



BAW BAW SHIRE COUNCIL

Governance Rules

**Pursuant to the
Local Government
Act 2020**

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Section 1 – Preliminary

Nature of Rules

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

Scope

The Governance Rules apply to to all elected Councillors while holding the office of Councillor and to all staff while remaining employees of Baw Baw Shire. The Rules also apply to all members of the public during their interactions with Council.

Date of Commencement

These Governance Rules commence on 23 July 2026.

Contents

The Governance Rules are divided into the following sections:

Chapter	Name
Section 1	Preliminary
Section 2	Governance Framework
Section 3	Office Bearers
Section 4	Meeting Procedure for Council Meetings
Section 5	Meeting Procedure for Delegated Committees
Section 6	Meeting Procedure for Community Asset Committees
Section 7	Disclosure of Conflicts of Interest
Section 8	Miscellaneous
Section 9	Election Period Policy
Section 10	Monitoring, Evaluation and Review

Definitions

For the purposes of the Governance Rules, Council adopts the following definitions:

- **The Act** means the Local Government Act 2020. Where reference is made to the Local Government Act 1989, this will be specified.
- **Absolute majority** means the number of Councillors which is greater than half the total number of the Councillors of a Council.
- **Advisory committee** means a committee established by the Council, that provides advice to the Council, that is not a Delegated Committee.
- **Affected person** means a person who has submitted on or made an objection to an application for a planning permit.
- **Agenda** means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting.
- **Agreement of Council** means indicative agreement of all of the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote.
- **Audit and Risk Committee** means the Audit and Risk Committee established by Council under section 53 of the Act.
- **Attend, Attending and In Attendance** include attend, attending or in attendance by electronic means.
- **Authorised Officer** has the same meaning as in the 1989 Act or any other Act.
- **Chair** means the Chair of a Meeting and includes an acting, temporary and substitute Chair.
- **Chamber** means any room where the Council holds a Council Meeting.
- **Chief Executive Officer** means the person occupying the office of Chief Executive Officer of Council, and includes an Acting Chief Executive Officer.
- **Committee Meeting** means a meeting of a Delegated Committee convened in accordance with these Governance Rules or other rules or policies adopted by Council.
- **Common Seal** means the Common Seal of Council.
- **Community Asset Committee** means a Community Asset Committee established under section 65 of the Act.
- **Confidential information** has the same meaning as in the Act.
- **Council** means Baw Baw Shire Council.
- **Councillor** means a person who holds the office of member of the Council.
- **Model Councillor Code of Conduct** has the same meaning as in the Act.
- **Council Meeting** has the same meaning as in the Act.
- **Delegate** means a member of Council staff to whom powers, functions and duties have been Delegated by an instrument of delegation.

- **Delegated Committee** means a Delegated Committee established under section 63 of the Act.
- **Delegate Report** means a formal report produced by a Delegated Committee.
- **Deputy Mayor** means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.
- **Director** means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer.
- **Disorder** means any disorderly conduct of a member of the Gallery or a Councillor and includes:
 - interjecting when another person is speaking, except, in the case where a Councillor is raising a Point of Order;
 - making comments that are defamatory, malicious, abusive or offensive;
 - refusing to leave the Meeting when requested, ordered or directed to do so by the Chair in accordance with The Act and the Governance Rules; and,
 - engaging in any other conduct which prevents the orderly conduct of the Meeting.
- **Electronic Meeting** means any Council Meeting held in full or in part via electronic means using audio-video teleconference and with or without in-person attendance.
- **Foreshadowed Item** means a matter raised in the relevant section of the Council Meeting that a Councillor intends to submit a Notice of Motion for the next Council Meeting.
- **Leave of Council** means the express permission of the Council, but mutual agreement or resolution of Council.
- **Majority of the Votes** means a majority of Councillors present at the time of a vote voting in favour of a matter.
- **Mayor** means:
 - a Mayor of Council elected under section 25 of the Act;
 - a Deputy Mayor performing the role of the Mayor under section 21 of the Act;
 - an Acting Mayor appointed under section 20B of the Act;
- **Minister** means the Minister for Local Government.
- **Minutes** means the official record of the proceedings and decisions of a Meeting.
- **On Notice** means held or deferred to enable preparation of a response.
- **Officer Recommendation** means a recommendation presented to Council or a Delegated Committee via report. By default, an Officer Recommendation becomes the Motion before the meeting when an item is being considered.
- **Point of Order** means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting.
- **Quorum** means the absolute majority of Councillors present at the meeting; a Quorum is required to hold a formal meeting of Council.

- **Reasonable Notice** means a period of notice which is acceptable to the majority of the community.
- **The Rules** means these Governance Rules.
- **Urgent Business** means a matter that relates to or arises out of a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next meeting.
- **Unscheduled Meeting** means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Ordinary Council meetings set by Council.

Types of Motions

Type	Definition
<i>Motion</i>	A proposal framed in a way that will result in the opinion of <i>Council</i> being expressed, and a <i>Council</i> decision being made, if the proposal is adopted.
<i>Alternate Motion</i>	A <i>Motion</i> put by a <i>Councillor</i> which changes the intent and purpose of the officer recommendation.
<i>Amendment</i>	An <i>Amendment</i> modifies an existing <i>Motion</i> by leaving out or adding words, which must be relevant to the original <i>Motion</i> and framed as to complement it as an intelligible and consistent whole.
<i>Bereavement Motion</i>	A <i>Motion</i> put in recognition of the passing of a significant community member. <i>Council</i> does not vote on a <i>Bereavement Motion</i> .
<i>Notice of Motion</i>	A notice setting out the text of a <i>Motion</i> which a <i>Councillor</i> proposes to move at a <i>Council</i> Meeting.
<i>Procedural Motion</i>	A <i>Motion</i> that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.
<i>Notice of Rescission</i>	A <i>Notice of Motion</i> to rescind a resolution made by Council.

Section 2 – Governance Framework

The Governance Rules support Baw Baw Shire Council in ensuring good governance and decision making, in the best interests of the public. The Rules make clear the procedures of Council Meetings, for the Mayor and Councillors, staff of Baw Baw Shire, and members of the community wishing to participate in this process.

Section 9 of the Local Government Act 2020 specifies the overarching governance principles and supporting principles that Council must adhere to in the performance of its role and functions.

These Rules ensure that the management of Council business is in accordance with the Act and meets the following overarching governance principles in Section 9(2) of:

- Ensuring Council decisions and actions are taken in accordance with the relevant law;
- Achieving the best outcomes for the municipal community;
- Engaging the municipal community in strategic planning and strategic decision making; and
- Ensuring public transparency.

These Rules also take into account the following supporting principles defined in Section 9(3) of the Act:

- The community engagement principles; and
- The public transparency principles.

Context

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

- The Local Government Act 1989.
- The Local Government Act 2020.
- The Model Councillor Code of Conduct.
- The overarching governance principles specified in section 9(2) of the Act.
- Council's:
 - Public Transparency Policy
 - Councillor and Staff Interaction Policy
 - Councillor Support and Expense Policy
 - Information Privacy Policy
 - Any other policy, regulation or guideline deemed relevant.

Decision Making

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:

- fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
- on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations

Council (including persons acting with the Delegated authority of 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.

Section 3 – Office Bearers

The purpose of this Section is to:

- Provide for the election of the Mayor and any Deputy Mayor.
- Provide for the appointment of any Acting Mayor.

1. Election of the Mayor

- 1.1 The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.
- 1.2 The election of the Mayor must take place at a Council meeting which is open to members of the public.
- 1.3 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.
- 1.4 The election of the Mayor must be carried out by a show of hands or such other visual or audible means as the Chief Executive Officer determines.

2. Determining the Election of the Mayor

- 2.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected and invite nominations for the office of Mayor.
- 2.2 The Mayor becomes the Chair once elected by Council.
- 2.3 Any nominations for the office of Mayor must be:
 - 2.3.1 In a form prescribed by the Chief Executive Officer.
 - 2.3.2 Made by a Councillor.

2.3.3 Seconded by another Councillor.

2.3.4 Accepted by the nominee, either in person at the meeting or in writing prior to the meeting.

2.4 For the avoidance of doubt, a Councillor may nominate themselves.

2.5 Once nominations have been accepted, the Chief Executive Officer shall confirm that no further nominations shall be accepted, and all Councillors contesting the election of the Mayor shall be known as candidates.

2.6 Any Councillor can withdraw their candidature at any time before Councillors are requested to vote.

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

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

3. Single Nomination

3.1 If there is only one candidate for Mayor, the candidate nominated must be declared to be duly elected.

4. Two Nominations

If there are two candidates (or two remaining candidates after the completion of the process in Rule 5) for the office of Mayor, the following provisions will govern the election of the Mayor:

4.1 The Chief Executive Officer must ask Councillors to vote for each of the candidates in order of nomination.

4.2 In the event of a candidate receiving the votes of an absolute majority of Councillors, that candidate is declared to have been elected.

4.3 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.

4.4 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:

4.4.1 Conduct a further election immediately; or

4.4.2 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.

5. Three or More Nominations

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:

- 5.1 The Chief Executive Officer must ask Councillors to vote for each of the candidates in order of nomination.
- 5.2 If any of the candidates receive an absolute majority of votes, the Chief Executive Officer must declare them elected.
- 5.3 If none 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.
- 5.4 If after a second round of voting none of the candidates receive an absolute majority of votes, Council must resolve to:
 - 5.4.1 Conduct a further election immediately; or
 - 5.4.2 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.
- 5.5 If Council resolves to conduct a further election under rule 5.4, the Chief Executive Officer must declare the candidate with the fewest votes defeated.
- 5.6 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:
 - 5.6.1 The name of each candidate with an equal fewest number of votes is placed in a receptacle; and
 - 5.6.2 The Chief Executive Officer draws one name from the receptacle and declares that candidate defeated.
- 5.7 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 5 or 4 (as applicable).

6. Election of Deputy Mayor

- 6.1 Any election for the office of Deputy Mayor will be regulated by Rules 1 to 5 (inclusive), as if the reference to the:
 - 6.1.1 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).
 - 6.1.2 Mayor is a reference to the Deputy Mayor.

7. Appointing a Delegated Committee Chair

- 7.1 The chair of a Delegated Committee may be appointed by:
 - 7.1.1 The Mayor, in accordance with section 19 of the Act.
 - 7.1.2 Council (by resolution, or in accordance with Rule 10.1).
- 7.2 An appointment of a Councillor to be the chair of a Delegated Committee made by the Mayor under section 19 of the Act prevails over a chair appointed by another means.

8. Appointing a Community Asset Committee Chair

- 8.1 The chair of a Delegated Committee may be appointed by:
 - 8.1.1 Council (by resolution, or in accordance with Rule 10.1).
 - 8.1.2 Reference to the Instrument of Delegation to the Delegated Committee made by Council under section 47(1)(b) of the Act.
- 8.2 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.

