



# Glennelg Shire Council

## **Governance Rules**



<b>CHAPTER 1 - GOVERNANCE OVERVIEW AND DECISION MAKING .....</b>	<b>7</b>
1. Nature of Rules.....	7
2. Content.....	7
3. Definitions.....	8
4. Date of Commencement .....	11
5. Decision Making.....	11
<b>CHAPTER 2 - MEETING PROCEDURE FOR COUNCIL MEETINGS .....</b>	<b>12</b>
6. Purpose.....	12
7. Notices and Agendas.....	12
8. Notice of Meetings .....	12
9. Cancellation or Postponement of a Meeting .....	13
10. Unscheduled Meetings .....	13
11. Meetings Held via Virtual means .....	14
12. Attendance.....	14
13. Accessibility .....	15
14. Confidentiality .....	15
15. Technical difficulties .....	15
16. Quorum .....	15
17. Inability to Obtain a Quorum.....	16
18. Inability to Maintain a Quorum due to Declarations of Conflict of Interests .....	16
19. Apologies (including leave of absence) .....	16
20. Business of Meetings .....	17
21. Change to Order of Business .....	17
22. Urgent Business .....	18
23. Time Limits for Meetings.....	18
24. Addressing the Meeting .....	19
25. Motions and Amendments .....	19
26. Notices of Motion – Councillors may propose Notices of Motion .....	20

27.	<b>Moving a Motion.....</b>	<b>21</b>
28.	<b>Chairperson’s Duty Relating to Motions.....</b>	<b>22</b>
29.	<b>Right of reply.....</b>	<b>22</b>
30.	<b>Moving an amendment .....</b>	<b>23</b>
31.	<b>Foreshadowing Motions.....</b>	<b>23</b>
32.	<b>Withdrawal of Motions.....</b>	<b>24</b>
33.	<b>Separation of Motions .....</b>	<b>24</b>
34.	<b>Motions in writing .....</b>	<b>24</b>
35.	<b>Debate Must be Relevant to the Motion.....</b>	<b>24</b>
36.	<b>Adequate and Sufficient Debate.....</b>	<b>24</b>
37.	<b>Speaking Times.....</b>	<b>24</b>
38.	<b>Procedural Motions.....</b>	<b>25</b>
39.	<b>Suspension of standing orders.....</b>	<b>25</b>
40.	<b>Laying an Item on the Table .....</b>	<b>25</b>
41.	<b>Notice of Rescission Motion.....</b>	<b>26</b>
42.	<b>Voting.....</b>	<b>26</b>
43.	<b>Declaration of Vote .....</b>	<b>27</b>
44.	<b>Casting Vote .....</b>	<b>27</b>
45.	<b>Recording of Opposition of Motion.....</b>	<b>27</b>
46.	<b>Motion to be Read Again .....</b>	<b>27</b>
47.	<b>Call for a Division.....</b>	<b>27</b>
48.	<b>Procedure for a Division.....</b>	<b>27</b>
49.	<b>Between the Original Vote and the Division .....</b>	<b>28</b>
50.	<b>Vote to be Taken in Silence.....</b>	<b>28</b>
51.	<b>Points of Order .....</b>	<b>28</b>
52.	<b>Chairperson to Decide Point of Order.....</b>	<b>29</b>
53.	<b>Motion of Dissent in Chairperson’s ruling.....</b>	<b>29</b>
54.	<b>Questions of Council.....</b>	<b>29</b>
55.	<b>Submissions to Council.....</b>	<b>31</b>

56.	Meetings Closed to the Public:.....	32
57.	Petitions and Joint letters .....	33
58.	Behaviour During Council Meetings .....	34
59.	Chairperson and Members.....	35
60.	Council Meeting Chairperson .....	36
61.	Delegated Committee Chairperson .....	36
62.	Chief Executive Officer Support to Chairperson .....	36
63.	Councillors and members of Delegated Committees.....	37
64.	Chairperson may Adjourn Meeting and Address Inappropriate Conduct .....	37
65.	Matters not Otherwise Provided For .....	38
	<b>CHAPTER 3 – COUNCILLOR BRIEFINGS .....</b>	<b>39</b>
66.	Purpose of Councillor briefings.....	39
67.	Requirements at Councillor Briefings .....	39
68.	Record keeping at Councillor Briefings .....	39
	<b>CHAPTER 4 - MEETING PROCEDURE FOR DELEGATED COMMITTEES .....</b>	<b>40</b>
69.	Delegated Committees .....	40
70.	Chairperson of Delegated Committee.....	40
	<b>CHAPTER 5 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEE .....</b>	<b>41</b>
71.	Overview Community Asset Committees.....	41
72.	Meeting Procedure.....	41
	<b>CHAPTER 6 – MEETING RECORDS .....</b>	<b>42</b>
73.	Keeping of Minutes .....	42
74.	Content of Minutes .....	42
75.	Confirmation of Minutes.....	43
76.	Meetings and the Use of Electronic Means of Communication.....	43
	<b>CHAPTER 7 - ELECTION OF MAYOR, DEPUTY MAYOR, AND APPOINTMENT OF ACTING MAYOR .....</b>	<b>44</b>
77.	Determining the Election of the Mayor .....	44
78.	Method of Voting.....	45
79.	Temporary Chairperson.....	45

80.	Procedure for Election of Mayor.....	45
81.	Procedure for Determining a Draw by Lot to Determine a Defeated Candidate 46	
82.	Mayor to Take Chair .....	46
83.	Election of Deputy Mayor .....	46
84.	Appointment of Acting Mayor .....	47
85.	Councillor Allowances – Mayor, Deputy Mayor, and Councillors .....	47
	<b>CHAPTER 8 - ELECTION PERIOD POLICY PROVISIONS .....</b>	<b>48</b>
86.	Election Period Policy .....	48
	<b>CHAPTER 9 - DISCLOSURE CONFLICT OF INTEREST .....</b>	<b>49</b>
87.	Obligations .....	49
88.	Councillors and Members of Delegated Committees .....	49
89.	Procedure at a Council or Delegated Committee Meeting .....	49
90.	Procedure at other Meetings Organised, Hosted, or Supported by Council .....	50
91.	Council Staff .....	51
92.	Procedure for Disclosures of Conflicts of Interest .....	51
	<b>CHAPTER 10 – COUNCILLORS STANDING FOR STATE OR FEDERAL ELECTIONS .....</b>	<b>52</b>
93.	State and Federal Elections .....	52
94.	Requirements for Prospective Candidate.....	53
	<b>CHAPTER 11 – MISCELLANEOUS .....</b>	<b>54</b>
95.	Integrity and Confidentiality .....	54
96.	Confidential information.....	55
97.	Personal Interest .....	55
98.	Delegations.....	55
99.	Change of Council Policy.....	55
100.	Joint Council Meetings.....	56
101.	Use of the Common Seal.....	56
	<b>APPENDICES.....</b>	<b>57</b>
	<b>APPENDIX ONE – ELECTION PERIOD POLICY .....</b>	<b>57</b>

## **CHAPTER 1 - GOVERNANCE OVERVIEW AND DECISION MAKING**

### **1. Nature of Rules**

These are the Governance Rules for Glenelg Shire Council, made in accordance with section 60 the *Local Government Act 2020* (the *Act*).

Local Government is a democratically elected tier of government and are constituted bodies that are accountable, transparent collaborative, efficient and engaged with their communities. The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

### **2. Content**

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

The overarching governance principles specified in section 9(2) of the *Act*, as follows:

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

And the following documents adopted or approved by Council:

- Councillor Code of Conduct
- Council Plan
- Council Polices

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Overview and Decision Making
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Councillors Briefings
Chapter 4	Meeting Procedure for Delegated Committees
Chapter 5	Meeting Procedure for Community Asset Committee
Chapter 6	Meeting Records - Minutes
Chapter 7	Election of the Mayor, Deputy Mayor, and Appointment of Acting Mayor
Chapter 8	Election Period Policy Provisions
Chapter 9	Disclosure of Conflict of Interests
Chapter 10	Councillors Standing for State or Federal Elections
Chapter 11	Miscellaneous

### 3. Definitions

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

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

**Authorised Officer** has the same meaning as in the *Local Government Act 1989* or any other Act.

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

**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 a person acting in that office.

**Code of Conduct** has the same meaning as in the *Act*.

**Committee Meeting** means a Meeting of a Delegated Committee.

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



**Council** means Glenelg Shire Council.

**Councillor** means a Councillor of *Council*.

**Councillor Briefing** means a Meeting held with Councillors for sharing of information with no decision or substantive decision to be made at these Meetings.

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

**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*. (whether held face to face (in-person) attendance in a set location or via electronic means (virtual) format that mixes in person and electronic attendance.

**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) as designated by the Chief Executive Officer.

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

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

**Foreshadowed Motion** means a matter raised in the relevant section of the Council Meeting that a Councillor intends to submit a Notice of Motion at the next Council Meeting/or later in the Council Meeting.

**Majority of the Votes** means a majority of Councillors present at the time of a vote voting on a matter.

**Mayor** means the Mayor of Council and any person appointed by Council to be acting as Mayor.

**Meeting** means a Council Meeting or a Delegated Committee Meeting.

**Member** means a member of any committee to which these governance rules apply.

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

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

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

**Notice of Motion** means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting.

**Notice of Rescission** means a Notice of Motion to rescind a resolution made by Council.

**On Notice** means held or deferred to enable preparation of a response.

**Open to Public** means in the case of a Council or Delegated Committee either, attendance in person by a member of the public, or a Meeting that is broadcasted live, or a recorded Meeting that is published on the council internet site as soon as practicable after the Meeting.

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

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

**Rule or Sub-rule** means a rule or sub-rule included in 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 Council Meetings set by Council.

#### **4. Date of Commencement**

These Governance Rules commenced on 25 August 2020 and were updated and adopted 23 January 2024.

#### **5. Decision Making**

1. In any matter in which a decision must be made by a Council (including person acting with the Delegated authority of Council), Council must consider the matter and make a decision:
  - a. Fairly, in a manner which is balanced, ethical, impartial, and free from favouritism or self-interest
  - b. On the merits, taking into account all relevant considerations, and without regard to irrelevant or inappropriate considerations.
2. Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their view and have their interests considered).
3. Before making a decision that will directly affect the rights of a person, Council (including any person acting with the Delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made:
  - a. If a report to be considered at a Council Meeting concerns subject matter which will directly affect the rights of a person or persons, the Report must record whether the person or persons have been provided with an opportunity to communicate their views and have their interests considered,
  - b. If a report to be considered at a Delegated Committee concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person or persons have been provided with an opportunity to communicate their views and have their interests considered.

## **CHAPTER 2 - MEETING PROCEDURE FOR COUNCIL MEETINGS**

### **6. Purpose**

The purpose of this Chapter is to:

- a. Provide for the procedures governing the conduct of Council Meetings, which enable Council to make its decisions.
- b. Set the behaviour for those participating in or present at Council Meetings.

