



Glenelg Shire Council

Notice of Meeting and Agenda

Statutory Council Meeting Wednesday 8 November 2023

Notice is hereby given that a Statutory Council Meeting will be held in the Council Chamber, Glenelg Shire Offices, 71 Cliff Street, Portland commencing at **6:00 pm** on the above date for the purpose of transacting the business on the attached Agenda.

DAVID HOL

Acting Chief Executive Officer

Date of Issue: Wednesday 1 November 2023

Invited: Councillor Scott Martin
Councillor Michael Carr
Councillor John Northcott
Councillor Karen Stephens
Councillor Gilbert Wilson
Acting Chief Executive Officer, Mr David Hol
Director Assets, Mr Stuart Husband
Chief Information Officer, Ms Ann Kirkham
Director Community Services, Ms Jayne Miller
Organisational Development Manager, Ms Shelley Bourke

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1. PRESENT**2. OPENING PRAYER**

Lord, we ask you for your blessing upon Council, direct and prosper its deliberations to the advantage of Thy Glory, and the true welfare of the people whom we serve.

3. ACKNOWLEDGEMENT OF COUNTRY

On behalf of this Glenelg Shire Council, I respectfully acknowledge the traditional lands and waters of the Gunditjmara, Jardwadjali and Boandik people and their respective culture heritages. I acknowledge the elders past and present here at today's gathering and through them, to all Aboriginal people.

Aboriginal and Torres Strait Islander People provide an important contribution to Australia's cultural heritage and identity. We respectfully acknowledge the Aboriginal and Torres Strait community living throughout the Glenelg Shire and the contribution they make to the Glenelg Shire's prosperity and wellbeing.

4. RECORDING OF MEETINGS

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published. Council meetings maybe livestreamed and the Chief Executive Officer will enable a copy of the recording to the public.

5. RECEIPT OF APOLOGIES

Chief Executive Officer, Mr Paul Phelan.

6. REPORTS

6.1. MAYORAL REPORT 2022/2023

Mayoral Report 2022-2023

6.2. DETERMINATION OF MAYORAL TERM OF OFFICE

Director: David Hol, Acting Chief Executive Officer

Executive Summary

Section 26 (3) of the *Local Government Act 2020* provides that 'At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council and must be determined by resolution of Council whether the Mayor is to be elected for a 1 year or 2 year term.

Recommendation

That Council:

1. Elects a Councillor to the position of Mayor for a term of one year.

OR

2. Elects a Councillor to the position of Mayor for the term of two years.

Background/Key Information:

Clause 6.1 of the 'Glenelg Shire Council Governance Rules, 'Election of the Mayor, Deputy Mayor and appointment of Acting Mayor'. states that the term of office for the Mayor can be for either one or two years.

In addition to the above, Section 26 (3) of the *Local Government Act 2020* states '*that before the election of the Mayor, a Council must determine by resolution whether a Mayor is to be elected for a 1 year or a 2 year term.*'

Section 26 provides that:

1. The Mayor is to be elected no later than one month after the date of a general election;

If the Mayor is to be elected for a 2-year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable; and

A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.

The term of office for previous Mayors of the Glenelg Shire Council has traditionally been a one-year term.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

Under section 26 (3) of the *Local Government Act 2020*, states before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

c. Consultation and/or communication processes implemented or proposed

Nil.

d. Financial Implications and Collaboration

The cost of Council Meetings are included in the Glenelg Shire Councils budget.

e. Governance Principles

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

The transparency of Council decisions, actions and information is to be ensured.

Attachment List

Nil

6.3. ELECTION OF THE MAYOR FOR 2023/2024

Director: David Hol, Director Corporate Services

Executive Summary

Section 25 (1) of the *Local Government Act 2020* provides that: 'At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.' The Chief Executive Officer will invite Councillors to nominate.

Cr _____ nominated Cr _____ for the position of Mayor for the 2023/2024.

The nomination was seconded by Cr _____.

Those voting for Cr _____:

Recommendation

Cr _____ is duly elected to the position of Mayor 2023/2024 for a term of one/two years.

Mayor Cr _____ assumed the Chair.

Background/Key Information:

The Departmental Procedure titled 'Election of the Mayor', included in the Governance Rules circulated with this report, specifies the way in which the Election of the Mayor is to be conducted.

Following the Election of the Mayor, the newly elected Mayor will be invited by the Chief Executive Officer to come forward to be presented with the mayoral medallion.

The Chief Executive Officer will then invite the newly elected Mayor to assume the Chair.

The newly elected Mayor will address the meeting.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

Under section 25 (1) of the *Local Government Act 2020*, states that at a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.

c. Consultation and/or communication processes implemented or proposed

Nil.

d. Financial Implications and Collaboration

The cost of Council Meetings are included in the Glenelg Shire Councils budget.

e. Governance Principles

The transparency of Council decisions, actions and information is to be ensured.

Attachment List

1. Glenelg Shire Council Governance Rules Adopted 27 September 2022 [6.3.1 - 82 pages]

Glenelg Shire Council **Governance Rules**



Adopted 27 September 2022

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Introduction

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 are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Overview and Decision Making
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committee
Chapter 5	Meeting Records - Minutes
Chapter 6	Election of the Mayor, Deputy Mayor, and Appointment of Acting Mayor
Chapter 7	Election Period Policy
Chapter 8	Disclosure of Conflict of Interests
Chapter 9	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;

Agreement of Council means indicative agreement of all of the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote.

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*;

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) which reports directly to the Chief Executive Officer;

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

Interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;

making comments that are defamatory, malicious, abusive or offensive;

refusing to leave the Meeting when requested, ordered, or directed to do so by the Chairperson in accordance with the *Act* and the Governance Rules; 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

Foreshadowed Item means at the time designated in the meeting agenda, a Councillor may foreshadow an item to be submitted for consideration at the next Council Meeting;

Majority of the Votes means a majority of Councillors present at the time of a vote voting in favour of 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.

CHAPTER 1 - GOVERNANCE OVERVIEW & DECISION MAKING**1.1 Context**

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 Policies

1.2 Date of Commencement

These Governance Rules commenced on 25 August 2020 and were updated and adopted on the 27 September 2022.

1.3 Revocation of Meeting Procedure Local Law

On the commencement of these Governance Rules, the Glenelg Shire Council Meeting Procedure is revoked.

1.4 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; and
 - 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

2.1 Purpose

The purpose of this Chapter is to:

- a. Provide for the procedures governing the conduct of Council Meetings;
- b. Set the behaviour for those participating in or present at Council Meetings.