9. Appointment of an Acting Mayor

- 9.1 If Council has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:
 - 9.2 Resolving that a specified Councillor be so appointed; or
 - 9.3 Following the procedure set out in Rules 1 – 5 (inclusive) of this Chapter, at its discretion.

10. Election for Other Purposes

- 10.1 Council may resolve to apply the election process set out in this section for other purposes, such as the selection of Councillors for a delegated committee, community asset committee, advisory committee or the appointment of a Councillor as a representative to another organisation, subject to any modifications deemed necessary.

Section 4 – Meeting Procedure

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

Division 1 – Council Meeting Schedule

11. Council Meetings Fixed by Council

- 11.1 Council must at or before the last Council meeting in each calendar year, fix the date, time and place of all Council meetings for the following calendar year.
- 11.2 Council may alter the date, time and place of any Council Meeting which has been fixed in accordance with sub-Rule 11.1. Council must provide reasonable notice of the change to the public.
- 11.3 Council by resolution can determine the proposed or preferred format style of meetings (in-person, electronic- including hybrid or parallel) noting the criteria and process available for a member who wishes to request approval to attend by electronic means.
- 11.4 Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings.
- 11.5 Council Meetings may be conducted electronically providing a livestream is available through Council's website. Councillors may request electronic participation via the format set out in 16.

12. Meetings Not Fixed by Council

- 12.1 An Additional Council meeting may be called by:
 - 12.1.1 Council, by resolution.
 - 12.1.2 The Mayor or at least three Councillors, by a written notice to the Chief Executive Officer.
 - 12.1.3 The Chief Executive Officer, by written notice.
- 12.2 The resolution or written notice must specify the date and time of the Additional Council meeting and the business to be transacted.
- 12.3 The Chief Executive Officer must convene the Additional Council meeting as specified in the written notice or resolution.
- 12.4 Unless all Councillors are in attendance and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Additional Council Meeting.
- 12.5 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.

13. Notice of Meeting

- 13.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered or sent electronically to every Councillor for all Council Meetings at least 48 hours before the meeting.

- 13.2 Notwithstanding sub-Rule 13.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting during the period of their absence.
- 13.3 Reasonable notice of each Council Meeting must be provided to the public. Council may do this:
- 13.3.1 For meetings where an annual schedule has been fixed, Council will arrange publication on its website and in a newspaper generally circulating in the municipal district.
- 13.3.2 Council Meetings called through the year will be placed on Council's website following the calling of the meeting, and where possible, a notice will be provided in a newspaper generally circulating in the municipal district.

14. Emergency Meeting Changes

- 14.1 The Chief Executive Officer, in consultation with the Mayor may, in the case of an emergency or unforeseen circumstance:
- 14.1.1 Change the time or date of a Council meeting.
- 14.1.2 Change the manner of delivery (primarily in person or wholly by electronic means) of a Council meeting.
- 14.1.3 Change the order of business for a Council meeting.
- 14.1.4 Cancel or postpone a Council meeting.

Division 2 – Physical and Remote Meeting Attendance

15. Determination of Meeting Format

- 15.1 By default, Council Meetings shall be conducted in person except as provided for in this division. Despite this Division, Council may, by resolution, determine that a specific meeting or meetings will be conducted wholly in person; wholly by electronic means; or partially in person and partially by electronic means

16. Meetings Conducted in Person

- 16.1 If a Council Meeting is to be conducted primarily in person, a Councillor may request to attend by electronic means.
- 16.2 At meetings conducted in person, Councillors shall physically attend the Council Meeting unless a request to participate by electronic means of communication has been granted in accordance with this Division.
- 16.3 Any request made under Rule 16.2 must be given to the Chief Executive Officer and the Manager Governance no later than 9am on the day of the Council Meeting in time to

facilitate their participation by electronic means, having regard to Council's resource constraints and the technical capability of the meeting venue.

- 16.4 The Chief Executive Officer, in consultation with the Chair, will provide a response to the request and notify all Councillors of the decision as soon as practicable.
- 16.5 The Chief Executive Officer may not grant a request to participate in a meeting by electronic means of communication at the first meeting of Councillors after a general election, or if the meeting will consider:
- 16.5.1 The election of the Mayor under section 25 of the Act.
 - 16.5.2 The election of the Deputy Mayor under section 27 of the Act.
 - 16.5.3 The adoption of Governance Rules under section 60 of the Act.
 - 16.5.4 The adoption of a Community Vision under section 88 of the Act.
 - 16.5.5 The adoption of a Council Plan under section 90 of the Act.
 - 16.5.6 The adoption of the Annual Budget under section 94 of the Act.
 - 16.5.7 The adoption of a Revised Budget under section 94 of the Act.
 - 16.5.8 The presentation by the Mayor of an Annual Report under section 139 of the Act.
- Unless they are satisfied that exceptional circumstances warrant it.
- 16.6 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 members of the public, is appropriately secure.
- 16.7 Without detracting from anything said in Rule 17 and sub-Rule 18.1 a Councillor who is attending a meeting by electronic means must be able to:
- 16.7.1 Hear the proceedings and be heard when they speak.
 - 16.7.2 See the proceedings and be seen by all Councillors who are participating the Council meeting.
- 16.8 If the Councillor encounters technical difficulties during the meeting, they may be removed from the meeting and recorded as having left.
- 16.9 If the conditions of sub-Rule 16.15 cannot be met by one or more Councillors attending a Council meeting, whether by technical difficulties or otherwise:
- 16.9.1 The Council meeting will nonetheless proceed as long as a quorum is present.
 - 16.9.2 The relevant Councillor or Councillors will be treated as being absent from the Council meeting or that part of the Council meeting.
- 16.10 Nothing in Rule 16 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with Sub-Rule 16.15, even if the Council meeting has already commenced or has continued in their absence.
- 16.11 If a majority of Councillors are physically present at the Council Meeting, then the meeting must be chaired by a Councillor who is physically present. By default, the Meeting will be chaired by the Deputy Mayor if the Mayor is not physically present, and if

the Deputy Mayor is not physically present in addition to the Mayor, a Councillor will be appointed as Chair in accordance with sub-Rule 10.1.

17. Meetings Conducted Remotely

- 17.1 If the Chief Executive Officer receives requests under Rule 16 to participate remotely from an absolute majority of Councillors, the meeting may be conducted solely by electronic means of communication.
- 17.2 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.
- 17.3 In conjunction with Rule 14, the Chief Executive Officer may decide that extraordinary circumstances warrant a meeting being conducted solely by electronic means of communication, with considerations including, but not limited to:
 - 17.3.1 Any risk to the health and safety of Councillors, staff or attendees.
 - 17.3.2 Whether all or part of the meeting is planned to be closed to members of the public under section 66(2) of the Act.
 - 17.3.3 Whether the orderly conduct of a meeting may be affected by the choice of meeting format.
 - 17.3.4 The availability of suitable meeting facilities.

18. Adjustments to Meeting Rules

- 18.1 If a Council meeting is conducted by electronic means of communication, the following modifications to the application of the Rules in this Section are to be made:
 - 18.1.1 References to a Councillor being present at the meeting shall be a reference to a Councillor being able to both hear and see other members in attendance and be heard and be seen by other members in attendance.
 - 18.1.2 Momentary absences of less than one minute shall not be recorded as absences for the purposes of the meeting minutes, unless a vote or the Mayor's request for the declaration of conflicts of interest occurs during the absence.
 - 18.1.3 Casting a vote may occur by a Councillor either raising their hand in view of their camera such that it can be seen by other members in attendance or, at the Chair's request, verbally stating their vote.
 - 18.1.4 In the event of the absence of a Councillor during a vote due to an apparent technical failure, a Councillor or member of Council staff may bring this to the attention of the meeting Chair, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Should the Councillor be unable to reconnect within three minutes, the meeting shall resume in the Councillor's absence, and the Councillor will be recorded as having left the meeting.

- 18.1.5 In the event of a Councillor being required to leave a meeting due to a conflict of interest, a member of Council staff will temporarily remove the Councillor from the online meeting platform or place them into a virtual waiting room.

Division 3 – Quorums

19. Quorum Required

- 19.1 A Quorum is required to hold a formal meeting of Council.

20. Inability to Obtain a Quorum

- 20.1 If after 30 minutes from the scheduled starting time of any Council meeting, a quorum cannot be obtained:
- 20.1.1 The meeting will be deemed to have lapsed.
 - 20.1.2 The Mayor must convene another Council meeting, the agenda for which will be identical to the agenda for the lapsed meeting, notwithstanding sub-Rule 21.2.
 - 20.1.3 The Chief Executive Officer must give all Councillors written notice of the meeting convened by the Mayor.
- 20.2 It should be noted that under section 61(6A) of the Act, for the purposes of these meetings, a Councillor present by electronic means of communication is deemed present for the purposes of a quorum, so long as the Councillor can be both seen and heard.
- 20.3 The Chair may determine whether a Councillor is sufficiently seen or heard.

21. Inability to Maintain a Quorum

- 21.1 If during any Council meeting, a quorum cannot be maintained then Rule 20 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 21.2 If a quorum is deemed to have lapsed due the inability to maintain a quorum in accordance with sub-Rule 21.1, the remaining agenda items may be included the agenda of the next scheduled meeting of Council, following consultation between the Mayor and Chief Executive Officer.
- 21.3 Sub-Rule 21.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

22. Adjourned Meetings

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

- 22.2 The Chief Executive Officer must give written notice to each Councillor of the date, time, and place to which the meeting stands adjourned and of the business remaining to be considered.
- 22.3 If it is impracticable for the notice given under sub-Rule 21.2 to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.

23. Time Limits for Meetings

- 23.1 A Council Meeting must not continue for a period of longer than five consecutive hours.
- 23.2 If there remains business to be considered after five hours, the meeting must stand adjourned to a time, date and place announced by the Chair immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rule 22.2 and 22.3 apply.

24. Adjournment of Time Provision

- 24.1 In the event a break is required not for the purpose of discussing Council business, but for sustenance or relief, a Councillor can call for an adjournment of time. This motion requires a seconder and the time in which the meeting will be adjourned for must be specified.

Division 4 – Business of Meetings

25. Agenda and the Order of Business

- 25.1 The agenda for and the order of business for a Council Meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain an open, efficient and effective processes of government. The Chair may have input into the development of the agenda and order of business in consultation with the Chief Executive Officer.

26. Change to the Order of Business

- 26.1 Once an Agenda has been sent to Councillors, the order of business for that Council Meeting may be altered with the consent of Council.
- 26.2 If the order of business changes from the publicly published Agenda, the Chair will outline the changes to the order of business prior to the consideration of the first report to be considered at that Council Meeting.

