.2 Before the *Mayor* is elected, Council must determine by resolution whether the *Mayor* is to be elected for a 1 year or a 2 year term.

6.3 The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with *these Rules*.

7 Accepting nominations

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

7.2 Any nominations for the office of *Mayor* must be:

7.2.1 made by a *Councillor*; and

7.2.2 accepted by the nominee, either in person at the meeting or in *writing*.

7.3 For the avoidance of doubt, a *Councillor* may nominate themself and a nomination does not need to be seconded.

7.4 Once nominations for the office of *Mayor* have been received and accepted, the *Chief Executive Officer* must confirm that no further nominations can be accepted. At that point, nominees become candidates for election and their candidature cannot be withdrawn.

7.5 Each nominee must then be provided up to five minutes to address Council, in the order in which their nominations were received.

8 When there are three or more candidates

8.1 If there are three or more candidates (or three or more remaining candidates after the completion of the process in this Rule) for the office of *Mayor*, the following provisions will govern the election of the *Mayor*:

8.1.1 The *Chief Executive Officer* must ask *Councillors* to vote for each of the candidates in order of nomination;

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8.1.2 The *Councillors* present at the meeting must vote for one of the candidates by a show of hands or by such other means as the *Chief Executive Officer* lawfully permits;

8.1.3 If any of the candidates receive an absolute majority of votes, the *Chief Executive Officer* must declare them elected;

8.1.4 If none of the candidates receive an absolute majority of votes, the *Chief Executive Officer* must declare the candidate with the fewest votes defeated; and

8.1.5 If two or more candidates have an equal fewest number of votes the defeated candidate is determined by lot in accordance with the following provisions:

(a) the name of each candidate with an equal fewest number of votes is placed in a receptacle; and

(b) the *Chief Executive Officer* draws one name from the receptacle and declares that candidate defeated.

8.2 Following the declaration of a candidate as a defeated candidate, all previous votes are declared void, and the remaining candidates progress to a further round of voting in accordance with Rule 8 or 9 (as applicable).

9 When there are two candidates

9.1 If there are two candidates (or two remaining candidates after the completion of the process in Rule 8) for the office of *Mayor*, the following provisions will govern the election of the *Mayor*:

9.1.1 The *Chief Executive Officer* must ask *Councillors* to vote for each of the candidates in order of nomination;

9.1.2 The *Councillors* present at the meeting must vote for one of the candidates by a show of hands or by such other means as the *Chief Executive Officer* lawfully permits;

9.1.3 If either of the candidates receive an absolute majority of votes, the *Chief Executive Officer* must declare them elected;

9.1.4 If neither of the candidates receive an absolute majority of votes, the votes in that round of voting are declared void and a further round of voting is conducted immediately; and

9.1.5 If, after a second round of voting, neither candidate receives an absolute majority of votes, the election is declared void and the *Council* must resolve to:

(a) conduct a further election immediately; or

(b) conduct a further election at a later time and/or date as soon as practicable but no later than seven days after the current meeting and the meeting stands adjourned until that later time and/or date.

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10 When there is one candidate

10.1 If there is only one candidate for the office of *Mayor*, the *Chief Executive Officer* must declare them elected.

## Division 2 – Election of a Deputy Mayor

11 Conducting the election

11.1 If Council has established the office of Deputy Mayor, any election for the office of Deputy Mayor will be regulated by Rules 6 to 10 (inclusive), as if the reference to the:

11.1.1 *Chief Executive Officer* is a reference to the *Mayor* (or, in the absence of the *Mayor*, another *Councillor* appointed by the Council for this purpose); and

11.1.2 *Mayor* is a reference to the Deputy Mayor.

## Division 3 – Appointing a committee chair

12 Appointing a Council Delegated Committee chair

12.1 The chair of a *Council Delegated Committee* may be appointed by:

12.1.1 the *Mayor*,

12.1.2 the Council resolution; or

12.1.3 reference to the Instrument of Delegation to the *Council Delegated Committee* made by the Council under section 47(1)(b) of the *Act*.

12.2 An appointment of a *Councillor* to be the chair of a *Council Delegated Committee* made by the *Mayor* under section 19 of the *Act* prevails over a chair appointed by another means.

13 Appointing a Community Asset Committee chair

13.1 The chair of a Community Asset Committee may be appointed by:

13.1.1 Council resolution; or

13.1.2 reference to the Instrument of Delegation to the *Community Asset Committee* made by the Council under section 47(1)(b) of the *Act*.

13.2 If a chair of a Community Asset Committee has not been appointed in accordance with this Rule, the Community Asset Committee may appoint a chair at its discretion.

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## Division 4 – Appointing an Acting Mayor

14 Appointment of an Acting Mayor

14.1 If it becomes necessary to appoint an Acting Mayor, Council can do so by either:

14.1.1 resolving that a specified *Councillor* be so appointed for a specified period; or

14.1.2 resolving that a *Councillor* be elected for a specified period and then following the procedure set out in Rules 6 to 10 (inclusive).

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# Part 4 – Meeting administration

## Division 1 - The Council meeting schedule

15 Council Meetings fixed by the Council

15.1 Subject to Rule 16, Council must from time to time fix a *Council meeting* schedule.

15.2 The *Council meeting* schedule must include, in respect of each meeting:

15.2.1 the scheduled date and time of commencement;

15.2.2 whether the meeting is to be held in person or wholly be electronic means, and if it is to be held in person, its location; and

15.2.3 the classes of business to be considered at the meeting.

15.3 Council may alter the *Council meeting* schedule by resolution.

16 Additional Council meetings

16.1 An *Additional Council meeting* may be called by:

16.1.1 the Council (by resolution);

16.1.2 the *Mayor*, in consultation with the *Chief Executive Officer* (by *written* notice to the *Chief Executive Officer*);

16.1.3 at least one third of the total number of the *Councillors* of the Council (by *written* notice to the *Chief Executive Officer*); or

16.1.4 the *Chief Executive Officer* (by *written* notice).

16.2 The resolution or *written* notice must specify the date and time of the *Additional Council meeting* and the business to be transacted.

16.3 The *Chief Executive Officer* must convene the *Additional Council meeting* as specified in the *written* notice or resolution.

16.4 Unless all *Councillors* are in attendance and unanimously agree to deal with any other matter, only the business specified in the resolution or *written* notice can be transacted at the *Additional Council meeting*.

16.5 If the *Chief Executive Officer* is unable for any reason to fulfill their obligations under this Rule, those duties may be undertaken by a *Council officer* nominated by the *Mayor* for this purpose.

17 Notice of meeting

17.1 An *agenda* must be delivered or sent electronically to every *Councillor* for all *Council meetings* fixed under Rule 15, at least 48 hours before the meeting, and for all *Additional Council meetings*, as soon as practicable before the meeting.

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

17.2.1 publishing the *Council meeting* schedule fixed by the Council under Rule 15 on Council's website;

17.2.2 giving notice to the public of an alteration to the *Council meeting* schedule on Council's website or by another means determined by the *Chief Executive Officer*;

17.2.3 giving notice to the public of the scheduling of an *Additional Council meeting* on Council's website or by another means determined by the *Chief Executive Officer*; and

17.2.4 making the *agenda* available to the public prior to the commencement of the meeting on Council's website or by another means determined by the *Chief Executive Officer*.

18 Emergency meeting changes

18.1 The *Chief Executive Officer*, in consultation with the Mayor may, in the case of an emergency or unforeseen circumstance:

18.1.1 change the time or date of a *Council meeting*;

18.1.2 change the location of a *Council meeting*;

18.1.3 change the manner of delivery (primarily in person or wholly by electronic means) of a *Council meeting*; and

18.1.4 cancel or postpone a *Council meeting*.

## Division 2 – Business of meetings

In accordance with section 46(2)(d) of the Local Government Act 2020, the Chief Executive Officer is responsible for setting the agenda for Council meetings following consultation with the Mayor. This ensures that meeting business is appropriately prioritised, aligned with strategic objectives, and conducted in a manner that supports informed and transparent decision-making.

19 Agenda and the items of business

19.1 Subject to sub-Rule 15.2, the *agenda* 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 the *Council meeting*.

19.2 When setting the *agenda* for a meeting, the *Chief Executive Officer* in consultation with the *Mayor*, must give due consideration to:

19.2.1 the number and complexity of items of business listed for consideration;

19.2.2 the level of public interest in the items of business included; and

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19.2.3 whether the items of business listed are reasonably capable of being dealt with within the timeframe provided for the meeting in accordance with sub-Rule 76.