2.2 Notices and Agendas

2.2.1 Date, Time, and Place of Meetings

1. Council must fix the date, time, and place of all Council Meetings for a (12) twelve-month period at a meeting of Council, at which the Mayor and Deputy Mayor are elected, no later than one month closest to the end of the Mayoral term as is reasonably practicable.
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.

2.2.2 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) business days before the Meeting. A period of less than three (3) business 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 at least once each year and with such greater frequency as the Chief Executive Officer determines. The schedule of Council Meetings must also be available from Council's Customer Service Centres, on Council's website in an accessible format when requested, and contained in an advertisement in all local newspapers within in the Shire.

4. The Chief Executive Officer or their delegate has responsibility for ensuring compliance with rule 2.2.2.
5. Meetings are in person unless the provisions of rule 2.3.1 apply.

2.2.3 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 sub-Rule 2.2.3(1), setting out the reasons for the exercise of that power, and any matters taken into consideration.

2.2.4 Unscheduled Meetings

1. The Mayor, or three Councillors may 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; and
 - 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.
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 notice 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 notice, may be considered at an unscheduled Meeting, unless all Council, by unanimous resolution determine to admit another matter.

2.3 Meetings held via Virtual means

This section only applies to Council Meetings and Delegated Committees not Councillors Workshops.

As required under the Section 61 of the *Local Government Act 2020* (LG Act) a Councillor must be present to be entitled to vote.

This section outlines the ability for Council to permit Councillors attending virtually to meet the obligations of Section 61 LGA 2020.

2.3.1 Attendance

1. Councillors and members of Delegated Committees who wish to attend a meeting via virtual means may submit a request to the Mayor or Chairperson.
 - a. The submission must be made in writing or email, each time a Councillor wishes to attend virtually;
 - b. The request must be made no later than 8 hours prior to the commencement of the meeting, unless exceptional circumstances arise which are approved by the CEO.
2. Consideration to attendance will be given in circumstances such as:
 - a. Isolation requirements; and
 - b. Requiring quorum; and
 - 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 via virtually whilst on leave; and
 - b. To avoid the necessity to travel
4. A member's attendance can only be recorded as present where the member can confirm that
 - They can hear proceedings;
 - They can see other members in attendance and can be seen by other members;
 - They can be heard (to speak).

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

2.3.2 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.

2.3.3 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.

2.3.4 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.

2.3.5 Conflicts of Interest

Disclosure of conflicts of interest and rules relating to conflicts of interest remain as per Chapter 8 Councillors/Members must be removed from proceedings where required.

2.4 Quorum

2.4.1 Quorum – Council Meeting

No business can be transacted at a Council Meeting unless 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.

2.4.2 Inability to Obtain a Quorum

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

- a. The meeting will be deemed to have lapsed;
- b. The Chairperson 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; and

- c. The Chief Executive Officer must give all Councillors and the public, where required by the Act, written notice of the meeting convened by the Chairperson.
- d. 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.

2.4.3 Inability to Maintain a Quorum due to Declarations of Conflict of Interests

1. 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*.
2. If a decision on the business item is still unable to be made due to an inability to maintain a quorum for the reasons of conflict of interest, then a delegated committee must be established by the Council in accordance with section 67(4) of the *Act* 2020.

2.5 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 Chairperson, who will advise the meeting: or
 - b. By seeking another 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 Mayor. To avoid confusion, submitting an apology does not automatically constitute a request for leave of absence.
4. The Mayor will seek to have any leave of absence request 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 Mayor prior to the meeting.
6. Council will not unreasonably withhold its approval of a leave of absence request.

7. That 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.

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.

2.6 Business of Meetings

2.6.1 Order of Business

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

No business can be dealt with at a Meeting unless it is:

- a. Contained on the Agenda; or
- b. Admitted as Urgent Business in accordance with rule 2.6.3.
- c. Admitted by resolution of Council

2.6.2 Change to order of business

1. Sub rule 2.6.1 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 after consulting with the Mayor.
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; and
 - (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.

2.6.3 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; and
 - 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; or
 - d. The item involves a matter of urgency as determined by the Chief Executive Officer; and
 - e. It cannot be addressed through an operational service request process.
 - f. Provided the matter does not:
 - Substantially affect the levels of Council service;
 - Commit Council to significant expenditure not included in the adopted budget;
 - Establish or amend Council Policy; or
 - Commit Council to any contractual arrangement.

2.6.4 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. Extensions of a Meeting will be in block periods of 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.

2.7 Addressing the meeting

2.7.1 Councillor allowed to speak uninterrupted

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; or
- c. Another Councillor raises a Point of Order.

2.7.2 Addressing the Meeting

1. Except for the Chairperson or Chief Executive Officer, any person who addresses the meeting must direct all remarks through the Chairperson.
2. A person must stand to address the meeting, unless permitted to remain seated by the Chairperson (for example, to accommodate disability, illness, injury, or pregnancy).
3. Any person addressing the Chairperson must refer to the Chairperson as:
 - a. Mr Mayor; or
 - b. Madam Mayor; or
 - c. Mayor; or
 - d. Chair; or
 - e. Mr Chair; or
 - f. Madam Chair; as the case may be.
4. All Councillors, other than the Mayor, must be addressed as Cr (Surname).
5. All Council staff must be addressed by their official title and name (example Director <<Department>>, <<Title>> <<Surname>>).

2.8 Motions and Amendments

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 so they can be displayed to the meeting.

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.

2.8.1 Notices of Motion – Councillors may propose Notices of Motion

1. A Notice of Motion must be in writing signed by a Councillor, and be 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 the legal and 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.
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; or
 - 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; and
 - f. Is submitted during Election Period.

- g. Relates to a matter that can be addressed through the operational service request process; and
- h. Is a Motion to rescind a resolution and which does not meet the requirements of rule 2.8.15.

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.

- 6. 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.
- 7. The Chief Executive Officer must ensure all Notices of Motion to be sequentially numbered, dated, and entered in a register.
- 8. 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.
- 9. 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.
- 10. 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.
- 11. 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 months from the date it was lost.

2.8.2 Moving a Motion

The procedure for moving any Motion is:

- 1. The mover must state the Motion without speaking in support of it;
- 2. 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;
- 2. If there is a seconder, the Chairperson asks if the Motion is opposed.
- 3. If opposition, mover speaks to the Motion
- 4. Either seconder speaks to the Motion, or the Chairperson calls for Councillors to speak against the Motion

5. Right of reply (refer 2.8.4)
6. Amendments (refer 2.8.5)
7. Vote

2.8.3 Chairperson's duty relating to Motions

The Chairperson must not accept any Motion which:

1. Is defamatory; or
2. Is objectionable in language or nature; or
3. Is contrary to legislation, vague or unclear in its intention; or
4. Is outside the powers of Council; or
5. Is not relevant to an item of business on the Agenda and has not been admitted as urgent business; or
6. Purports to be an amendment but is not.

