



BULOKE
SHIRE COUNCIL

GOVERNANCE RULES 2021

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PART 1 – PRELIMINARY

1. PURPOSE

The purpose of these Governance Rules is to provide for:

- (a) the conduct of Council meetings;
- (b) the conduct of meetings of Delegated Committees;
- (c) the form and availability of meeting records;
- (d) the election of the Mayor and the Deputy Mayor;
- (e) the appointment of an Acting Mayor;
- (f) an election period policy;
- (g) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a Delegated Committee at a meeting of the Council or a Delegated Committee;
- (h) the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a Delegated Committee;
- (i) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
- (j) the consideration and making of decisions on any matter being considered by the Council fairly and on the merits;
- (k) the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered; and
- (l) any other matters prescribed by the regulations made under the Act.

2. ROLE OF COUNCIL

- 1) The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Buloke municipal community.
- 2) Council will provide good governance through —
 - a) the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and

- b) the Councillors of the Council performing their roles in accordance with the requirements of the Act.
- 3) In performing its role, Council may—
 - a) perform any duties or functions or exercise any powers conferred on Council by or under the Act or any other Act; and
 - b) perform any other functions that Council determines are necessary to enable Council to perform its role.
- 4) If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

3. OVERARCHING GOVERNANCE PRINCIPLES AND SUPPORTING PRINCIPLES

- 1) Council will in the performance of its role give effect to the overarching governance principles.
- 2) The following are the overarching governance principles—
 - a) Council decisions are to be made and actions taken in accordance with the relevant law;
 - b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - d) the municipal community is to be engaged in strategic planning and strategic decision making;
 - e) innovation and continuous improvement is to be pursued;
 - f) collaboration with other Councils and Governments and statutory bodies is to be sought;
 - g) the ongoing financial viability of the Council is to be ensured;
 - h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
 - i) the transparency of Council decisions, actions and information is to be ensured.

- 3) In giving effect to the overarching governance principles, Council will take into account the following supporting principles—
- the community engagement principles;
 - the public transparency principles;
 - the strategic planning principles;
 - the financial management principles; and
 - the service performance principles.

4. COUNCIL DECISION MAKING

- Council must consider, and make decisions on, any matter being considered by Council fairly and on the merits.
- Any person whose rights will be directly affected by a decision of the Council is entitled to:
 - communicate their views by written submission;
 - subsequently speak to their submission or to have a person speak on their behalf; and
 - have their interests considered.
- For the purposes of subclauses (1) and (2), a decision of Council means the following—
 - a resolution made at a Council meeting;
 - a resolution made at a meeting of a Delegated Committee; or
 - the exercise of a power or the performance of a duty or function of Council by a member of Council staff or a Community Asset Committee under delegation.

5. GENERAL POWER

Subject to any limitations or restrictions imposed by or under the Act or any other Act, Council has the power to do all things necessary or convenient to be done in connection with the performance of its role.

6. DEFINITIONS

In these Governance Rules, the following words are defined to mean:

Words	Meaning
Act	The <i>Local Government Act 2020</i>
Agenda	The notice of a meeting setting out the business to be transacted at the meeting
Business Days	A normal working day of the Council, usually Monday to Friday excluding declared Public Holidays
Chair	The Chairperson
Chairperson	The person who chairs a meeting of the Council, a Delegated Committee or a Community Asset Committee, and includes a person acting as Chairperson, a temporary Chairperson or a substitute Chairperson
Chief Executive Officer	The member of Council staff appointed to be its Chief Executive Officer, and includes a person acting as Chief Executive Officer
Clause	A clause of these Governance Rules
Councillor Code of Conduct	The Councillor Code of Conduct approved under section 139 of the Act
Committee Meeting	A meeting of a Delegated Committee
Common Seal	The Common Seal of the Council
Community Asset Committee	A Community Asset Committee established by Council under section 65 of the Act

Words	Meaning
Confidential Information	<i>As the same meaning as in section 3(1) of the Act</i>
Council	The Buloke Shire Council
Councillor	A person who is an elected member of the Council
Delegated Committee	A Delegated Committee established by Council under section 63 of the Act
Deputy Mayor	A Councillor who has been elected to that position by a vote of Councillors
Division	A formal count and recording of those for and those against a motion
Formal Motion	A motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure
Mayor	The Mayor of the Council and any person acting as the Mayor.
Meeting	A meeting of Council, a Delegated Committee or a Community Asset Committee
Member	A person who is entitled to vote at a meeting of the Council or a Delegated Committee or Community Asset Committee
Minutes	The record of proceedings of a meeting of the Council, a Delegated Committee or a Community Asset Committee
Municipal District	The area comprising the municipal district of the Council
Notice of Motion	A notice setting out the text of a motion which is proposed to be moved at the next relevant meeting
Present at the Meeting	Physically present at the Council meeting

Words	Meaning
Recommendation	The recommendation made in a report to Council as part of the agenda
Regulations	Any regulations made under the Act
Resident	A person who has a place of residence within the Municipal District
Suspension of Standing Orders	The suspension of the meetings provisions of the Governance Rules to facilitate full discussion on an issue without formal constraints
Written	Includes duplicated, lithographed, photocopied, photographed, printed, typed and emailed

PART 1 – THE MAYOR, DEPUTY MAYOR AND ACTING MAYOR

7. WHEN IS A MAYOR TO BE ELECTED?

- 1) A Mayor is to be elected:
 - a) no later than one month after the date of a general election; or
 - b) within one month after any vacancy in the office of Mayor occurs.
- 2) Before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.
- 3) If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 1 year term as is reasonably practicable.
- 4) If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 2 year term as is reasonably practicable.
- 5) The election of a Mayor after the period specified in this clause does not invalidate the election.
- 6) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a 1 year or a 2 year term serves the remaining period of the previous Mayor's term.

8. ELECTION OF MAYOR

- 1) At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- 2) Subject to section 167 of the Act, any Councillor is eligible for election or re-election to the office of Mayor.
- 3) The election of the Mayor must be chaired by the Chief Executive Officer.
- 4) Subject to subclauses (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.

- 5) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
- 6) However, if only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- 7) In this clause, **absolute majority** means the number of Councillors which is greater than half the total number of the Councillors of a Council.
- 8) The Chief Executive Officer will invite nominations for the office of Mayor.
- 9) Every nomination shall require a seconder.
- 10) Any Councillor nominated may refuse nomination.
- 11) Where two or more nominations are received, the method of voting will be by show of hands.
- 12) If no candidate receives an absolute majority of votes where there are 3 or more candidates, the candidate with the least number of votes must be eliminated as a candidate and a further poll conducted between the remaining candidates.
- 13) If there are several candidates, the procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared Mayor.
- 14) If, for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple majority vote.

9. ELECTION OF DEPUTY MAYOR

- 1) Clause 7 applies to the election of a Deputy Mayor by the Councillors as if any reference in that clause to the Mayor was a reference to the Deputy Mayor.
- 2) Clause 8, other than subclause (3), applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

10. ACTING MAYOR

- 1) Council must appoint a Councillor to be the Acting Mayor when—
 - a) Neither the Mayor or any elected Deputy Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
 - b) the Mayor and any elected Deputy Mayor are both incapable of performing the duties of the office of Mayor and Deputy Mayor respectively for any reason, including illness; or
 - c) the office of Mayor and Deputy Mayor are vacant.
- 2) An appointment under subclause (1) must be for a period specified by Council.
- 3) If—
 - a) an appointment has not been made under subclause (1) or has expired; and
 - b) any of the circumstances specified in subclause (1) (a), (b) or (c) apply—

Council must appoint a Councillor to be the Acting Mayor for a period specified by Council.