20 Altering the order of items of business

20.1 Council may resolve to consider the items of business listed on the *agenda* in any order

20.2 Unless altered in accordance with this Rule, the items of business shall be considered in the order in which they are listed in the *agenda*.

21 Notices of motion

21.1 *Councillors* may ensure that a motion be included in an *agenda* by lodging a *notice of motion*.

21.2 A *notice of motion* must be:

21.2.1 in *writing*, setting out the wording of the motion proposed to be moved **(including a rationale)** and the date on which it is proposed to be moved;

21.2.2 submitted to the *Chief Executive Officer* before the *notice of motion deadline* **of 12pm, 11 days before the day of the *Council meeting*;** and

21.2.3 signed by at least ~~one third of the total number of the~~ **2 *Councillors*.** ~~of the Council.~~

21.2.4 **For avoidance of doubt, if a meeting is to be held on a Tuesday, a Notice of Motion must be submitted no later than 12pm on the Friday (11 days prior).**

21.3 A *notice of motion* must not be:

21.3.1 vague or unclear in intention;

21.3.2 such that if passed would result in *Council* otherwise acting invalidly;

21.3.3 identical or substantially similar to a motion that has been considered by Council in the preceding six months; or

21.3.4 contrary to the *meeting conduct standards*

21.3.5 **in relation to a matter that can be addressed through the operational service request process.**

21.4 A *notice of motion* must request a report from management if it seeks to:

21.4.1 impact the levels of Council service;

21.4.2 commit *Council* to expenditure greater than one ten-thousandth of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;

21.4.3 establish, amend or extend Council policy;

21.4.4 impact the rights of any person who has not had the opportunity to contribute their views;

21.4.5 commit *Council* to any contractual arrangement; or

21.4.6 impact any litigation in respect of which Council is a party.

~~21.5 A *Councillor* may be a signatory for up to two *notices of motion* for any meeting.~~

21.6 If a *notice of motion* is submitted and the *Chief Executive Officer* determines that it does not satisfy the requirements of this Rule, the *Chief Executive Officer* must notify in *writing* the *Councillors* who lodged it of its failure to satisfy this Rule, if practicable to do so prior to the *notice of motion deadline*.

21.7 The wording of a notice of motion may be altered at any time prior to the *notice of motion deadline* by *written* notice to the *Chief Executive Officer* from all of the signatories to it.

21.8 A *Councillor* who is a signatory to a *notice of motion* may withdraw their signature from it at any time prior to the *notice of motion deadline* by *written* notice to the *Chief Executive Officer*.

21.9 Upon the *notice of motion deadline*, the *Chief Executive Officer* must include all *notices of motion* that satisfy the requirements of this Rule in the *agenda*

21.10 **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.**

21.11 The *Chief Executive Officer* has the discretion to provide *written* advice to the *Council* regarding any *notice of motion* listed on the *agenda*.

21.12 *Written* advice regarding a *notice of motion* may be included in the *agenda*, or tabled at the *Council meeting* at which the *notice of motion* is considered.

21.13 Any *written* advice regarding a *notice of motion* tabled at a *Council meeting* shall be published in the minutes of the meeting.

21.14 **If a Councillor who has lodged 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.**

21.15 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses.

## 22 Notices of rescission

22.1 *Councillors* may ensure that a motion to rescind a previous resolution of the Council be included in an *agenda* by lodging a *notice of rescission*.

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22.2 A *notice of rescission* must be:

22.2.1 in *writing*, setting out the resolution to be rescinded and the date when the resolution was carried;

22.2.2 submitted to the *Chief Executive Officer* within 24 hours of the resolution having been made; and

22.2.3 signed by at least one third of the total number of the *Councillors* of the *Council*.

22.3 A *notice of rescission* must not seek to rescind a resolution:

22.3.1 which has been acted on; or

22.3.2 which, if not acted on prior to the *notice of rescission* being considered, would deprive the resolution of efficacy.

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

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

22.4.2 a statutory process has been commenced so as to vest enforceable rights in or obligations on *Council* or any other person.

22.5 The *Chief Executive Officer* must include all notices of rescission that satisfy the requirements of this Rule on the *agenda* of a *Council meeting* no later than the next meeting fixed under Rule 15.

22.6 The *Chief Executive Officer* has the discretion to provide *written* advice to the Council regarding any *notice of rescission* listed on the *agenda*.

22.7 *Written* advice regarding a *notice of rescission* may be included in the *agenda*, or tabled at the *Council meeting* at which the *notice of rescission* is considered.

22.8 Any *written* advice regarding a *notice of rescission* tabled at a *Council meeting* shall be published in the minutes of the meeting.

22.9 If a *notice of rescission* is submitted and does not satisfy the requirements of this Rule, the *Chief Executive Officer* must notify in *writing* the *Councillors* who lodged it of its failure to satisfy this Rule, if practicable to do so.

23 Reports from management

23.1 The *Chief Executive Officer* may include a report from management on an *agenda*.

23.2 A report from management must include a recommendation from a *Council officer* in the form of a motion that must not be:

23.2.1 vague or unclear in intention;

23.2.2 such that if passed would result in *Council* otherwise acting invalidly;

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23.2.3 contrary to the *meeting conduct standards*.

24 Urgent business

24.1 Where an agenda makes provision for urgent business, business can only be presented for admission to the meeting if it:

~~24.1.1 is presented for admission by the Chief Executive Officer after the Chief Executive Officer has consulted the Mayor; and~~

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

25 Other business

25.1 Council may adopt a policy to set out arrangements for the consideration of other business at *Council meetings*. The policy may include:

25.1.1 the types of business that may be considered;

25.1.2 the manner in which the business is included on an *agenda* or otherwise presented for consideration;

25.1.3 any meeting rules applicable to the consideration of the business; and

25.1.4 any other matters relating to the consideration of the other business that the Council determines.

25.2 For the purpose of the consideration of other business, the meeting rules included in the policy adopted under sub-Rule 25.1 are to be treated as part of *these Rules*.

## Division 3 - Physical and Remote attendance

26 Mode of attendance

26.1 Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:

26.1.1 primarily in person; or

26.1.2 wholly by electronic means.

26.2 The indication in the notice of meeting must be consistent with any schedule of meetings adopted by the Council under Rule 15.

26.3 If a *Council meeting* is to be conducted primarily in person, a *Councillor* may request to attend by electronic means.

26.4 Any request made under sub-Rule 26.3 must be given to the *Chief Executive Officer* in time to facilitate their participation by electronic means, having regard to Council's resource constraints and the technical capability of the meeting venue.

~~26.5 Where reasonably practicable,~~ the *Chief Executive Officer* must **consider** ~~ensure that~~ any **reasonable** request received from a

*Councillor* to attend by electronic means ~~is accommodated.~~ **noting that in person attendance is preferred in the interest of public expectation, except in the case of exceptional circumstances.**

26.6 Where it is not reasonably practicable to accommodate a *Councillor's* request to participate by electronic means, the *Chief Executive Officer* must notify the *Councillor* of that fact at the earliest opportunity.

26.7 A *Councillor* who is attending a *Council meeting* by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the *Council meeting* and, in respect of any part of the meeting that is closed to the public to consider *confidential information*, is appropriately secure.

26.8 Without detracting from anything said in sub-Rule 26.7, a *Councillor* who is attending a meeting by electronic means must be able to:

26.8.1 hear the proceedings and be heard when they speak;

26.8.2 see the proceedings and be seen by all *Councillors* who are participating in the *Council meeting*.

26.9 If the conditions of sub-Rule 26.8 cannot be met by one or more *Councillors* attending a *Council meeting*, whether because of technical difficulties or otherwise:

26.9.1 the *Council meeting* will nonetheless proceed as long as a quorum is present; and

26.9.2 the relevant *Councillor* (or *Councillors*) will be treated as being absent from the *Council meeting* or that part of the *Council meeting*

unless the *Council meeting* has been adjourned in accordance with *these Rules*.

26.10 Nothing in this Rule 26 prevents a *Councillor* from joining (or re-joining) a *Council meeting* at the time that they achieve compliance with sub-Rule 26.8 even if the *Council meeting* has already commenced or has continued in their absence.

27 Meetings conducted remotely

27.1 If a *Council meeting* is conducted wholly or partially by electronic means, the *Chair* may, with the consent of the meeting, modify the application of any of *these Rules* to facilitate the more efficient and effective transaction of the business of the meeting.