27. Urgent Business

All Agendas for a Council Meeting can make provision for urgent business. Business cannot be admitted as Urgent Business other than by resolution of Council and only then if the following requirements have been met:

- 27.1 It is proposed for admission by the Chief Executive Officer after consulting with the Mayor.
- 27.2 The Chair has been given written notice of the proposed matter to be raised and has approved admittance of the item.
- 27.3 It relates to or arises out of a matter which has arisen since production of the agenda.
- 27.4 It cannot safely or conveniently be deferred until the next Council meeting.

Urgent Business cannot:

- 27.5 Substantially affect the levels of Council's service.
- 27.6 Commit Council to significant expenditure not included in the adopted budget.

Division 5 – Motions and Debate

28. Officer Recommendation

When an item is considered at a Council meeting, by default the motion before the meeting will be the officer recommendation included in the associated report for that item, should it contain one.

29. Introducing and Debating a Motion

The procedure for moving any Motion is:

- 29.1 The Chair must read the purpose of the report and display the officer recommendation to the meeting and ask the Councillors for a mover for the motion.
- 29.2 A Councillor wishing to move the motion must raise their hand to move the motion without speaking to it.
- 29.3 The motion must be seconded, and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder.
- 29.4 If a motion is moved and seconded the Chair must allow the mover and seconder the opportunity to speak to the motion.
- 29.5 After the mover and seconder have addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion by asking:
"Does any other Councillor wish to speak for the motion? Does any Councillor wish to speak against the motion?"
- 29.6 Councillors speaking to a motion must do so in accordance with Rule 47.

- 29.7 If, after the mover has addressed the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.
- 29.8 The mover and seconder of a motion cannot be the Chair, unless the Chair elects to temporarily vacate the seat of Chair until the item is disposed of.

30. Right of Reply

- 30.1 The mover of any motion has a right of reply to matters raised during debate.
- 30.2 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the Motion, the Motion must immediately be put to the vote without any further discussion or debate.

31. Moving an Amendment Motion

- 31.1 Subject to sub-Rule 32.3 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added or removed words must be relevant to the subject of the motion and framed as to complement it as an intelligible and consistent whole.
- 31.2 A Councillor moving an amendment motion must state the amendment in full.
- 31.3 A motion to confirm a previous resolution of Council cannot be amended.
- 31.4 An amendment must not be directly opposite to the motion.
- 31.5 Once seconded, the amended motion becomes the motion before the meeting and is subject to the process outlined in sub-Rules 30.4 – 30.8 and Rule 31.

32. Who May Propose an Amendment Motion

- 32.1 An Amendment may be proposed by any Councillor, either the mover of a motion by stating the amendment when speaking to the motion, or by any other Councillor by asking the consent of the mover to incorporate the amendment.
- 32.2 All amendments require a seconder to agree to the amendment.
- 32.3 Any one Councillor cannot move more than two amendments in succession on any individual Motion.

33. How Many Amendments May Be Proposed

- 33.1 Any number of amendments may be proposed to a Motion but only one Amendment may be accepted by the Chair at any one time.
- 33.2 No second or subsequent amendment, whether to the Motion or an Amendment of it, may be taken into consideration until the previous Amendment has been dealt with.

34. Introducing an Alternate Motion

The procedure for moving an alternate motion is:

- 34.1 An alternate motion should be circulated amongst Councillors and the Chief Executive Officer more than 24 hours prior to the Council Meeting to ensure sufficient time for Council to consider the alternate motion.
- 34.2 Before another Councillor moves the officer recommendation, the Councillor must propose to the Chair to move an alternate motion by raising their hand when the Chair calls for a mover.
- 34.3 The mover must state the alternate motion in full, without speaking to it.
- 34.4 The alternate motion must be seconded, and the seconder must be a Councillor other than the mover. If an alternate motion is not seconded, the alternate motion lapses for want of a seconder; and the Chair may call for a mover for the officer recommendation.
- 34.5 The mover and seconder of an alternate motion cannot be the Chair, unless the Chair elects to temporarily vacate the seat of Chair until the item is disposed of.
- 34.6 Once seconded, the alternate motion becomes the motion before the meeting and is subject to the process outlined in sub-Rules 30.4 – 30.8 and Rule 31.
- 34.7 If an alternate motion is drafted during a Council Meeting, the Chief Executive Officer can request to approve the alternate motion before it is put to the vote.
- 34.8 Councillors may seek advice from the Chief Executive Officer or relevant member of Council's staff on the wording for an alternate motion. The Chief Executive Officer or relevant staff will not provide wording for an alternate motion that contradicts the law or any Act. If the Chief Executive Officer has declined to provide wording for an alternate motion they must state this, verbally, to the meeting.

35. Foreshadowing Motions

- 35.1 At any time during debate a Councillor may foreshadow a motion so as to inform Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 35.2 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.
- 35.3 If the original motion is lost, the Councillor who first foreshadowed the motion must then move their motion in accordance with Rule 30.
- 35.4 The Chief Executive Officer or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved and seconded.
- 35.5 The Chair is not obliged to accept foreshadowed motions.

36. Notice of Motion

- 36.1 Councillors may ensure that an issue is listed on an agenda by lodging a notice of motion.
- 36.2 A notice of motion must be in writing and signed by a Councillor, sent from the appropriate Councillor's email, or by other means as prescribed by the Chief Executive Officer and be lodged with or sent to the Chief Executive Officer to allow sufficient time for the notice of motion to be included in agenda papers for a Council Meeting.
- 36.3 A notice of motion must not be accepted by the Chief Executive Officer if it is deemed to be:
 - 36.3.1 Vague or unclear in intention.
 - 36.3.2 Such that if passed would result in Council otherwise acting invalidly.
 - 36.3.3 Is beyond Council's powers to pass or enact.
 - 36.3.4 Identical or substantially similar to a motion that has been considered by Council in the preceding six months.
- 36.4 The Chief Executive Officer must give the Councillor who lodged the notice of motion the opportunity to amend it prior to rejection, if it is practicable to do so.
- 36.5 Notices of motion amended under sub-Rule 36.4 must be approved by the Chief Executive Officer and the seconder of the motion.
- 36.6 The Chief Executive Officer must notify the Councillor who lodged the notice of motion in writing of the reasons for rejection.
- 36.7 A notice of motion must request a report from the Chief Executive Officer if it seeks to:
 - 36.7.1 Impact the levels of Council services.
 - 36.7.2 Commit Council to expenditure greater than \$7500.00
 - 36.7.3 Establish, amend, rescind or extend Council policy.
 - 36.7.4 Impact the rights of any person who has not had the opportunity to contribute their views.
 - 36.7.5 Commit Council to a contractual agreement.
 - 36.7.6 Impact any litigation in respect of which Council is a party.
- 36.8 Rule 36.7 does not apply to notices of rescission lodged in accordance with Rule 51.
- 36.9 The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.
- 36.10 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.
- 36.11 Any written advice regarding a notice of motion tabled at a Council meeting shall be published in the minutes of the meeting.
- 36.12 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.

- 36.13 Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register.
- 36.14 If a notice of motion is tabled requesting a report from Chief Executive Officer in accordance with sub-Rule 37.8, the Chief Executive Officer must present the report requested at a future meeting, but not later than a meeting in 4 months' time from the meeting date the notice of motion was tabled.
- 36.15 If a Councillor who has given a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.
- 36.16 Once moved and seconded, the notice of motion becomes the motion before the meeting and is subject to the process outlined in sub-Rules 30.4 – 30.8 and Rule 31.
- 36.17 If a notice of motion is not moved and seconded at the Council Meeting at which it is listed, it lapses.

37. Bereavement Motions

- 37.1 A Councillor may propose a Bereavement Motion, which is a Motion called in recognition of the passing of a significant community member.
- 37.2 A Bereavement Motion requires a seconder.
- 37.3 A Bereavement Motion will not be put to a vote and is automatically considered unanimous.

38. Chair's Duty

- 38.1 Any motion must not be accepted by the Chair if the Chair considers it to be:
 - 38.1.1 Defamatory
 - 38.1.2 Objectionable in language or nature.
 - 38.1.3 Vague or unclear in intention.
 - 38.1.4 Outside the powers of Council.
 - 38.1.5 Irrelevant to the item of business on the agenda and has not been admitted as urgent, or purports to be an amendment but is not.
 - 38.1.6 Identical or substantially similar to a motion that has been considered by Council in the preceding six months.

39. Participation by the Chief Executive Officer

- 39.1 The Chief Executive Officer or delegate may participate in the meeting to provide support to the Chair.

- 39.2 The Chief Executive Officer should immediately advise to the best of their knowledge if a proposed resolution or action is contrary to the law, advise if there are operational, financial or risk implications arising from a proposed resolution and help clarify the intent of unclear resolutions to facilitate implementation.
- 39.3 At the request of the Chair, the Chief Executive Officer or delegate may address any item to clarify a statement made by a Councillor during the course of debate.
- 39.4 The Chief Executive Officer or delegate may on request assist with procedural issues that may arise.
- 39.5 Where a resolution of Council, following a vote, leaves the action in indeterminate state (limbo) the Chief Executive Officer may ask for an alternative motion to be developed by Council, or for Council to call for an Officer report.

40. Withdrawal of Motions

- 40.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of Council.
- 40.2 If the majority of Councillors object to the withdrawal of the motion, it may not be withdrawn.

41. Separation of Motions

- 41.1 Where a motion contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate parts. The Councillor does not need to have moved or seconded the motion and can simply raise their hand to make the request. Requests of this nature are determined by the Chair.
- 41.2 The Chair may decide to put any motion to the vote in several parts.

42. Motions in Writing

- 42.1 The Chair may require all motions, except procedural motions, to be considered in writing.
- 42.2 Council may adjourn the meeting while the motion is being written or Council may defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

43. Repeating a Motion

The Chair may request any Council Officer present at the Council Meeting to read the Motion to the meeting before the vote is taken.

44. Priority of Address

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

45. Debate Relevant to the Motion

- 45.1 Debate must always be relevant to the Motion before the meeting, and, if not, the Chair must request the speaker to confine debate to that motion.
- 45.2 If after being requested to confine debate to the motion before the meeting, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to be seated and not speak further in respect of the motion then before the meeting.
- 45.3 A speaker to whom a direction has been given under sub-Rule 45.2 must comply with that direction.

46. Speaking Times

- 46.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:
 - 46.1.1 The mover of a Motion: five minutes
 - 46.1.2 Any other Councillor: three minutes
 - 46.1.3 The mover of a motion exercising a right of reply: two minutes

47. Addressing the Meeting

- 47.1 Any person addressing the Chair must refer to the Chair as Mayor or Chair.
- 47.2 All Councillors, other than the Mayor, must be addressed as Councillor (surname).
- 47.3 All members of Council staff must be addressed as Mr or Ms (name) as appropriate, or by their official title.
- 47.4 The Mayor and Councillors may stand to address the meeting, if it is possible and practical to do so.
- 47.5 Any employee of the Council who is required, through the Chair to address the meeting may stand whilst doing so, if it is possible and practical to do so.