### **7. Notices and Agendas**

1. Council must fix the date, time, and place of all Council Meetings for a (12) twelve-month period at a Meeting of Council, prior to the end of each calendar year.
2. The date, time and place of all Council Meetings are to be made available to the public.
3. Council may change the date, time, and place of, or cancel, any Meeting which has been fixed and must provide notice of the change to the public.

### **8. Notice of Meetings**

1. A notice of a Meeting, that is not an unscheduled Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be provided to every Councillor for all Council Meetings, at least three (3) days before the Meeting. A period of less than three (3) days may be justified if exceptional circumstances exist.
2. An Agenda for each Council Meeting, that is not an unscheduled Meeting, will be made available on Council's website no less than 48 hours before the Council Meeting. An accessible (large font) format will be made available upon request.
3. A schedule of Council Meetings must be prepared and published that ensures it is available to a broad section of the community, including on Council's website. The schedule of Council Meetings must also be available from Council's Customer Service Centre's and on Council's website in an accessible format when requested.
4. The Chief Executive Officer or their delegate has responsibility for ensuring compliance with this rule.
5. Meetings are in person unless the provisions of the virtual attendance rule apply.

## **9. Cancellation or Postponement of a Meeting**

1. The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council Meeting, cancel or postpone a Council Meeting.
2. The Chief Executive Officer must present to the immediately following Council Meeting a written report on any exercise of the power conferred by this rule , setting out the reasons for the exercise of that power, and any matters taken into consideration.

## **10. Unscheduled Meetings**

1. The Mayor, or three Councillors may request the Chief Executive Officer to call an unscheduled Meeting of the Council, by providing written notice to the Chief Executive Officer that specifies the business to be transacted.
2. The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled Meeting considering the following:
  - a. The urgency of the business to be transacted
  - b. A reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
3. Council must specify the date and time of the Unscheduled Meeting and the business to be transacted.
4. The Chief Executive Officer must arrange for notice of the Meeting on Council's website no less than 24 hours before the Council Meeting unless exceptional circumstances exist.
5. The Chief Executive Officer must arrange for the Agenda for the Unscheduled Meeting to be made available electronically to every Councillor at least 48 hours before the Meeting unless exceptional circumstances exist.
6. A request to call an unscheduled Meeting must be delivered to the Chief Executive Officer in sufficient time to enable notice to be given of the Meeting.
7. Only the business specified in the written request, may be considered at an unscheduled Meeting, unless Council, by unanimous resolution, determines to admit another matter.

## **11. Meetings Held via Virtual means**

1. This section outlines the ability for Council to permit Councillors attending virtually to meet the obligations of Section 61 of *the Act*.
2. The Chief Executive Officer (or appointed delegate) may enable all or part of the proceedings of a Meeting to be recorded as livestream vision and made available to the public via the Council's website.
3. Any confidential Council Meetings or confidential/closed sections of any Council Meetings are not streamed live, and the live streaming is suspended.
4. As required under Section 61 of the *Act* a Councillor must be present to be entitled to vote.

## **12. Attendance**

1. Councillors and members of Delegated Committees who wish to attend a Meeting via virtual means may submit a request to the Chief Executive Officer
  - a. A request must be made in writing or email, each time a Councillor wishes to attend virtually.
  - b. The request must be made no later than 24 hours prior to the commencement of the Meeting, unless exceptional circumstances arise which are approved by the CEO.
  - c. A request to participate in a Meeting by electronic means of communication must provide an explanation as to why the Councillor cannot reasonably participate in the Meeting in person. For the avoidance of doubt, a Councillor's personal preference to participate by electronic communication does not constitute sufficient grounds for making a request.
2. Consideration to attendance will be given in circumstances such as:
  - a. Isolation requirements
  - b. Requiring quorum
  - c. Duties as required under the section 4 of the *Carers Recognition Act 2012*.
3. Attendance virtually is not considered appropriate in the following circumstances
  - a. Request to attend virtually whilst on leave
  - b. To avoid the necessity to travel.

4. A member's attendance can only be recorded as present where the member can confirm that:
  - a. They can hear proceedings
  - b. They can see other members in attendance and can be seen by other members
  - c. They can be heard (to speak).

\*\*Accessible options are permitted for any member if required

### **13. Accessibility**

It will remain the responsibility of the member attending virtually to ensure that they have the required access and environment suitable for electronic communications.

### **14. Confidentiality**

Council must ensure that confidential items are dealt with in an electronically secure environment. Councillors must be able to demonstrate to the Chairperson's satisfaction that the location from which they are participating is secure enough to ensure deliberations remain confidential.

### **15. Technical difficulties**

To ensure Meetings are managed in an orderly manner, if an attendee such as Mayor, Chair, Councillor or Chief Executive Officer loses connection if attending a Meeting electronically, the Meeting may be paused for up to 15 minutes whilst reconnection is attempted. Council may vary this provision by a resolution of Council. After this period, if connection is not able to be restored the attendee will be listed as an apology.

### **16. Quorum**

No business can be transacted at a Council Meeting unless a majority of the Councillors are present (quorum). If there is no quorum at the commencement of a Meeting or if a quorum cannot be maintained during a Meeting, the Meeting is to be adjourned to another date and/or time. A quorum is an absolute majority as outlined in section 61(7) the *Act*.

## **17. Inability to Obtain a Quorum**

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

1. The Meeting will be deemed to have lapsed
2. The Chief Executive Officer must convene another Council Meeting not exceeding seven (7) days from the time of the adjournment. The agenda for which will be identical to the agenda for the lapsed Meeting
3. The Chief Executive Officer must give all Councillors and the public, where required by *the Act*, written notice of the Meeting.
4. If during any Meeting a quorum cannot be maintained the Chairperson, may adjourn the Meeting for a period not exceeding seven (7) days from the time of the adjournment.

## **18. Inability to Maintain a Quorum due to Declarations of Conflict of Interests**

If during any Meeting it becomes apparent to the Chairperson that it will not be possible to maintain a quorum due to the number of Councillors who have disclosed a declaration of a conflict of interest in an item of business and will be unable to vote, Council must consider whether the decision can be made in an alternative manner as outlined in section 67(3) of the *Act*. *The Local Government (Governance and Integrity) Regulations 2020* exempt the conflict of interest provisions for a decision of Council to deal with the matter in an alternative manner under section 67 of the *Act*.

## **19. Apologies (including leave of absence)**

1. Councillors and members of Delegated Committees who are unable to attend a Meeting may submit an apology:
  - a. In writing to the Chief Executive Officer, who will advise the Meeting: or
  - b. In writing to a Councillor or member of the Delegated Committee to submit it at the Meeting on their behalf.
2. An apology submitted to a Meeting will be recorded in the Minutes.
3. A Councillor intending to take a leave of absence should submit a request for leave of absence in writing to the Chief Executive Officer. To avoid confusion, submitting an apology does not automatically constitute a request for leave of absence.
4. Provided sufficient notice is given the Chief Executive Officer will include any leave of absence requests received included in the agenda of the next available Council Meeting.



5. A leave of absence not included in a Council Meeting agenda may still be considered by Council if a written request has been received by the Chief Executive Officer prior to the Meeting.
6. Council will not unreasonably withhold its approval of a leave of absence request.
7. Council will record any Councillors leave of absence contained in the Leave of Absence Register presented as an attachment at a Council Meeting.
8. A Councillor who has not submitted an apology or had a leave of absence approved and who is not in attendance at a Council or Delegated Committee Meeting will be recorded as absent in the Minutes.
9. A Councillor ceases to hold the office of Councillor and the office of the Councillor becomes vacant if the Councillor is absent from Council Meetings for a period of four (4) consecutive months without leave obtained from the Council.

## **20. Business of Meetings**

1. The agenda for and the order of business for a Council Meeting is to be determined by the Chief Executive Officer, in consultation with the Mayor, to facilitate and maintain open, efficient and effective processes of government.
2. No business can be dealt with at a Meeting unless it is:
  - a. Contained on the Agenda
  - b. Admitted as Urgent Business
  - c. Admitted by resolution of Council

## **21. Change to Order of Business**

1. The business of Meetings rule does not preclude the Chief Executive Officer from altering the order of business from time to time to enhance the fluent and open process of the governance of the Council.
2. The Chief Executive Officer may include any matter on the Agenda that they believe should be considered by Council.
3. If a matter listed on the Agenda and is withdrawn, the Chief Executive Officer must:
  - a. Notify all Councillors as soon as practicable of its withdrawal and the reasons for the withdrawal
  - b. Provide an explanation for the withdrawal at the Meeting at which the matter was listed.

4. The order of business for a Meeting may also be altered by resolution of Council or the submission of late reports by the Chief Executive Officer.

## **22. Urgent Business**

1. If the agenda for a Council Meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if it:
  - a. Relates to or arises out of a matter which has arisen since distribution of the Agenda
  - b. Cannot safely or conveniently be deferred until the next Council Meeting
  - c. Deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter
  - d. The item involves a matter of urgency as determined by the Chief Executive Officer
  - e. It cannot be addressed through an operational service request process.
  - f. Provided the matter does not:
    - i. Substantially affect the levels of Council service
    - ii. Commit Council to significant expenditure not included in the adopted budget
    - iii. Establish or amend Council Policy
    - iv. Commit Council to any contractual arrangement.
2. Any items of urgent business are to be provided to the Chief Executive officer no later than 12pm on the day of the Council Meeting to which the item is being raised unless exceptional circumstances arise.

## **23. Time Limits for Meetings**

1. A Meeting must not continue after three hours from the time it commences unless a majority of Councillors present vote in favour of its extension in accordance with this Clause.
2. An extension of time shall not exceed 30 minutes.
3. The Chairperson may adjourn a Meeting for a ten (10) minute break, at an appropriate point in proceedings after two hours has elapsed.
4. No more than two (2) extensions of time will be permitted at a Council Meeting.

## **24. Addressing the Meeting**

1. A Councillor who has the floor must not be interrupted unless:
  - a. Called to order by the Chairperson
  - b. Given notice by the Chairperson that speaking time has elapsed or is about to elapse
  - c. Another Councillor raises a Point of Order.
2. Except for the Chairperson or Chief Executive Officer, any person who addresses the Meeting must direct all remarks through the Chairperson.
3. The Chairperson may request anyone addressing the Meeting to stand, unless unable to do so because of disability, illness, injury, or pregnancy.
4. Any person addressing the Chairperson must refer to the Chairperson as:
  - a. Mr Mayor
  - b. Madam Mayor
  - c. Mayor
  - d. Chair
  - e. Mr Chair
  - f. Madam Chair; as the case may be.
5. All Councillors, other than the Mayor, must be addressed as Cr (Surname). Where two Councillors have the same surname, should be addressed with first name and second name.eg Cr (first name) (surname)
6. All Council staff must be addressed by their official title or name (example Director <<Department>>, or <<Title>> <<Surname>>).