- 4) An Acting Mayor—
 - a) must perform the role of the Mayor; and
 - b) may exercise any of the powers of the Mayor—until the circumstances specified in subclause (1) no longer apply or the period of the appointment expires, whichever first occurs.
- 5) If an Acting Mayor has been appointed, unless inconsistent with the context or subject matter, a reference in the Act (except in sections 20 and 23, Division 4 of Part 2 and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor.

PART 3 – COUNCIL MEETINGS

DIVISION 1 – NOTICES AND AGENDAS

11. NOTICE OF DATES AND TIMES OF MEETINGS

- 1) At the Council Meeting to elect the Mayor, Council must fix the date, time and place of all meetings of Council and Delegated Committees for the following year, which may be amended where the circumstances require.
- 2) In addition to subclause (1) the Mayor may by written notice delivered to the Chief Executive Officer call a meeting of the Council.
- 3) A notice delivered under subclause (2) must specify the date and time of the meeting and the business to be transacted.
- 4) Unless all Councillors are present and unanimously resolve to deal with the another matter at a meeting called by the Mayor, only the business specified in the notice or resolution is to be transacted.
- 5) Council must provide at least 7 days' notice on Council's website of meetings of the Council and Delegated Committees unless urgent or extraordinary circumstances prevent Council from doing so in which case, Council must give notice that is practicable for the circumstances which includes advice of the reasons why the 7 days' notice of the meeting could not be given.

12. COUNCIL MAY ALTER MEETING DATES

- 1) Council may change the date, time and place of any meeting of Council or Delegated Committee which has been fixed and must provide reasonable notice of the changes to the public.
- 2) Where meeting dates are changed, details are to be published on Council's website.

13. NOTICE OF MEETING

- 1) Unless urgent or extraordinary circumstances have necessitated the meeting, a notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every Councillor at least 2 clear business days before the meeting.
- 2) The notice of meeting for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by post, messenger, email or online portal to each Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillor.
- 3) A notice may be handed personally to a Councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant Councillor is held by the Chief Executive Officer.
- 4) To enable the processes of governance to be efficiently managed, Councillors should keep the Chief Executive Officer informed of their point(s) of contact from time to time.
- 3) If the circumstance specified in subclause (2)(b) or (2)(c) applies, the meeting can only be closed to the public if the Council or Delegated Committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.
- 4) For the purposes of subclause (3), the arrangements may include provision to view the proceedings on the Internet or on closed circuit television.
- 5) If Council or a Delegated Committee determines that a meeting is to be closed to the public to consider confidential information, the Council or Delegated Committee must record in the minutes of the meeting that are available for public inspection—
 - 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 clause 6; and
 - b) an explanation of why the specified ground or grounds applied.

14. LEAVE OF ABSENCE

It will not be necessary for a notice of meeting or agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of their absence.

DIVISION 2 – OPEN MEETINGS

15. MEETINGS OPEN TO THE PUBLIC

- 1) A meeting of Council or a Delegated Committee must be kept open to the public unless Council or the Delegated Committee considers it necessary to close the meeting to the public because a circumstance specified in subclause (2) applies.
- 2) The circumstances are—
 - a) the meeting is to consider confidential information; or
 - b) security reasons; or
 - c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

16. COUNCILLOR CODE OF CONDUCT

During the course of any Council meeting, Councillors must comply with the Councillor Code of Conduct.

DIVISION 3 - QUORUMS

17. COUNCIL MEETINGS

The quorum required for any Council meeting shall be 4 Councillors.

18. MEETINGS OF DELEGATED COMMITTEES AND COMMUNITY ASSET COMMITTEES

The quorum for a meeting of a Delegated Committee or a Community Asset Committee will be determined by Council for each Committee, but in the absence of Council's determination, the quorum required will be not less than a majority of members.

19. URGENT OR EMERGENCY MEETINGS

In the case of an emergency the quorum required will be 4 Councillors.

20. INABILITY TO GAIN A QUORUM

- 1) If after thirty (30) minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, a Senior Officer, may adjourn the meeting for a period not exceeding 7 days from the date of the adjournment.
- 2) If a Council meeting is adjourned, the Chief Executive Officer must ensure that the agenda for such a meeting is identical to the agenda for the meeting which is deemed to have lapsed.
- 3) The Chief Executive Officer must give all Councillors notice of the meeting and every reasonable attempt shall be made to advise the public of the revised meeting date.

21. INABILITY TO MAINTAIN A QUORUM

- 1) If during any meeting or any adjournment of the meeting, a quorum cannot be maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, a Senior Officer, may adjourn the meeting for a period not exceeding 7 days from the date of the adjournment.

- 2) If a Council meeting lapses, the unconcluded business must be included in the agenda for the next Council meeting.

22. INABILITY TO MAINTAIN A QUORUM DUE TO DISCLOSED CONFLICTS OF INTEREST

- 1) This clause applies if Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision in regard to a matter.
- 2) Council must consider whether the decision can be made by dealing with the matter in an alternative manner.
- 3) For the purposes of subclause (2), an **alternative manner** may include—
 - a) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
 - b) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.
- 4) Subject to complying with any requirements under any other Act, if Council is unable to use an alternative manner, Council must decide to establish a Delegated Committee to make the decision in regard to the matter consisting of—
 - a) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
 - b) any other person or persons that Council considers suitable.
- 5) Section 63(2) of the Act applies to a Delegated Committee established under subclause (4) to the extent possible after excluding all the Councillors who have disclosed a conflict of interest in regard to the matter.

23. NOTICE OF ADJOURNED MEETING

The Chief Executive Officer may provide written notice of an adjournment but where that is not practicable because time does not permit that to occur then provided a reasonable attempt is made to contact each Councillor, notice by telephone, facsimile, in person or by some other means will be sufficient.

DIVISION 4 – CONDUCT OF BUSINESS

24. THE ORDER OF BUSINESS

- 1) The order of business of Council meetings will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- 2) The Chief Executive Officer should endeavour to be consistent in preparing any agenda from meeting to meeting. However, this should not preclude the Chief Executive Officer from altering the order of business to enhance the fluent and open process of government of the Council or to take advantage of opportunities which may arise from time to time.
- 3) In determining the agenda, the Chief Executive Officer should confer with the Mayor and consider:
 - a) the general attitude of the Council;
 - b) convenience to the community and interested community groups;
 - c) the sensitivity of issues;
 - d) the interest/s of the community and community groups; and
 - e) any other relevant factor which may impact on the fluent and open processes of the government of the Council.
- 4) As a guide, the Chief Executive Officer should list items, giving priority as follows:
 - a) Procedural and protocol matters which may include:
 - at the Mayor's discretion, an Acknowledgement of Country
 - at the Mayor's discretion, an Opening Prayer
 - Receipt of apologies
 - Confirmation of Minutes
 - Requests for leave of absence
 - Declarations of Conflict of Interest
 - Questions from the public
 - Petitions
 - Planning permits issued under delegated authority
 - Letters of congratulations and recognition of achievements

- Any other Procedural Matter
- b) General business may include:
 - Policy reports
 - Management reports
 - Financial reports
 - Organisational reports
 - Reports from Councillors
 - Matters which may exclude the public
 - c) Other business may include:
 - Notices of motion
 - Questions from Councillors
 - Urgent business
 - Any other business.