48. Right to Ask Questions

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

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

49. Withdrawal of Remark

- 49.1 The Chair may require a Councillor to withdraw any remark which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.
- 49.2 A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

Division 6 – Procedural Motions

50. Introducing a Procedural Motion

- 50.1 To enable the orderly conduct of the meeting, a procedural motion may be moved at any time when no other Councillor is speaking, including during a debate on a motion or, unless otherwise prohibited.
- 50.2 Once moved, a procedural motion must be dealt with immediately by the Chair.
- 50.3 The process for procedural motions is as follows:
- 50.3.1 A procedural motion must be moved and seconded.
 - 50.3.2 Aside from a brief statement by the mover explaining the reason for the procedural motion, no debate is permitted.
 - 50.3.3 The motion is immediately put to a vote without further discussion.
- 50.4 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 of Motion	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	The meeting is closed to the public. Once the meeting is closed, debate resumes.

	definition of confidential information in the Act and explain why the specified grounds apply.	
That the meeting be opened to the public.		The meeting is opened to the public. Once the meeting is opened, debate resumes.
That standing orders be suspended.		Standing orders are suspended. Once standing orders 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. May not be moved by a Councillor who has addressed the meeting in relation to the motion or any amendments of it.	May not be moved by a Councillor who has addressed the meeting in relation to the motion or any amendments of it.
That the Chair's ruling be dissented from.	Following the mover's statement of the reasons for the motion, the Chair may reply. 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

50.5 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.

50.6 If a procedural motion is lost following a vote, debate continues unaffected.

50.7 Procedural motions are prohibited during elections carried out in accordance with the Rules or when the motion would have the effect of causing Council to be in breach of a legislative requirement.

Division 7 – Rescission Motions

51. Notice of Rescission

- 51.1 A Councillor may propose a notice of rescission provided each of the below requirements are met:
- 51.1.1 It has been signed and dated by at least three Councillors.
 - 51.1.2 The resolution proposed to be rescinded has not been acted on.
 - 51.1.3 The Notice of Rescission is delivered to the Chief Executive Officer within 24 hours of the resolution having been made setting out:
 - a) The resolution to be rescinded.
 - b) The meeting and date when the resolution was carried.
- 51.2 A rescission of motion is a form of notice of motion. Accordingly, Rules regulating notices of motion equally apply to notices of rescission in addition to Rule 52, notwithstanding sub-Rule 36.8
- 51.3 A resolution will be deemed to have been acted on if:
- 51.3.1 its contents have or substance has been communicated in writing to a person whose interests are materially affected by it.
 - 51.3.2 a statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.
- 51.4 The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
- 52.5.1 Has not been acted on, and,
 - 52.5.2 Is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule 52.1.3, unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

52. If Lost

If a motion for rescission is lost, a similar motion may not be put before Council for at least six months from the date it was last lost.

53. If Not Moved

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

54. Moved By Any Councillor

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

Division 8 – Voting

55. Determining a Motion

- 55.1 To determine a motion before a meeting, the Chair must first call for those in favour of the motion and then those opposed to the motion and must then declare the result to the meeting. If upon calling for votes in favour, all votes are positive and the motion is carried unanimously, the Chair is not required to call for votes against the motion.
- 55.2 In accordance with Section 61 (5)(e) of the Local Government Act 2020, if a Councillor present at the meeting does not vote on a motion, their vote is to be taken as a vote against.

56. Show of Hands

Voting on any matter is by show of hands or such other visible or audible means as the Chair determines

57. Voting in Silence

Voting must take place in silence.

58. Recount

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

59. Casting Vote

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

60. Voting en Bloc

Council is prohibited to vote en bloc on items listed in the Council Meeting Agenda.

61. Procedure for a Division

- 61.1 Immediately after any motion is put to vote in a meeting and before the next item of business has commenced, a Councillor may call for a division.
- 61.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the motion.
- 61.3 When a division is called for, the Chair must:
 - 61.3.1 First ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands or otherwise signify their support in a manner recognised by the Chair.
 - 61.3.2 The Chair must then state the names of each Councillor with an affirmative vote. The Chief Executive Officer or any Authorised Officer must record, the names of those Councillors voting in the affirmative.
 - 61.3.3 Then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise their hands or otherwise signify their opposition in a manner recognised by the Chair.
 - 61.3.4 The Chair must then state the names of each Councillor with a vote in the negative. The Chief Executive Officer or any Authorised Officer must record, the names of those Councillors voting in the negative.

62. No Discussion Once Declared

- 62.1 Once a vote on a motion has been taken, no further discussion relating to the question motion is allowed unless the discussion involves foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

Note: For example, Rule 62 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 62 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 62.1 to discussion about a positive motion where a resolution has just been rescinded.

Division 9 – Points of Order

63. Chair to Decide

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

64. Chair to Adjourn to Consider

- 64.1 The Chair may adjourn the meeting to consider a Point of Order but otherwise must rule on it as soon as it is raised.
- 64.2 All other questions before the meeting are suspended until the Point of Order is decided.

65. Procedure for Point of Order

- 65.1 A Councillor raising a Point of Order must:
 - 65.1.1 State the point of order; and
 - 65.1.2 State any section, Rule, paragraph or provision relevant to the Point of Order.

66. Valid Points of Order

- 66.1 A Point of Order may be raised in relation to:
 - 66.1.1 A motion, which, under Rule 39, or a question which, under Rule 69, should not be accepted by the Chair.
 - 66.1.2 A question of procedure.
 - 66.1.3 A Councillor who is not conducting themselves in accordance with the Model Councillor Code of Conduct.
 - 66.1.4 Debate that is irrelevant to the matter under consideration.
 - 66.1.5 A matter that is outside the powers of Council.
 - 66.1.6 An untrue or false assertion or statement.
 - 66.1.7 Any act of disorder.

67. Dissent from Chair's Ruling

- 67.1 A Councillor may move that the meeting disagree with the Chair's ruling on a point of order, by moving:
 - 67.1.1 "That the Chair's ruling [setting out that ruling or part of that ruling] be dissented from".

- 67.2 When a Motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not in attendance, temporary Chair elected by the meeting) must take their place.
- 67.3 The Deputy Mayor or temporary Chair must invite the mover to state the reasons for their dissent and the Chair may then reply.
- 67.4 The Deputy Mayor or temporary Chair must put the Motion in the following form: "That the Chair's ruling be dissented from."
- 67.5 If the vote is in the negative, the Chair resumes the Chair and the meeting proceeds.
- 67.6 If the vote is in the affirmative, the Chair must then resume the Chair, reverse or vary (as the case may be) their previous ruling and proceed.
- 67.7 The defeat of the Chair's ruling is in no way a motion of censure or non-confidence in the Chair and should not be so regarded by the meeting.

Division 10 – Public Participation Time

68. Questions on Notice

- 68.1 There must be a public question time at every Council Meeting fixed under Rule 11, other than a meeting to elect a Mayor or Deputy Mayor to enable members of the public to submit questions to Council.
- 68.2 Sub-Rule 68.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the Act.
- 68.3 Public question time will not exceed 30 Minutes in duration, unless approved by the Chair.
- 68.4 Questions submitted to Council must be:
- 68.4.1 In writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council.
- 68.4.2 Received in hard copy by 9am two weekdays prior to the Council Meeting or lodged electronically at the prescribed email address or via other online means prescribed by 9am two weekdays prior to the Council meeting.
- Note:** For example, if a Council Meeting is scheduled for 1pm on a Wednesday, Questions on Notice must be submitted by 9am on the Monday prior.
- 68.5 Where possible, any questions received outside of the time frame specified in sub-Rule 68.4.2 which can be sufficiently answered will be responded at the nearest Council meeting. Similarly, questions received within this time frame which cannot be sufficiently answered will be responded to at the next Council meeting, if such an agreement can be reached with the Chief Executive Officer and Chair. In either instance, this will be communicated to the author or the question.

- 68.6 No person may submit more than three questions at any single meeting. If a question has multiple parts to it, it is considered multiple questions. Any additional question will not be responded to, read out at the meeting or included in the minutes.
- 68.7 Questions submitted on behalf of a groups or organisation will be limited to one set of three questions per Council Meeting.
- 68.8 The questioner will have an opportunity to read out the submitted question or request the Chair read their question.
- 68.9 The questioner may not raise any additional questions or alter the previously submitted question.
- 68.10 Speakers must abide by the direction of the Chair and in accordance with these Governance Rules.
- 68.11 If the person who submitted the question does not wish to read out their questions, the Chair or a member of Council staff nominated by the Chair may will read to those in attendance at the meeting a question which has been submitted in accordance with this Rule.
- 68.12 The Chair or their delegate may refrain from reading a question or having a question read if the person who submitted the question is not physically present in the gallery at the time when the question is due to be read. In this instance, questions and responses will be provided to the submitter in full, in writing post Council Meeting. The questioner will not be afforded another opportunity to read their question.
- 68.13 A question may be disallowed by the Chief Executive Officer if the Chief Executive Officer determines that it:
- 68.13.1 Relates to a matter outside the duties, functions and powers of Council.
 - 68.13.2 Relates to a matter that is the responsibility of another authority or body.
 - 68.13.3 Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance.
 - 68.13.4 Deals with a subject matter already answered;
 - 68.13.5 Is aimed at embarrassing a Councillor or a member of Council staff or is directed at a specific Councillor or member of Council staff, and not to the Council.
 - 68.13.6 Relates to personnel matters;
 - 68.13.7 Relates to the personal hardship of any resident or ratepayer;
 - 68.13.8 Relates to industrial matters;
 - 68.13.9 Relates to contractual matters;
 - 68.13.10 Relates to tenders;
 - 68.13.11 Relates to proposed developments;
 - 68.13.12 Relates to legal advice;
 - 68.13.13 Relates to matters affecting the security of Council property;

- 68.13.14 Relates to any other matter which Council considers would prejudice Council or any person.
- 68.14 Any question which has been disallowed by the Chief Executive Officer must be made available to any other Councillor upon request.
- 68.15 Any question which has been disallowed by the Chief Executive Officer will not be read at the meeting or published in the meeting minutes.
- 68.16 Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- 68.17 All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.
- 68.18 Like questions may be grouped together and a single answer provided.
- 68.19 Statements precluding a question will not be addressed and can be removed when considered at the public meeting and in the minutes.
- 68.20 A Councillor or the Chief Executive Officer may advise Council that it is their opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

69. Public Submissions

- 69.1 Members of the public must have the opportunity to provide submissions on officer reports listed on the agenda at every Council Meeting fixed under Rule 11, other than a meeting to elect a Mayor or Deputy Mayor, to enable members of the public to submit on officer reports listed on the agenda at that Council Meeting.
- 69.2 Sub-Rule 69.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the Act and submissions cannot be made on officer reports to be considered at part of a Council Meeting closed to members of the public in accordance with section 66(2) of the Act.
- 69.3 Submissions must relate to Council Business and not be the responsibility of another authority or body.
- 69.4 Written submissions must not exceed 400 words, and verbal submissions must not exceed 3 minutes.
- 69.5 Submitters who elect to speak on more than one item listed on the Agenda of a Council meeting may, at the discretion of the Chair be given 5 minutes to speak on all items but may still submit separate written submissions.
- 69.6 At Council Meetings where there is public submission time in accordance with sub-Rule 69.1, public submissions on planning applications will be limited to written submissions.