## Division 4 – Meeting records

28 Keeping of meeting records

28.1 The *Chief Executive Officer* must keep records of each Council meeting in the form of *written* minutes of the meeting.

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29 Form of minutes

29.1 The minutes of each *Council meeting* must record:

29.1.1 the date, place, time and type of the meeting;

29.1.2 the names of the *Councillors*:

(a) in attendance;

(b) absent with leave of the Council;

(c) absent having submitted an apology to the *Mayor* in advance for their non-attendance; and

(d) absent without leave or apology.

29.1.3 any disclosure of a conflict of interest made by a *Councillor*, including the type and nature of conflict of interest given by the *Councillor* under Part 7 of *these Rules*;

29.1.4 arrivals and departures (including temporary departures) of *Councillors* during the course of the meeting;

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

29.1.6 the names of the *Councillors* that moved or seconded each motion;

29.1.7 the result of the vote on each motion, including:

(a) the name of each *Councillor* who voted for the motion;

(b) the name of each *Councillor* present who did not vote in favour of the motion;

(c) if the Chair exercised a second vote in accordance with Rule 64, the fact the vote was exercised and whether or not that vote was exercised in favour of the motion; and

(d) whether the motion was carried or lost.

29.1.8 the name of each member of the public who addressed the meeting, the subject matter of their address and if a response was provided, who provided that response.

29.1.9 if a meeting is closed to the public to consider *confidential information*:

(a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of *confidential information* in section 3(1) of the *Act*; and

(b) an explanation of why the specified ground/s applied.

29.1.10 the failure of a quorum;

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

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29.1.12 the time at which *these Rules* were suspended and resumed;

29.1.13 the time at which the meeting concluded.

29.2 The *Chief Executive Officer* may include any additional matters in the meeting minutes in order to accurately record the proceedings and resolutions of the meeting.

30 Availability of Minutes

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

30.1.1 published on Council's website; and

30.1.2 available for inspection on request at Council's office during normal business hours.

30.2 Nothing in sub-Rule 29.1 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 the public to consider *confidential information* in accordance with section 66 of the *Act*.

31 Confirmation of minutes

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

31.1.1 a copy of the minutes must be delivered to each *Councillor* no later than 48 hours before the meeting;

31.1.2 after a motion to confirm the minutes has been moved and seconded, the *Chair* must ask if any *Councillor* is opposed to the motion;

31.1.3 if no *Councillor* indicates opposition, the motion must be put to the vote without discussion or debate;

31.1.4 if a *Councillor* indicates opposition to the minutes on the grounds of inaccuracy, they must clearly identify the specific item(s) they believe to be incorrect.

31.1.5 the *Mayor* must consult with the *Chief Executive Officer* to validate or otherwise respond to the grounds of inaccuracy raised.

(a) If the *Chief Executive Officer* advises that the reported inaccuracies cannot be validated without further consideration of the actual proceedings of the meeting, the confirmation of the minutes must be deferred to the next *Council meeting*.

(b) If the *Chief Executive Officer* confirms that an inaccuracy exists in the minutes of a *Council meeting*, the *Councillor* who indicated opposition must move a motion to amend the minutes to reflect the validated correction by specifying the nature of the amendment and the item(s) to which it relates.

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# Part 5 – Public Participation in meetings

## Division 1 - Entry into Council meetings

### 32 Terms of entry

32.1 The *Chief Executive Officer* shall establish terms and conditions of entry for members of the public to attend *Council meetings*.

32.2 Members of the public who do not comply with the terms and conditions of entry may be denied entry.

## Division 2 - Public Question Time

### 33 Council policy

33.1 Council may adopt a policy to set out arrangements for public question time at *Council meetings*. The policy may include:

33.1.1 arrangements for the lodgement of questions ahead of the meeting;

33.1.2 provisions setting out the matters about which questions may and may not be asked;

33.1.3 any criteria setting out who may ask a question;

33.1.4 a limit on the total number of questions to be asked;

33.1.5 a limit on the number of questions to be asked on any one subject;

33.1.6 a limit on the number of questions to be asked by any one person;

33.1.7 a limit on the time available for public question time and how this can be extended;

33.1.8 the manner in which questions are to be presented at the meeting;

33.1.9 a limit on the length of each question or time allowed to ask it;

33.1.10 how questions will be responded to at the meeting;

33.1.11 how questions not answered at the meeting will be dealt with;

33.1.12 what information will be recorded in the minutes of the meeting;

33.1.13 what arrangements will be put in place during an *election period*; and

33.1.14 any other matters relating to the conduct of public question time that the Council determines.

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34 Meeting procedures

34.1 Where an *agenda* makes provision for public question time it is to be conducted in accordance with *these Rules*, together with the policy adopted under this rule.

34.2 A question must be disallowed if the *Chair* or *Chief Executive Officer* determines that it:

34.2.1 is in the nature of a statement or is so prefaced as to have its emphasis on a statement rather than a genuine enquiry;

~~34.2.2 relates to a matter listed for consideration on the *agenda*;~~

34.2.3 deals with a subject matter already answered;

34.2.4 includes *confidential information*; or

34.2.5 is contrary to the *meeting conduct standards*.

## Division 3 - Submissions

35 Council policy

35.1 Council may adopt a policy to set out arrangements for members of the public to make submissions at *Council meetings*. The policy may include:

35.1.1 arrangements for the lodgement of submissions ahead of the meeting;

35.1.2 provisions setting out the matters about which submissions may and may not be made;

35.1.3 any criteria setting out who may make a submission;

35.1.4 a limit on the total number of submissions to be made;

35.1.5 a limit on the number of submissions to be made on any one subject;

35.1.6 a limit on the number of submissions to be made by any one person;

35.1.7 a limit on the time available for public submissions and how this can be extended;

35.1.8 the manner in which submissions are to be presented at the meeting;

35.1.9 a limit on the length of each submission or time allowed to make it;

35.1.10 how submissions not heard at the meeting will be dealt with;

35.1.11 what information will be recorded in the minutes of the meeting;

35.1.12 what arrangements will be put in place during an *election period*; and

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35.1.13 any other matters relating to the conduct of public submissions that the Council determines.

36 Meeting procedures

36.1 Where an *agenda* makes provision for public submissions, they are to be received in accordance with *these Rules*, together with the policy adopted under this rule.

36.2 A submission must be disallowed if the *Chair* or *Chief Executive Officer* determines that it:

36.2.1 includes *confidential information*; or

36.2.2 is contrary to the *meeting conduct standards*.

## Division 4 - Petitions

37 Council policy

37.1 Council may adopt a policy to set out requirements for petitions to be submitted to the Council for tabling at *Council meetings*. The policy may include:

37.1.1 arrangements for the lodgement of petitions ahead of the meeting;

37.1.2 the number of signatories required;

37.1.3 any criteria setting out who may be a qualifying signatory;

37.1.4 acceptable formats for hard copy petitions;

37.1.5 acceptable formats for electronic petitions;

37.1.6 how petitions relating to operational matters shall be dealt with;

37.1.7 what arrangements will be put in place during an *election period*; and

37.1.8 any other matters relating to the receipt of petitions that the Council determines.

38 Meeting procedures

38.1 Where an *agenda* provides for the receipt of petitions, they are to be presented by a *Councillor* in accordance with *these Rules*, together with the policy adopted under this rule.

38.2 A petition must be disallowed if the *Chair* or *Chief Executive Officer* determines that its content:

38.2.1 includes *confidential information*; or

38.2.2 is contrary to the *meeting conduct standards*.

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38.3 Every *Councillor* presenting a petition or joint letter to Council must confine themself to a statement of the persons from whom it comes, the number of signatories to it and the text of the request.

38.4 A petition tabled by a *Councillor* at a *Council meeting* may be dealt with by a motion that the petition:

38.4.1 be dealt with in conjunction with an item on the *agenda*;

38.4.2 be referred to the *Chief Executive Officer* for consideration and response to the lead petitioner; or

38.4.3 be received and a report be submitted to a future meeting for consideration.

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# Part 6 – Council meeting procedures

## Division 1 - The role of the Chair

39 The role of the Chair

39.1 The role of the *Chair* of a *Council meeting* is to:

39.1.1 chair the *Council meeting* in accordance with *these Rules*;

39.1.2 ensure the conduct of the meeting complies with the *meeting conduct standards*; and

39.1.3 promote behaviour among *Councillors* that is consistent with the Model Councillor Code of Conduct.