25. CHANGE TO ORDER OF BUSINESS

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

26. CHIEF EXECUTIVE OFFICER MAY INCLUDE ITEMS ON AN AGENDA

After conferring with the Mayor, the Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered by the meeting.

27. MEETINGS OF DELEGATED COMMITTEES AND COMMUNITY ASSET COMMITTEES

The agenda for a meeting of a Delegated Committee will be relevant to the issues which are to be raised at the meeting and any reference to Councillors extends to non-Councillor members of a Delegated Committee and any reference to the Council is to be read as referring to the Delegated Committee.

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

28. TIME LIMIT FOR MEETINGS

- 1) A meeting must not extend beyond 10.00 pm unless a majority of Councillors present vote in favour of its extension.
- 2) In the absence of such an extension, the meeting must stand adjourned to a time, date and place to be then and there announced by the Chairperson.
- 3) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

DIVISION 5 – DISCLOSURE OF CONFLICTS OF INTEREST

29. PROCEDURES FOR THE DISCLOSURE OF A CONFLICT OF INTEREST BY A COUNCILLOR OR A MEMBER OF A DELEGATED COMMITTEE AT A MEETING OF THE COUNCIL OR A DELEGATED COMMITTEE

- 1) If a Councillor or member of a Delegated Committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the Delegated Committee, the Councillor or member must, if they are attending the meeting, disclose the conflict of interest in accordance with subclause (2), and if applicable, subclause (3).
- 2) A Councillor or member of a Delegated Committee who has a conflict of interest and is attending the meeting of the Council or Delegated Committee must make a full disclosure of that interest by either advising:
 - a) the Council or Delegated Committee at the meeting immediately before the matter is considered at the meeting; or
 - b) the Chief Executive Officer in writing before the meeting whether the interest is a general conflict of interest or a material conflict of interest, and the nature of the interest.
- 3) If the Councillor or member advised the Chief

Executive Officer of the details under paragraph (b) of subclause (2), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

- 4) The Chief Executive Officer must—
 - a) keep written disclosures received under this clause in a secure place for 3 years after the date the Councillor or member of a Delegated Committee who made the disclosure ceases to be a Councillor or member of a Committee; and
 - b) destroy the written disclosure when the 3 year period referred to in paragraph (a) has expired.
- 5) While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a Delegated Committee must—
 - a) leave the meeting and notify the Mayor or the Chairperson of the Delegated Committee of their departure; and
 - b) remain outside the room and any gallery or other area in view or hearing of the meeting.
- 6) The Mayor or the Chairperson of the Delegated Committee must cause the Councillor or member of a Delegated Committee to be notified that they may return to the meeting after—
 - a) consideration of the matter; and
 - b) all votes have been cast on the matter.
- 7) If a Councillor or member of a Delegated Committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting—
 - a) the declaration of the conflict of interest; and
 - b) the classification of the interest that has given rise to the conflict, and if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.

30. PROCEDURE FOR THE DISCLOSURE OF A CONFLICT OF INTEREST BY A COUNCILLOR AT A MEETING UNDER THE AUSPICES OF COUNCIL THAT IS NOT A MEETING OF THE COUNCIL OR A DELEGATED COMMITTEE

- 1) At a meeting under the auspices of Council that is not a meeting of the Council or Delegated Committee, the Chief Executive Officer must ensure that a written record is kept of—
 - a) the names of all Councillors and members of Council staff attending;
 - b) the matters considered;
 - c) any conflict of interest disclosures made by a Councillor attending under subclause (3);
 - d) whether a Councillor who has disclosed a conflict of interest as required by subclause (3) leaves the meeting.
- 2) The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—
 - a) reported at a meeting of the Council; and
 - b) incorporated in the minutes of that Council meeting.
- 3) If a Councillor attending a meeting held under this clause knows, or would reasonably be expected to know, that a matter being considered by the meeting is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest, the Councillor must, at the time set out in subclause (4), disclose to the meeting that they have a conflict of interest and leave the meeting whilst the matter is being considered by the meeting.
- 4) A Councillor must disclose the conflict of interest either—
 - a) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
 - b) if the Councillor realises that they have a conflict of interest after consideration of the matter has

begun, as soon as the Councillor becomes aware that they have a conflict of interest.

31. DISCLOSURE OF A CONFLICT OF INTEREST BY A MEMBER OF COUNCIL STAFF

- 1) A member of Council staff who is providing information to:
 - a) a meeting of the Council, a Delegated Committee or a Community Asset Committee; or
 - b) another member of Council staff exercising a power of delegation or performing a statutory function –
and who has a conflict of interest in a matter to which the information relates, must disclose the conflict of interest when providing the information and before the information is considered by the applicable meeting referred to in paragraph (a) or another member of staff referred to in paragraph (b).
- 2) A disclosure made by a person under subclause (1) must be recorded:
 - a) in the minutes of the applicable meeting referred to in paragraph (a); or
 - b) in a conflict of interest disclosure register maintained by the Chief Executive Officer if the information is provided to another member of Council staff referred to in paragraph (b).
- 3) A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must—
 - a) not exercise the power or discharge the duty or function; and
 - b) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest to—
 - i. the Mayor, in writing, as soon as they become aware of the conflict of interest in the matter; and
 - ii. the Council by no later than the next meeting of the Council; and

- 4) The Chief Executive Officer does not have a conflict of interest in a matter if the matter only relates to—
 - a) the adoption or amendment of a policy relating to Council staff generally;
 - b) the adoption of a code of conduct for Council staff; or
 - c) a decision to delegate a power, duty or function to a member of Council staff.

DIVISION 6 - MINUTES

32. KEEPING MINUTES

- 1) The Chief Executive Officer must ensure that minutes are kept of all meetings of Council, Delegated Committees and Community Asset Committees.
- 2) The minutes of any Council meeting must record:
 - a) the date, place, time, duration and nature of the meeting;
 - b) the names of Councillors present, including the ward they represent;
 - c) apologies and leaves of absence;
 - d) the names of officers present with their organisational title;
 - e) the arrival and departure time of Councillors during the course of the meeting (including any temporary departures or arrivals);
 - f) every motion and amendment moved, including the mover and seconder of any motion or amendment;
 - g) the outcome of every motion that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED;
 - h) procedural motions which should be highlighted;
 - i) where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR, AGAINST or ABSTAINED and the Councillor's stated reason for any abstained vote;
 - j) when requested by a Councillor, a record of their support or opposition for any motion;
 - k) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;

- l) details of any question directed or taken upon notice;
 - m) details of any deputations made to the Council;
 - n) the time and reason for any adjournment of the meeting or suspension of standing orders;
 - o) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
 - p) disclosure by a Councillor of a conflict of interest and the details associated with that disclosure required by section 130 and 131 of the Act; and
 - q) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading the Minutes;
 - r) closure of the meeting to members of the public and the reasons for such closure; and,
 - s) any relevant reports or a summary of relevant reports considered by the Council.
- 3) In addition, every page of the Minutes should:
 - a) be consecutively page numbered; and
 - b) contain consecutive item numbers which are clearly headed with a subject, titles and where appropriated sub-title and file references.
 - c) be indexed through a central indexing system established and maintained by the Chief Executive Officer.