- 69.6.1 Written submissions on planning applications that are of an objecting nature will be treated as objections for the purposes of section 60 of the Planning and Environment Act 1987.
- 69.6.2 Written submissions on planning applications that are of a supporting nature will be treated as submissions for the purposes of section 60 of the Planning and Environment Act 1987.
- 69.7 Council Council will provide the opportunity for affected persons to make verbal submissions on applications for a planning permit that are set to be determined at a Council Meeting, at a time prior to the Council Meeting.
- 69.8 Verbal submissions made on planning applications in accordance with sub-Rule 69.6 will be limited to 3 minutes and will be subject to all other requirements of the Governance Rules.
- 69.9 Anyone wishing to make a verbal submission at a Council Meeting must register their planned attendance with Council no later than 48 hours prior to the Council Meeting either via the prescribed online form provided by Council or at the prescribed email address outlining the items they wish to submit on.
- 69.10 Community members will be invited to address the Council in the Chamber on their submissions.
- 69.11 The Chair will consider requests from community members who wish to address Council electronically, if the request is received in writing 48 hours prior to the Council Meeting.
- 69.11.1 Community members participating electronically must be seen and heard and are responsible for their own technology;
- 69.11.2 The Chair may choose to limit how many community members can address the Council electronically at any Council Meeting;
- 69.11.3 Any community member with an inappropriate or offensive background may be removed from the Council Meeting with no right of reply
- 69.12 The order in which public submissions will be heard is ultimately at the discretion of the Chair. The Chair where possible will elect to hear submissions prior to the commencement of any motions but may determine to hear submissions before a specific agenda item where deemed relevant, by changing the order of business.
- 69.13 Written submissions must be received in hard copy 48 hours prior to the Council Meeting or lodged electronically at the prescribed email address or via other online means prescribed by Council 48 hours prior to the Council Meeting.
- 69.14 Written submissions will be provided to all Councillors in advance of the Council meeting, and published in the Minutes of the Council meeting, but will not be read out loud.
- 69.15 Submitters cannot speak on behalf of another person or group unless they have in writing, or the express permission of that person or group.
- 69.16 Where a group, association, organisation or any other entity intends to make a submission, only one submission can be received on behalf of the group.

- 69.17 Submissions to Council are made pursuant to the laws of the State of Victoria and they do not enjoy parliamentary privilege.
- 69.18 Questions from Councillors can be disallowed at the discretion of the Chair if they are deemed inappropriate, and no discussion may be allowed other than by Councillors for the purposes of clarification.
- 69.19 Submitters may only directly answer the questions from Councillors and not enter a debate or argue with the Councillor.
- 69.20 The Chair may direct a submitter who has entered debate or argument to cease to answer.
- 69.21 The Chair may direct a submitter who is defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance; to cease their submission.
- 69.22 If a matter is deferred, the Chair may direct that submissions will not be heard again.
- 69.23 Councillors must not participate in Public Participation time in their capacity as a private citizen unless they have declared a Conflict of Interest and removed themselves from the chamber during debate.
- 69.24 Council will provide the opportunity for submissions to be heard under Section 223 of the Local Government Act 1989, and where appropriate, Council will call a Council meeting to hear submissions made under Section 223 of the Local Government Act 1989 or on planning applications or proposed planning scheme amendments prior to the formal decision process.

Division 11 – Petitions

70. Petition Requirements

- 70.1 Petitions must relate to Council Business and not be the responsibility of another authority or body.
- 70.2 A petition or joint letter must be received by 5pm, seven days prior to the Council Meeting. All petitions received after this deadline will be held over for tabling at the next Ordinary meeting.
- 70.3 Every petition to Council must be in writing (other than pencil), typed, printed, or provided via the means of an online form on the Baw Baw Shire website.
- 70.4 The petition must contain the request of the petitioners or signatories and be signed by more than 12 people.
- 70.5 Every petition must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 70.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by Council.

- 70.7 A petition 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.
- 70.8 Where a petition is provided other than via the Baw Baw Shire online form, every page of a petition must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition.

71. Tabling Petitions

- 71.1 When tabled, the number of petition signatories from Baw Baw Shire and from other locations will be included in the information provided to Councillors.
- 71.2 Unless Council determines to consider the matter as urgent business, Council must table the petition and resolve and outcome in accordance with sub-rule 71.3. Any determination to consider the matter as urgent business must be done so in accordance with Rule 27.
- 71.3 Once tabled, Council must resolve to either:
- 71.3.1 Receive the petition with an included officer recommendation for noting or action;
 - 71.3.2 Refer the matter to Council officers to investigate and report back to the lead petition writer as required; or,
 - 71.3.3 Refer the matter to Council officers to investigate and report back to a future meeting of Council not more than four months ahead, unless the Council agrees to deal with it at an earlier Council Meeting.
- 71.4 The nominated person or lead petitioner may attend the Council Meeting and speak for up to 3 minutes on the contents of a petition before it is presented by a Councillor to be tabled at the meeting. Sub-Rules 69.9, 69.18–20, apply to a nominated person or lead petitioner when speaking.
- 71.5 The Chair would call upon the petitioner before the petition is presented by asking “Is the nominated person or lead petitioner in the room this evening?” and if they are present will ask “Would you like to speak in relation to the petition?”
- 71.6 If the nominated person or lead petitioner is not present or does not wish to speak, the Chair would call for a Councillor to present the petition. If the nominated person or lead petitioner is present, once they have been given the opportunity to speak, the Chair would then call for a Councillor to present the petition.
- 71.7 It is incumbent on every Councillor presenting a petition to acquaint themselves with the contents of that petition and to ascertain that it does not contain language disrespectful to Council.
- 71.8 Every Councillor presenting a petition to Council must:
- 71.8.1 Confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.

- 71.8.2 Seek a seconder in order to progress the petition through Council.
- 71.9 Where the petition relates to a current planning or subdivision application, the petition will be considered as an objection in accordance with the Planning and Environment Act 1987 and will not be tabled at Council as a separate matter.
- 71.10 If a petition, joint letter, memorial or other like application relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration. In this instance, the petition need not be included Minutes of the Council meeting.
- 71.11 The minutes will capture the name of the Councillor presenting the petition.
- 71.12 A reply must always be provided to the nominated person to whom a reply may be sent, or to the first, or any person whose signature appears on the petition.

Division 12 – Minutes

72. Form and Availability

- 72.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council Meeting, and those minutes must record:
 - 72.1.1 The date, place, time and nature of the meeting.
 - 72.1.2 The names of the Councillors in attendance, the method of attendance and the names of any Councillors who apologised in advance for their non- attendance.
 - 72.1.3 The names of the members of Council staff in attendance.
 - 72.1.4 Any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Section 7 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest.
 - 72.1.5 Arrivals and departures (including temporary departures) of Councillors during the course of the meeting.
 - 72.1.6 Each motion moved (including motions and amendments that lapse for the want of a seconder).
 - 72.1.7 The vote cast by each Councillor voting on each motion before the meeting.
 - 72.1.8 Any Councillor who abstained from voting on a matter.
 - 72.1.9 if a motion was carried, carried unanimously, lost or lapsed for want of a seconder.
 - 72.1.10 Questions on notice.
 - 72.1.11 Written submissions.
 - 72.1.12 Petitions tabled, including the petition text and the Councillor who moved and seconded the tabling of the petition.
 - 72.1.13 The failure of a Quorum.
 - 72.1.14 Any adjournment of the meeting and the reasons for that adjournment, including the time the meeting was adjourned and resumed.

- 72.1.15 The time at which standing orders were suspended and resumed.
- 72.2 The Chief Executive Officer must ensure that the Minutes of any Council Meeting are published on Council's website.
- 72.3 Nothing in sub-Rule 72.2 requires Council or the Chief Executive Officer to make public any minutes relating to a Council Meeting or part of a Council Meeting closed to members of the public in accordance with section 66 of the Act.

73. Confirmation of Minutes

- 73.1 The minutes of every meeting after they have been confirmed as a true and correct record of proceedings shall be made available to the public.
- 73.2 At every Council Meeting the Minutes of the preceding meeting(s) must be dealt with as follows:
- 73.2.1 A copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting; electronically or via hard copy on request.
- 73.2.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed.
- 73.2.3 if a Councillor indicates opposition to the minutes:
- a) they must specify the item(s) to which they object.
 - b) the objected item(s) must be considered separately and in the order in which they appear in the minutes.
 - c) the Councillor objecting must move accordingly without speaking to the motion.
 - d) the motion must be seconded.
 - e) the Chair must ask: "Is the motion opposed?"
 - f) If no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 73.2.3(k).
 - g) If a Councillor indicates opposition, then the Chair must call on the mover to address the meeting.
 - h) After the mover has addressed the meeting, the seconder may address the meeting.
 - i) After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion , providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion.
 - j) If, after the mover has addressed the meeting, the Chair invites debate and no Councillors peaks to the motion, the Chair must put the motion.

- k) The Chair must, after all objections have been dealt with, ultimately ask:
- "The question is that the minutes be confirmed" or
 - "The question is that the minutes, as amended, be confirmed", and they must put the question to the vote accordingly.

74. No Debate on Confirmation of Minutes

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

75. Deferral of Confirmation of Minutes

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

Division 13 – Behaviour

76. Public Attending or Addressing the Meeting

- 76.1 The Chief Members of the public do not have a right to address Council and may only do so with the consent of the Chair or by prior arrangement.
- 76.2 Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.
- 76.3 A member of the public in attendance at a Council Meeting must not disrupt the meeting and must observe the following behavioural protocols:
- 76.3.1 Be quiet during proceedings.
 - 76.3.2 Not create a nuisance within the meeting.
 - 76.3.3 Be respectful for the protocols of the meeting.
 - 76.3.4 Not harass those attending the meeting, including Councillors, officers and other public participants.
 - 76.3.5 Not bring in any placards, posters or materials other than personal effects unless prior permission has been sought and granted from the Chair.
 - 76.3.6 Not display any physical violence or verbal abuse to anyone or anything within the meeting.