2.8.4 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.

2.8.5 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 in the event that 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.

2.8.6 Foreshadowing Motions

1. At any time during debate a Councillor may foreshadow a Motion so as to inform Council of their intention to move a Motion at the next Council Meeting/or later in the Council Meeting, but this does not extend any special right to the foreshadowed Motion.
2. A Motion foreshadowed may be prefaced with a statement that, in the event 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.

2.8.7 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 with the Agreement of Council.

2.8.8 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.

2.8.9 Motions in writing

- a. All Motions, except procedural Motions must be submitted in writing.
- b. 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.

2.8.10 Debate must be relevant to the Motion

- a. 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.
- b. 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.

2.8.11 Adequate and sufficient debate

- a. 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.
- b. 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.
- c. Once the views put are representative of the views of all Councillors or Members the debate would be regarded as sufficient.

2.8.12 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; and
 - 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.

2.8.13 Procedural Motions

1. Unless otherwise prohibited, and subject to rule 2.8.14, 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. Regardless of any other provision in these Governance Rules, a Procedural Motion must be dealt with in accordance with the table at rule 2.8.14.
4. A Procedural Motion may not be moved or seconded by the Chairperson.
5. Unless otherwise provided, debate on a Procedural Motion is not permitted and the mover does not have a right of reply.
6. Unless otherwise provided, a Procedural Motion must not be amended.

2.8.14 Procedural Motions table:

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral) ...'	Any Councillor who has not moved or seconded the original Motion or otherwise spoken to the original Motion	(a) During the election of the Mayor/Deputy Mayor; or (b) When another Councillor is speaking	Consideration/debate on the Motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh Motion may be put and debated	Debate continues unaffected	Yes
Deferral of a matter indefinitely	'That the debate on this matter be deferred until further notice.'	Any Councillor who has not moved or seconded the original Motion or otherwise spoken to the original Motion	(a) During the election of the Mayor/Deputy Mayor; or (b) When another Councillor is speaking	Consideration/debate on the Motion and/or amendment is postponed but may be resumed: (a) at the same Meeting upon resolution to resume; or (b) at any later Meeting if on the Agenda	Debate continues unaffected	Yes
Adjournment of the Meeting to a later hour/date	'That the Meeting be adjourned until...'	Any Councillor	(a) During the election of a Mayor/Deputy Mayor; or (b) When another Councillor is speaking	Meeting adjourns immediately until the stated time or date.	Meeting continues unaffected	Yes
Adjournment of the Meeting indefinitely	'That the Meeting be adjourned until further notice.'	Any Councillor	(a) During the election of a Mayor/Deputy Mayor; or (b) When another Councillor is speaking	Meeting adjourns immediately until further notice.	Meeting continues unaffected	Yes

Closure (of debate)	'That the Motion now be put'	Any Councillor who has not moved or seconded the original Motion or spoken for/against the original Motion	During nominations for a Chairperson Note: the Chairperson will not accept a closure Motion if the Motion on which it is proposed has not been sufficiently debated.	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the Motion	Debate continues unaffected	No
Laying a Motion on the table (pausing debate)	'That the Motion be laid on the table'	A Councillor who has not spoken for/against the Motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the next Meeting	Debate continues unaffected	No
Take a Motion from the table (resume debate on a matter)	'That the Motion in relation to xx be taken from the table'	Any Councillor	When no Motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the <i>Agenda</i>	No
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor	During a second extension of time for a meeting; and During the election of the Mayor/Deputy Mayor	The rules of the meeting are temporarily suspended for the specific reason given in the Motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No

<p>Close the meeting to members of the public for consideration of confidential matter(s)</p>	<p>That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx <i>is confidential as it relates to [insert reason]</i></p>	<p>Any Councillor</p>	<p>During the election of the Mayor/Deputy Mayor</p>	<p>The meeting is closed to members of the public</p>	<p>The meeting Continues to be open to the public</p>	<p>Yes</p>
<p>Close the meeting to members of the public for security reasons</p>	<p>That, in accordance with section 66(2)(b) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for security reasons.</p>	<p>Any Councillor</p>	<p>(a) During the election of the Mayor/Deputy Mayor; (b) If Council has not made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.</p>	<p>The meeting is closed to members of the public</p>	<p>The meeting Continues to be open to the public</p>	<p>Yes</p>
<p>Close the meeting to members of the public to enable the meeting to proceed in an orderly manner</p>	<p>That, in accordance with section 66(2)(c) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public to enable the meeting to proceed in an orderly manner.</p>	<p>Any Councillor</p>	<p>(a) During the election of the Mayor/Deputy Mayor; (b) If Council has not made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.</p>	<p>The meeting is closed to members of the public</p>	<p>The meeting Continues to be open to the public</p>	<p>Yes</p>
<p>Reopen the meeting</p>	<p>'That the meeting be reopened to members of the public'</p>	<p>Any Councillor</p>	<p>When the meeting has not been closed to members of the public.</p>	<p>The Meeting is reopened to the public</p>	<p>The meeting remains closed to the public</p>	<p>No</p>

<p>Proceeding to the next item of business</p>	<p>'That the meeting proceed to the next item of business.'</p>	<p>Any Councillor</p>	<p>During the election of the Mayor/Deputy Mayor</p>	<p>(a) If carried in respect of a Motion, its effect is to remove that Motion from consideration (b) If carried in respect of an amendment, its effect is to dispose of the amendment and debate resumes upon the substantive Motion.</p>	<p>Debate is resumed at the point of interruption</p>	<p>Yes</p>
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2.8.15 Notice of Rescission Motion

It should be remembered that a notice of rescission is a form of Notice of Motion. Accordingly, all provisions in this Chapter regulating Notices of Motion equally apply to notices of rescission.

1. 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.
2. An actual Notice of Motion to rescind or alter a previous resolution of Council must be delivered to the Chief Executive Officer within 10 days of the end of the meeting at which the resolution was made setting out:
 - a. The resolution to be rescinded; and
 - b. The meeting and date when the resolution was carried.
3. A resolution will be deemed to have been acted on if:
 - a. Its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or
 - b. A statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.
4. A Notice of Motion to rescind cannot be proposed as an item of urgent business.
5. The Chief Executive Officer or an appropriate officer must defer implementing a resolution which:
 - a. Has not been acted on; and
 - b. Is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-rule 2.unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.
6. If Lost
If a Motion for rescission is lost, a similar Motion may not be put before Council for at least three months from the date it was last lost, unless Council resolves that the Notice of Motion be re-listed at a future Meeting.
7. If Not Moved
If a Motion for rescission is not moved at the meeting at which it is listed, it lapses.