33. CONFIRMATION OF MINUTES

- 1) An appropriate motion to confirm the Minutes would be:
"That the minutes of the (Type of Meeting) held on (Date of meeting) be confirmed."
- 2) If some slight alteration is required to the minutes, then the following words may be added:
"subject to the following alteration(s)"
- 3) If the Confirmation of the Minutes is to be postponed, an appropriate motion would be:
"That the Confirmation of Minutes be held over until:" or
"That the Confirmation of Minutes be held over and relisted on the next Agenda."

- 4) The Chairperson of the meeting at which the minutes were confirmed is required to verify the minutes by initialing each page of the minutes and by signature on the final page.
- 5) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

34. OBJECTION TO CONFIRMATION OF MINUTES

If a Councillor is dissatisfied with the accuracy of the minutes, then they must:

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

35. DEFERRAL OF CONFIRMATION OF MINUTES

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

36. AVAILABILITY OF MINUTES

The Chief Executive Officer will make available confirmed minutes of open meetings of Council and Delegated Committees together with relevant reports on Council's website.

37. RECORDING OF MEETINGS

- 1) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record with appropriate recording equipment the proceedings of a Council meeting.
- 2) Subject to subclause (1) a person must not operate any visual or sound recording equipment at any Council meeting without first obtaining the consent of Council or the Chairperson. Such consent may be at any time during the course of such meeting be revoked by Council or the Chairperson.

DIVISION 6 – VOTING AT MEETINGS

38. HOW DETERMINED

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

39. BY SHOWING OF HANDS

In meetings that are required by the Act to be open voting on any matter will be by show of hands.

40. WHEN A DIVISION IS PERMITTED

- 1) A division may be requested by any Councillor on any matter.
- 2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

41. PROCEDURE FOR A DIVISION

- 1) Once a division has been requested the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.
- 2) The Chairperson shall name those Councillors voting for the motion, those Councillors voting against the motion, and any Councillor abstaining from voting, and the names shall be recorded in the Minutes of the meeting.
- 3) Any Councillor abstaining from voting must state their reason for doing so to enable the reason to be recorded in the Minutes of the meeting.

42. BETWEEN THE ORIGINAL VOTE AND A DIVISION

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

43. NO DISCUSSION ONCE DECLARED

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is –

- a) for a Councillor to request that his or her opposition to the motion be recorded in the minutes; or
- b) where a subsequent notice of motion follows a rescission motion.

44. ADDRESSING THE MEETING

- 1) Any Councillor or person who addresses the meeting may remain seated and shall direct all remarks through the Chair.
- 2) A Chairperson may address a meeting, however if the Chairperson wished to debate a particular motion or move any motion or amendment, on any matter under discussion, the Chairperson must advise Council of that intention and vacate the Chair on such occasions for the duration of any item under discussion.
- 3) If the Chairperson vacates the Chair pursuant to sub-clause (2), a temporary Chairperson shall be elected by the meeting and shall take the Chair until the item has been voted upon.
- 4) Any person addressing the Chair should refer to the Chairperson as:
 - Madam Mayor; or
 - Mr. Mayor; or
 - Madam Chairperson; or
 - Mr. Chairperson –
as the case may be.
- 5) All Councillors, other than the Mayor, should be addressed as Cr.(surname).
- 6) All Officers should be addressed as Mrs., Ms., Miss or Mr.(surname).

PART 4 – DELEGATED COMMITTEE MEETINGS

DIVISION 1 – NOTICES AND AGENDAS

45. SCHEDULE 1 APPLIES TO THE CONDUCT OF DELEGATED COMMITTEE MEETINGS.

PART 5 – OTHER MEETING PROCEDURES

DIVISION 1 – MATTERS NOT PROVIDED FOR

46. MATTERS NOT PROVIDED FOR

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

DIVISION 2 – MOTIONS

47. FORM OF MOTION OR AMENDMENT

- 1) Any motion or an amendment to a motion must:
 - a) be moved and seconded;
 - b) relate to the powers or functions of Council;
 - c) be in writing, if requested by the Chairperson; and
 - d) except in the case of urgent business, be relevant to an item of business on the agenda.
- 2) A motion or amendment must not be defamatory or objectionable in language or nature.
- 3) The Chairperson may refuse to accept any motion or amendment which contravenes this clause.
- 4) A recommendation made in a report that forms part of an agenda item before a meeting has no standing until moved as a motion and seconded. Suggested wording of such a motion may include “**I move the recommendation**”, “**Move the recommendation**” or “**Move that the recommendation be adopted**”.

48. MOVING A MOTION

- 1) The procedure for moving a motion is –
 - a) the mover must state the motion without speaking to it;
 - b) the Chairperson must call for a seconder unless the motion is a call to enforce a Point of Order;
 - c) unless the motion is a formal motion, it must be seconded by a Councillor other than the mover;
 - d) if a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
 - e) if the motion is seconded, the Chairperson must ask: “Is the motion opposed”;
 - f) if no Councillor indicates opposition, and no Councillor wishes to speak to the motion, the motion must be declared to be carried without being voted on and will be treated as being passed unanimously;
 - g) if a Councillor indicates opposition to the motion, then the Chairperson must call the mover to address the meeting;
 - h) after the mover has addressed the meeting the seconder may address the meeting;
 - i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting) the Chairperson may call upon any Councillor who wishes to speak against the motion;
 - j) after a Councillor has spoken against the motion the Chairperson may call upon any other Councillor to speak for or against the motion;
 - k) a Councillor may speak once on the motion except for the mover of the motion who has a right of reply after which the motion must be put to the meeting for decision;
 - l) a Councillor may be permitted by the Chairperson or by resolution to speak more than once to explain that the Councillor has been misrepresented or misunderstood;
 - m) a Councillor calling the attention of the Chairperson to a Point of Order is not regarded as speaking to the motion or the amendment; and

n) motions must be clear and unambiguous and not be defamatory or objectionable in language or in nature.

- 2) Prior to a motion being moved, the Chairperson may request a member of Council staff to introduce the report relevant to the item on the agenda being considered by the Meeting.

49. AGREED ALTERATION TO A MOTION

- 1) With the leave of the Chairperson, both the mover and the seconder of a motion may agree to an alteration proposed by another Councillor.
- 2) Any such alteration shall not be regarded as an amendment to the motion.

50. RIGHT OF REPLY

- 1) The mover of a motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate but cannot introduce any new material.
- 2) After the right of reply has been exercised, the motion must be immediately put to the vote without any further discussion or debate.

51. NO RIGHT OF REPLY FOR AMENDMENTS

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

52. MOVING AN AMENDMENT

A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the motion and framed so as to complement it as an intelligible and consistent whole.

53. WHO MAY PROPOSE AN AMENDMENT?

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

54. WHO MAY DEBATE AN AMENDMENT?

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

55. HOW MANY AMENDMENTS MAY BE PROPOSED?

- 1) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment can be taken into consideration until the previous amendment has been dealt with.
- 2) A Councillor cannot move more than 2 amendments in succession.

56. AN AMENDMENT ONCE CARRIED

If the amendment is adopted it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson but only after Councillors who did not speak to the motion have exercised their right to do so.