40 The Chair's duties and discretions

40.1 In addition to the duties and discretions provided in *these Rules*, the *Chair*:

40.1.1 must not accept any motion, amendment, question or statement which contravenes the *meeting conduct standards*;

40.1.2 must call to order any person who behaves in contravention of the *meeting conduct standards*; and

40.1.3 where *these Rules* do not provide a procedure for the meeting, the *Chair* may determine the procedure to be followed in consultation with the *Chief Executive Officer*.

40.2 **Chair not to preside over certain Councillor conduct matters**

**Where Council is considering a matter relating to a Councillor conduct process, determination, recommendation, application, report or proceeding concerning the Mayor or the Councillor presiding as Chair, that Councillor must not preside during consideration of the matter.**

40.3 **Council must appoint another Councillor to Chair consideration of that item of business.**

40.4 **Upon conclusion of the item, the Mayor or Chair may resume the Chair unless otherwise prohibited by the Act.**

41 Reasonable adjustments

41.1 To the extent practicable, the *Chair* must make reasonable adjustments to *these Rules* to accommodate the participation in meeting proceedings by persons who would not otherwise be able to participate or in exceptional circumstances. Such adjustments may include (but are not limited to):

41.1.1 increasing the time available to address the meeting to enable the use of a translator or other assistance; and

41.1.2 facilitating a question or address to Council in an alternative manner by a person who could not otherwise participate at the meeting due to a disability.

## Division 2 - Expected meeting behaviour

42 Meeting conduct standards

42.1 A motion, amendment, question, statement or behaviour during a *Council meeting* complies with the *meeting conduct standards* if it complies with all of the standards in the following table:

| **Meeting Conduct Standard** | **The motion, amendment, question, statement or behaviour ...** |
|---|---|
| Meeting Conduct Standard 1 | ... relates to the matter under consideration and relates to a matter within the duties, functions and powers of *Council*. |
| Meeting Conduct Standard 2 | ... is not defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance. |
| Meeting Conduct Standard 3 | ... is a true and not misleading assertion or statement. |
| Meeting Conduct Standard 4 | ... is not designed to embarrass a *Councillor*, *Council officer* or any other person. |
| Meeting Conduct Standard 5 | ... does not relate to a matter which the *Chair* considers would prejudice *Council* or any person. |
| Meeting Conduct Standard 6 | ... does not disrupt or threaten the stability of the meeting. |
| Meeting Conduct Standard 7 | ... respects the authority of the *Chair* in chairing the meeting. |
| Meeting Conduct Standard 8 | ... complies with a lawful direction given by the *Chair*. |

42.2 The application of the *meeting conduct standards* is not intended to limit, restrict or detract from robust public debate of issues in a democracy.

43 Addressing the meeting

43.1 All statements, submissions, questions and other forms of address must be directed to the *Chair*. The *Chair* has the discretion to refer questions to others at their discretion.

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43.2 All *Councillors* must be addressed and referred to by their title and, optionally, their preferred name. The titles that may be used are:

43.2.1 Mayor;

43.2.2 Deputy Mayor;

43.2.3 Acting Mayor;

43.2.4 Chair; or

43.2.5 Councillor.

43.3 In the case of the City of Melbourne, Rule 43.2 is to be read as including Lord Mayor, Deputy Lord Mayor, Acting Lord Mayor, Acting Deputy Lord Mayor, Chair and Councillor.

43.4 All *Council officers* must be addressed and referred to by their preferred name or by their official title.

44 Priority of address

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

45 Public addressing the meeting

45.1 Members of the public do not have a right to address Council and may only do so with the consent of the *Chair*.

45.2 Any member of the public addressing Council must comply with the *meeting conduct standards* and must take direction from the *Chair* whenever called on to do so.

46 Removal from the meeting

46.1 The *Chair* may direct a person other than a *Councillor* to leave a *Council meeting* if they act in contravention of the *meeting conduct standards*.

46.2 The *Chair* may direct a *Councillor* to leave a *Council meeting* if the behaviour of the *Councillor* is preventing the Council from conducting its business.

46.3 The removal of a person under this Rule requires:

46.3.1 the *Chair* first giving the person a warning of their intent to remove them from the meeting should they continue the behaviour; and

46.3.2 the person continuing the behaviour.

46.4 The *Chair* may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person whom the *Chair* has directed to leave the meeting.

47 Chair may close or adjourn a disorderly meeting

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47.1 If the *Chair* is of the opinion that disorder at the Council table or in the gallery makes it desirable, the *Chair* may:

47.1.1 close the meeting to the public in accordance with section 66 of *the Act*; or

47.1.2 adjourn the meeting.

47.2 Following the adjournment of a *Council meeting* under this Rule, the *Chair* must determine the date, time, place and manner of delivery (primarily in person or wholly by electronic means) to which the meeting stands adjourned and the *Chief Executive Officer* must give notice to the *Councillors* of the adjournment in accordance with sub-Rule 75.2.

## Division 3 – Introduction of business

48 Introducing a report

48.1 Before an *agenda* item is considered and any motion moved in relation to such an item, the *Chair* may request a *Council officer* to provide a brief introduction of the item.

48.2 In introducing the item, the *Council officer* may presume that *Councillors* have familiarised themselves with the contents of the written report.

48.3 The introduction of an item is not an opportunity for discussion, questions or debate with the *Council officer*.

49 Motions and amendments

49.1 Every motion and amendment considered at a meeting must be:

49.1.1 unambiguous and clear in intention;

49.1.2 lawful;

49.1.3 relevant to the item of business on the *agenda;* and

49.1.4 compliant with the *meeting conduct standards*.

49.2 A motion or amendment that does not satisfy this Rule must not be accepted by the *Chair*.

## Division 4 - Debate

50 Moving a motion

50.1 To move a motion, a *Councillor* must:

50.1.1 state the motion in full;

50.1.2 table the motion in *writing*; or

50.1.3 make reference to the *agenda*.

50.2 Any motion which differs in wording from a recommendation or *notice of motion* in the *agenda* must, if required by the *Chair*, be provided in

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*writing* by the mover to all *Councillors* present before any further debate takes place on the matter.

50.3 The motion must be seconded by a *Councillor* other than the mover, at which point it becomes the *substantive motion*.

50.4 If a motion is not seconded, it lapses for want of a seconder.

51 Moving an amendment

51.1 A *substantive motion* may be amended, when no other *Councillor* is speaking and prior to a right of reply being exercised, by leaving out or adding words. Any added words must be relevant to the subject of the *substantive motion*.

51.2 An amendment must not be contrary to the *substantive motion*.

51.3 An amendment to a *substantive motion* (but not to an amendment) may be moved by any *Councillor*, other than:

51.3.1 the mover of the *substantive motion*;

51.3.2 the seconder of the *substantive motion*; and

51.3.3 a mover of any two previous amendments to the *substantive motion*.

51.4 To move an amendment, a *Councillor* must:

51.4.1 state the amendment in full; or

51.4.2 table the amendment in *writing*.

51.5 The amendment must be seconded and the seconder must be a *Councillor* other than:

51.5.1 the mover of the amendment;

51.5.2 the mover of the *substantive motion*; or

51.5.3 the seconder of the *substantive motion*.

51.6 If an amendment is not seconded, it lapses for want of a seconder.

52 Debating a motion or amendment

52.1 After a motion or amendment is moved and seconded, the *Chair* must:

52.1.1 invite the mover to address the meeting;

52.1.2 after the mover has addressed the meeting (or declined or reserved their right to address the meeting), invite the seconder to address the meeting;

52.1.3 after the seconder has addressed the meeting (or declined or reserved their right to address the meeting) invite any *Councillor* who wishes to address the meeting to do so;

52.1.4 continue inviting *Councillors* to address the meeting until all *Councillors* have had the opportunity to do so.

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52.2 Each *Councillor* may address the meeting once in relation to each motion or amendment.

53 Right of reply

53.1 A right of reply exists in relation to a motion or amendment:

53.1.1 where a *Councillor* other than the mover and seconder has addressed the meeting in relation to it; and

53.1.2 which has not been amended.

53.2 Where a right of reply exists and after each *Councillor* has either addressed the meeting or declined the opportunity to address the meeting, the *Chair* must invite the mover to exercise their right of reply.

53.3 In exercising a right of reply, the mover must confine their statements to matters raised during debate.

53.4 After the right of reply has been taken or declined, the motion or amendment must immediately be put to the vote without any further discussion or debate.

54 Altering motions

54.1 The *Chair* may accept an alteration to the wording of a *substantive motion* that has not been amended with the agreement of the mover and seconder.