## **25. Motions and Amendments**

1. A Councillor may move any Motion related to an item included in the agenda. In the interest of transparency and informed decision making, Motions or amendments should not introduce new matters to a debate that have not been the subject of the report or background of the Motion being considered by Council. Motions are required to be submitted in writing when requested by the Mayor, so they can be displayed to the Meeting.
2. As a resolution must be able to be acted upon, a Motion must clearly state what is intended and what its effect will be if it becomes the decision. This provides clarity for the implementation of Council decisions.

## **26. Notices of Motion – Councillors may propose Notices of Motion**

1. A Notice of Motion must be in writing and be signed by a Councillor and lodged with or sent to the Chief Executive Officer at least 10 days prior to the Council Meeting, to allow sufficient time for the Chief Executive Officer to include the Notice of Motion in the Agenda papers for a Council Meeting.
2. The Chief Executive Officer must inform Councillors about any legal and/or cost implications of any proposed Notice of Motion. The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under these Governance Rules.
3. A Notice of Motion must relate to the objectives, role and functions of Council as outlined in *the Act* and includes a concise reference to the relevant Council Plan objective and should demonstrate added value to Council.
4. A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
  - a. Impacts the levels of Council service
  - b. Commits Council to expenditure that is not included in the adopted Council Budget
  - c. Proposes to establish, amend or extend Council policy
  - d. Proposes to impact the rights of any person who has not had the opportunity to contribute their views
  - e. Commits Council to any contractual arrangement
  - f. Concerns any litigation in respect of which Council is a party.
5. The Chief Executive Officer must reject any Notice of Motion which:
  - a. Is contrary to legislation, vague or unclear in intention
  - b. Is defamatory
  - c. May be prejudicial to any person or Council
  - d. Is objectionable in language or nature
  - e. Is outside the powers of Council
  - f. Is submitted during Election Period
  - g. Relates to a matter that can be addressed through the operational service request process

- h. Is a Motion to rescind a resolution and which does not meet the requirements of the rescission rule
  - i. Relates to operational or employment matters.
6. If rejecting a Notice of Motion, the Chief Executive Officer must inform the Councillor who lodged it of that rejection and the reasons for the rejection before the Meeting at which it is intended to be considered. The Councillor may submit a revised Motion.
  7. The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the agenda for the relevant Council Meeting.
  8. The Chief Executive Officer must ensure all Notices of Motion to be sequentially numbered, dated, and entered in a register.
  9. The Motion moved must not be substantially different to the Motion published in the agenda, however, may be amended if not changing the intent of the Motion by resolution of the Council.
  10. A Motion or amendment which differs in wording from the Notice of Motion must be read aloud by the proposer and may be written out by the proposer and provided to the Chairperson. On the request of a Councillor, the written amendment must be distributed to the Councillors by the Chief Executive Officer or their Delegate.
  11. If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chairperson to do so, any other Councillor may move the Motion.
  12. If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses. A similar Motion must not be put before Council for at least three (3) months from the date it was lost.

## **27. Moving a Motion**

1. The procedure for moving any Motion is:
  - a. The mover must state the Motion without speaking in support of it
  - b. The Motion must be seconded by a Councillor other than the mover. If a Motion or amendment is not seconded, the Motion or amendment lapses for want of a seconder
  - c. If there is a seconder, the Chairperson asks if the Motion is opposed.
  - d. If there is no opposition, the mover speaks to the Motion
  - e. The seconder is given the right to speak to the motion or reserve their right to speak later in the debate

- f. The Chairperson calls for Councillors to speak against the Motion, then alternate for and against
  - g. Right of reply
  - h. Vote
2. Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion involves:
    - a. A Councillor requesting that their opposition to the motion be recorded in the minutes
    - b. A subsequent notice of motion following a rescission motion
    - c. A Councillor to calling for a division.

## **28. Chairperson's Duty Relating to Motions**

The Chairperson must not accept any Motion which:

- a. Is defamatory
- b. Is objectionable in language or nature
- c. Is contrary to legislation, vague or unclear in its intention
- d. Is outside the powers of Council
- e. Is not relevant to an item of business on the Agenda and has not been admitted as urgent business
- f. Purports to be an amendment but is not.

## **29. Right of reply**

1. The mover of a Motion or an amendment may exercise a right of reply to matters raised during debate.
2. No new matters may be raised in the right of reply.
3. If no Councillor has spoken against a Motion, there will be no right of reply.
4. After the right of reply has been exercised, the Motion must immediately be put to the vote without any further discussion or debate.

### **30. Moving an amendment**

1. A Motion, which has been moved and seconded, may be amended by leaving out or adding words for the purposes of understanding and efficiency, which must be relevant to the subject of the Motion and do not change the intent of the Motion.
2. An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original Motion.
3. An amendment must not change the intent of the original Motion. If a proposed amendment is not consistent with the original Motion, it shall be disallowed and ruled to be an alternate Motion and only be considered if the originating Motion is lost.
4. If a Councillor proposes an amendment and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote.
5. If a Councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:
  - a. The amendment must be moved and seconded.
  - b. Councillor may speak on any amendment once, whether, or not they have spoken to the Motion, but debate must be confined to the terms of the amendment
  - c. Any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the Chairperson at any one time
  - d. If the amendment is carried, the Motion as amended then becomes the Motion before the Meeting
  - e. The mover of an amendment retains the right of reply to that amendment.

### **31. Foreshadowing Motions**

1. At any time during debate a Councillor may foreshadow a Motion to inform Council of their intention to move a Motion at the next Council Meeting/or later in the Council Meeting. This does not extend any special right to the foreshadowed Motion.
2. A Motion foreshadowed may be prefaced with a statement that, in the event of a particular Motion before the Chairperson being resolved in a certain way, a Councillor intends to move an alternative or additional Motion.
3. A Motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting.
4. The minutes of the Meeting will not include foreshadowed Motions unless the foreshadowed Motion is subsequently formally moved as a Motion.

### **32. Withdrawal of Motions**

Before any Motion is put to the vote, it may be withdrawn by the mover unless any Councillor objects to the withdrawal. If there is an objection, the Motion may only be withdrawn by resolution of Council.

### **33. Separation of Motions**

1. Where a Motion contains more than one part, a Councillor may request the Chairperson to put the Motion to the vote in separate parts.
2. The Chairperson may decide to put any Motion to the vote in separate parts.

### **34. Motions in writing**

1. The Chairperson may require that all Motions, except procedural Motions be submitted in writing.
2. The Chairperson may adjourn a Meeting while a Motion is being written or may request Council to defer the matter until the Motion has been written, allowing the Meeting to proceed uninterrupted.

### **35. Debate Must be Relevant to the Motion**

1. Debate must always be relevant to the Motion before the Chairperson and, if not, the Chairperson must request the speaker to confine debate to the Motion.
2. If, after being requested by the Chairperson to confine debate to the Motion before the Meeting, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to be seated and not speak further in respect of the Motion before the Chairperson. The speaker must immediately comply with any such direction.

### **36. Adequate and Sufficient Debate**

1. Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to participate in the debate.
2. A Motion has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.
3. Once the views put are representative of the views of all Councillors or Members the debate would be regarded as sufficient.

### **37. Speaking Times**

1. A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson:
  - a. The mover of a Motion – three (3) minutes
  - b. The seconder of a Motion – three (3) minutes)



- c. Any other Councillor: two (2) minutes
  - d. The mover of a Motion exercising a right of reply: two (2) minutes.
2. An extension of speaking time may be granted to a Councillor, by resolution of the Council.
  3. Only one extension per Councillor is permitted for each item of business.
  4. Any extension of speaking time must not exceed two (2) minutes.
  5. The Chairperson must not accept a Motion for an extension of time if another speaker has commenced their debate.

### **38. Procedural Motions**

1. Unless otherwise prohibited, a Procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.
2. A Procedural Motion must be seconded.
3. A Procedural Motion may not be moved or seconded by the Chairperson.
4. Unless otherwise provided, debate on a Procedural Motion is not permitted and the mover does not have a right of reply.
5. Unless otherwise provided, a Procedural Motion must not be amended.

### **39. Suspension of standing orders**

1. To temporarily remove the constraints of formal Meeting procedure and allow full discussion or clarification of an issue, or for purpose of ceremonial presentations. Council may, by resolution, suspend standing orders in accordance with the procedural Motion.
2. The purpose of suspending standing orders is to enable the formalities of Meeting procedure to be temporarily disposed of while an issue is discussed.
3. The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council.
4. No motion can be accepted by the Chairperson or lawfully dealt with during any suspension of standing orders, except a motion to resume standing orders.

### **40. Laying an Item on the Table**

An item can be laid on the table. The Motion will not be further discussed or voted on unless Council resolves to take the Motion from the table at the next Meeting. A Motion not dealt with at the next Meeting lapses.

#### **41. Notice of Rescission Motion**

1. A notice of rescission is a form of Notice of Motion. Accordingly, all provisions in this Chapter regulating Notices of Motion equally apply to notices of rescission.
2. A Councillor may propose a Motion to rescind a decision of Council provided the subject Motion has not been acted on. Any Motion which, if passed, would have the effect of nullifying a previous resolution (without directly rescinding it) or would be in direct conflict with a previous resolution, must be treated as a rescission Motion and be subject to the requirements of this rule.
3. An actual Notice of Motion to rescind or alter a previous resolution of Council must be delivered to the Chief Executive Officer within ten (10) days of the end of the Meeting at which the resolution was made setting out:
  - a. The resolution to be rescinded
  - b. The Meeting and date when the resolution was carried.
4. Any notice of rescission must be endorsed by a minimum of two additional Councillors.
5. A resolution will be deemed to have been acted on if:
  - a. Its contents or substance have, has been communicated to a person whose interests are materially affected by it
  - b. A statutory process has been commenced to vest enforceable rights in or obligations on Council or any other person.
6. A Notice of Motion to rescind cannot be proposed as an item of urgent business.
7. The Chief Executive Officer or an appropriate officer must defer implementing a resolution which has not been acted on and is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with this rule. Unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.
8. If a Motion for rescission is lost, a similar Motion may not be put before Council for at least three (3) months from the date it was last lost, unless Council resolves that the Notice of Motion be re-listed at a future Meeting.
9. If a Motion for rescission is not moved at the Meeting at which it is listed, it lapses.
10. A Motion for rescission listed on an Agenda may be moved by any Councillor present but may not be amended.

#### **42. Voting**

To determine a Motion at a Meeting, the Chairperson must first call for those voting in favour of the Motion and then those voting against the Motion and must then declare the result to the Meeting.

1. Voting on any Motion will be by show of hands.
2. All Councillors present may vote on any matter before Council unless that Councillor has declared a conflict of interest in the item.
3. For the purpose of determining the result of a vote, a Councillor present at the Meeting who does not vote is to be taken to have voted against the Motion.