57. FORESHADOWING MOTIONS

- 1) At any time during debate, a Councillor may foreshadow a motion to inform the 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.
- 2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the meeting is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 4) The Chief Executive Officer would not be expected to record foreshadowed motions in the Minutes but may do if it is thought appropriate.

58. WITHDRAWAL OF MOTIONS

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

59. SEPARATION OF MOTIONS

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

60. CHAIRPERSON MAY SEPARATE MOTIONS

- 1) The Chairperson may decide to put any motion to the vote in separate parts.
- 2) Where a motion contains several parts or is complicated, it may be separated to avoid difficulties, particularly if different Councillors have differing views about the several parts of the motion.

61. MOTIONS IN WRITING

- 1) Where a motion is lengthy, complicated or the exact intention of the motion is not clear the Chairperson may require a Councillor to submit their motion in writing.
- 2) The Chairperson may wish to suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

62. CIRCULATED MOTIONS

- 1) Where:
 - a) Council gives approval in principle to a matter subject to receiving further information; or
 - b) A matter exceeding the Chief Executive Officer's powers of delegation requires a decision or action before the next Council meeting –the Chief Executive Officer may circulate a proposed motion to Councillors to obtain their approval.
- 2) The proposed motion must be in writing and must contain a statement where a Councillor indicates his or her approval or dissent from the proposed motion in writing.
- 3) The proposed motion will not be considered to have been approved by the Council unless all members of the Council unanimously approve the proposed motion.
- 4) At the next meeting of the Council, the Chief Executive Officer must ensure that the agenda contains a report on the motion circulated and the Council's decision which must be recorded in the minutes of the meeting.

63. DEBATING THE MOTION

- 1) Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the Councillor to confine debate to the subject matter.
- 2) If after being requested to confine debate to the motion before the Chair, the Councillor continues to debate irrelevant matters, the Chairperson may require the Councillor to not speak further in respect of the matter before the Chair.
- 3) Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to debate.
- 4) A motion has not been sufficiently debated if opposing views (where they exist) have not been sufficiently put, not so much the number of those who have spoken, but whether all minority opposing views have been put.
- 5) It may be that several Councillors have addressed the meeting, but their views may be similar. In this case, differing views should be sought by the Chairperson (if they exist).
- 6) On the other hand, if only a few Councillors may have addressed the meeting their views may be representative of the other Councillors, in which case, the debate would be regarded as sufficient.
- 7) While the intention of a motion to adjourn debate is to adjourn debate until the time stated in the motion, debate can be adjourned indefinitely.
- 8) If debate is adjourned indefinitely, some indication should be given to the Chief Executive Officer as to when the matter should be relisted, otherwise it will be relisted at the discretion of the Chief Executive Officer, or upon the subsequent resolution of the Council, whichever occurs first.

64. WHEN A RESOLUTION IS ACTED UPON

- 1) The Chief Executive Officer or other Senior Officer may initiate action or cause action to be initiated on any Council resolution at any time after the close of the meeting at which it was carried.

- 2) A resolution will be considered as having been acted upon once its details have been formally communicated to a person affected by or reliant on the resolution or where a statutory procedure has been actioned.

65. SUSPENSION OF STANDING ORDERS

- 1) The provisions of these Governance Rules may be suspended for a particular purpose by resolution of the Council.
- 2) The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- 3) An appropriate motion would be:
"That Standing Orders be suspended to enable discussion on"
- 4) Once the discussion has taken place, and before any motion can be put, the resumption of Standing Orders will be necessary. An appropriate motion would be:
"That Standing Orders be resumed."

66. NO MOTIONS MAY BE ACCEPTED DURING THE SUSPENSION OF STANDING ORDERS

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

67. INTERRUPTION FOR POINT OF ORDER

A Councillor who is addressing the meeting must not be interrupted unless called to order when they must remain silent until the Councillor raising the point of order has been heard and the point of order determined by the Chairperson.

DIVISION 3 – SPEAKING TIMES

68. SPEAKING TIMES

Unless a motion for an extension of time has been carried, the maximum speaking times will be:

- a) the mover of a motion - 3 minutes;
- b) the mover of a motion when exercising his or her right of reply - 3 minutes;
- c) any other Councillor - 3 minutes.

69. EXTENSION OF SPEAKING TIMES BY RESOLUTION OF COUNCIL

An extension of the speaking time may be granted by resolution of Council but only one extension is permitted for each speaker on any question.

70. WHEN AN EXTENSION CAN BE PROPOSED

A motion for extension of speaking time must be proposed:

- a) immediately before the speaker commences debate;
- b) during the speaker's debate; or
- c) immediately after the speaker has concluded debate.

71. NO EXTENSION AFTER NEXT SPEAKER HAS COMMENCED

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

72. LENGTH OF EXTENSION

Any extension of speaking time must not exceed 3 minutes.

DIVISION 4 – POINTS OF ORDER AND OTHER PROCEDURAL MATTERS

73. POINTS OF ORDER

A point of order is an objection that the motion, amendment or statement made is:

- a) contrary to these Governance Rules or the provisions of Act;
- b) defamatory or disloyal;
- c) irrelevant;
- d) improper;
- e) obscene; or
- f) outside Council's legal powers.

74. PROCEDURE FOR A POINT OF ORDER

A Councillor may make a point of order by stating, "Point of Order", at which time the Chairperson must suspend the debate and request the Councillor to state the point of order as follows:

- a) identify the point of order; and
- b) the reason for bringing it to the attention of the Chair.

75. CONSIDERATION OF POINT OF ORDER

- 1) If called to order, a Councillor must remain silent until the point of order is decided unless they are requested by the Chairperson to provide an explanation.
- 2) The Chairperson may adjourn the meeting to consider a point of order otherwise the Chairperson must rule on it as soon as it is raised.
- 3) The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

76. DISAGREEING WITH THE CHAIRPERSON'S RULING ON A POINT OF ORDER

- 1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present vote in favour of a motion of dissent.
- 2) A motion of dissent on a point of order must contain a provision, rule, practice or precedent in substitution for the Chairperson's ruling.
- 3) A motion of dissent in relation to a point of order is not a motion of dissent in the Chair and the Chairperson must at all times remain in the Chair and they will maintain their right to a second vote.
- 4) A motion of dissent on a point of order will take precedence over all other business and if carried will be acted on instead of the ruling given by the Chairperson.

77. ADJOURNMENT AND RESUMPTION OF MEETING

- 1) The Chairperson or the Council may adjourn any meeting until a time and place to be determined at the time of the adjournment.
- 2) For the purpose of stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

78. PROCEDURAL MOTIONS

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

79. THE CLOSURE

- 1) A motion "That the motion be now put.":
 - a) is a procedural motion which if carried to an original motion, requires that the original motion must be put to the vote immediately, without any further debate, discussion or amendment; and
 - b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
 - c) if lost, allows debate to continue unaffected.
- 2) The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not been sufficiently debated.

80. ADJOURNING THE DEBATE

A motion "That the motion and amendments now before the meeting be adjourned until.....":

- a) is a procedural motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
- b) may be debated but may only be amended in relation to the time, date and place of the proposed adjournment.