54.2 If the *Chair* accepts an alteration to the wording of a *substantive motion* in accordance with this rule, the minutes shall record the motion as moved, the motion with the altered wording, and a notation that the wording was altered with the agreement of the mover and seconder.

55 Amending motions

55.1 Any number of amendments to a *substantive motion* may be proposed, but no amendment may be accepted by the *Chair* until the previous amendment has been dealt with.

55.2 If an amendment is carried, it becomes the *substantive motion* and debate recommences.

55.3 Upon recommencement of the debate following amendment the *substantive motion* becomes the property of the meeting, meaning that:

55.3.1 it no longer has a mover or seconder;

55.3.2 it cannot be altered (but can be further amended);

55.3.3 it cannot be withdrawn; and

55.3.4 there is no right of reply.

55.4 If an amendment is lost, debate resumes in relation to the *substantive motion*.

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56 Foreshadowing motions

56.1 At any time during debate when no other *Councillor* is speaking and prior to a right of reply being exercised, 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.

56.2 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.

56.3 The *Chief Executive Officer* or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes.

57 Withdrawing motions

57.1 When no other *Councillor* is speaking and prior to a right of reply being exercised, a motion which has not been amended may be withdrawn by the mover or seconder.

57.2 If a motion is withdrawn, the *Chair* must invite another *Councillor* to move or second the motion, as the case requires.

57.3 If a *Councillor* moves or seconds the motion, then debate resumes, with any new mover having right of reply.

57.4 If no *Councillor* moves or seconds the motion, then it lapses.

58 Separating matters

58.1 Prior to a motion being accepted in relation to a matter, the *Chair* may decide, or the Council may resolve, to split consideration of the matter into 2 or more separate matters, with each matter subject to a separate motion, debate and vote.

59 Voting in parts

59.1 Where a motion contains more than one part, the *Chair* may decide to put any motion to the vote in several parts.

60 Combining matters

60.1 A *Councillor* may not combine multiple *agenda* items into one consolidated motion, nor may a *Councillor* seek to move multiple motions with one vote (en bloc voting) **except if the items are deemed to be administrative in nature – as determined by the Chief Executive Officer.**

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## Division 5 – Voting

61 Repeating a motion or amendment

61.1 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.

62 How motion determined

62.1 To determine a motion before a meeting, the *Chair* must invite those in favour of the motion to vote in favour of the motion by show of hands or such other non secret means as the *Chair* determines.

62.2 The result of the vote is determined by counting the number of votes in favour and comparing it to the number of Councillors present at the time the vote is taken, as follows:

62.2.1 If a majority of votes are in favour, the motion is carried;

62.2.2 If a minority of votes are in favour, the motion is lost; and

62.2.3 If an equality of votes are in favour, the chair must exercise a second vote in accordance with Rule 64.

62.3 Once the votes in favour of the motion have been counted, the *Chair* must declare the result to the meeting.

62.4 In declaring the result to the meeting, the *Chair* must:

62.4.1 declare that the vote is unanimous; or

62.4.2 state the names of those *Councillors* voting in favour of the motion and declare whether the second vote (if used) has been exercised in favour or against the motion.

62.5 Subject to this Rule voting must take place in silence.

63 Recount

63.1 The *Chair* may direct that a vote be recounted to satisfy themselves of the result.

64 Second vote

64.1 Subject to subsection 61(6) of the *Act*, if the number of votes in favour of the motion is half the number of *Councillors* present at the meeting at the time the vote is taken, the *Chair* must exercise a second vote.

65 No discussion once declared

65.1 Once a vote on a *substantive motion* has been taken, no further discussion relating to the motion is allowed.

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65.2 A subsequent motion in relation to the same item of business may be moved prior to the *Chair* moving to the next item of business.

## Division 6 – Procedural Motions

66 Procedural motions

66.1 A procedural motion differs from other motions at a meeting in that it may be moved at any time when no other *Councillor* is speaking, including during a debate on a *substantive motion* or amendment, unless otherwise prohibited.

66.2 Once moved, a procedural motion must be dealt with immediately by the *Chair*.

66.3 The process for procedural motions is as follows:

66.3.1 A procedural motion must be moved and seconded.

66.3.2 A procedural motion may not be amended.

66.3.3 Aside from a brief statement by the mover explaining the reason for the procedural motion, no debate is permitted.

66.3.4 The motion is immediately put to a vote without further discussion.

66.4 The accepted form of procedural motions, the conditions associated with their use, and the effect if they are carried is set out in the following table:

| Form | Conditions | Effect if carried |
|---|---|---|
| That this matter be adjourned until after consideration of [item]. | The motion must include a reference to an item listed on the *agenda*. | The meeting proceeds to the next item on the *agenda*. Once the specified item is dealt with, debate resumes. |
| That this matter be adjourned until the meeting is closed to the public. | The *Chair* may not declare the meeting closed until it has been closed to the public to enable resumption of the item. | The meeting proceeds to the next item on the *agenda*. Once the meeting is closed to the public, debate resumes. |
| That the meeting be closed to the public to consider *confidential information*. | In addressing the motion, the mover must state the grounds for closing the meeting with reference to the definition of *confidential information* in the *Act* and explain why the specified grounds apply. | The meeting is closed to the public. Once the meeting is closed, debate resumes. |

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| | | |
|---|---|---|
| That the meeting be opened to the public. | | The meeting is opened to the public. Once the meeting is opened, debate resumes. |
| That *these Rules* be suspended. | | *These Rules* are suspended. Once *these Rules* are resumed, debate resumes. |
| That the motion be put to the vote. | May be accepted by the *Chair* only after two *Councillors* other than the mover and seconder have addressed the meeting in relation to the motion.<br>May not be moved by a *Councillor* who has addressed the meeting in relation to the motion or any amendments of it. | The *Chair* provides the right of reply and puts the matter to a vote. |
| That the meeting be extended by [number of minutes] minutes. | The motion must specify a time of up to 30 minutes.<br>The meeting may only be extended once. | The time limit specified in Rule 74 is extended by the amount set out in the resolution. |
| That the *Chair*'s ruling be dissented from. | Following the mover's statement of the reasons for the motion, the *Chair* may reply.<br>In order to be carried, at least two thirds of the *Councillors* present must vote in the affirmative. | The ruling on the point of order is reversed and the meeting proceeds |

66.5 For the avoidance of doubt, a motion to defer consideration of an item of business to a later meeting is not a procedural motion, and may not be moved while a *substantive motion* or amendment is being considered.

## Division 7 – Points of Order

67 Valid points of order

67.1 A point of order may be raised in relation to a statement or behaviour which is:

67.1.1 contrary to the *meeting conduct standards*, meaning it is contrary to the *meeting conduct standards* at Rule 42; or

67.1.2 contrary to *these Rules*, meaning it is contrary to the provisions set out in this Chapter.

68 Procedure for point of order

68.1 A *Councillor* raising a point of order must state:

68.1.1 "Point of order, the [motion, amendment, question, statement or behaviour] is contrary to *meeting conduct standard* [number of the *meeting conduct standard* which is being contravened]; or

68.1.2 "Point of order, the [statement or behaviour] is contrary to Rule [the number of the Rule which is being contravened].

68.2 A *Councillor* raising a point of order under this clause is not deemed to be speaking to the motion or amendment before the meeting.

69 Chair to decide

69.1 The *Chair* may rule on any breach of these Rules, whether or their own initiative or following a point of order raised by another Councillor.

69.2 Prior to ruling in relation to a statement made, the *Chair* may provide an opportunity to the speaker to withdraw that statement.

69.3 The *Chair* must decide all points of order without entering into any discussion or comment.

69.4 The *Chair* may adjourn the meeting in accordance with Rule 74 but otherwise must rule on it as soon as it is raised.

69.5 All other motions before the meeting are suspended until the point of order is decided.

69.6 If a person addressing the meeting is ruled to have contravened *these Rules*, their speaking time is deemed to have concluded when the *Chair's* ruling is made.

70 Dissent from Chair's ruling

70.1 A two-thirds majority of *Councillors* may dissent from the *Chair's* ruling by means of the procedural motion at Rule 66.4.

70.2 The dissent from 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.

## Division 8 - Conduct during debate

71 Debate must be relevant to the motion

71.1 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.

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71.2 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*.

71.3 A speaker to whom a direction has been given under this Rule must comply with that direction.

72 Right to ask questions

72.1 At any time before the debate has commenced, a *Councillor* may, when no other *Councillor* is speaking, ask any question concerning or arising out of the motion or amendment before the *Chair*.