#### **43. Declaration of Vote**

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

#### **44. Casting Vote**

1. In the event of an equality of votes, the Chairperson must exercise a casting vote, except in cases where *the Act* or these Governance Rules determine otherwise.
2. If the Chairperson exercises their casting vote, they must provide an explanation to the Meeting as to why they voted in a particular way.

#### **45. Recording of Opposition of Motion**

Any Councillor may ask that their opposition to a Motion resolved by the Meeting be recorded in the minutes of the Meeting.

#### **46. Motion to be Read Again**

1. Before any Motion or amendment is put to the vote, a Councillor may request that the Motion or amendment be read again.
2. The Chairperson, whether requested or not, may also ask the Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the Meeting and take the minutes of such Meeting) to read the question, Motion, or amendment to the Meeting before the vote is taken.

#### **47. Call for a Division**

1. A division may be requested by any Councillor on any vote.
2. The request must be made to the Chairperson either immediately prior to, or immediately after, the vote has been taken, and may not be made after the Meeting has moved to the next item of business.

#### **48. Procedure for a Division**

1. When a division is called for the Chairperson must:
  - a. First ask each Councillor wishing to vote in favour of the Motion to stand to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the minutes

- b. Then ask each Councillor wishing to vote against the Motion to stand to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes
- c. For the purpose of determining the result of a vote, a Councillor present at the Meeting who does not vote is to be taken to have voted against the Motion
- d. Finally, declare the result of the division.

#### **49. Between the Original Vote and the Division**

A Councillor may change their vote when voting on the division. The voting by division will determine the Council's resolution on the Motion.

#### **50. Vote to be Taken in Silence**

Except that a Councillor may call a division, Councillors must remain seated in silence while a vote is being taken.

#### **51. Points of Order**

A Point of Order is taken when a Councillor draws the attention of the Chairperson to an alleged irregularity in the proceedings.

1. A Point of Order may be raised in relation to:
  - a. A time limit has been exceeded
  - b. A quorum is not present
  - c. A question of procedure
  - d. Debate that is irrelevant to the item of business under consideration
  - e. A Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct
  - f. An item of business or debate is outside the powers of Council
  - g. Any act of Disorder.
2. A Councillor may at any time raise a point of order which will, until disposed of, take precedence over the consideration and decision of every other item of business.
3. When a Point of Order is raised, any Councillor who is addressing the Council at the time must remain silent until the Councillor raising the Point of Order has been heard and the point of order disposed of.
4. A Point of Order must be raised by stating 'Point of Order' and the alleged irregularity being raised.

5. The expression of difference of opinion or to contradict a speaker is not a Point of Order.

## **52. Chairperson to Decide Point of Order**

1. The Chairperson must decide all points of order by stating the provision, rule, practice, or precedent which they consider applicable to the Point of Order raised, without entering into any discussion or comment.
2. The Chairperson may adjourn the Meeting to seek advice to consider a Point of Order, otherwise they must rule on it as soon as it is raised. All other matters before Council are suspended until the Point of Order is decided.
3. The Chairperson's decision in relation to a Point of Order is final and binding.

## **53. Motion of Dissent in Chairperson's ruling**

1. A Councillor may move a Motion to the effect that the Meeting dissent from the Chairperson's ruling on a Point of Order. A Motion of dissent on a Point of Order must contain the provision, rule, practice, or precedent in substitution for the Chairperson's ruling.
2. A Motion of dissent in the Chairperson's ruling must, if seconded, be given priority to all other items of business.
3. A motion of dissent in relation to a point of order is a motion of dissent in the ruling of the Chair and the Chairperson must at all times remain in the Chair and maintain their rights as the Chairperson.

## **54. Questions of Council**

As outlined in the purpose of these Governance Rules, Council Meetings are held to enable Council to make its decisions. Members of the public do not have a right to address Council, however provisions are made for Council to respond to questions from the community and may provide an opportunity for members of the public to address Council at the discretion of the Chairperson.

1. This section sets out the procedures to be followed to submit a question, the circumstances under which a question may be disallowed and the process for addressing and responding to the question at or after the Meeting.
2. For virtual Meetings there is currently no provision for members of public to join the Meeting electronically. Any permitted questions from the community will be provided to the Chief Executive Officer prior to the Meeting and read out on behalf of the community member.
3. Council will hold Question Time for up to 30 minutes duration at each Council Meeting to allow community questions of Council. Extension of time may be granted by resolution of Council.
4. This Rule does not apply during any period when Council has resolved to close the Meeting in respect of a matter under section 66 of *the Act* which relates to Confidential items where a Council Meeting was not open to the public.

5. Any questions must be submitted in writing to the Chief Executive Officer (or other person authorised for this purpose by the Chief Executive Officer) and received prior to midday on the business day prior to the commencement of the Meeting and contain the name and contact details of the person submitting the question.
6. If a person is unable to submit their question in writing, they may contact the Glenelg Shire prior to the commencement of the Meeting and Council staff will determine an accessible means for the person to submit their question.
7. Questions (maximum 100 words including any pre-amble) may be submitted by mail (noting Australia Post delivery times), email [enquiry@glenelg.vic.gov.au](mailto:enquiry@glenelg.vic.gov.au) or delivered in person to a Council customer service centre but are limited to three (3) questions per person per Meeting.
8. The Chief Executive Officer may reject the question if:
  - a. Does not relate to a matter of the type described in section 66 of *the Act* regarding items from Meetings not open to the public
  - b. Does not relate to a matter in respect of which the Council has no power
  - c. Is defamatory, indecent, abusive, or objectionable in language or substance
  - d. Is repetitive of a question already answered whether at the same Meeting or at any of the three (3) most recent Council Meetings
  - e. Is asked to embarrass a Councillor or member of Council staff
  - f. Relates to the personal hardship of any resident or ratepayer
  - g. Relates to any other matter which the Council considers would prejudice the Council or any person
  - h. The questioner is not a resident, ratepayer, worker or student within the Glenelg Shire.
9. The Chief Executive Officer may request that the question be resubmitted with alternative or amended wording, to enable the question to be put to the Meeting so that it does not breach provisions of the Governance Rules.
10. If the Chief Executive Officer has determined that the question shall not be read to the Meeting:
  - a. The Meeting must be advised accordingly, including the name of the questioner and the reason why it was not read out
  - b. The question or submission shall be available to Councillors upon request.
11. The Chairperson or delegate must read to the Meeting the name and locality of the person who has submitted a question. The Chief Executive Officer may withhold the locality of the questioner were requested for security purposes.

12. The Chairperson or delegate must read the question and the Chairperson may then direct that the question be answered by a nominated person.
13. No debate or discussion of a question or an answer is permitted other than for the purpose of clarification.
14. A Councillor or member of staff nominated to answer a question may:
  - a. Seek clarification of the question from the person who submitted the question
  - b. Seek assistance of another person in answering the question
  - c. Defer or take the question on notice so that the answer may be researched and a written response provided within ten (10) working days following the Meeting.
15. A summary of a response provided to any question taken on notice will be provided in the next available Council Meeting agenda.
16. If a person who asked a question is not satisfied with the answer given, they may follow the question up with the relevant Council Officer by emailing [enquiry@glenelg.vic.gov.au](mailto:enquiry@glenelg.vic.gov.au), or [contact the Council on telephone 1300 456 635](tel:1300456635) or via post at P.O. Box 152 Portland.

## **55. Submissions to Council**

1. At a Council Meeting, time may be allocated to enable any member of the community to provide a verbal submission where Council has invited submissions regarding the matter subject to community consultation.
2. Written submissions made in response to a public consultation must be provided before the time specified in the consultation process and may request that a verbal submission be made to Council at the same time.
3. A submission arising from public consultation is not limited in length but will not be read to the Meeting as it will be included in the agenda (where practicable) and minutes.
4. A person making a submission arising from a public consultation may be, at the discretion of the Chair, permitted to speak to that submission for up to 3 minutes.

### Planning Application Submissions:

Submissions may also be provided where Council is determining planning applications to allow objectors and applicants an opportunity to address Council:

- a. The applicant and any objectors will be notified in writing that the application is to be brought before the Councillors

- b. The applicant and any objectors may make a request to be heard on their submission
- c. Applicants and objectors are to be limited to five (5) minutes. Where the permit application considers complex matters, the Mayor can provide discretion to extend this time in order that the permit application be fully considered
- d. Submissions by objectors are to be made first
- e. Submissions by applicant is to be made last
- f. No debate or questions are permitted during submissions by presenters. Councillors may ask questions to seek clarification
- g. Planning reports will be considered by the Council when listed on the Council Agenda.

**56. Meetings Closed to the Public:**

1. A Council or Delegated Committee must keep a Meeting open to the public unless the Council or Delegated Committee considers it necessary to close the Meeting to the public because a circumstance specified below applies:
  - a. To consider confidential information as defined in section 3(1) of the *Act*
  - b. There are security reasons
  - c. It is necessary to do so to enable the Meeting to proceed in an orderly manner.
2. If the Council Meeting is closed to the public, the reasons for the closure will be documented in the minutes of the Meeting.
3. In accordance with Meetings closed to the public Confidential information means the following information:
  - (a) *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released*
  - (b) *Security information, being information that if released is likely to endanger the security of Council property or the safety of any person*
  - (c) *Land use planning information, being information that if prematurely released is likely to encourage speculation in land values*
  - (d) *Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person*
  - (e) *Legal privileged information, being information to which legal professional privilege or client legal privilege applies*



- (f) *Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs*
- (g) *Private commercial information, being information provided by a business, commercial or financial undertaking that—*
  - (i) *Relates to trade secrets; or*
  - (ii) *If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*
- (h) *Confidential Meeting information, being the records of Meetings closed to the public under section 66(2)(a)*
- (i) *Internal arbitration information, being information specified in section 145*
- (j) *Councillor Conduct Panel confidential information, being information specified in section 169*
- (k) *Information prescribed by the regulations to be confidential information for the purposes of this definition*
- (l) *Information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

## **57. Petitions and Joint letters**

1. Any petition or joint letter received will be tabled at the next available Council Meeting
2. Council may resolve to receive the petition or joint letter. Council may also refer the matter for a report at the next appropriate Meeting or refer it to the Chief Executive Officer for consideration and action.
3. A petition or joint letter must:
  - a. Be in legible and permanent writing
  - b. Identify the Glenelg Shire Council as the recipient of the petition
  - c. Not be defamatory, indecent, abusive or objectionable in language or content
  - d. Not relate to matters beyond the powers of Council
  - e. Provide a clear and concise statement identifying the subject matter of the petition
  - f. Bear the whole of the petition or request, upon each page of the petition
  - g. Where a petition has been signed by less than 12 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item

- h. Include the name and contact details of the principal petitioner
  - i. Any person who fraudulently signs a petition or joint letter which is presented to the Council may be guilty of an offence.
4. Any petitions or joint letters that do not comply with these Governance Rules will not be tabled at a Council Meeting.
  5. An electronic or online petition must be in accordance with this rule where possible.
  6. For the purpose of compliance with this rule the petitioner supporting the online petition must include their name and contact details.
  7. If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
  8. If a petition relates to:
    - a. A 'planning matter' which is the subject of a public notification process under the *Planning and Environment Act 1987*
    - b. A 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation
    - c. The petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).
  9. A response will be sent to the chief petitioner, acknowledging receipt of the petition or joint letter, and advising of the action taken or Council resolution that has been made in relation to the subject matter of the petition or joint letter.