8. May be Moved by any Councillor

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

2.8.16 Foreshadowed Items

1. At the time designated in the Meeting Agenda, a Councillor may foreshadow an Item to be submitted for consideration at the next meeting by indicating, when called on to do so by the Chairperson, the subject matter of the foreshadowed item.
2. The subject matter, as indicated by the Councillor, of a foreshadowed item will be recorded in the Minutes.
3. No discussion or debate is allowed on a foreshadowed item.
4. A foreshadowed item will have no further formal status at that Council Meeting.
5. Foreshadowed items are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council Meeting.
6. If a Councillor does not submit a Notice of Motion for the next Council Meeting, no further action on a Foreshadowed Item will occur.

When Not Required:

1. Unless sub-rule 6(2) applies, a Motion for rescission is not required where Council wishes to change policy.
2. The following standards apply if Council wishes to change policy:
 - a. If the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to Council; and
 - b. Any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

2.9 Voting

2.9.1 How a matter is determined

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.

2.9.2 Voting – by show of hands

1. Voting on any Motion will be by show of hands.
2. All Councillors present are required to 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.

2.9.3 Recount of Vote

The Chairperson may direct that the vote be re-counted as often as may be necessary to be satisfied of the result.

2.9.4 Declaration of Vote

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

2.9.5 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.

2.9.6 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.

2.9.7 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.

2.9.9 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.

2.9.10 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 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 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.

2.9.11 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.

2.9.12 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 unless requested to stand by the Chairperson for the purposes of a division

2.10 Suspension of Standing Orders for the Purpose of Discussion

1. To temporarily remove the constraints of formal meeting procedure and allow full discussion or clarification of an issue, Council may, by resolution, suspend standing orders in accordance with the procedural Motion table at Rule 2.8.14.
2. Suspension of standing orders should not be used purely to dispense with the processes and protocol of the governance of Council.
3. No Motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, except a Motion to resume standing orders.
4. No Motion to suspend standing orders can be accepted by the Chairperson during a second extension of time for a Meeting.

2.11 Points of Order

1. A Point of Order is taken when a Councillor draws the attention of the Chairperson to an alleged irregularity in the proceedings.
2. 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; or
 - g. Any act of Disorder.
3. 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.
4. 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.
5. A Point of Order must be raised by stating 'Point of Order' and the alleged irregularity being raised.
6. The expression of difference of opinion or to contradict a speaker is not a Point of Order.

2.11.1 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,

2.11.2 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.

2. A Motion of dissent on a Point of Order must contain the provision, rule, practice, or precedent in substitution for the Chairperson's ruling.
3. A Motion of dissent in the Chairperson's ruling must, if seconded, be given priority to all other items of business and a substitute Chairperson must be elected to preside while the Motion is being considered.
4. The substitute Chairperson must put questions relative to the ruling to the Chairperson first, and then to the mover of the Motion.
5. The substitute Chairperson must conduct a debate on the Chairperson's ruling, and the matter must be decided by a majority vote.
6. The Chairperson must then resume for the remainder of the meeting.

2.12 Presentations

At each meeting there is an opportunity for Councillors to present any ceremonial type material including certificates of appreciation, awards, plaques or the like, which have been presented to the Glenelg Shire Council.

2.13 Questions of Council

2.13.1 Community questions and participation

At each meeting there is an opportunity for members of the community to ask questions of the Council.

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 by the Chief Executive Officer to the Mayor prior to the meeting and read out by the Mayor on behalf of the community member.

2.13.2 Question Time Guidelines

1. The Council will hold Question Time for up to 30 minutes duration at the beginning of each Council Meeting to allow community questions of Council. Extension of time may be granted by resolution of Council.
2. Questions of Council are an opportunity for the community to submit a written question prior to or at the Council Meeting and receive a response from Council in the Questions of Council time.
3. Questions submitted at a Council Meeting must be:
 - a. In writing, preferably on the form provided by the Council (template available on Council's website or at the meeting);
 - b. Contain the name and contact details of the person submitting the question.
 - c. 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.
4. Questions of Council will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66(1) of the *Act*.
5. A question of Council may be on any matter except if it:
 - a. Is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
 - b. Relates to confidential information as defined under the *Act*;
 - c. Relates to the personal hardship of any resident or ratepayer; or
 - d. Relates to any other matter which the Council considers would prejudice the Council or any person.
6. No more than three questions will be accepted from any person at any one meeting.

7. Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
8. Copy of the questions allowed by the Chief Executive Officer will be provided in writing to Mayor.
9. A question submitted by a member of the public, which has been disallowed by the Chief Executive Officer will be provided to any Councillor on request.
10. Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.

2.13.3 Response

1. All questions are to be directed to the Mayor who has discretion to respond, take the question on notice or redirect to a staff member.
2. Where possible the question will be answered at the Council Meeting, or if unable to be answered at the Council Meeting the question will be taken on notice.
3. The question will then be referred to the relevant Officer for a response in writing to the community member within 10 working days. This response will be provided in the next Council Meeting agenda.

2.14 Deputations

The purpose of deputations to Council is for when Council is determining planning applications, to allow objectors and applicants an opportunity to address Council.

For any other groups or associations that wish to be heard at a Deputation, the group or association will be heard at a Councillor Workshop, in accordance with the Deputation procedure.

Where applications for planning permits are to be heard at a Council Meeting, the following procedure may be followed:

1. The applicant and any submitters will be notified in writing that the application is to be brought before the Councillors.
2. The applicant and any submitters may make a request to the Mayor for a deputation.

3. Deputations are to be limited to 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.
4. Deputations by objectors are to be made first.
5. Deputation by applicant is to be made last.
6. No debate or questions are permitted during Deputations.
7. If required, Officers are to present to Council when listed on the Council Agenda.