81. URGENT OR OTHER BUSINESS

- 1) Business which has not been listed on the Agenda may only be raised as urgent or other business by resolution of the Council.
- 2) Notwithstanding anything to the contrary in these Governance Rules, a Councillor (with the agreement of the meeting) may at a Council meeting submit or propose an item of business if the matter relates to business which does not:
 - a) substantially affect levels of Council service; or
 - b) commit Council to significant expenditure not included in the adopted budget; or
 - c) establish or amend Council Policy; or
 - d) commit Council to any contractual arrangement; or
 - e) require, pursuant to any policy determined by Council from time to time, the giving of prior notice.
- 3) Business must not be admitted as urgent business unless it:
 - a) relates to or arises out of a matter which has arisen since distribution of the agenda; and
 - b) cannot safely or conveniently be deferred until the next Council meeting.

82. PETITIONS AND JOINT LETTERS

- 1) All petitions or joint letters must be tabled at the next meeting following receipt, unless the matter which is the subject of the petition or joint letter has already been acted upon.
- 2) When presented, Council must resolve to receive the petition or joint letter and to refer the matter for a report or appropriate action as required to the next appropriate meeting of the Council, unless Council agrees to deal with it earlier.
- 3) A petition or joint letter must:
 - a) be in legible and permanent writing; and
 - b) not be defamatory, indecent, abusive or objectionable in language or content; and
 - c) not relate to matters beyond the powers of Council.

- 4) Every page of a petition or joint letter must bear the whole of the petition or request.
- 5) Any signature appearing upon a page, which does not bear the whole of the petition or request, may not be considered by Council.
- 6) Every page of a petition or joint letter, must be a single piece of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.
- 7) On receipt of a petition or joint letter, the Chief Executive Officer must note on the first page the total number of signatures.
- 8) A copy of the text of the petition or joint letter bearing the note of the Chief Executive Officer in accordance with paragraph (7) must be included on the agenda for the next Council meeting.
- 9) A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated Council may reply to the first or any person whose signature appears on the petition.

83. COUNCILLOR PRESENTING PETITION

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

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

DIVISION 5 – NOTICE OF MOTION

84. MUST BE LISTED ON AGENDA

Councillors may give advance warning of their intention to move a particular motion at a forthcoming meeting by giving a Notice of Motion.

A Notice of Motion cannot be accepted by the Chairperson unless it has been listed on the Agenda for the meeting at which it is proposed to be moved.

85. PROCEDURE

A Councillor wishing to have a Notice of Motion placed on the agenda must give written notice to the Chief Executive Officer no less than 2 clear working days prior to the meeting at which the Notice of Motion is to be considered.

86. REJECTION OF A VAGUE NOTICE

- 1) The Chief Executive Officer may reject any Notice of Motion that is vague, but before rejecting it must give the Councillor delivering the notice an opportunity to amend it.
- 2) The Chief Executive Officer would regard a Notice of Motion as vague if the general thrust of the motion is unclear. For example, a mere heading or a motion to the effect “that the matter be discussed”, or similar wording, would be insufficient. Therefore, a notice should spell out the action proposed by the motion.
- 3) The Chief Executive Officer must notify the relevant Councillor of any Notice of Motion which has been rejected and the reasons for its rejection.

87. LISTING NOTICE ON AGENDA

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the Notice of Motion and if more than one, in the order they were received, on the next appropriate meeting agenda.

88. REGISTER OF NOTICES

The Chief Executive Officer must sequentially number every Notice of Motion received and maintain them in a register.

89. MAY BE MOVED BY ANY COUNCILLOR AND AMENDED

A Notice of Motion listed on a meeting agenda, may be moved by any Councillor present and, except where the Notice of Motion is to confirm a previous resolution of the Council, may be amended.

90. IF LOST

If a Notice of Motion is lost, a similar motion cannot be put before the Council for at least 3 months from the date it was last lost, unless the Council resolves that the notice be relisted at a future meeting.

DIVISION 6 – NOTICE OF AMENDMENT OR RESCISSION

91. PROCEDURE

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

- a) the decision has not been acted upon; and
- b) a notice signed by 2 Councillors is delivered to the Chief Executive Officer outlining:
 - i. the decision proposed to be amended or rescinded; and
 - ii. the meeting and date when the decision was made.
- c) that in instances where a Notice of Motion has been lodged and accepted, any motion that proposes to rescind or amend shall not be acted upon until such time as Council considers the Notice of Motion.

92. LISTING NOTICE ON AGENDA

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.

93. IF LOST

Unless the Council resolves to relist at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council for at least 3 months from the date it was lost.

94. IF NOT MOVED

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

95. MAY BE MOVED BY ANY COUNCILLOR

A notice of amendment or rescission listed on a meeting agenda may be moved by any Councillor present but cannot be amended.

96. WHEN NOT REQUIRED

- 1) A notice of amendment or rescission is not required where the Council wishes to change a previous decision relating to policy of the Council.
- 2) If the Council wishes to change a policy, a motion of amendment or rescission is not required.
- 3) However, the following standards should apply:
 - a) any intention to change a Council policy which may result in a significant impact, should be communicated to those affected and this may require publication and consultations, either formally or informally; and
 - b) the Council may determine the extent to which these standards should be followed which will depend upon the circumstances of each case.

97. REGISTER OF NOTICES

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

DIVISION 7 – PUBLIC PARTICIPATION

98. DURING MEETINGS

- 1) At every meeting of Council, at the discretion of the Chairperson, time may be allocated to enable any member of the community to address Council.

- 2) Sub-clause 1) does not apply during any period when Council has resolved to close the meeting in respect of a matter under section 66 of the Act.

99. MEETINGS

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

100. PUBLIC QUESTION TIME

- 1) There must be a question time at every meeting to enable members of the public present in the gallery to address questions to Councillors.
- 2) Question time may be limited in duration and answers to individual questions may be limited at the discretion of the Chairperson.
- 3) No motions can be moved during question time.
- 4) A Councillor may foreshadow a motion as part of their response to a question during question time but cannot move the motion.
- 5) Any question must be submitted in writing to the Chief Executive Officer (or other person authorised for this purpose by the Chief Executive Officer) by 1.00pm on the day of the meeting using the appropriate form.
- 6) The question should only be read to the meeting if the Chairperson has determined that the question:
 - a) does not relate to a matter of the type described in section 66 of the Act;
 - b) does not relate to a matter in respect of which the Council has no power;
 - c) is not defamatory, indecent, abusive, or objectionable in language or substance;
 - d) is not repetitive of a question already answered (whether at the same meeting or an earlier meeting); and
 - e) is not asked to embarrass a Councillor or member of Council staff.
- 7) If the Chairperson has determined that the question shall not be read to the meeting:
 - f) the meeting must be advised accordingly; and
 - g) the question shall be available to Councillors upon request.

- 8) The Chief Executive Officer must read to the meeting the name of the person who has submitted a question.
- 9) The Chief Executive Officer must read the text of the question and the Chairperson may then direct that the question be answered by a nominated Councillor or member of Council staff.
- 10) Questions and answers must be as brief as possible, and must not exceed 2 minutes in duration.
- 11) No debate or discussion of a question or an answer is permitted other than for the purposes of clarification.
- 12) A Councillor or member of staff nominated to answer a question may:
 - a) seek clarification of the question from the person who submitted it;
 - b) seek assistance of another person in answering the question; and
 - c) defer answering the question, so that the answer may be researched and a written response provided within 10 working days following the meeting (the question thereby being taken on notice).