72.2 The debate has commenced when a *Councillor* addresses the meeting under Rule 52.1 in relation to a motion or an amendment (as the case may be).

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

73 Speaking times

73.1 A *Councillor* must not speak longer than the time set out below, unless the *Chair* at their discretion allows one extension of a further ~~2~~ 1 minutes.

| **Speaker** | **Time limit** |
|---|---|
| The mover of a motion or an amendment | ~~3~~ 4 minutes |
| Any other *Councillor* addressing a motion or amendment | ~~3~~ 4 minutes |
| The mover exercising a right of reply | ~~3~~ 2 minutes |
| A *Councillor* asking **or responding** to a question | 1 minute |
| A *Councillor* raising a point of order | 1 minute |
| A *Chair* responding to a motion to dissent from a ruling | 1 minute |

***An exception applies to speaking times in relation to any item considering Council's annual budget where 5 minutes is permitted for the mover/any other Councillor, and 2 minutes for the mover exercising the right of reply.***

## Division 9 – Miscellaneous

74 Meeting break

74.1 The *Chair* may, at their sole discretion and without a Council resolution, adjourn a meeting for a period of up to 15 minutes to enable a break in proceedings.

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## 75 Adjournment

75.1 Council may adjourn any meeting to another date, time or place.

75.2 The Chief Executive Officer must notify each *Councillor* in person or by *written* notice of the date, time and place to which a meeting stands adjourned and of the business remaining to be considered.

## 76 Time limits for meetings

76.1 ~~To support the safety and wellbeing of *Councillors* and *Council officers*, and to maintain the quality of decision-making,~~ a *Council meeting* must not continue ~~beyond 4 hours in length or~~ later than ~~10.00pm~~ **11.00pm** unless Council resolves to continue the meeting.

76.2 Council may resolve to continue the meeting only once, and the continuation may be no longer than 30 minutes. No subsequent continuances are permitted.

76.3 **If a matter before the *Council meeting* has not concluded by the time the 30 minute time extension has expired, the matter before the meeting may continue until such time as the matter has been resolved. No further matters may be considered.**

76.4 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.

76.5 Following the adjournment of a *Council meeting* under this Rule, the Chief Executive Officer must give notice to the *Councillors* of the adjournment in accordance with sub-Rule 75.2.

## 77 Maintenance of a quorum

77.1 A quorum of a *Council meeting* is an absolute majority of *Councillors*.

77.2 A *Council meeting* will be deemed to have been adjourned if:

77.2.1 after 30 minutes from the scheduled starting time, a quorum cannot be obtained; or

77.2.2 at any time during the meeting, a quorum cannot be maintained.

77.3 Following the adjournment of a *Council meeting* under this Rule, the Chief Executive Officer, in consultation with the *Mayor*, must determine the date, time and place to which the meeting stands adjourned and give notice to the *Councillors* of the adjournment in accordance with sub-Rule 75.2.

## 78 Suspension of these Rules

78.1 *These Rules* may be temporarily suspended by the Council in order to expedite the business of a meeting by way of the procedural motion at Rule 66.4.

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78.2 The suspension of *these Rules* should not be used purely to dispense with the processes and protocol of the Council.

78.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of *these Rules*.

78.4 Once the discussion has taken place and before any motions can be put, the *Chair* must declare that *these Rules* be resumed.

79 Statement by the Chief Executive Officer

79.1 The *Chief Executive Officer* may make a brief statement at a *Council meeting* to:

79.1.1 clarify a misrepresentation or misunderstanding;

79.1.2 respond to a statement criticising them or any *Council officer*.

79.2 The Chair must allow the *Chief Executive Officer* to make a statement in accordance with this Rule.

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# Part 7 – Conflicts of interest

Whilst advice and support may be available from the Chief Executive Officer, their delegate or another party regarding the identification and management of a conflict of interest, Councillors, non-Councillor members of a Delegated or Community Asset Committee and Council officers with a conflict of interest remain solely responsible for ensuring their conflict of interest is disclosed, recorded and appropriately managed.

80 Application of this part

80.1 A *relevant person* who has a conflict of interest in respect of a matter must:

80.1.1 disclose the conflict of interest in the manner required by *these Rules*; and

80.1.2 exclude themselves from the decision making process in relation to that matter.

81 Conflict of interest declarations

81.1 An oral conflict of interest declaration made under this Rule must:

81.1.1 advise the type of conflict of interest (general or material); and

81.1.2 explain the nature of the conflict of interest.

81.2 A written conflict of interest declaration made under this Rule must:

81.2.1 advise the type of conflict of interest (general or material);

81.2.2 explain the nature of the conflict of interest;

81.2.3 detail, if the conflict of interest is a material conflict of interest involving an *affected person* other than the *Councillor*:

(a) the name of the *affected person*;

(b) the relationship between the *Councillor* and the *affected person*, with reference to section 128(3) of the *Act*; and

(c) the nature of the *affected person's* interest in the matter.

82 Disclosure when not in attendance at a meeting

82.1 A *Councillor* who has a conflict of interest in a matter listed for consideration at a *meeting to which conflict of interest provisions apply* at which they are entitled to attend but were not in attendance must submit a written conflict of interest declaration to the Chief Executive Officer before the meeting or as soon as practicable after the meeting.

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83 Disclosure when in attendance at a meeting

83.1 At or near the commencement of a *meeting to which conflict of interest provisions apply*, the *Chair* must ask each *Councillor* to declare that they have familiarised themselves with the matters listed on the *agenda* and to indicate whether or not they wish to make a conflict of interest declaration in relation to any of those matters.

83.2 If a *Councillor* is not present when the conflict of interest disclosures are made, the *Chair* must ask the *Councillor* to make a conflict of interest disclosure upon their arrival to the meeting.

83.3 A *Councillor* must declare that they have familiarised themselves with the matters listed on the *agenda* and whether or not they wish to make a conflict of interest declaration when requested by the *Chair* to do so.

83.4 A *Councillor* who has a conflict of interest in a matter being considered at a *meeting to which conflict of interest provisions apply* at which they are present must make either a public conflict of interest declaration or a private conflict of interest declaration.

83.5 A public conflict of interest declaration requires a *Councillor* to:

83.5.1 make an oral conflict of interest declaration to those present at the meeting before the matter is considered; and

83.5.2 submit a written conflict of interest declaration to the Chief Executive Officer before, during or as soon as practicable after, the meeting.

83.6 A private conflict of interest declaration requires a *Councillor* to:

83.6.1 submit a written conflict of interest declaration to the Chief Executive Officer before the matter is considered;

83.6.2 make a statement at the meeting disclosing the type of conflict of interest; and

83.6.3 make a statement to the meeting that a written declaration has been given to the Chief Executive Officer.

83.7 A *Councillor* who has made a conflict of interest declaration under this Rule must leave the meeting prior to any discussion or consideration of the matter to which the conflict of interest relates and not return to the meeting until after the matter has been disposed of.

83.8 If the departure of a *Councillor* due to a conflict of interest would trigger a loss of quorum, the Council may, before the departure of the *Councillor*:

83.8.1 defer consideration of the matter to a future time and date; or

83.8.2 determine to deal with the matter in accordance with section 67 of the *Act*.

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84 Disclosure by Council officers preparing reports for meetings

84.1 A *Council officer* who, in their capacity as a *Council officer*, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a report for presentation to a *meeting to which conflict of interest provisions apply* must, immediately upon becoming aware of the conflict of interest, provide a written conflict of interest declaration to the Chief Executive Officer.

84.2 A *Council officer* may, subject to the approval of the Chief Executive Officer, be permitted to prepare or contribute to the preparation of a report for presentation to a *meeting to which conflict of interest provisions apply* despite a conflict of interest, subject to the disclosure provisions in sub-Rule 84.1 and subject to consideration of:

84.2.1 the availability of suitable alternative sources of advice; and

84.2.2 providing balance to other suitable but differing alternative sources of advice.

84.3 The Chief Executive Officer must ensure that the report referred to in sub-Rule 84.2 records the fact that a *Council officer* disclosed a conflict of interest in the subject-matter of the report.

84.4 If the *Council officer* referred to in sub-Rule 84.1 is the Chief Executive Officer:

84.4.1 the written notice referred to in sub-Rule 84.1 must be given to the *Mayor*; and

84.4.2 the obligation imposed by sub-Rule 84.3 may be discharged by any other *Council officer* responsible for the preparation of the report.