2.15 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 *Local Government Act 2020*, as outlined in sub rule (3);
 - b. There are security reasons; or
 - 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 sub rule (1)(a) 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.*

2.16 Petitions and joint letters

1. Any petition or joint letter received will be tabled at the next available Council Meeting, subject to sub-rule (3).
2. Council may resolve to receive the petition or joint letter and to refer the matter for a report or appropriate action as required to the next appropriate meeting of the Council, unless the Council agrees to deal with it earlier.
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. Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence. (Penalty: 10 penalty units)
 - i. Include the name and contact details of the principal petitioner
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 sub rule (3) of these Governance Rules, where possible.
6. For the purpose of compliance with sub rule (3)(i) the petitioner supporting the online petition must include their name, physical address and email address.
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*; or
 - b. A 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation;

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.

2.17 Behaviour During Council Meetings

2.17.1 Electronic Devices

Any person in attendance at a Council Meeting must ensure that their electronic device is turned off or switched to silent.

2.17.2 Behaviour during Council Meetings

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).

The Mayor may require a Councillor to withdraw any statement which is defamatory, indecent, abusive, offensive or disorderly.

2.17.3 Criticism of Council Staff

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.

2.17.4 Gallery to be Silent

Visitors must not interject or take part in the debate of any item of business before the Council.

Silence must be maintained by members of the public in the gallery at all times.

2.17.5 Display of Posters, Banners, Flags and Placards

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; or
- b. Obstruct the entrance to the Council Chamber or a building where a meeting is being or is about to be held; or
- c. Obstruct the view or physically impede any person.

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.

2.17.6 Chairperson May Remove

1. Members of the public present at a Council Meeting must not interject during the Council Meeting.
2. 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; and
 - b. If the person continues to interject or gesticulate offensively, the removal of the person.
3. The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.
 - a. In causing a person's removal under sub-rule 2(b), or the removal of an object or material under sub-rule 3, the Chairperson may ask the Chief Executive Officer, an Authorised Officer, or a member of Victoria Police to remove the person, object, or material.
 - b. Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction will be guilty of an offence.

2.18 Chairperson and Members

2.18.1 Duties of all Decision-Makers

1. The Chairperson, Councillors and Members of Delegated Committees will ensure good Council decision-making by endeavouring to ensure:
 - a. Decision making is transparent to members and observers;
 - b. Meeting members have sufficient information to make good decisions;
 - c. Every member is supported to contribute to decisions;
 - d. Any person whose rights are affected has their interests considered;
 - e. Debate and discussion is focussed on the issues at hand;
 - f. Meetings are conducted in an orderly manner.
 - g. Decisions should be made on the merits of the matter.

2.18.2 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; and
 - 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;
6. The Chairperson may direct that a vote be recounted to be satisfied of the result; and
7. The Chairperson must decide on all points of order.

2.18.3 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, sub-rule (1) does not intend to limit the powers of the Mayor provided in the *Act*.

2.18.4 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.

2.18.5 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.

2.18.6 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; or
2. Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
 - a. The Chairperson, under section 19 of the Act, having previously warned the Councillor at that Council Meeting to cease that behaviour, may direct a Councillor 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 sub-rule 2(a) 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 sub-rule 3 the Chairperson may ask the Chief Executive Officer, an Authorised Officer, or a member of Victoria Police to remove the Councillor.

2.19 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 - MEETING PROCEDURE FOR DELEGATED COMMITTEES

3.1 Overview

Council may establish Delegated Committees in accordance with section 63(1) of the Act. A Delegated Committee must include at least 2 Councillors and may include any other persons appointed to the delegated committee by the Council who are entitled to vote.

3.1.1 Governance Rules Apply

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; and
 - c. A reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
3. Notwithstanding Rule 3.1.1, if Council establishes a Delegated Committee that is not composed solely of Councillors:
 - a. Council; or
 - b. The Delegated Committee, with the approval of Council;may resolve that any or all the provisions of Chapter 2 are not to apply to a meeting of the Delegated Committee, in which case the provision or those provisions will not apply until Council resolves, or the Delegated Committee with the approval of Council resolves, otherwise.

2.1.2 Chairperson of Delegated Committee

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; or
- b. If the Councillor appointed by the Council or the Mayor to chair meetings of the Delegated Committee is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the Delegated Committee who are present at the meeting.

CHAPTER 4 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEE**4.1 Overview**

1. Council may establish a Community Asset Committee, for the Purpose of managing a community asset in the municipal district.
4. 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.

4.1.1 Meeting Procedure

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

CHAPTER 5 – MEETING RECORDS**5.1 Meeting Records - Minutes****5.1.1 Keeping of Minutes**

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

5.1.2 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 s61(5) 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; and
- 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.

5.1.3 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 7 business days after the Council or Delegated Committee Meeting to which they relate; and
 - b. Members of the public, by publishing them on Council's website, within 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 theMeeting held on <<day>>, <<month>>, <<year>> be confirmed.';
 - b. 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).....'.
3. 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.
4. Once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed.

The Minutes must be registered into Council's electronic records management system, with the signed version of the minutes being transferred to the Public Records Office of Victoria.

5.2 Prohibition of Unauthorised Recordings of Meetings

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 Council Meeting.

5.3 Recording of Proceedings – Live streaming

- 5.3.1** The Chief Executive Officer (or appointed delegate) may enable all or part of the proceedings of a meeting to be recorded as live stream vision and made available to the public via the Council's website
- 5.3.2** Any confidential Council Meetings or confidential/closed sections of any Council Meetings are not streamed live, and the live streaming is turned off. There is no vision recorded.
- 5.3.3** Where Council experiences technical difficulties in being able to broadcast a meeting to the public the meeting may be adjourned for up to 15 minutes for the issue to be resolved. The meeting may continue if a resolution is unable to be identified.

CHAPTER 6 - 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.

6.1 Determining the election of the Mayor

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

1. A Mayor is to be elected no later than one month after the date of a general election.
2. Before the election of the Mayor, a Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2-year term.
3. A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.
4. 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.
5. 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).
6. The Mayor must be elected by an absolute majority of the Councillors. for the Glenelg Shire Council the absolute majority is four Councillors, regardless of how many Councillors attend the meeting.
7. 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.
8. In this section, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.
9. If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor subject to an absolute majority of votes.
10. The office of Mayor elected by the Councillors becomes vacant:
 - a. At the time and on the day of the election of the next Mayor; or
 - b. On the day the Mayor resigns from the office of Mayor by giving the Chief Executive Officer a written notice of resignation; or
 - c. On the day the Mayor ceases to hold the office of Councillor; or
 - d. On the day the Mayor's office as a Councillor is suspended for any period; or

- e. On the day the Mayor becomes ineligible to hold the office of Mayor as a result of a decision by a Councillor Conduct Panel; or
- f. On the day the office of Mayor is declared vacant by the Council in accordance with section 23 of the Act.