101. COUNCILLOR QUESTION TIME

- 1) There must be a question time at every meeting of Council to enable Councillors to address questions to members of Council staff.
- 2) Questions may be asked with or without notice.
- 3) No motions can be moved during question time.
- 4) A Councillor may foreshadow a motion as part of their response to a question during question time but cannot move the motion.
- 5) A Councillor may contribute to an answer to a question made by a member of Council staff.
- 6) A member of Council staff is not obliged to answer a question without notice.
- 7) A member of Council staff who elects to answer a question without notice by indicating that they require time to research their answer must ensure that a response is provided to all Councillors within 10 working days following the meeting.

- 8) An answer must only be given to the meeting if the Chairperson has determined that the relevant question:
 - a) does not relate to a matter which is outside Council's power or authority;
 - b) is not defamatory, indecent, abusive or objectionable in language or substance;
 - c) is not repetitive of a question already answered (whether at the same or an earlier meeting);
 - d) is not asked to embarrass a member of Council staff or a Councillor; and
 - e) does not raise an issue which might be more appropriately dealt with by way of Notice of Motion.
- 9) Debate or discussion of questions or answers is not permitted and all questions and answers must be as brief as possible.

102. REPORTS FROM COUNCILLORS

- 1) At each meeting of Council, Councillors, including the Mayor, will have the opportunity to speak on any meetings, delegations, conferences or events which they have recently attended.
- 2) The duration of any report from a Councillor will be limited to 3 minutes.
- 3) If a Councillor requests that details of their activities be recorded in the minutes, they will provide details in writing to the Chief Executive Officer (or the staff member nominated to receive such information) by 12.00pm on the day following the meeting.

103. CHAIRPERSON MAY REMOVE

- 1) The Chairperson has the discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.
- 2) Any member of the Victoria Police Force may remove from the Chamber any person who acts in breach of these Governance Rules.

DIVISION 8 – ADDITIONAL DUTIES OF CHAIRPERSON

104. CHAIRPERSON’S DUTIES AND RESPONSIBILITIES

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

- a) must not accept any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public; and
- b) must call to order any person who is disruptive or unruly during any meeting.

PART 6 – COMMON SEAL

105. PURPOSE

The purpose of this Part is to provide for the security and proper use of Council’s Common Seal.

106. USE OF COMMON SEAL

The Common Seal of Council must:

- 1) be in a form specified by Council resolution; and
- 2) include the words “Buloke Shire Council”.

107. SIGNATURES ACCOMPANYING THE AFFIXING OF THE COMMON SEAL

Every document to which the Common Seal is affixed must be signed by 1 Councillor and the Chief Executive Officer or, in the absence of the Chief Executive Officer, 1 Councillor and any other member of staff acting as Chief Executive Officer or as authorised by Council.

108. AUTHORITY FOR USE OF COMMON SEAL

The Common Seal must be affixed to a document only for the purpose of giving effect to a decision which has been made by resolution at a Council meeting.

109. SECURITY OF COMMON SEAL

The Chief Executive Officer must ensure the security of the Common Seal at all times.

110. COMMON SEAL REGISTER

The use of the Common Seal must be recorded in a register maintained by the Chief Executive Officer or a member of Council staff to whom this duty has been delegated.

SCHEDULE 1 – MEETING PROCEDURES FOR DELEGATED COMMITTEES

1. NOTICES AND AGENDAS

- 1) The date, time and place of all Delegated Committee meetings are determined on an annual basis by the Committee and at least 7 days' notice must be provided to the public.
- 2) The Committee may change the date, time and place of any Committee meeting which has been fixed and must provide at least 7 days' notice of the changes to the members.
- 3) The agenda for the meeting will be set by the Chairperson.

2. QUORUMS

- 1) The quorum required for Committee meetings will be not less than half the total number of elected Committee members.
- 2) If after 30 minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those Committee members present may adjourn the meeting for a period not exceeding 7 days from the date of the adjournment.

3. MINUTES

- 1) The Secretary is responsible for the keeping of minutes on behalf of the Committee.
- 2) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- 3) If a Committee member is dissatisfied with the accuracy of the minutes, then they must:
 - a) state the item or items with which they are dissatisfied; and
 - b) propose a motion clearly outlining the alternative wording to amend the minutes.

4. BUSINESS OF THE MEETING

- 1) The order of business will be determined by the Secretary to facilitate and maintain open, efficient and effective processes of governance and must include

the opportunity for members to declare any conflict of interest on items on the agenda.

- 2) Once an agenda has been sent to Committee members the order of business for that meeting may only be altered by resolution of the Committee.

5. VOTING

- 1) To determine a matter before a meeting, the Chair will first call for those in favour of the motion and then those opposed to the motion, and will declare the result of the motion.
- 2) Unless the Committee resolves otherwise, voting on any matter will be by a show of hands.
- 3) If there is an equality of votes, the Chair has a second casting vote.

6. ADDRESSING THE MEETING

- 1) Except for the Chair, any Committee member or person who addresses the meeting must address all remarks through the Chair.
- 2) A Committee member who is speaking must not be interrupted unless called to order when they must sit down and remain silent until the Committee member raising the point of order has been heard and the Chairperson has ruled on the point of order.

7. MOTIONS AND AMENDMENTS

- 1) Any motion or amendment which is–
 - a) defamatory; or
 - b) objectionable in language or nature; or
 - c) outside the powers of the Committee; or
 - d) stated to be an amendment but is not must not be accepted by the Chairperson.
- 2) The procedure for any motion is –
 - a) the mover must state the motion without speaking to it;
 - b) it must be seconded by a Committee member other than the mover;
 - c) if a motion is not seconded, the motion will lapse for want of a seconder; and
 - d) if the motion is seconded the Chair must ask if the mover wishes to address the Committee on the motion and if the seconder wishes to address the Committee on the motion or if they wish to reserve his or her address until later in the debate.

- 3) The Chair will then ask if any Committee member is opposed to the motion and if they wish to speak. Other Committee members for and against the motion can then debate in turn.
- 4) The mover of a motion shall have a right of reply after the debate, after which the motion shall be immediately put to the vote. No right of reply is available where an amendment is before the Committee.
- 5) An amendment may be proposed or seconded by a Committee member, except the mover or seconder to the original motion. An amendment shall not be a direct negative of the motion.
- 6) A Committee member may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- 7) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- 8) If the amendment motion is carried, it then becomes the final motion before the Chair.
- 9) At any time during debate a Committee member may foreshadow a motion to inform the Committee of his or her intention to move a motion at a later stage in the meeting.
- 10) Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- 11) The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- 12) Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- 13) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.

- 14) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
 - a) the mover of a motion – 5 minutes;
 - b) the mover of a motion when exercising their right of reply – 2 minutes
 - c) any other Committee member – 3 minutes

8. OTHER MATTERS

If the Committee is required to deal with:

- a) divisions;
- b) formal motions;
- c) separation of motions;
- d) points of order;
- e) adjournment of meeting;
- f) suspension of standing orders;
- g) a notice of motion;
- h) a notice of rescission motion;
- i) maintenance of order;
- j) suspension; or
- k) removal from the meeting -

these matters should be dealt with in accordance with the relevant Governance Rules applying to a meeting of Council.