85 Prohibition on the exercise of a delegated power or statutory function

85.1 A *relevant person* must exclude themselves from the decision-making process, including any discussion and any action in relation to any matter in which they have a conflict of interest that arises in the course of:

85.1.1 the exercise of a power of delegation by a *Council officer*; or

85.1.2 the exercise of a statutory function under the *Act* or any other Act.

86 Retention of written notices

86.1.1 The Chief Executive Officer must retain all written notices received under this Part for a period of four years.

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# Part 8 – Council Delegated Committees

87 Council Delegated Committee meeting procedures

87.1 If Council establishes a *Council Delegated Committee*, it may determine which of the provisions of Parts 4, 5 and 6 of *these Rules* apply to meetings of the *Council Delegated Committee*.

87.2 In the absence of a resolution under sub-Rule 87.1, all of the provisions of Parts 4, 5 and 6 of *these Rules* apply to meetings of the *Council Delegated Committee*.

88 *Council* Delegated Committee conflicts of interest

88.1 Part 7 of *these Rules* applies to members of *Council Delegated Committee*s.

89 Application of these Rules

89.1 In applying *these Rules* to a *Council Delegated Committee*, any reference to:

89.1.1 the Council is to be read as a reference to the *Council Delegated Committee*;

89.1.2 a *Council meeting* is to be read as a reference to a *Council Delegated Committee* meeting;

89.1.3 a *Councillor* is to be read as a reference to a member of the *Council Delegated Committee*; and

89.1.4 the *Mayor* is to be read as a reference to the chair of the *Council Delegated Committee*.

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# Part 9 – Community Asset Committees

90 Community Asset Committee meeting procedures

90.1 Unless anything in the Instrument of Delegation to the Community Asset Committee made by the Chief Executive Officer under section 47(1)(b) of the *Act* provides otherwise, the conduct of a meeting of a Community Asset Committee is in the discretion of the Community Asset Committee.

91 Community Asset Committee conflicts of interest

91.1 Part 7 of *these Rules* applies to members of Community Asset Committees.

92 Application of these Rules

92.1 In applying *these Rules* to a Community Asset Committee, any reference to:

92.1.1 the Council is to be read as a reference to the Community Asset Committee;

92.1.2 a *Council meeting* is to be read as a reference to a Community Asset Committee meeting;

92.1.3 a *Councillor* is to be read as a reference to a member of the Community Asset Committee; and

92.1.4 the *Mayor* is to be read as a reference to the chair of the Community Asset Committee.

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# Part 10 – Council elections

93 Prohibited decisions

93.1 During the *election period* for a general election, Council is prohibited from making any decision that:

93.1.1 relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer;

93.1.2 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;

93.1.3 the Council considers could be reasonably deferred until the next Council is in place; or

93.1.4 the Council considers should not be made during an *election period*.

93.2 During the *election period* for a general election or a by-election, Council is prohibited from making any decision that:

93.2.1 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.

94 Election period policy

94.1 For the purposes of section 69(1) of the *Act*, Council's election period policy is set out in Schedule 1.

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# Schedule 1 – Election Period Policy

## 1. Purpose

The purpose of this Election Period Policy (Policy) is to ensure that Council conducts its business during the election period in a lawful, fair, and transparent manner, consistent with section 69 of the Local Government Act 2020 (the Act).

The Policy protects the integrity of the electoral process by:

- preventing decisions, actions or communications that could be perceived as influencing voters or conferring an advantage to election candidates, including sitting Councillors; and
- providing clear guidance to Councillors, Council staff and the community on how Council will manage its operations during this time, including the use of resources, communications, decision-making and public engagement.

The Policy supports good governance, promotes public confidence and reinforces Council's commitment to ethical and accountable conduct throughout the election period.

This policy applies during:

- local government general elections;
- local government by-elections; and
- state, federal and other elections where Council resources, facilities or communications may be used inappropriately.

## 2. Scope

This Policy applies to:

- All Councillors (whether or not they are candidates);
- Council staff; and
- Contractors and volunteers.

## 3. Definitions

In this policy, unless the context suggests otherwise:

- '*Act*' means the Local Government Act 2020;
- '*election*' means a general election or a by-election.
- '*election period*' means the period prior to an election that starts at the time that nominations close on nomination day and ends at 6:00pm on election day.

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- '*electoral material*' means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.
- '*electoral matter*' means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.

  Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

  - the election; or
  - a candidate in the election; or
  - an issue submitted to, or otherwise before, the voters in connection with the election.
- '*prohibited decision*' has the same meaning as it has in section 69 of the *Act*.
- '*significant decision*' means a decision that:
  - may unreasonably bind an incoming council and could reasonably be made after the election; or
  - significantly affects the municipal community.

## 4. Roles and responsibilities

### 4.1 Role of Councillors

At all times, including during an election period, Councillors perform their civic duties and engage with the community in their official capacity. Councillors must always comply with the Act, the Model Councillor Code of Conduct, and this Policy.

Councillors must be mindful of their obligations under sections 123 and 124 of the Act, which prohibit the misuse of position or information. A breach of section 123, which includes using Council resources or influence for electoral advantage, is a serious offence and may attract significant penalties, including imprisonment. Councillors must not use their position to improperly influence staff, access Council information or utilise Council resources in support of any election campaign or candidacy.

### 4.2 Role of the Chief Executive Officer

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

- all Councillors and officers are informed of the application of this Policy at least 30 days prior to the commencement of an election period;

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- all Councillors and officers are supported in the application of this Policy during an election period; and
- matters of Council business requiring prohibited decisions or significant decisions are scheduled outside election periods in accordance with the Act and this Policy.

4.3 Role of Staff

Council staff are expected to maintain impartiality by avoiding making any comment or expressing an opinion, in any context which is public or may become public, in relation to candidates, potential candidates or matters that may influence an election.

This obligation applies in any context where the staff member may be reasonably identified as a Council employee or representative. Staff must exercise caution when using personal social media accounts and are strongly discouraged from engaging with candidate hosted online media platforms.

4.4 Staff as candidates

Council officers who are candidates for election must:

- take leave from their duties for the duration of the election period (if not enough paid leave is accrued, unpaid leave will be available for this purpose);
- return any Council equipment (including, but not limited to, motor vehicles, telephones, computers, swipe cards and keys), documents or information which is not available to the public for the duration of the election period; and
- immediately resign upon election.

## 5. Decision-making during election periods

5.1 Prohibited Decisions

During an election period for a general election or by-election, Council must not make a decision 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.

During an election period for a general election, Council must not make a decision that:

- relates to the appointment or remuneration of a CEO but not to the appointment or remuneration of an Acting CEO;
- commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;

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- the Council considers could be reasonably deferred until the next Council is in place; or
- the Council considers should not be made during an election period.

5.2 Significant decisions or decisions to be avoided

Significant decisions should be avoided during an election period.

Without limiting the generality of the definition of a significant decision, a decision is to be taken to be a significant decision if it:

- approves or amends the Council Plan;
- adopts or amends any policy that the Council is required to adopt under the Act;
- adopts or amends the Governance Rules;
- makes or amends a local law;
- approves a budget or revised budget; or
- approves the borrowing of money;
- declares general rates, municipal charges, service rates and charges or special rates and charges;
- exercises a power, duty or function prescribed for the purposes of section 11(2) of the Act;
- allocates community grants or other direct funding to community organisations;
- is a major planning scheme amendment; or
- is the sale or discontinuance of a road.

5.3 Considerations for officers with delegated authority

Most Council decisions are not made at meetings of the Council. Significant decision-making power is formally delegated to staff and the decision of a delegate is a decision of the Council.

Because a delegate's decision is the same as a Council decision, the same constraints that apply to decisions made in Council and Council Delegated Committee meetings apply when delegates make decisions. Delegates should therefore carefully consider when exercising their powers during an election period.

Should a delegate be required to make a decision under delegation in the ordinary course of Council business during an election period, the delegate must consider the following:

- Whether the decision is prohibited, significant or should be avoided.
- The urgency of the issue (that is, can it wait until after the election period?).

- Any financial repercussions if it is deferred.
- Whether the decision is likely to be controversial or influence voters.
- Whether it is in the best interests of Council.

The restriction on the making of decisions is not intended to delay the routine making of administrative and operational decisions by members of Council staff under delegation.

Officers must consult with the Chief Executive Officer where there is any uncertainty about the appropriateness of a decision or action, prior to proceeding. The Chief Executive Officer is responsible for managing and monitoring potential breaches.