6.1.1 Method of Voting

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

6.1.2 Temporary Chairperson

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

6.1.3 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 subject to an absolute majority of votes.
 - b. If only two nominations are received, 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 a majority of votes, that candidate is duly elected as the Mayor.
 - c. If more than two nominations are received, the Chief Executive Officer proceeds by asking the Council to vote on each candidate in the order of the nominations received.
 - d. When item (c) is completed, 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).
 - e. 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.
 - f. When there are only two candidates remaining, the same procedure is conducted as specified in item (b),

6.1.3 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:

- a. Each candidate shall draw one (1) lot;
- b. 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
- c. If more than two candidates have an equal number of votes:

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).

The Chief Executive Officer declares the successful candidate elected as the Mayor.

6.1.4 Mayor to Take Chair

After the election of the Mayor is determined, the Mayor will take the Chair.

6.2 Ceremonial Mayoral Speech

Upon being elected, the Mayor may make a ceremonial speech to outline the priorities for the year ahead based on the adopted Council Plan.

6.3 Election of Deputy Mayor

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; or
- (b) The Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) The office of Mayor is vacant.

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.

Any election for:

1. Any office of Deputy Mayor;

Will follow the Election of the Mayor process of these Governance Rules, to the extent that they are applicable.

6.4 Appointment of Acting Mayor

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; or
- b. The Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- c. The office of Mayor is vacant;

Council must appoint a Councillor to be the Acting Mayor in accordance with section 20B of *the Act*.

6.5 Councillor Allowances – Mayor, Deputy Mayor, and Councillors

Section 39 of *the Act* describes the application of allowances for Mayors, Deputy Mayors, and Councillors.

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 7 - ELECTION PERIOD POLICY**(Appendix One: Election Period Policy)**

1. The Election Period Policy forms part of these Governance Rules.
2. 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.
3. At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
4. 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.
5. 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.
6. During the election period prior to a general Council election or by by-election, Council Meetings held during the election period will not consider any urgent business, conduct public question time, or receive any deputations or delegations.

CHAPTER 8 - DISCLOSURE CONFLICT OF INTEREST**(Appendix Two: Declaration of Conflict of Interest Form)****8.1 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; and
 - c. Disclose or declare conflicts of interest.

8.2 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.

8.2.1 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; and
 - b. The nature of their conflict of interest; and
 - c. The circumstances that give rise to the conflict of interest.
2. If a Councillor or member of a Delegated Committee has a conflict of interest in a 'confidential' item, then the Councillor or Delegated Committee Member must not read the item in the Agenda and advise the Chief Executive Officer in accordance with sub rule (1)(a).

3. 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.
4. 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 at sub rule (1) prior to leaving the meeting.
5. 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.

8.2.2 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.

8.3 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 8.3.1 of these Governance Rules.

8.3.1 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; or
 - b. The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
 - c. The staff member's Director determines that the conflict of interest has not influenced the advice provided; and
 - 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 9 – COUNCILLORS STANDING FOR STATE OR FEDERAL ELECTIONS

9.1 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.

9.2 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 pursuant to Guideline 1.
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 10 – MISCELLANEOUS

10.1 Integrity and Confidentiality

All Councillors and members of Delegated Committees are subject to the requirements of these Governance Rules adopted under section 60 of the *Local Government Act 2020*.

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.

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.

A Councillor or a member of a Delegated Committee must not intentionally misuse their position to:

- Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person;
- To cause, or attempt to cause, detriment to the Council or another person;
- Make improper use of information acquired as a result of the position the person held or holds;
- Disclosing information that is confidential information;
- Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff;
- Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform;
- Using public funds or resources in a manner that is improper or unauthorised; or
- Participate in a decision on a matter in which the person has a conflict of interest.

10.2 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.

10.3 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.

10.4 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.

A Council may by instrument of delegation delegate to:

- a. The members of a delegated committee; or
- 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.

10.5 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 sub rule (4), 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.

10.6 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; and
 - 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.

10.7 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

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.

Thisday of.....20.....

APPENDICES

APPENDIX ONE – ELECTION PERIOD POLICY



COUNCIL POLICY

TITLE:	ELECTION PERIOD POLICY – Version 1.1
DOCUMENT NUMBER:	CPO-CORPS-GE-008
DEPARTMENT:	Corporate Services
UNIT:	Corporate Services
RESPONSIBLE OFFICER:	Director Corporate Services <i>Checked</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

APPROVED BY:	Council
APPROVAL DATE:	Version 1: Adopted by Council on 22 March 2016 Version 1.1: Minor administrative amendments made following review 10 September 2019.
EXPIRY DATE:	23 September 2024
REVIEW DATE:	1 July 2024 Section 93B(2) of the Act requires that the Policy must be reviewed not later than 12 months before the commencement of each subsequent general election period.

AVAILABILITY:	Staff – Unit only	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Staff – Department only	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Staff – Organisation wide	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Public	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Internet	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
ADVISE AVAILABILITY:	Media Release	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Sou Wester (Author to prepare article)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Email designated Groups & Staff	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

REFERENCES: (If applicable)	<i>Local Government Act 1989</i> (the Act) Local Government Victoria - Governance Practice Note No. 5 - 9 March 2012 Glenelg Shire Council, Records Management Policy OPO-CORPS-RECM-001
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1. 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 special committee of Council or a person acting under delegation from Council or the Chief Executive Officer;
- (b) Any 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; and
- (f) Media advice and support.

2. 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 publicly perceived as such.

3. Scope

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

4. 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; and
- 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.

5. Election Period

The 'Election Period' for the 2020 Local Government general elections **commences at midday on 22 September 2020 until 6pm on 24 October 2020**. A period of 32 days.

5.1. 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 93B requires councils to adopt and maintain an 'Election Period' policy.

Section 82A requires the 'Election Period' policy to be published on Council's website.

Section 93A prohibits Council from making 'major policy decisions' during the 'Election Period' – including decisions to award contracts beyond the threshold that requires a competitive tender process, decisions on certain entrepreneurial activities and decisions about the Chief Executive Officer's employment and remuneration.

Section 55D prohibits Council from publishing or distributing electoral matter during the 'Election Period', unless certified by the Chief Executive Officer.

Section 76D prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in the role of Councillor, to gain advantage.