## **58. Behaviour During Council Meetings**

1. Any person in attendance at a Council Meeting must ensure that their electronic device is turned off or switched to silent.
2. It is the responsibility of individual Councillors to exhibit good conduct in Meetings in accordance with the adopted Council Code of Conduct and Section 139 of *the Act*. Councillors should listen while others are speaking, avoid interrupting, be aware of their body language and use reasonable and temperate language in debates (no matter how contentious the topic may be).
3. The Mayor may require a Councillor to withdraw any statement which is defamatory, indecent, abusive, offensive or disorderly.
4. The Chief Executive Officer may address a Council Meeting in respect of any statement made affecting a Council officer if that comment is made at a Council Meeting or in the media.
5. Visitors must not interject or take part in the debate of any item of business before the Council.

6. Silence must be maintained by members of the public in the gallery at all times.
7. Any member of the public or community addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.
8. A person must not display any posters, banners, flags, or placards in the Council Chamber or in any building where a Meeting is being, or is about to be held, except outside the entrance to the building.

A poster, banner, flag, or placard must not:

- a. Display any offensive, indecent, insulting or objectionable item or words
  - b. Obstruct the entrance to the Council Chamber or a building where a Meeting is being or is about to be held
  - c. Obstruct the view of or physically impede any person.
9. The Chairperson or Chief Executive Officer may order and cause the removal of any poster, banner, flag, or placard that is deemed by the Chairperson or Chief Executive Officer to be objectionable, disrespectful, or otherwise inappropriate.
  10. If a person, other than a Councillor, interjects or gesticulating offensively during the Council Meeting, the Chairperson may direct:
    - a. The person to stop interjecting or gesticulating offensively
    - b. If the person continues to interject or gesticulate offensively, the removal of the person.
  11. The Chairperson may cause the removal of any person, object or material that is deemed by the Chairperson to be objectionable or disrespectful.
  12. In causing a person's removal under this rule, or the removal of an object or material, the Chairperson may ask the Chief Executive Officer, an Authorised Officer, or a member of Victoria Police to remove the person, object, or material.
  13. Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction may be guilty of an offence.

## **59. Chairperson and Members**

1. The Chairperson, Councillors and Members of Delegated Committees will ensure good Council decision-making by endeavouring to ensure:
2. Decision making is transparent to members and observers
  - a. Meeting members have sufficient information to make good decisions
  - b. Every member is supported to contribute to decisions
  - c. Any person whose rights are affected has their interests considered.

- d. Debate and discussion is focused on the issues at hand
- e. Meetings are conducted in an orderly manner
- f. Decisions should be made on the merits of the matter.

#### **60. Council Meeting Chairperson**

1. The Mayor must take the Chair at all Council Meetings at which the Mayor is present.
2. If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair.
3. If the Mayor and any Deputy Mayor are not in attendance at a Council Meeting, Council must appoint one of the Councillors as Chair of the Meeting by resolution.
4. The Chairperson must allow the Chief Executive Officer the opportunity to:
  - a. Correct factual errors or incorrect assertions that arise during the Meeting
  - b. Advise the Meeting if a proposed resolution or action is contrary to the law (including these Governance Rules).
5. The Chairperson must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council;
  - a. The Chairperson may direct that a vote be recounted to be satisfied of the result
  - b. The Chairperson must decide on all Points of Order.

#### **61. Delegated Committee Chairperson**

1. At the Meeting at which Council establishes a Delegated Committee it must also appoint a Chairperson to the Delegated Committee.
2. The Chair of a Delegated Committee must be a Councillor.
3. For the avoidance of doubt, this rule does not intend to limit the powers of the Mayor provided in the *Act*.

#### **62. Chief Executive Officer Support to Chairperson**

The Chief Executive Officer, or delegate, may participate in the Meeting to provide support and consult with the Chairperson ensuring that setting of the agenda and decisions of Council are implemented without undue delay.

1. The Chief Executive Officer will:
  - a. Immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law (including these Governance Rules)
  - b. Advise if there are operational, financial or risk implications arising from a proposed resolution
  - c. Help clarify the intent of any unclear resolution to facilitate implementation
  - d. On request, assist with procedural issues that may arise.

### **63. Councillors and members of Delegated Committees**

1. Councillors and members of Delegated Committees contribute to good governance and decision making by:
  - a. Seeking views of community members and reading agenda prior to the Meeting
  - b. Demonstrating due respect and consideration to community views and the professional/expert advice provided in the agenda papers
  - c. Attending Meetings and participating in debate and discussion
  - d. Demonstrating respect for the role of the Chairperson and the rights of other Councillors or members of Delegated Committees to contribute to the decision-making
  - e. Being courteous and orderly.

### **64. Chairperson may Adjourn Meeting and Address Inappropriate Conduct**

1. The Chairperson may adjourn a Meeting for either a short time, or to resume another day if:
  - a. The behaviour at the Council table or in the gallery is significantly disrupting the Meeting
  - b. Where a Councillor or member of the public engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the orderly conduct of Council business
  - c. Where the safety and security of Councillors or staff are impacted.
2. The Chairperson, under section 19 of *the Act*, having previously warned the person at that Council Meeting to cease that behaviour, may direct a Councillor or member of the gallery to leave the Meeting for a period of time or the balance of the Meeting.
3. Where the Chairperson directs a Councillor to leave the Meeting under this rule the Councillor will take no active part in the portion of the Meeting from which they have been suspended.

4. If a Councillor has been suspended from a Meeting or directed to leave in accordance with this rule the Chairperson may ask the Chief Executive Officer, an Authorised Officer, or a member of Victoria Police to remove the Councillor.

#### **65. Matters not Otherwise Provided For**

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

## **CHAPTER 3 – COUNCILLOR BRIEFINGS**

### **66. Purpose of Councillor briefings**

1. The purpose of a Councillor Briefing is for sharing information, including information regarding;
  - a. Matters likely to require a Council decision
  - b. Matters likely to be dealt with under delegation.

### **67. Requirements at Councillor Briefings**

1. Reports to a Councillor Briefing must not seek a substantive decision.
2. No decision of a substantive nature may be made at a Councillor Briefing.
3. A Councillor with a conflict of interest in an item at a Councillor Briefing must indicate they have a conflict of interest by clearly stating;
  - a. The item for which they have a conflict of interest
  - b. The nature of their conflict of interest
  - c. The circumstances that give rise to the conflict of interest.
4. Councillors specifically must not;
  - a. Direct an officer in the exercise of a delegation or in the performance of a statutory function
  - b. Direct a Council officer in regards to any recommendation in a report for Council decision.
5. These provisions do not prohibit:
  - a. Councillors requesting further information on a matter
  - b. A Councillor from requesting that a matter be referred to a Council Meeting for decision and not resolved through the exercise of a delegation.

### **68. Record keeping at Councillor Briefings**

1. A record of each Councillor Briefing is to be kept, the following to be included:
  - a. Any conflict of interest and any actions to resolve any conflicts of interest.
  - b. A list of any matters presented.
  - c. These records are to be tabled at an open Council Meeting (excluding any Confidential matters)

## **CHAPTER 4 - MEETING PROCEDURE FOR DELEGATED COMMITTEES**

Council may establish Delegated Committees in accordance with section 63(1) of *the Act*. A Delegated Committee must include at least two Councillors and may include any other persons appointed to the Delegated committee by the Council who are entitled to vote.

### **69. Delegated Committees**

1. If Council establishes a Delegated Committee these Governance Rules will apply to a Delegated Committee Member, with any necessary modifications.
2. For the purpose of sub rule (1):
  - a. A reference to a Council Meeting is to be read as a reference to a Delegated Committee Meeting
  - b. A reference to a Councillor is to be read as a reference to a Member of the Delegated Committee
  - c. A reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
3. If Council establishes a Delegated Committee that is not composed solely of Councillors, Council or the Delegated Committee, with the approval of Council, may resolve that any or all the provisions of the Meeting procedure are not to apply.

### **70. Chairperson of Delegated Committee**

1. A Meeting of a Delegated Committee established by a Council must be chaired by:
  - a. A Councillor appointed by the Council or the Mayor to chair Meetings of the Delegated Committee
  - b. A Councillor who is present at the Meeting and is appointed by the members of the Delegated Committee who are present at the Meeting, If the Councillor appointed by the Council or the Mayor to chair Meetings of the Delegated Committee is not present at the Meeting.



## **CHAPTER 5 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEE**

### **71. Overview Community Asset Committees**

1. Council may establish a Community Asset Committee, for the Purpose of managing a community asset in the municipal district.
2. Council may appoint as many members to the Community Asset Committee as the Council considers necessary for its purpose outlined in sub rule (1).
3. In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the Chief Executive Officer under Section 47(1)(b) of *the Act*.

### **72. Meeting Procedure**

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

## **CHAPTER 6 – MEETING RECORDS**

### **73. Keeping of Minutes**

The Chief Executive Officer or person authorised by the Chief Executive Officer, is responsible for the keeping of Minutes on behalf of Council.

### **74. Content of Minutes**

1. The Chief Executive Officer or other person authorised by the Chief Executive Officer to take the minutes must keep minutes of each Council or Delegated Committee Meeting and those minutes must record:
  - a. The date, place, time and nature of the Council or Delegated Committee Meeting
  - b. The names of Councillors and whether they are present, an apology, on leave of absence, etc
  - c. The name and titles of the members of Council staff present who are not part of the gallery
  - d. The disclosure of a conflict of interest made by a Councillor in accordance with *the Act*
  - e. The arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals)
  - f. Every Motion and amendment moved (including procedural Motions)
  - g. The outcome of every Motion moved
  - h. Where a division is called, the names of every Councillor and the way their vote was cast
  - i. When requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any Motion, noting that under section 61(5) of *the Act* that a Councillor present at the Meeting who does not vote is taken to have voted against the question
  - j. Details of any failure to achieve or maintain a quorum
  - k. A summary of any question asked and the response provided as part of public question time
  - l. Details of any petitions made to Council
  - m. The time and reason for any adjournment of the Meeting or suspension of standing orders

- n. Any other matter, which the Chief Executive Officer or Delegate thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes
- o. The time the Council or Delegated Committee Meeting was opened and closed, including any part of the Council or Delegated Committee Meeting that was closed to members of the public.