77. Chair May Remove

The Chair may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 76.2.

78. Chair May Adjourn a Disorderly Meeting

If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council Meeting, they may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules 22.2 and 22.3 apply.

79. Removal From Chamber

The Chair, or Council in the case of a suspension, may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Section and whom the Chair has ordered to be removed from the gallery under Rule 77.

Division 14 – Additional Duties of the Chair

80. Chair's Duties and Discretions

- 80.1 In addition to the duties and discretions provided in this Section, the Chair:
 - 80.1.1 Must not accept any Motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community.
 - 80.1.2 Must call to order any person who is disruptive or unruly during any meeting.
 - 80.1.3 Must ensure that the conduct of Councillors during a Council Meeting is in accordance with the Model Councillor Code of Conduct and its included expected behaviours.

Division 15 – Suspension of Standing Orders

81. Process for Suspension of Standing Orders

- 81.1 To expedite the business of a meeting, Council may suspend standing orders.
- 81.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate Motion would be: "That standing order be suspended to enable discussion on....."
- 81.3 During a suspension of standing orders, the Chair must provide direction to the gallery as to whether they are to leave the Chamber, or if Council will convene in another location until orders resume.
- 81.4 No Motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders.
- 81.5 Once the discussion has taken place and before any Motions can be put, the resumption of standing orders will be necessary. An appropriate Motion would be: "That standing orders be resumed."

Note: The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

Division 16 – Miscellaneous

82. Where Procedure Not Provided

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

83. Photography or Videography at Council Meetings

Any person who is present at a Council Meeting, including Councillors, are prohibited from taking photos or videos during the Council Meeting, with the exception of the operation of the Council Meeting livestream, or in instances where authorisation is provided by the Chief Executive Officer.

84. Criticism of Council Staff

- 84.1 The Chief Executive Officer may make a brief statement at a Council Meeting in respect of any statement by a Councillor made at the Council Meeting criticising them or any member of Council staff.
- 84.2 A statement under sub-Rule 84.1 must be made by the Chief Executive Officer, through the Chair, as soon as it practicable after the Councillor who made the statement has resumed their seat.
- 84.3 Consideration to the any potential breaches of the Model Councillor Code of Conduct must be made by the Chief Executive Officer in respect to statements made by Councillors criticising Council Staff.

Section 5 – Meeting Procedure for Delegated Committees

85. Meeting Procedure Generally

- 85.1 If Council establishes a Delegated Committee, all of the provisions of Section 4 apply to meetings of the Delegated Committee.
- 85.2 Any reference in Section 4 to:
 - 85.2.1 A Council Meeting is to be read as a reference to a Delegated Committee meeting.

85.2.2 A Councillor is to be read as a reference to a member of the Delegated Committee.

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

86. Meeting Procedure Can Be Varied

Notwithstanding Rule 85 if Council establishes a Delegated Committee that is not composed solely of Councillors, Council, or the Delegated Committee may, with the approval of Council resolve that any or all of the provisions of Section 4 are not to apply to a meeting of the Delegated Committee, in which case the provision or those provisions will not apply until Council resolves, or the Delegated Committee with the approval of Council resolves, otherwise.

Section 6 – Meeting Procedure for Community Asset Committees

87. Instrument of Delegation

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

88. Meeting Procedure

88.1 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.

88.2 Community Asset Committees are required to provide Council with copies of meeting minutes, and any other information, as set out in the Instrument of Delegation.

Section 7 – Disclosure of 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.

89. Definitions

89.1 In this Section:

89.1.1 “Meeting conducted under the auspices of Council” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 100 of (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name).

89.1.2 A member of a Delegated Committee includes a Councillor.

90. Conflict of Interest Declarations

- 90.1 A conflict of interest declaration made under this Rule must:
- 90.1.1 Advise the type of conflict of interest (general or material).
 - 90.1.2 Explain the nature of the conflict of interest.
 - 90.1.3 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.
 - c) The nature of the affected person's interest in the matter.

91. Declarations at Council Meetings

- 91.1 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 have a conflict of interest in relation to any of those matters.
- 91.2 If a Councillor is not present when the conflict of interest declarations are made, the Chair must ask the Councillor to make a conflict of interest declaration upon their arrival to the meeting.
- 91.3 A Councillor must declare that they have familiarised themselves with the matters listed on the agenda and whether or not they have a conflict of interest when requested by the Chair to do so.
- 91.4 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 a public conflict of interest declaration.
- 91.5 A public conflict of interest declaration requires a Councillor to:
- 91.5.1 Make an oral conflict of interest declaration to those present at the meeting before the matter is considered.
 - 91.5.2 Submit a written conflict of interest declaration to the Chief Executive Officer before, during or as soon as practicable after, the meeting.
- 91.6 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.
- 91.7 In the event the meeting is being publicly livestreamed, the Councillor may not watch, or listen to the meeting livestream.
- 91.8 Councillors must not take any electronic devices with them when they depart the Chamber after making an announcement, personal or Council provided.

92. Declarations Before Council Meetings

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 intend to attend but were not in attendance may make a conflict of interest declaration by written notice to the Chief Executive Officer before the meeting. Conflicts of interest declared under this rule must still be verbally declared publicly at the appropriate time of the Council Meeting.

93. Declarations at a Delegated Committee Meeting

- 93.1 If Council establishes a Delegated Committee, all of the provisions of Section 7 apply to the Delegated Committee.
- 93.2 Any reference in Section 7 to:
 - 93.2.1 A Council Meeting is to be read as a reference to a Delegated Committee meeting.
 - 93.2.2 A Councillor is to be read as a reference to a member of the Delegated Committee.
 - 93.2.3 The Mayor is to be read as a reference to the Chair of the Delegated Committee.

94. Declarations at a Community Asset Committee Meeting

- 94.1 Rules in Section 7 apply to Community Asset Committee meetings.
- 94.2 Any reference in Section 7 to:
 - 94.2.1 A Council Meeting is to be read as a reference to a Community Asset Committee meeting.
 - 94.2.2 A Councillor is to be read as a reference to a member of the Community Asset Committee.
 - 94.2.3 The Mayor is to be read as a reference to the Chair of the Community Asset Committee.
- 94.3 A Councillor attending a Community Asset Committee meeting must declare any conflicts of interest in accordance with this Section, whether they are or are not a member of the Community Asset Committee.

95. Declarations at a Meeting Conducted Under the Auspice of Council

- 95.1 A Councillor who has a conflict of interest in a matter being considered by a meeting conducted under the auspices of Council at which they are in attendance must:
 - 95.1.1 Disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest
 - 95.1.2 Absent themselves from any discussion of the matter; and

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

96. Declarations by Members of Council Staff Preparing Reports for Council

- 96.1 A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a Council meeting, Delegated Committee meeting or Community Asset Committee meeting:
- 96.1.1 must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining the nature of the conflict of interest, and indicating whether it is a general conflict of interest or a material conflict of interest.
- 96.2 The Chief Executive Officer must ensure that the Report referred to in sub-Rule 96.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.
- 96.3 If the member of Council staff referred to in sub-Rule 96.1 is the Chief Executive Officer:
- 96.3.1 The written notice referred to in sub-Rule 96.1 must be given to the Mayor.
- 96.3.2 The obligation imposed by sub-Rule 96.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

97. Declarations by Members of Council Staff in the Exercise of Delegated Power

- 97.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest, and indicating whether it is a general conflict of interest or a material conflict of interest.
- 97.2 If the member of Council staff referred to in sub-Rule 7.1 is the Chief Executive Officer, the written notice must be given to the Mayor.

98. Declarations by Members of Council Staff in the Exercise of a Statutory Function

- 98.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest, and indicating whether it is a general conflict of interest or a material conflict of interest.

- 98.2 If the member of Council staff referred to in sub-Rule 98.1 is the Chief Executive Officer, the written notice must be given to the Mayor.

99. Retention of Written Notices

- 99.1 The Chief Executive Officer must retain all written notices received under this Section for a period of three years, or as required under the Public Records Act.

Section 8 – Miscellaneous

100. Informal Meetings of Councillors

- 100.1 If there is a meeting of Councillors that:
- 100.1.1 Is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors.
 - 100.1.2 Is attended by at least one member of Council staff.
 - 100.1.3 Is not a Council meeting, Delegated Committee Meeting, Community Asset Committee meeting or Advisory Committee Meeting.
- The Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:
- 100.1.4 Tabled at the next convenient Council meeting.
 - 100.1.5 Recorded in the Minutes of that Council meeting.

101. Printing of Council Meeting Agendas

- 101.1 Councillors may be provided with printed Council Meeting or Briefing papers upon request, in accordance with the Councillor Support and Expense Policy and subject to approval by the Chief Executive Officer.
- 101.2 Councillors who receive printed Council Meeting and Briefing papers are responsible for their secure storage and destruction.

102. Committee and Delegate Reports

In the interest of public transparency, Council will have the opportunity to provide Committee and Delegate reports at each Council Meeting fixed under Rule 11. Such reports would detail their activities in their role as Councillor, and it is at the discretion of each Councillor to determine what to report. Reports can either be made verbally during the Council Meeting and published in the minutes of that Council Meeting or provided in writing and published in minutes of the Council Meeting.

103. Community Briefings

Council will endeavour to hold Community Briefings, where Officers will present on items of interest to the community.

At the discretion of the Chair, questions may be accepted in advance of the community briefing. The appropriate information, generally in the form of an Officer Report or presentation, may will be made publicly available on Council's website prior to the meeting.

The dates and content of Community Briefings will be ultimately determined by the Chair.

104. Common Seal

The Common Seal is a device which formally and solemnly records the collective will of Council. It is essential to protect the integrity of the Common Seal and describe when it can be affixed to a document.

- 104.1 The Chief Executive Officer must ensure the security of the Common Seal at all times.
- 104.2 The Common Seal may only be used on the authority of the Council, pursuant to a Council decision.
- 104.3 The affixing of the Common Seal to any document must be attested to by the signatures of both the Mayor and the Chief Executive Officer; or in the absence of the Mayor, by another Councillor and the Chief Executive Officer or any other member of the Council staff authorised by the Council.
- 104.4 The Common Seal and words to be used accompanying it on any document to which it is affixed are as follows:

The COMMON SEAL of BAW BAW SHIRE COUNCIL
was affixed on
in the presence of:
Mayor /Councillor:
Chief Executive Officer/Authorised Officer:

- 104.5 Any person who uses the Common Seal or any replica of it without authority is guilty of an offence.