SCHEDULE 2 – QUESTIONS FROM THE GALLERY

COUNCIL MEETING QUESTION TIME

- 1) Council sets aside times at its Council meetings to consider written questions submitted by the public. Members of the public who are present at the meeting are permitted to prepare in writing up to 2 questions on any Council matter.
- 2) Members of the public may submit questions by 1.00pm on the day of the meeting on the form printed on the reverse side of this sheet. In most cases, an answer will be given at the meeting.
- 3) Sometimes it may be indicated that further time is required to research an answer. In such cases, the relevant officer will advise the person when an answer will be provided.
- 4) Questions will not be read out and answered if the Chairperson has determined that the relevant question relates to:
 - a) personnel matters
 - b) the personal hardship of any resident or ratepayer
 - c) industrial matters
 - d) contractual matters
 - e) proposed developments
 - f) legal advice
 - g) matters affecting the security of Council property
 - h) any other matter which Council considers would prejudice it or any person
 - i) matters which may disadvantage Council or any personOr is:
 - j) defamatory, indecent, abusive or objectionable in language or substance
 - k) repetitive of a question already answered (whether at the same or an earlier meeting)
 - l) asked to embarrass an Officer or Councillor.
- 5) No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

QUESTION FORM

Any question must be submitted in writing to the Chief Executive Officer (or other person authorised for this purpose by the Chief Executive Officer) by 1.00pm on the day of the Council Meeting using this form.

Meeting Date:

Name:

Phone:

Address:

Question:

Signed:

Date:

Office Use Only

Question answered at Council Meeting:

YES

NO

By Whom:

Summary of Verbal Response:

Written Response Prepared By:

Officer's Signature:

Position:

SCHEDULE 3 – ELECTION PERIOD POLICY

ELECTION PERIOD POLICY

1. PURPOSE

This policy has been adopted by the Buloke Shire Council (Council) in compliance with the requirements of Section 69 of the Local Government Act 2020 (Act).

In order to ensure general elections and by-elections for Council are conducted in a manner that is fair and equitable, and is publicly perceived as such, Council affirms the following policy principles.

2. ELECTION PERIOD

The election period means the period that:

- a) starts at the time that nominations close on nomination day; and
- b) ends at 6 p.m. on election day.

As soon as possible, and no later than 30 days prior to the commencement of the Election Period, the Chief Executive Officer will ensure that:

- a) all Councillors and members of Council staff are informed of the requirements of this policy, and
- b) a copy of this policy is given to all Councillors.

3. PROHIBITED DECISIONS

Council is prohibited from making any Council decision:

- a) during the election period for a general election that:
 - iii. relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
 - iv. commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
 - v. the Council considers could be reasonably deferred until the next Council is in place; or
 - vi. the Council considers should not be made during an election period; or

- b) during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

4. WHAT IS A COUNCIL DECISION?

For the purposes of clause 3 of this policy, **Council decision** means the following:

- a) a resolution made at a Council meeting;
- b) a resolution made at a meeting of a Delegated Committee; or
- c) the exercise of a power or the performance of a duty or function of Council by a member of Council staff (which includes the Chief Executive Officer) or a Community Asset Committee under delegation.

5. CARETAKER STATEMENT

During the election period, the Chief Executive Officer will ensure a Caretaker Statement is included in every agenda submitted to the Council or to a Delegated Committee of Council for a decision. The Caretaker Statement will appear at the start of the agenda and will state that:

The recommended decisions in all reports on this agenda are not prohibited decisions as defined in clause 4 of the Election Period Policy.

Should any report be presented to the Council or a Delegated Committee during an election period, which is considered does constitute a prohibited decision, this will be clearly indicated with a statement both at the commencement of the agenda and at the heading of any such report.

6. COUNCIL RESOURCES

The Council will ensure due propriety is observed in the use of all Council resources, and members of Council staff are required to exercise appropriate discretion in this regard. In any circumstances where use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Executive Officer or the Director Corporate Services.

Council resources, including offices, support staff, Mayoral vehicle, meeting facilities, hospitality, equipment, photocopying and stationery will be used exclusively for normal Council business during the election period and will not be used in connection with any election.

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

No Council logos, letterheads or other Buloke Shire Council logos or associated Council material will be used for, or linked in any way to, a candidate's election campaign. The Chief Executive Officer and members of Council staff will not be asked to undertake any tasks connected directly or indirectly with electioneering.

Councillors and members of Council staff are required to comply with section 304(1) of the Act which states:

A Councillor or member of Council staff must not use Council resources in a way that—

(a) is intended to; or

(b) is likely to—

affect the result of an election under this Act.

Penalty: 60 penalty units.

7. COMMUNITY ENGAGEMENT

During the election period the Council will undertake procedures to limit community engagement. Whilst community engagement is an integral part of Council's policy development process and operations, Council is concerned to ensure that community engagement is not undertaken close to a general election or a by-election so as to possibly become an election issue in itself and influence voting. Councillors acknowledge that issues raised through the community engagement and decisions that follow may also unreasonably bind the incoming Council.

No community engagement will be undertaken during the election period unless authorised by a decision made at a Council meeting that acknowledges the application of this policy and justifies to the Buloke community the special circumstances making it necessary and how the risks of influencing the election will be mitigated or prevented.

8. COUNCIL EVENTS

Councillors acknowledge that the scheduling of Council events in the lead up to elections may raise concerns over their potential use by Councillors for electioneering purposes. To this end the Chief Executive Officer will ensure that no Council events will be scheduled during the election period unless there are special or exceptional circumstances making it necessary and justifying how the risks of influencing the election will be mitigated or prevented.

9. INFORMATION

The Council recognises all election candidates have rights to information from the Council administration. However, it is important that Councillors continue to receive information which is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from members of Council staff which 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 members of Council staff for Councillors during the election period will relate only to factual matters or to existing Council services. Such information will not relate to policy development, new projects or matters which are the subject of public or election debate or which might be perceived to be connected with a candidate's election campaign.

10. PUBLICITY

It is recognised that Council publicity is intended to promote Council activities and services. Council publicity will not be used in any way which might influence the outcome of a Council election.

Councillors and members of Council staff are required to comply with section 304(2) of the Act which states:

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

Penalty: 60 penalty units.

In addition:

- a) during the election period, no member of Council staff may make any public statement that could be construed as influencing the election;
- b) during the election period, publicity campaigns, other than for the purposes of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council service or function, it must be approved by the Chief Executive Officer. Council publicity during the election period will be restricted to promoting normal Council activities;
- c) any requests for media advice or assistance from Councillors during the election period will be channelled through the Chief Executive Officer. In any event, no media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves specific Councillors;
- d) Councillors will not use their position as an elected representative to access members of Council staff and other Council resources to gain media attention in support of an election campaign; and
- e) all Council media releases (which exclude electoral matters) in the election period will be issued in the name of the Chief Executive Officer as appropriate.

11. ASSISTANCE TO CANDIDATES

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

Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to all candidates in advance.

All election related enquiries from candidates, whether Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or Director Corporate Services.

12. SOCIAL MEDIA

During the election period, Councillors standing for re-election must not include in their official Councillor emails any reference to their personal social media accounts, such as Facebook.

13. PUBLIC AVAILABILITY OF THIS POLICY

A copy of this policy is:

- a) available for inspection by the public at the Council's Wycheproof District Office; and
- b) published on the Council's internet website.



BULOKE

SHIRE COUNCIL

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Buloke Shire Council