**75. Confirmation of Minutes**

1. The Minutes as recorded by the Chief Executive Officer, or Delegate, will be made available as the proposed Minutes to:
  - a. Councillors, within seven (7) business days after the Council or Delegated Committee Meeting to which they relate
  - b. Members of the public, by publishing them on Council’s website, within nine (9) business days after the Council or Delegated Committee Meeting to which they relate, or by making them available from the Customer Service Centre by request.
2. At every Council Meeting the Minutes of the preceding Council or Delegated Committee Meeting(s) must be dealt with as follows:
  - a. A Motion will be moved to confirm the Minutes in the following terms: ‘That the Minutes of the .....Meeting held on <<day>>, <<month>>, <<year>> be confirmed.’;
3. If a Councillor indicates opposition to the Minutes, the Councillor must specify the particular item or items in the Minutes and, after asking any questions to clarify the matter, can only move a Motion to rectify the alleged error(s) in the Minutes by adding the following words to the Motion in sub-clause (2) (a) ‘...subject to the following alteration(s). .....’.
4. No debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council or Delegated Committee Meeting to which they relate.
5. The Minutes must be registered into Council’s electronic records management system, with the official version of the minutes being transferred to the Public Records Office of Victoria.

**76. Meetings and the Use of Electronic Means of Communication**

Other than an official Council recording, no video or audio recording of proceedings of Council or Delegated Committee Meetings will be permitted without specific approval by the Chairperson of the relevant Meeting.

## **CHAPTER 7 - ELECTION OF MAYOR, DEPUTY MAYOR, AND APPOINTMENT OF ACTING MAYOR**

This chapter is concerned with the annual election of the Mayor and Deputy Mayor. It describes how the Mayor and Deputy Mayor are to be elected.

### **77. Determining the Election of the Mayor**

1. The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the *Act*.
  - a. A Mayor is to be elected no later than one month after the date of a general election.
  - b. Before the election of the Mayor, a Council must determine by resolution whether the Mayor is to be elected for a one year or a 2-year term.
  - c. A Mayor is to be elected within one (1) month after any vacancy in the office of Mayor occurs.
  - d. A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2-year term serves the remaining period of the previous Mayor's term.
  - e. Any Councillor is eligible for election or re-election to the office of Mayor unless prohibited under *the Act* (ie. section 167 of *the Act*).
  - f. The Mayor must be elected by an absolute majority of the Councillors unless Section 25(6) of *the Act* applies. For clarification, an absolute majority means a majority of the persons who hold the office of Councillor of the Glenelg Shire Council at the time the vote is taken. This is not altered by any non-attendance at the Meeting or any failure to vote.
  - g. If an absolute majority of the Councillors cannot be obtained at the Meeting, the Council may resolve to conduct a new election at a later specified time and date.
  - h. In this section, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.
  - i. If only one Councillor is a candidate for Mayor, the Meeting must declare that Councillor to be duly elected as Mayor in accordance with Section 25(6) of *the Act*.
  - j. The office of Mayor elected by the Councillors becomes vacant:
    - i. At the time and on the day of the election of the next Mayor
    - ii. On the day the Mayor resigns from the office of Mayor by giving the Chief Executive Officer a written notice of resignation
    - iii. On the day the Mayor ceases to hold the office of Councillor

- iv. On the day the Mayor's office as a Councillor is suspended for any period
- v. On the day the Mayor becomes ineligible to hold the office of Mayor as a result of a decision by a Councillor Conduct Panel
- vi. On the day the office of Mayor is declared vacant by the Council in accordance with section 23 of *the Act*.

## **78. Method of Voting**

The election of the Mayor must be carried out by a show of hands. All Councillors must vote and each Councillor has one vote.

## **79. Temporary Chairperson**

The Chief Executive Officer will be the Temporary Chairperson of the Meeting at which the election of the Mayor is to be conducted but will have no voting rights.

## **80. Procedure for Election of Mayor**

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. All nominations must be moved and seconded.
3. Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:
  - a. If there is only one nomination, the candidate nominated must be declared to be duly elected in accordance with Section 25(6) of *the Act*
  - b. If only two nominations are received, the Chief Executive Officer proceeds by asking the Council to vote on the first nominated candidate and then the second nominated candidate. If one candidate has an absolute majority of votes, that candidate is duly elected as the Mayor
  - c. If, after votes have been cast for the two candidates, neither candidate has an absolute majority, the election fails
  - d. If the election fails, the Chief Executive Officer must call for a new election. For clarification, a new election may be conducted later on the same day as the failed election or on another day
  - e. If more than two (2) nominations are received, the Chief Executive Officer proceeds by asking the Council to vote on each candidate in the order of the nominations received

- f. When item is completed, if one candidate has an absolute majority of votes, that candidate is duly elected as the Mayor. If no candidate has an absolute majority of votes, the candidate with the fewest number of votes cast must be eliminated (and if more than one of the candidates have the same amount of the least number of the votes cast, the candidate for exclusion is determined by lot)
- g. The names of the remaining candidates must be put to the vote again. This “exclusion process” must continue until there are only two candidates remaining
- h. When there are only two (2) candidates remaining, the same procedure is conducted as specified in item b.

**81. Procedure for Determining a Draw by Lot to Determine a Defeated Candidate**

If a draw by lot is conducted, the Chief Executive Officer will have the conduct of the lot (only if candidates have equal votes) and the following process will apply:

- 1. Each candidate shall draw one (1) lot;
  - a. The order of drawing lots shall be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes except that if two (2) or more such candidates’ surnames were identical the order shall be determined by the alphabetical order of the candidates’ first names; and
  - b. If more than two candidates have an equal number of votes:
  - c. As many identical pieces of paper as there are candidates who received an equal number of votes shall be placed in a receptacle. If the lot is being conducted to determine which is the defeated candidate, the word “Defeated” shall be written on one (1) of the pieces of paper, and the candidate who draws the paper with the word “Defeated” written on it shall be declared the defeated candidate (in which event a further vote shall be taken on the remaining candidates).

**82. Mayor to Take Chair**

- 1. After the election of the Mayor is determined, the Mayor will take the Chair.
- 2. Upon being elected, the Mayor may make a ceremonial speech to outline the priorities for the year ahead based on the adopted Council Plan.

**83. Election of Deputy Mayor**

- 1. If Council has established an office of Deputy Mayor, the Deputy Mayor must perform the role of the Mayor in accordance with section 21 of *the Act* and may exercise any of the powers of the Mayor if—
  - a. The Mayor is unable for any reason to attend a Council Meeting or part of a Council Meeting

- b. The Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness
  - c. The office of Mayor is vacant.
2. This does not preclude the Mayor asking other Councillors to deputise for the Mayor on particular committees, forums or events in which that Councillor has particular expertise.
  3. Any election for Any office of Deputy Mayor will follow the Election of the Mayor process of these Governance Rules, to the extent that they are applicable.

#### **84. Appointment of Acting Mayor**

1. If Council has not established an office of Deputy Mayor and;
  - a. The Mayor is unable for any reason to attend a Council Meeting or part of a Council Meeting
  - b. The Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness
  - c. The office of Mayor is vacant.
2. Council must appoint a Councillor to be the acting Mayor in accordance with section 20B of *the Act* .

#### **85. Councillor Allowances – Mayor, Deputy Mayor, and Councillors**

1. Section 39 of *the Act* describes the application of allowances for Mayors, Deputy Mayors, and Councillors.
2. Entitlements to an allowance will be in accordance with the Determination of the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary standards Act 2019*.

## **CHAPTER 8 - ELECTION PERIOD POLICY PROVISIONS**

### **(Appendix One: Election Period Policy)**

#### **86. Election Period Policy**

1. Council will have in place an election period policy that:
  - a. Governs decision making during a Local Government election period, including what may be considered at a Council Meeting
  - b. Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections
  - c. Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Committees established by Council
  - d. Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns
  - e. Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period
  - f. Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
2. At least once in each Council term and prior to the commencement of an election period, Council will review its election period policy.
3. The operation of Council Committees shall be suspended upon the commencement of the election period ahead of a general Council election. Council Committees shall resume Meeting following the election and the appointment by the incoming Council of Councillors to each committee.
4. During the election period prior to a general Council election, the Chief Executive Officer will not accept any Notices of Motion or Notices of Rescission Motions for consideration at a Council Meeting conducted during the election period.
5. Council Meetings held during the election period will not consider any urgent business, conduct public question time, or receive any submissions (other than planning), deputations or delegations.



## **CHAPTER 9 - DISCLOSURE CONFLICT OF INTEREST**

### **87. Obligations**

1. Councillors, members of Delegated Committees and Community Asset Committees and Council staff are required to:
  - a. Avoid all situations that may give rise to conflicts of interest
  - b. Identify any conflicts of interest
  - c. Disclose or declare conflicts of interest.

### **88. Councillors and Members of Delegated Committees**

1. Councillors and members of Delegated Committees must not participate in discussion or decision making on a matter in which they have a conflict of interest.
2. Councillors and members of Delegated Committees must disclose the conflict of interest in writing and in the form determined by the Chief Executive Officer.
3. When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
4. All disclosures of conflicts of interest will be recorded in the minutes of a Council Meeting or Delegated Committee Meeting.
5. Council will maintain a Conflict of Interest Register that will be made available on Council's website.

### **89. Procedure at a Council or Delegated Committee Meeting**

1. At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on the Agenda must indicate they have a conflict of interest by clearly stating;
  - a. The item for which they have a conflict of interest
  - b. The nature of their conflict of interest
  - c. The circumstances that give rise to the conflict of interest.
2. Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.
3. A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner required for the declaration of conflicts of interest prior to leaving the Meeting.
4. A Councillor or member of a Delegated Committee who discloses a conflict of interest and leaves a Council Meeting must not communicate with any participants in the Meeting while the decision is being made.

5. If disclosing a conflict of interest would mean disclosure of confidential or private information, the Councillor or Delegated Committee member can make a full disclosure to the Chief Executive Officer or delegate in writing before the Meeting and then only disclose the class of interest in the Meeting.
6. While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a Delegated Committee must;
  - a. Leave the Meeting and notify the Mayor or the Chairperson of the Delegated Committee of their departure
  - b. Remain outside the room and any gallery or other area in view or hearing of the Meeting.
7. The Mayor or the Chairperson of the Delegated Committee must cause the Councillor or member of a Delegated Committee to be notified that they may return to the Meeting after
  - a. Consideration of the matter
  - b. All votes have been cast on the matter.

**90. Procedure at other Meetings Organised, Hosted, or Supported by Council**

1. A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
2. At the time indicated on the agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the item of business in which the conflict of interest arises.
3. If there is no agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon as the matter arises.
4. At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the Meeting for the duration of the discussion.
5. The existence of a conflict of interest will be recorded in the minutes of the Meeting.
6. If there are no minutes kept of the Meeting, the conflict of interest will be recorded in a Meeting record and provided to the Chief Executive Officer for recording in the register of Conflicts of interest.
7. The Meeting minutes or record will also record the duration of the discussion and whether the Councillor left the Meeting.