105. Confidential Information

- 105.1 If the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 105.2 Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given

to Councillors and/or members of Council staff in writing, accordingly, will be presumed to be confidential information.

105.3 Nothing sub-Rule 105.2 will, without more, mean that information designated by the Chief Executive Officer under sub-Rule under sub-Rule 105.2 satisfies the definition of “confidential information” contained in section 3(1) of the Act

Section 9 – Election Period Policy

Council must adopt and keep in force an Election Period Policy, in its Governance Rules, under Section 69 of the Local Government Act 2020 (‘the Act’).

Purpose

The Election Period Policy has been developed to ensure that the general elections for the Baw Baw Shire are conducted in a manner that is ethical, fair and equitable.

The Policy will facilitate the continuation of the ordinary business of local government in the Baw Baw Shire throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established ‘caretaker’ conventions.

This Policy also commits Council during the election period to:

- Avoid making significant new policies or decisions that could unreasonably bind a future Council;
- Ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election;
- Limit public consultation and Council events. If consultation must be undertaken or an event held during this time, Council must justify to the community on the special circumstances and how the risks of each influencing the election will be prevented; and
- Councillor candidates will be treated in the same way as other candidates with respect to access to Council held information.

Governance Principles

Section 9 of the Local Government Act 2020 (the Act) specifies the overarching governance principles and supporting principles that Council must adhere to in the performance of its role and functions.

This policy gives effect to the following overarching governance principles outlined in Section 9(2) of the Act:

- Council decisions are to be made and actions taken in accordance with the relevant law.

- Priority is to be given to achieving the best outcomes for the municipal community, including future generations,
- The municipal community is to be engaged in strategic planning and strategic decision making.
- The ongoing financial viability of the Council is to be ensured.
- Regional, state and national plans and policies are to be taken into account in making strategic planning and decision making.
- The transparency of Council decisions, actions and information is to be ensured.

This report also takes into account the following supporting principles defined in Section 9(3) of the Act:

- The community engagement principles (Community Engagement Policy).
- The public transparency principles (Public Transparency Policy).
- The financial management principles.

Scope

This Election Period Policy applies to all *Councillors* and *Council* officers during the election period for a General Election.

The election period commences on the last day on which nominations can be received and continues until 6pm on Election Day.

Legislative context

The Local Government Act 2020 ('the Act') provides that during the 'election period' certain prohibitions apply to the general functions and powers of Council. It is during this time that Council enters the election period.

Policy principles

During the election period this policy will ensure community confidence in the practices of Council, Councillors, Special Committees and Council officers. This policy establishes a series of election period practices which aim to ensure that actions of the current Council do not bind an incoming Council.

The policy covers:

- Decisions that are made by Council;
- Scheduling consideration and announcement of decisions;
- Use of Council's resources including material published by Council;
- Access to information;
- Council's online presence including social media;

- Media;
- Attendance and participation at Council organised activities and events; and
- Public consultation during the election period.

Policy Detail

1. Roles and Responsibilities

1.1 Roles and Responsibilities of Councillors

Councillors should be aware of their responsibilities in relation to improper use of position as outlined in the Act. Section 123 of The Act prohibits Councillors from misusing their position.

Section 69 in relation to the election period ensures a fair election is held where Council resources are not used for campaign purposes or to influence voters.

During the Election Period, Councillors will:

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

During the Election Period, the Councillors will not:

- Use their position to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy.

1.2 Role of the Chief Executive Officer

In addition to the Chief Executive Officer's (Chief Executive Officer) statutory responsibilities, the Chief Executive Officer or their Delegate will ensure as far as possible, that:

- All Councillors and officers are informed of the application of this policy 30 days prior to the commencement of the election period;
- Matters of Council business requiring major policy or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council; and,
- Guidelines to staff on the role and responsibilities of staff in the implementation of this policy are issued if appropriate.

1.3 Role of the Council 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.

1.4 Staff as Candidates

Council officers who are candidates for election in Baw Baw Shire 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.
- Immediately resign upon election.

2. Decision making during the election period

2.1 Prohibited Council Decisions

Pursuant to section 69 of the Act, under the Election Period Policy, any Council decision must be prohibited during the election period for a general election that:

- 2.1.1 Relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer.
- 2.1.2 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.
- 2.1.3 The Council considers could be reasonably deferred until the next Council is in place.
- 2.1.4 The Council considers should not be made during an election period.
- 2.1.5 Any Council decision during the election period for a general election or a by- election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

2.2 Council Meetings During an Election Period

During the election period, Council can continue to meet in accordance with the dates and times fixed by Council or can call extraordinary meetings outside of this schedule. However, the following adjustments will be made to the agenda:

- Public Question Time will be suspended.
- Public submissions will be limited to written submissions only.

- Petitions will not be tabled.
- Notices of Motion will not be allowed where the matter is an Electoral Matter.

Councillors will limit their discussion during debate to the topic under consideration and will avoid raising Electoral Matters where possible.

2.3 Decisions Which Council Considers Should not be Made During an Election Period

During the election period, Council will avoid making decisions that significantly affect the municipality and unreasonably bind the incoming Council.

Significant decisions include the following:

- Major planning and development decisions.
- Allocating community assistance grants and other forms of funding to community organisations.
- Major Contract Decisions.
- Major changes to new or existing Strategic Plans or Policies.
- Adoption of Master Plans, Township Plans, Streetscape Designs or similar documents;
- Setting advocacy positions.
- Changes to the Council plan.

Major planning and development decisions may be determined by Council during the election period where exceptional circumstances apply, such as where the statutory timeframes may result in a failure to determine, or if some other unacceptable exposure or risk of community detriment is evident.

All decisions made during the election period will be vetted by the Chief Executive Officer, to ensure that the information being considered by Council adheres to the Election Period Policy. This will be proclaimed in writing as part of the Council Meeting agenda that is made available to the public.

2.4 Validity of Council Decisions

A Council decision made in contravention of section 69 of The Act is considered invalid.

Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of section 69 of The Act is entitled to compensation from the Council for that loss or damage. Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.

2.5 Council Decisions Made Under Delegation

During the election period, Section 59 of The Act specifies that a special or Delegated Committee or a person acting under a delegation given by the Council is subject to compliance with the policy and Section 69 of The Act as if the decision was being made at a Council meeting.

2.6 Extraordinary Circumstance

If Council considers that there are extraordinary circumstances where the Baw Baw Shire's community would be significantly disadvantaged by the Council not making a particular Major Policy Decision, the Council will, by resolution, request a compliance exemption under Section 177 of the Act.

3. Public Consultation

3.1 Right to Postpone

Some public consultation activities may be necessary during the election period to facilitate the day to day business of Council and ensure matters continue to be proactively managed.

Any such public consultations will avoid express or implicit links to the election.

In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the election period Council reserves the right to postpone a matter if the issue becomes contentious or is likely to affect voting.

Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the election period.

Any public consultation that is likely to run into the election period must have prior Chief Executive Officer approval. Where approved, results of such consultation will not be reported to Council until after the election.

3.2 Public Question Time at Council Meetings

During the Election Period, Public Participation Time at Council Meetings will be restricted. Petitions or Public Submissions received will be managed in accordance with The Act and this policy.

3.3 Statutory Requirements

The requirements of Clauses 3.1 and 3.2 do not apply to public consultation required pursuant to the Planning and Environment Act 1987 or matters subject to Section 223 of the Local Government Act 1989.

4. Council Events

Council run events will be scheduled to ensure only those essential to the operations of Council, that must be held within a specific time which coincides with the election, are held during the Election Period.

For those functions, the Chief Executive Officer (or delegate) will fulfill any speaking requirements. The Mayor and Councillors must not give speeches or addresses at Council organised or sponsored events and functions during the election period.

No election material or active campaigning is to be conducted at Council sponsored events or displayed in/on any Council building.

5. Council Publications

5.1 Prohibition on Publishing Material during the Election Period

Section 290 of The Act prohibits Council from printing, publishing or distributing or causing, permitting or authorising to be printed, published or distributed any advertisement, handbill, pamphlet or notice during an election period unless it has been certified, in writing, by the Chief Executive Officer.

The Chief Executive Officer must not intentionally or recklessly certify a publication that contains electoral matter, unless that material is only about the election process.

The Chief Executive Officer must not Delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff.

5.2 Certification of Publications

Publications to be printed, published or distributed during the election period must first be certified by the Chief Executive Officer.

The certification by the Chief Executive Officer will be in writing on or affixed to a copy of the publication and be in the following form:

'Certified by the Chief Executive Officer in accordance with Section 290 of the Local Government Act 2020.'

Copies of all certified documents will be retained on Council records. Publications which require certification include:

- Brochures, pamphlets, handbills, flyers, magazines and books.
- Reports (other than Agenda papers and Minutes in accordance with Section 5.7).
- Advertisements and notices, except newspaper notices of meetings.
- New website material, excluding minor operational updates to existing information.

- Social media publications.
- Emails with multiple addresses, used for broad communication with the community.
- Mass mail outs or identical letters sent to a large number of people by or on behalf of Council.
- Media releases.
- Material to publicise a function or event.

5.3 Prohibited Material

Electoral matter is defined in The Act and means any matter which is intended or likely to affect voting in an election, but does not include:

- Any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.
- An advertisement in a newspaper announcing the holding of a meeting.

A publication is taken to contain electoral matter if it contains an express or implicit reference to, or comment on:

- The election.
- A candidate in the election.
- An issue submitted to, or otherwise before, the voters in connection with the election.

Electoral matter includes material which:

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

5.4 Council Publications Including Councillor Information

Any reference to Councillors standing for re-election in Council publications printed, published, or distributed during an election period must not include promotional text.

5.5 Website

Material published on Council's website in advance of the election period is not subject to certification, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.

5.6 Annual Report

Council is required by The Act to produce and put on public display a copy of its Annual Report. The Annual Report will be published during the election period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

The Annual Report does not require certification by the Chief Executive Officer; however, any publication of an extract or summary of the Annual Report will require certification.

5.7 Council and Committee Agendas and Minutes

Agenda papers and Minutes of Council and Committee meetings do not require certification by the Chief Executive Officer unless they are printed or published for a wider distribution than normal.

Papers prepared for Council or special committee meetings during the election period will be carefully vetted to ensure that no Agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage Councillor candidates to use the items as part of their electioneering. Items submitted for Community Participation Time will be reviewed to ensure that they comply with the principles of The Act and this policy and may be amended accordingly before publication.

5.8 Social Media

Any publication or new content on social media sites managed by Council must be certified by the Chief Executive Officer during the election period.

Staff responsible for administering social media sites will monitor sites during the election period and use moderation features where available to ensure no electoral matter is posted.

At the commencement of the election period, Council will advise social media followers that comments containing electoral matter will be deleted.

Information published prior to the Election Period on Council's social media and website is not subject to Chief Executive Officer certification.