6. Council Policy

6.1. Ordinary Council Meetings / Assemblies of Councillors / Committees & Advisory Committees / Councillor Updates

During the minimum 'Election Period' the following will apply;

- Ordinary Council Meetings / Special Councils Meetings and extraordinary Council Meetings will continue to be convened, however, the Agenda will not include any item that could lead to an inappropriate decision (s.93B of the Act) or requiring a major policy decision (s.93A of the Act). Any matter considered at a meeting closed to the public will only be those matters necessary for the continued day-to-day operation of the Council.
- Assemblies of Councillors will continue, although only with the CEO or his delegate present. The CEO or delegate will ensure that items discussed are confined to the ordinary day-to-day business of Council.
- Special Committees (s86) of Council will cease.
- Advisory Committees will continue however where possible recommendations to Council will be following the conclusion of the 'Election Period'.
- External Committees with Councillor representation will 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. The CEO will be required to certify these updates.
- Councillor Workshops and Briefing Sessions will continue but only for items that are to be considered at a meeting of Council during the 'Election Period'.

6.2. Decisions

6.2.1. Who does this part of the policy apply to?

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

6.2.2. Preventing Inappropriate Decisions

Section 93B(3)(a) of the Act requires the election period policy to include procedures intended to prevent the Council from making inappropriate decisions during the election period.

As defined by the Act ***inappropriate decisions*** made by a Council during an election period includes any of the following —

- (a) decisions that would affect voting in an election;
- (b) decisions that could reasonably be made after the election.

During the 'Election Period' Council will avoid making decisions that significantly affect the municipality and unreasonably bind the incoming Council.

6.2.3. Major Policy Decisions

During the 'Election Period', s.93A of the Act prohibits Council making major policy decisions. Any major policy decision made during the 'Election Period' is deemed to be invalid under the Act.

A **major policy decision** as defined by the Act means a decision:

- Relating to the employment or remuneration of a Chief Executive Officer (CEO), other than a decision to appoint an acting CEO;
- To terminate the appointment of a CEO;
- To enter into a contract the total value of which exceeds \$150,000 for goods and services and \$200,000 for works; or
- To exercise an entrepreneurial decisions under s.193 of the Act if the sum assessed under s.193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of Council's revenue from rates and charges levied under s.158 in the preceding financial year.

6.2.4. Extraordinary Circumstances

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 s.93A(2) of the Act.

6.2.5. Agenda Items, Motions and In-camera

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; or
- (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.

6.2.6. 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;
- (d) Decisions that significantly affect the municipality and unreasonably bind the incoming Council.

6.2.7. Considerations for the Chief Executive Officer in Giving Approval

For a major policy decision referred to the Chief Executive Officer that is not expressly prohibited under s.93A of the Act, the CEO will need to have regard to a range of factors including:

- (a) Whether the decision is 'inappropriate or significant';
- (b) The urgency of the issue (that is, can it wait until after the election?);
- (c) The possibility of financial repercussions if it is deferred;
- (d) Whether the decision is likely to be controversial; and
- (e) The best interests of Council.

6.2.8. Announcement of decisions made prior to the Election Period?

To avoid doubt, this policy applies only to the actual making of decisions, not the announcement of decisions which have been made prior to the 'Election Period'. However, as far as practicable such announcements should be made before the 'Election Period' begins.

6.3. Council Resources

6.3.1. Inappropriate Use of Council Resources

Section 93B(3)(a) of the Act prohibits the inappropriate use of Council resources during the 'Election Period'.

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.

6.3.2. Council Resources for Normal Council Business

All approaches to Council staff, including support staff, by Councillors during the 'Election Period' must be referred to the relevant Director or the CEO. Council resources including officers, support staff, hospitality, equipment and stationery, should be used exclusively for normal Council business during the 'Election Period' and should not be used in connection with an election.

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

6.3.3. Mayoral Vehicle

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

6.3.4. Councillor 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.

6.3.5. 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 claimable.

If a Councillor seeks reimbursement of expenses that cover a combination of Council and electoral business, the CEO may approve a partial reimbursement to cover Council activities.

6.3.6. Council Branding and Stationery

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.

6.4. 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.

6.4.1. Approval for Public Consultation

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

If consultation must be undertaken during the 'Election Period' the Council will justify to the community the special circumstances making it necessary and how risks of influencing the election will be mitigated or prevented.

6.4.2. Results of Consultation

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.

6.4.3. Statutory Requirements

Consultation required under the *Planning and Environment Act 1987*, or matters subject to section 223 of the Act will only be undertaken during the 'Election Period' to facilitate the day-to-day business of Council.

6.4.4. Right to Postpone

In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the 'Election Period', the consultation may be postponed if it is likely to affect potential voting in the election.

6.5. Events and Functions

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.

6.5.1. Public Events Conducted by External Bodies

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

6.5.2. 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. This may be varied by a Council resolution or where prior written approval has been granted by the CEO.

If a Council organised event or function must be undertaken during the 'Election Period' the Council will justify to the community the special circumstances making it necessary and how risks of influencing the election will be mitigated or prevented.

6.5.3. 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', subject to prior written approval from the CEO.

6.5.4. Publication of Promotional Material

In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the 'Election Period', such preparation must be consistent with the controls under Section 6.6 of this Policy.

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

6.6. Council Publications

6.6.1. Prohibited publications

It is prohibited under the Section 55D of the Act for Council:

- (a) To print, publish or distribute; or
- (b) To cause, permit or authorise others to print, publish or distribute on behalf of the Council;

any advertisement, handbill, pamphlet, or notice during the 'Election Period' unless it has been certified, in writing, by the CEO.

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

6.6.2. 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 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.

6.6.3. Councillors Campaign Material

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. For example the use of Council logos is not permissible.

6.6.4. Certification of Publications

Publications to be printed, published or distributed during the 'Election Period' must first be certified by the CEO.

The certification will be on, or affixed, to a copy of the publication and be in the following form:

'Certified by the Chief Executive Officer in accordance with section 55D of the Local Government Act 1989'

The interpretation of section 55D is extremely broad. Even though section 55D refers specifically to "an advertisement, handbill,

pamphlet or notice” it has been interpreted to refer to documents produced for the purpose of communicating with the community including:

- Council newsletters;
- Advertisements and notices, except newspaper notices of meetings;
- New website material;
- Media releases;
- Leaflets, brochures, pamphlets, handbills, flyers, magazines and books;
- Reports (other than agenda papers and minutes in accordance with section 6.6.7);
- Social media publications (including Facebooks and Twitter posts);
- Mass mail outs or identical letters to multiple addresses;
- Emails with multiple addresses, used for broad communication with the community;
- Material to publicise a function or event; and
- Any publication or distribution of Councillors’ speeches.

All these publications will require certification by the Chief Executive Officer prior to publication and must not contain electoral matter.