## **91. Council Staff**

1. Must act in accordance with the Staff Code of Conduct.
2. Must not exercise a delegation or make a decision on any matter if they have a conflict of interest.
3. May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at rule 98(1) of these Governance Rules.

## **92. Procedure for Disclosures of Conflicts of Interest**

1. Council staff must disclose the existence of all conflicts of interest in writing to the Chief Executive Officer.
2. All conflicts of interest disclosed by Council staff will be provided to the Executive Assistant Corporate Services for recording in the register of Conflicts of Interest.
3. A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
  - a. The number and qualifications of other people providing advice regarding the same matter is equal or greater
  - b. The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area
  - c. The staff member's Director determines that the conflict of interest has not influenced the advice provided
  - d. The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

## **CHAPTER 10 – COUNCILLORS STANDING FOR STATE OR FEDERAL ELECTIONS**

### **93. State and Federal Elections**

Councillors must familiarise themselves with the relevant laws and other related Council policies.

Local Government experience provides for a recognised track record on which to stand for State or Federal elections. As a prospective or nominating candidate, a Councillor needs to ensure they continue to act with integrity, avoid potential conflicts of interests and the perception of misuse of their position and Council resources.

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

When considering standing for Federal or State Parliament, Councillors must consider these duties and requirements under *the Act*, including standards of conduct and potential conflicts of interest.

These standards of conduct require Councillors to do everything reasonably necessary to ensure they perform the role effectively and responsibly, ensuring they are fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to Act in that capacity and must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

Councillors must comply with the conflict of interest provisions outlined in sections 126 to 136 of *the Act* as well as the *Local Government (Governance and Integrity) Regulations 2020*. Managing conflicts of interest is about ensuring the integrity and transparency of decision making. Councillors nominating for Federal or State Parliament must ensure their private interests as a nominee do not affect their public duties and they do not use their position as Councillor for personal benefit. Councillors must disclose any conflicting interests and not participate in decision making processes on matters where they have a conflict of interest.

*The Act* also provides it is an offence if a Councillor intentionally misuses their position to gain or attempt to gain an advantage for themselves or for any other person, including by using public funds or resources in a manner that is improper or unauthorised.

Section 34(2)(a) of *the Act* specifies a person is not qualified to be a Councillor and ceases to hold the office, if they are member of either the Victorian Parliament, the Commonwealth Parliament, or of another State or Territory of the Commonwealth Parliament. Therefore, a Councillor must resign immediately if they are successful in a State or Federal election.

#### **94. Requirements for Prospective Candidate**

1. A Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a State or Federal election (a Prospective Candidate), must provide written advice to the Chief Executive Officer (CEO), as soon as practicable, who will then provide notification to all Councillors.
2. A Councillor who is a Prospective Candidate, must declare their intended candidacy at a Meeting of the Council as soon as practicable after notifying the CEO.
3. A Councillor who nominates as a candidate for a State or Federal election (a Nominated Candidate), must apply for leave of absence from the Council and this leave of absence is to commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election (Nomination Date) and conclude no earlier than the close of voting for the election. During this period, a Councillor who is on a leave of absence will not attend Meetings of the Council or otherwise act as a Councillor.
4. A Councillor must request for the Councillor allowance to be ceased for the period they are on leave of absence.
5. Any Councillor / staff relationship protocol which the Council has in place in respect of the election period prior to a Council election, must be observed by a Nominated Candidate and this will apply from their Nomination Date until the close of voting for the election.
6. A Council, upon receiving an application for a leave of absence from a Councillor who is a Nominated Candidate or who intends to become a Nominated Candidate, will consider this as a reasonable request and approve that application.
7. A Councillor who is a Prospective Candidate or a Nominated Candidate will declare conflicts of interest that may pertain to their conflicting role as a candidate.
8. A Councillor who is a Prospective Candidate or a Nominated Candidate, will differentiate between their role as a State or Federal election candidate and role as a Councillor when making public comment.
9. A Councillor who is a Prospective Candidate or a Nominated Candidate, must not use Council resources, including Council staff, equipment and facilities in relation to their candidacy.
10. A Councillor who is a Prospective Candidate or a Nominated Candidate, must not use Council activities, including Council Meetings, events, network Meetings and Council-related external activities in relation to their candidacy.
11. A Councillor must resign immediately if they are successful in a State or Federal election.

## **CHAPTER 11 – MISCELLANEOUS**

### **95. Integrity and Confidentiality**

1. All Councillors and members of Delegated Committees are subject to the requirements of these Governance Rules adopted under section 60 of the *Act*.
2. Councillors and members of Delegated Committees shall not directly or indirectly disclose or make available to any person any information relating to the work or discussions of the Council Meeting or Delegated Committee Meeting that is or was in their possession except in accordance with such terms and in such a manner as approved by the Council.
3. A person who is, or has been, a Councillor or member of a Delegated Committee are subject to the provisions of section 123 of *the Act* . This section places responsibilities on Councillors or members of a Delegated Committee associated with the access to information, in particular around its use and misuse. An offence under section 123 of *the Act* is an indictable offence.
4. A Councillor or a member of a Delegated Committee must not intentionally misuse their position to:
  - a. Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person
  - b. To cause, or attempt to cause, detriment to the Council or another person
  - c. Make improper use of information acquired as a result of the position the person held or holds
  - d. Disclosing information that is confidential information
  - e. Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff
  - f. Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform
  - g. Using public funds or resources in a manner that is improper or unauthorised
  - h. Participate in a decision on a matter in which the person has a conflict of interest.

## **96. Confidential information**

A person who is, or has been, a Councillor or a member of a Delegated Committee, must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information. This provision does not apply if the information that is disclosed is information that the Council has determined should be publicly available or is exempt in accordance with Section 125(3) of *the Act* .

## **97. Personal Interest**

Under section 133 of *the Act* a Councillor, Chief Executive Officer, member of a Delegated committee (who is not a Councillor) or nominated officer (as nominated by the CEO) must lodge an initial and or biannual personal interest return in accordance with *the Act*.

## **98. Delegations**

Councils have wide-ranging responsibilities, and have been given many powers, duties, and functions under different pieces of legislation. For day to day operations, Councils need others to make decisions and act on their behalf.

1. A Council may by instrument of delegation delegate to:

- a. The members of a Delegated committee
- b. The Chief Executive Officer —

any power, duty or function of a Council under *the Act* or any other Act other than a power, duty or function specified in section 11(2) of *the Act* .

## **99. Change of Council Policy**

1. Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held by Council.
2. It is good practice for Council to review significant policies at least once in each Council term (every 4 years) and such reviews may lead to change in policy position.
3. Subject to this rule, if Council wishes to change a Council policy, a formal notice of rescission is not required.
4. If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comment sought, prior to the policy being changed.

## 100. Joint Council Meetings

Regional collaboration provides benefits through collective procurement, increased advocacy, and alignment for major projects. While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in *the Act*.

1. Council may resolve to participate in a Joint Council Meeting to consider:
  - a. Collaborative projects
  - b. Collaborative procurement
  - c. Emergency Response.
2. If Council has resolved to participate in a Joint Council Meeting, the Chief Executive Officer will agree on governance rules with the participating Councils.
3. Where the Glenelg Shire is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will be nominated to Chairperson the Joint Council Meeting.
4. Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
5. A joint briefing arranged in accordance with sub-rule (4) may be held electronically.

## 101. Use of the Common Seal

Council is a body corporate and must have a Common seal. The common seal must bear the name of the Council, be kept at the Council office, and be used in accordance with any applicable law.

1. Security of the Common Seal
  - a. The Chief Executive Officer must keep the Common Seal in safe custody.
2. Signature to Accompany Common Seal

Every document to which the Common Seal is affixed must be signed by the Chief Executive Officer with the Council's Sealing clause:

The Common Seal of the Glenelg Shire Council was hereto affixed in accordance with the Glenelg Shire Governance Rules.

This .....day of.....20.....

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



## APPENDICES

### APPENDIX ONE – ELECTION PERIOD POLICY

#### COUNCIL POLICY

<b>TITLE:</b>	ELECTION PERIOD POLICY
<b>ID NUMBER:</b>	CPO-CORPS-GE-008
<b>DEPARTMENT:</b>	Corporate Services
<b>UNIT:</b>	Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services

<b>ADOPTED DATE AND BY WHOM:</b>	Version 1: Adopted by Council on 22 March 2016 Version 1.1: Minor administrative amendments made following review 10 September 2019. Version 1.2 Further amendments made following review introduction of LG Act 2020 Adopted by Council on 12 December 2023
<b>EXPIRY DATE:</b>	12 December 2027
<b>REVIEW DATE:</b>	12 June 2027 <i>This policy will be reviewed every four years or as required by any legislative or Council changes.</i>

<b>AVAILABILITY:</b>	Organisation wide Public Internet	Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> No <input type="checkbox"/> No <input type="checkbox"/>
<b>ADVISE AVAILABILITY:</b>	Media Release Sou Wester (Responsible Officer to prepare article)	Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> No <input type="checkbox"/>

## 1. References

### [Local Government Act 2020](#)

Glenelg Shire Council, Records Management Policy OPO-CORPS-RECM-001 (DocSetID: 1933907)

Glenelg Shire Council Governance Rules (DocSetID: 2726760)

## 2. Introduction

During an 'Election Period' Local Government goes into caretaker mode to avoid actions and decisions which could be seen to be influencing voters, providing an advantage to a Councillor standing for election, or which will have a significant impact on the incoming Council.

This Policy explains to our community how Council will conduct business immediately prior to an election to ensure transparency and probity.

This Policy applies during an 'Election Period' and covers:

- (a) Decisions that are made by Council, a committee of Council or a person acting under delegation from Council or the Chief Executive Officer
- (b) Material that is published by Council
- (c) Attendance and participation in functions and events
- (d) The use of Council resources
- (e) Access to Council information
- (f) Media advice and support
- (g) The role of Councillors and Staff.

## 3. Purpose

Glenelg Shire Council is committed to the conduct of democratic, open, fair and honest Local Government elections within its area and therefore adopts the practices detailed within this Policy in addition to legislative requirements.

This Policy has been developed in order to ensure that general elections for Glenelg Shire Council are conducted in a manner that is fair and equitable and is capable of withstanding public scrutiny.

#### 4. Scope

This Policy applies to all Councillors and Council Staff during the 'Election Period'.

#### 5. Principles

The Glenelg Shire Council is committed to:

- the conduct of democratic, open, fair and honest Local Government elections within its area
- ensuring that all candidates are treated equally
- ensuring that the ordinary business of Local Government continues throughout the 'Election Period' in a responsible and transparent manner and in accordance with statutory requirements and established 'caretaker' conventions
- ensuring that the ongoing ordinary business of Council is kept separate from councillors' activities which relate to the election
- ensuring that in the run up to the election, Council does not make decisions which inappropriately bind the next Council
- ensuring that Council 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.