6. Council Resources

6.1 Application of Resources

Council resources, including offices, vehicles, staff, hospitality, services, property, equipment and stationery must be used exclusively for normal Council business during the election period and must not be used in connection with any election campaign or issue.

6.2 Role of Council Officers

Governance staff, or any other staff member, will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillors standing for re-election.

6.3 Use of Equipment by Councillors

Councillors must return any Council equipment provided to them to facilitate their performance of normal Council duties on or before election day, at the conclusion of the election period.

Councillors may continue to use their Council equipment throughout the election period solely for the performance of their Councillor duties and must not use Council equipment for the purposes of campaigning.

Councillors standing for re-election can, if elected, seek the return of Council equipment after the declaration of polls and swearing in ceremony. The Chief Executive Officer may determine that some items of a negligible value, and that could not reasonably be used for the purposes of an election campaign, need not be returned.

6.4 Return of Printed Agendas

Councillors must return any printed Council Meeting agendas provided to them to facilitate their performance of normal Council duties as soon as practical following the election, should they not be re-elected, to enable secure destruction of the documents.

6.5 Entitlement to Reimbursement

Reimbursements of Councillors ' out-of-pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that support or are connected with a candidate's election campaign.

6.6 Council Branding

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

6.7 Photographs and Images

Councillors are not permitted to use photos or images taken by, or provided by Council, for the purposes of their election campaign (including photographs appearing on Council websites).

6.8 Cessation of Ward Specific Publications

Ward-specific publications or Councillor profiles will not be arranged by Council during the election period.

6.9 Officers' Discretion

Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the Chief Executive Officer or his or her Delegate.

7. Media Services

7.1 Restriction on Services

Council's Communications team undertake the promotion of Council activities and initiatives.

During the election period this team's services must not be used in any way that might promote a Councillor as an election candidate.

Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the Chief Executive Officer.

7.2 Media Releases/Spokespersons

The Chief Executive Officer, or delegate, will be the primary spokesperson for Council communications during an election period.

Media releases will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate.

Media releases will require certification by the Chief Executive Officer. Media responses and statements will only be issued in the name of the Chief Executive Officer or their delegate.

7.3 Councillors

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

7.4 Council Employees

During the election period Council employees may not make any public statement that relates to an election issue unless prior approval has been obtained by the Chief Executive Officer or their Delegate.

During the election period the Chief Executive Officer may exercise their discretion to correct any misinformation circulating in the community if that misinformation causes the community concern or distress.

8. Information

8.1 Candidates' Access to Information

Councillors will continue to receive information necessary to fulfill their existing roles as a Councillor during the election period.

All election candidates have equal rights to information relevant to their election campaigns from the Council administration.

Neither Councillors nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections (which includes information periodically posted to the Councillor Portal).

There will be complete transparency in the provision of all information and advice during the caretaker period.

8.2 Information Request Register

Governance will maintain an Information Request Register during the election period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

8.3 Councillor Requests

Councillors may continue to make operational requests through the request management system covering issues such as, but not limited to, roads, footpaths, trees, waste management and general amenity. Such requests will be administered as community requests.

8.4 Improper Use of Position

Section 123 of The Act prohibits Councillors from misusing or inappropriately making use of their position. A breach of section 123 attracts serious penalties, including possible imprisonment.

9. Assistance to Candidates

9.1 Role of Returning Officer

All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Manager Governance or, where the matter is outside the responsibilities of the Manager Governance, to the Chief Executive Officer or their Delegate.

9.2 Election Campaign Return

Candidates will be informed of the requirements to complete and submit an 'Election Campaign Return' to the Chief Executive Officer within 40 days after the election day. The return must contain details of any campaign donation or gift valued at more than \$500 which was received between 30 days after the previous election and 30 days after the current election.

10.Candidacy in State or Federal Elections

Councillors will, as soon as practicable after becoming a Prospective Candidate, inform Council by delivering written notice to Council's Chief Executive Officer.

The Chief Executive Officer, upon receipt of such written notice, will advise all Councillors.

Prospective Candidates will declare their intended candidacy at the next Ordinary Meeting of Council following their notification to the Chief Executive Officer.

Nominated Candidates should apply for a leave of absence for a period that commences no later than the date of their nomination as a candidate with the relevant electoral commission and concludes no earlier than the close of voting for the election.

Applications for leave of absence will be sought in accordance with the processes ordinarily adopted by Council. Such applications will not be unreasonably refused.

During the approved period of leave, Nominated Councillors should not attend meetings of Council or Council committees, or otherwise act as a Councillor.

All Council equipment and materials must be returned to Council for the approved period of leave.

Section 10 – Monitoring and Review

Council is committed to monitoring its processes, procedures and decision making in order to understand the overall level of success of the implementation of The Rules.

A periodic review of The Rules will be undertaken to ensure their relevance is in line with public interest, and that they support effective decision making of the Council. As a minimum, a review will occur in line with a new Council Term.

Council may, by resolution, amend its Governance Rules or commence a review.

Approval date	22 July 2026
Approval authority	Council
Effective from	23 July 2026
Review term	Council term
Next review date	22 July 2030
Responsible position	Manager Governance
Responsible Director	Governance and Information Services
Version	6

Revision History

Approval date	Version	Revision description
14 September 2022	4	Changes to enable remote participation
13 September 2023	5	Election Period Policy updated
22 July 2026	6	Significant review and restructure of the Governance Rules. See below appendix for a full list of changes.

Appendix – List of Revisions in Version 6

Section	Rule	Nature of Change
Preliminary	Definitions	Addition of Officer Recommendation
Preliminary	Definitions	Addition of Affected person
Preliminary	Types of Motions	Removal of CEO General Business Motion and General Business Motions
Office Bearers	Sub-Rule 2.4	Addition of Rule
Office Bearers	Sub-Rule 7.1	Addition of Rule
Office Bearers	Sub-Rule 8.1	Addition of Rule
Office Bearers	Rule 10	Addition of Rule
Meeting Procedure	Sub-Rule 11.1	Changed to specify the timeframe in which Council must adopt the following year's Council Meeting schedule, and the period the schedule must span.
Meeting Procedure	Sub-Rule 12.1.	Addition of Sub-Rules 12.1.1, 12.1.3 and 12.5
Meeting Procedure	Sub-Rule 16.11	Changed to allow a Councillor who is not the Mayor to chair a meeting where the Mayor is not physically present, but the majority of Councillors are.
Meeting Procedure	Sub-Rule 17.2	Addition of Rule
Meeting Procedure	Rule 19	Addition of Rule
Meeting Procedure	Sub-Rule 21.2	Rule changed to allow remaining agenda items of an adjourned meeting due to the loss of a quorum to be added to the next meeting's agenda.
Meeting Procedure	Sub-Rule 23.1	Rule changed to increase the maximum meeting duration from 3 to 5 hours, and the removal of extension of time provisions.
Meeting Procedure	Sub-Rule 26.2	Addition of Rule
Meeting Procedure	Rule 28	Addition of Rule
Meeting Procedure	Sub-Rule 31.2 and 34.3	Addition of Rule
Meeting Procedure	Sub-Rule 36.3.4	Addition of Rule
Meeting Procedure	Sub-Rule 36.7	Addition of Rule
Meeting Procedure	Sub-Rule 36.8	Addition of Rule

Section	Rule	Nature of Change
Meeting Procedure	Sub-Rules 36.10 – 36.11	Addition of Rules
Meeting Procedure	Sub-Rule 36.14	Rule changed to specify reports requested via Notice of Motion must be presented to Council no later than in 4 months' time, rather than 4 meetings' time.
Meeting Procedure	Sub-Rule 50.3.2	Addition of Rule
Meeting Procedure	Rule 51	Removed provisions that afford the Chief Executive Officer the ability to lodge a motion of rescission to Council.
Meeting Procedure	Rule 51.2	Addition of Rule
Meeting Procedure – Division 8: Voting	Sub-Rule 55	Addition of rule and information from the Act, regarding an abstention from voting and its implications.
Meeting Procedure	Rule 60	Addition of Rule
Meeting Procedure	Sub-Rule 66.1.3–6	Addition of Rules
Meeting Procedure	Sub-Rule 68.4.2	Rule changed to specify a consistent time that questions on notice must be submitted by, rather than a time that varies with the current meeting schedule.
Meeting Procedure	Sub-Rule 68.6	Rule changed to limit questions on notice to 3 questions, rather than 5. Clarified that questions with multiple parts will be treated as multiple questions
Meeting Procedure	Sub-Rules 68.8–10	Addition of Rules
Meeting Procedure	Sub-Rule 68.14	Rule changed to reference the Chief Executive Officer rather than the Mayor.
Meeting Procedure	Sub-Rule 68.16	Addition of Rule
Meeting Procedure	Sub-Rule 68.20–21	Removal of Sub-Rules allowing the asking of clarifying questions asked after responses are given to questions on notice.
Meeting Procedure	Sub-Rule 69.5	Rules changed to limit submissions on Planning Applications to be determined by Council to written submissions only and specifies that written submissions will be collated with other objections or submissions in accordance with

Section	Rule	Nature of Change
		Council's responsibilities under the Planning and Environment Act 1987.
Meeting Procedure	Sub-Rule 69.6-7	Addition of Rules
Meeting Procedure	Sub-Rule 69.8	Addition of Rule
Meeting Procedure	Sub-Rule 70.2	Rule changed to require the submission of petitions 7 days prior to a Council Meeting, rather than 5pm the day before.
Meeting Procedure – Petitions	Sub-Rule 71.1	Addition of new rule that ensures the number of petitioners from and outside of Baw Baw Shire is provided to Councillors.
Meeting Procedure	Sub-Rule 71.2	Rule changed to require reports in response to petitions to be tabled no later than 4 months from the tabling, rather than 4 meetings in line with changes to Notice of Motion reports.
Meeting Procedure	Sub-Rule 72.1.7	Rule changed to require the recording of each Councillor on each motion voted on, rather than only on a division.
Additional Duties of the Chair	Sub-Rule 80.1.3	Addition of Rule
Meeting Procedure – Criticism of Council Staff	Sub-Rule 84.3	Addition of Rule
Meeting Procedure for Community Asset Committees	Sub-Rule 88.2	Addition of Rule
Conflicts of Interest	Sub-Rule 91.2	Addition of Rule
Miscellaneous	Sub-Rule 100.1	Rule changed to include Advisory Committee Meetings as exempt from an assembly of Councillor records
Meeting Procedure	Rule 101	Addition of Rule
Election Period Policy	Points 1.3 and 1.4	Addition of policy points
Election Period Policy	Point 2.2	Policy point changed to limit public submissions at Council Meetings during the Election Period to written submissions only and remove the tabling of petitions during this time.
Election Period Policy	Point 6.4	Addition of policy point