## 6. Meetings

### 6.1 Council meetings

During an election period for a general election or by-election, the following modifications will be made to the conduct of Council meetings:

- Councillors will limit their discussion during debate to the topic under consideration and must not raise issues that contain or relate to electoral matter.
- No officer report will be presented to Council during the election period unless it contains an express statement by the Chief Executive Officer that a decision on that matter would not be contrary to this policy.

During an election period for a general election:

- Items of general business, notices of motion and any comparable agenda items will be suspended.
- Councillor delegate reports, or equivalent reporting mechanisms, will be suspended.

### 6.2 Annual report

It is a requirement of the Act that Council's annual report be presented by the Mayor at an open Council meeting held, in the year of a general election, on a day not later than the day before election day.

While every endeavour should be made to present the annual report beforehand, it is recognised that it may be necessary to present the Annual Report at a Council meeting held during the election period.

### 6.3 Council advisory committees

Except for the Audit and Risk Committee, the operation of Council advisory committees, working groups and similar committees shall be suspended upon the commencement of an election period ahead of a general Council election.

### 6.4 Councillor representation on external committees

Where a Councillor has been appointed to an external committee or board it is expected that they will attend meetings of the committee or board during an election period.

A Councillor must not attend an external committee or board meeting, where they are a Councillor representative, in their capacity as a candidate. A Councillor must be mindful of their obligations under this Policy, and not conduct any electoral campaigning activities at the meeting.

### 6.5 Councillor briefings

The Chief Executive Officer, following consultation with the Mayor, will determine whether Councillor briefing sessions and similar meetings conducted under the auspices of Council will be held during an election period.

### 6.6 Council publications during an election period

In accordance with section 304 of the Act, Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any electoral material during an election period unless it only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

During the election period for a general election, Council will restrict Councillor details on the Council website to Councillor names, the ward they represent (where applicable) and their contact details.

For the avoidance of doubt, this Policy does not prevent candidates from publishing their own campaign material from their own funds outside Council, and not bearing any reference or inference that such material is from Council or supported or endorsed by Council and nor bearing any Council identification (such as logos or similar). Candidates must ensure that such publications comply with the requirements of the Act.

Council may choose to implement an internal certification process as a risk-mitigation measure, to help ensure that material is not inadvertently published during the election period that may be perceived as electoral matter. The design and operation of such a process is at the discretion of the Chief Executive Officer.

During a by-election, Council may make necessary adjustments to the publication and distribution of materials which, while not containing electoral matter, may still be undesirable. For example, Council may determine not to distribute a community newsletter to properties located in a ward where a by-election is underway.

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### 6.7 Public consultation and engagement

Community engagement is an integral part of Council's policy development process and operations, however, there are concerns that consultation undertaken close to a general election may become an issue in itself and influence voting.

Council events in the lead up to an election can also raise concerns over the potential use of sitting Councillors using them for electioneering purposes.

If consultation must be undertaken or an event held during this time, the Council must explain to the community the special circumstances making it necessary and how the risks influencing the election will be mitigated or prevented.

Therefore, during an election period no public consultation under section 223 of the *Local Government Act 1989* will be conducted.

- Only consultation for the purpose of planning permit applications and operational issues such as canvassing residents' views on small-scale traffic treatments, installation of single trees and the like will be allowed as they are operational in nature and are unlikely to impact the conduct of the election.
- Civic events will cease during an election period for a general election.
- No election material or active campaigning is to be conducted at Council sponsored events.

## 7. Media and media services

The Chief Executive Officer (or their delegate) is the official spokesperson during the election period for a general election.

Councillors must not use their role to make media comments or representations that could be seen as electioneering.

Councillors may continue to engage with the media as candidates but not on behalf of Council or using Council resources.

Councillors who are candidates in an election must not use their official Council-affiliated social media accounts for electioneering or campaign purposes during the election period. Councillor candidates may establish separate, clearly identified campaign social media accounts for election-related communications.

The only new material published on Council's websites or social medial sites during an election period for a general election will be:

- the agenda and minutes for any Council meeting, meeting of a Council delegated committee or meeting of a community asset committee;
- the annual report; and
- key service disruption information.

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Information already published on the website will be reviewed to ensure it does not include anything that might be seen as likely to influence the election.

## 8. Use of Council resources

The use of Council resources by a Councillor in a way that is intended to or is likely to affect the result of an election is prohibited and constitutes a breach of section 304 of the Act. These restrictions apply at all times, not just during an election period, regardless of whether such use comes at no cost to Council.

The following are not permitted:

- use by a candidate of a Council-provided computer for the preparation of campaign material other than publicly available computers in libraries or community facilities;
- use of a Council-provided mobile telephone for campaign-related calls, messages, emails, photographs or social media. While receipt of communications cannot be controlled, candidates must not encourage campaign-related communication by this means;
- use of photographs in campaign material taken by Council staff or by photographers engaged by Council; and
- use of Council administrative facilities such as offices, meeting rooms, support staff, hospitality services, equipment and stationery in connection with any election campaign.

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

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

Council telephone numbers and email addresses are not to be used in candidate election material.

Members of Council staff must not assist in the preparation of candidate election material.

Members of Council staff must not provide candidates with access to databases, contact lists, property counts, email addresses or any other information that would assist in the distribution of election material. Any such Council information already in the possession of candidates is subject to the provisions of the Privacy and Data Protection Act 2014 and must not be used for electoral purposes.

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## 9. Access to information

Councillors shall continue to receive information necessary to fulfil their existing role as a Councillor during the election period.

Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns and there shall be complete transparency in the provision of all information and advice during the election period. Information and briefing material prepared by staff/contractor conducting elections on behalf of Council during the election period will only relate to factual matters or to existing Council services. Such information will not relate to policy development, new projects or matters that are the subject of public or election debate or might be perceived to relate to a candidate's election campaign.

No other information other that what would normally be made available to any member of the general public upon request is to be provided to a Councillor.

No information other than what would normally be made available to any member of the general public upon request is to be provided to a candidate who is not a Councillor.

### 9.1 Information Request Register

An Information Request Register will be maintained by the Chief Executive Officer during the election period. The Information Request Register will record all requests relating to electoral matters and non-routine information requests made by Councillors and candidates, along with the responses provided. To ensure transparency and equal access, where a request for information is granted, the response will be published on Council's website and made available to all candidates and the public.

## 10. Election signage on Council land

Election signage on Council land will be managed in accordance with Council's relevant Local Law.

## 11. External elections

This section of the election period policy applies to Councillors who have made the decision to seek election in another sphere of government. These provisions are applicable to any Councillor seeking election to the Parliament of Australia, the Parliament of Victoria, another Australian state or territory government, a local government in another state or territory of Australia or any level of government outside Australia. For ease of reading, these are collectively referred to in this section as an 'external election'.

This section applies subject to the requirements of the *Local Government Act 2020* and any regulations made under that Act. To the extent of any inconsistency, the Act and regulations prevail.

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Councillors must ensure there is a clear and demonstrable distinction between their obligations to Council and their personal interests as a candidate, or as a member of a political party, in the period prior to and during an external election.

A Councillor who is a prospective candidate or a nominated candidate for an external election must:

- maintain an appropriate separation between their dual roles;
- avoid potential and actual conflicts of interest;
- not misuse their position as a Councillor;
- not use Council resources to support their candidacy; and
- continue to observe the standards of conduct in the Model Councillor Code of Conduct.

### 11.1 Notification of Candidacy

As soon as practicable after becoming a prospective or nominated candidate for an external election, a Councillor must notify the Chief Executive Officer in writing.

Upon receiving this notification, the Chief Executive Officer will advise all other Councillors.

The Councillor must also declare their intended or actual candidacy at the next Council meeting following notification to the Chief Executive Officer.

### 11.2 Leave

A Councillor must request leave from all Council meetings held during the period commencing on the date of their nomination with the relevant electoral commission (or equivalent) and concluding on the day of the close of voting for that election.

- The application must be made as soon as practicable after the Councillor nominates.

An application for leave by a Councillor in these circumstances must not be unreasonably refused by the Council.

During the period commencing on the date of their nomination with the relevant electoral commission (or equivalent) and concluding on the day of the close of voting for that election, a nominated candidate must:

- not attend Council meetings, meetings of Council delegated committees or meetings of a community asset committee;
- not act in their capacity as a Councillor; and
- return all Council equipment and materials if requested to do so by the Chief Executive Officer.

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