#### 6. Election Period

The 'Election Period' for the October 2024 Local Government general elections commences at the time that nominations close on the scheduled nomination day until 6pm election day. A period of 32 days. The election is scheduled for the 26 October 2024.

##### 6.1 Election Period Legislative Requirements

Specific requirements have been incorporated into *the Act* that require Council to develop an 'Election Period' policy that prohibit Council making inappropriate or major policy decisions, or publishing or distributing electoral matter during the 'Election Period'.

The following is a summary of the key requirements of *the Act* during the 'Election Period':

*Section 69(1)* requires Councils to include an 'Election Period' policy in its Governance Rules.

*Section 69(2)* prohibits certain Council decisions during the 'Election Period' – including

- a. decisions relating to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer
- b. commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year. For clarification under the 23/24 Budget this amount will be \$326k.
- c. decisions that Council considers could be reasonably deferred until the next Council is in place
- d. decision that Council considers should not be made during an election period.

*Section 69(3)* An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

Any Council decision made in contravention of the above is invalid.

## **7. Council Policy**

### **7.1 Council Decisions**

This section of the Policy applies to decisions made by the Council, or a person acting under delegation given by the Council or Chief Executive Officer (CEO).

During the 'Election Period' the following will apply;

- Council Meetings will continue to be convened, however, the Agenda will not include any item that could lead to an inappropriate decision under section 69 (2) of *the Act* . Any matter considered at a Meeting will only be those matters necessary for the continued day-to-day operation of the Council.
- Council Committees (if applicable) will continue however where possible recommendations to Council will be following the conclusion of the 'Election Period'.
- External Committees with Councillor representation may continue; however, no media will be undertaken by Council or Councillors pertaining to their representation on the Committee during the 'Election Period'.
- Councillor Updates will continue although only for items confined to the ordinary day-to-day business of Council.
- Any items that could reasonably be deferred to the next Council Meeting will not be tabled during the election period.
- Councillor Workshops and Briefing Sessions will continue for matters only necessary for the continued day-to-day operation of the Council.

If Council considers that there are extraordinary circumstances where the Glenelg Shire's community would be significantly disadvantaged by the Council not making a particular 'Major Policy Decision', the Council will, by resolution, request an exemption from the Minister for Local Government in accordance with section 177 of *the Act* for an exemption from a compliance obligation.

### **7.1.1 Agenda Items, Motions and Confidential Items**

As a general principle, Council Officers should, as far as practicable, avoid scheduling decisions for the 'Election Period' and instead ensure that major policy decisions are either:

- a. Considered by Council prior to the election period
- b. Scheduled for consideration by the incoming Council.

Council Officers will carefully vet any agenda items being proposed for consideration by Council to ensure they are not inappropriate decisions, major decisions or that could encourage councillor candidates to use the item as part of their electioneering.

Councillors will refrain from moving motions or discussing matters at a Meeting that could potentially influence voting at an election.

### **7.1.2 Types of Decisions to be Avoided**

The following are examples of the types of decisions that will be avoided during the 'Election Period':

- a. Allocation of community grants or other direct funding to community organisations
- b. Major planning scheme amendments
- c. Adoption or changes to the strategic objectives and strategies of the Council
- b. Decisions that significantly affect the municipality and unreasonably bind the incoming Council.

## **8. Material that is published by Council**

### **7.2.1 Electoral Matter**

Electoral matter is any matter that is intended or likely to affect voting in an election and includes (but is not limited to) material that deals with the election, candidates or issues of potential contention in 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; and publicises the achievements of the elected Council

## **7.2.2 Existing Publications**

Any publication containing electoral matter that might reasonably influence the election that is on public display in libraries, customer service centres and other public Council facilities will be temporarily removed during the 'Election Period'.

## **7.2.3 Publication of Promotional Material**

Council organised events should not be undertaken during the election period if possible. Where such events are approved by the CEO any material concerning a Council organised or sponsored function or event which will be published or distributed during the 'Election Period' must not contain electoral material.

No election material or active campaigning is to be conducted at Council organised or sponsored events and functions.

## **7.2.4 Website**

Material published on any Council website prior to the commencement of the 'Election Period' 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'.

Councillor contact information will remain on the website during the 'Election Period' but Councillors' profiles will be removed.

## **7.2.5 Social Media**

Council staff will monitor their respective social media sites and remove any posts that may be considered electoral material.

Council auspiced social media must not be used for election campaigning. The ability for members of the public to post comments on Council's social media sites will continue during the 'Election Period' however posts that refer to candidates or could be regarded as electoral material will be removed.

## **7.2.5 Annual Report**

Council is required by *the Act* to produce and place on public display a copy of its Annual Report. The Annual Report will be published during the 'Election Period' and will not contain any material that could be regarded as electioneering or that promotes individual Councillors. It will fulfil its statutory obligations on reporting in accordance with *the Act* and the *Local Government (Planning and Reporting) Regulations 2020*.

In the year of a general election, a Council must, after submitting the annual report to the Minister under section 100 (2) of *the Act*, hold a Meeting to consider the Annual Report no later than the day before the election day.

## **7.3 Attendance and participation in functions and events**

Reference to events and functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities

and social occasions such as dinners, receptions and balls.

### **7.3.1 Public Events Conducted by External Bodies**

Councillors may continue to attend events and functions during the 'Election Period'.

### **7.3.2 Council Events and Functions**

Council organised events and functions held during the 'Election Period' should only be those essential to the operation of the Council and are subject to approval by the CEO.

### **7.3.3 Speeches/Keynote Addresses**

Councillors should not give speeches or keynote addresses at Council organised or sponsored events and functions during the 'Election Period'.

Councillors may make short welcome speeches at Council organised or sponsored events and functions during the 'Election Period' without reference to electoral material.

### **7.3.4 Public Consultation**

Public consultation means a process that involves inviting individuals, groups or organisations or the community generally to comment on an issue or proposed action or proposed policy, and which includes discussion of that matter with the public.

Council will not commission or approve any public consultation if such consultation is likely to run into the 'Election Period' unless prior approval is given by the CEO.

Some public consultation activities may be necessary during the 'Election Period' to facilitate the day-to-day business of Council. Any such public consultations will avoid express or implicit links to the election.

Where public consultation is approved to occur during the 'Election Period' the results of that consultation will not be reported to Council until after the 'Election Period', except where approved by the CEO.

Where a matter or issue has potential to become contentious or politically sensitive during the 'Election Period', the consultation maybe postponed if it is likely to affect potential voting in the election.

### **7.3.5 Publicity campaigns**

During the 'Election Period', publicity campaigns, other than for the purpose of conducting the election will be avoided wherever possible. If a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO.

Council publicity during the 'Election Period' will be restricted to communicating normal Council day to day activities and initiatives.

### **7.3.6 Statutory Requirements**

Consultation required under legislation such as the *Planning and Environment Act 1987*, or *Local Government Act* will only be undertaken during the 'Election Period' to facilitate the day-to-day business of Council.

## **7.4 The use of Council resources**

### **7.4.1 Inappropriate Use of Council Resources**

Section 304(1) (2) of *the Act* prohibits the use of Council resources during the 'Election Period' which are intended to or likely to affect the result of an election.

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

The 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 the provision of Council resources to Councillors.

### **7.4.2 Council Resources for Normal Council Business**

Council resources including officers, support staff, hospitality, equipment and stationery, must only be used for normal Council business during the 'Election Period' and must not be used in connection with an election unless the conduct of the election is within the scope of the employees' duties.

Councillors must not use their Council owned mobile phone, laptop computer or councillor emails for the purposes of electioneering during the 'Election Period'.

### **7.4.3 Mayoral Vehicle**

The Mayoral vehicle during the 'Election Period' will not be used for any activity related to the electioneering of any candidate.

### **7.4.4 Expenses Incurred by Councillors**

Payment or reimbursement of costs relating to Councillor out of pocket expenses incurred during the 'Election Period' should only apply to necessary costs that have been incurred in the performance of normal Council duties. Costs associated with a Councillor's election campaign or costs that could be perceived as supporting or being connected with another Candidate's election campaign are not permitted.

### **7.4.5 Council Branding and Stationery**

Councillors may publish campaign material on their own behalf but cannot purport for the material to be originating from, or authorised by, the Glenelg Shire Council.



Council logos, letterheads or other Glenelg Shire Council promotional branding cannot be used for or linked in any way to a Candidate's election campaign.

## **7.4.6 Council Buildings**

Election material from candidates is not permitted to be displayed in Council leased or managed facilities.

## **7.5 Access to Council information**

### **7.5.1 Councillor Correspondence**

All Candidates have an equal right to access information from the Council administration. However, neither Councillors nor Candidates will be provided information or advice from Council staff that might be perceived to support an election campaign.

### **7.5.2 Information and Briefing Material**

Information and briefings provided by Council staff to Councillors during the election period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

### **7.5.3 General Correspondence**

General correspondence addressed to Councillors will be answered as usual. However, Councillors may sign only the necessary minimum correspondence during the 'Election Period' and correspondence in respect to significant, sensitive or controversial matters should be signed by the CEO or by a Director. Replies will be prepared so as to protect Council staff from perceptions of political bias.

## **7.6 Media advice and support**

Council's media service is intended to promote Council activities or initiatives and must not be used in any way that might benefit a Candidate.

Media releases will not refer to or attribute phrases to specific Councillors.

Where it is necessary to identify a spokesperson, the CEO or his delegate will be consulted.

## **7.7 Others matters not specified**

### **7.7.1 Improper Use of Position**

Section 123 of *the Act* prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in the role of Councillor, to gain advantage.

### **7.7.2 Councillors**

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

### 7.7.3 Council staff

During the 'Election Period' no Council staff member may make any public statement that relates to an election issue unless the statements have been approved by the Chief Executive Officer.

## 8. Records Management

All Council records created and managed as a result of implementing this policy will be managed in accordance with the Council's Records Management Policy.

The Records Management Policy assigns responsibilities for records management to employees, supervisors, volunteers and other specific positions.

No Council records are to be destroyed without consideration of the requirements of *the Act* (s) that govern the functions relevant to this policy. Prior to destruction, advice must be sought from the Information and Data Unit, with consideration to the requirements of the appropriate Retention and Disposal Authority (RDA).

### Victorian State Legislation Copyright Acknowledgement

*Extracts from legislation of the Parliament of the State of Victoria, Australia, are reproduced with the permission of the Crown in right of the State of Victoria, Australia. The State of Victoria accepts no responsibility for the accuracy and completeness of any legislation contained in this publication.*

*© State of Victoria, Australia. Copyright of legislation referenced in this publication is owned by the Crown in right of the State of Victoria, Australia.*