Documents published before the ‘Election Period’ commences (but still available after commencement) or required to be published in accordance with, or under, any Act or regulation do not require certification.

6.6.5. Website

Material published on any Council website prior to the commencement of the ‘Election Period’ is not subject to certification, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the ‘Election Period’.

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

All new website material to be published may need to be certified by the CEO.

6.6.6. 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 overt electioneering or that inappropriately promotes individual Councillors. It will fulfil its statutory obligations on reporting in accordance with the Act and the Local Government (Planning and Reporting) Regulations 2014.

In the year of a general election, a Council must, after submitting the annual report to the Minister under section 133(1) of the Act, hold a meeting to consider the Annual Report no later than the day before the election day.

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

Note: If the proposed printing number of Annual Reports is greater than usual, this is subject to the certification process.

6.6.7. Council and Committee Agendas and Minutes

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

6.6.8. Social Media

During normal business hours council staff monitor their respective social media sites.

Any publication on social media sites like Facebook, Twitter, Instagram and blog sites, which are auspiced by Council, will generally require certification by the CEO. 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'.

During the 'Election Period' council monitoring will extend to twice per day for all non-business days. Posts or material that refer to candidates or could be regarded as electoral material will be removed.

6.6.9. Existing Publications

All existing pamphlets and other publications do not require certification. However 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'.

6.7. CEO Considerations when Considering Approval

When a matter is referred to the CEO under this Policy which is not expressly prohibited by this Policy, the CEO will need to have regard to a number of considerations when deciding whether to give approval:

- (a) Whether the decision is 'inappropriate or significant';
- (b) The urgency of the issue (i.e. can it wait until after the election?);
- (c) The possibility of financial repercussions if it is deferred;
- (d) Whether the decision is likely to be controversial; and
- (e) The best interests of the Council.

6.8. Information

6.8.1. Equitable Access to Council Information

All Candidates have an equal right to access information relevant to their election campaign 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. There shall be complete transparency in the provision of all information and advice to Councillors and Candidates during the 'Election Period'.

6.8.2. 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.

6.8.3. Information Request Register

An Information request register will be maintained commencing on the opening of nominations. This register will be a public document (available for inspection) that records all requests for information of a non-election nature by all candidates, and the responses given to those requests.

6.9. Improper Use of Position

Section 76D 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.

6.10. Media and Media Service

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.

6.10.1. Media advice

Requests for media advice or assistance from Councillors during the 'Election Period' should be directed to the CEO or relevant Director.

No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors or candidates.

6.10.2. Media Releases/Spokespersons

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.

Media releases will require certification by the CEO.

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

6.10.4. 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.

6.10.5. 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 or the relevant Director.

7. 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 Records Management Unit, with consideration to the requirements of the appropriate Retention and Disposal Authority (RDA).

8. Victorian State Legislation Copyright Acknowledgement

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APPENDIX TWO – CONFLICT OF INTEREST DECLARATION FORM

 Conflict of Interest Declaration Form	
Name of Councillor:	Meeting Date:
Meeting Type and Name of Meeting:	
<input type="checkbox"/> Council Meeting (s.61)	<input type="checkbox"/> Delegated Committee Meeting (s.63)
<input type="checkbox"/> Unscheduled Council Meeting	<input type="checkbox"/> Asset Committee Meeting (s.65)
<input type="checkbox"/> Councillors Workshop	<input type="checkbox"/> Advisory Committee


Declaration by Councillor regarding a Conflict of Interest being: (please tick appropriate box):

General Conflict Interest

OR Private Interest Public Duty

Material Conflict of Interest

- | | | | |
|---|--------------------------|---|--------------------------|
| A | <input type="checkbox"/> | E | <input type="checkbox"/> |
| B | <input type="checkbox"/> | F | <input type="checkbox"/> |
| C | <input type="checkbox"/> | G | <input type="checkbox"/> |
| D | <input type="checkbox"/> | H | <input type="checkbox"/> |

Agenda Item No.	Agenda Item Title	Short description of Conflict
	Date:	Signed: 

The personal information requested on this form is being collected by the Glenelg Shire Council for municipal purposes as specified in the *Local Government Act 2020*. The Council will use this information only for the specific purpose of collection or for directly related purposes. The information will not be disclosed except as required or specifically authorised by law. You may request access to any personal information that Council may have collected about you. Also, you may request correction of your personal information if you can establish that it is not accurate or complete. Such requests should be directed to Council's Privacy Officer on telephone 03 5522 2305.

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General Conflict of Interest Section 127		Subject to section 129 (exemptions) a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty
	<i>Private Interest</i>	Private interests <u>means</u> any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;
	<i>Public Duty</i>	Public Duty means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.
Material Conflict of Interest Section 128		Subject to section 129, a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
	The benefit may <u>arise</u> or the loss incurred— (a) directly or indirectly; or (b) in a pecuniary or non-pecuniary form	
Affected person	For the purposes of this section, any of the following is an affected person— (a) the relevant person; (b) a family member of the relevant person; (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body; (d) an employer of the relevant person, unless the employer is a public body; (e) a business partner of the relevant person; (f) a person for whom the relevant person is a consultant, contractor or agent; (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee; (h) a person from whom the relevant person has received a disclosable gift.	
Disclosable Gift	For the purposes of subsection (3)(h), disclosable gift means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter— (a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or (b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation— but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee	
Exemptions	A conflict of interest does not arise if any of the following applies— (a) the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter; (b) the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors; (c) the relevant person does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances; (d) the interest only arises because the relevant person is the representative of the Council on a not-for-profit organisation that has an interest in the matter and the relevant person receives no personal advantage from the not-for-profit organisation; (e) the interest only arises because a family member of the relevant person is a member but not an <u>office-holder</u> of a not-for-profit organisation; (f) the interest only arises because the relevant person is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome <u>in regard to</u> the matter; (g) the interest arises in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the regulations.	

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6.4. ELECTION OF THE DEPUTY MAYOR FOR 2023/2024

Director: David Hol, Acting Chief Executive Officer

Executive Summary

To elect a Deputy Mayor for the Glenelg Shire Council for the 2022/2023 Mayoral year and be elected in accordance with Section 25 *Local Government Act 2020* and in line with 6.1.2 of the Glenelg Shire Council Governance Rules.

If Council resolves not to appointment a Deputy Mayor, an Acting Mayor will be appointed by resolution of Council when and if required.

Cr _____ nominated Cr _____ for the position of Deputy Mayor for the 2023/2024 term.

The nomination was seconded by Cr _____.

Those voting for Cr _____:

Recommendation

Cr _____ is duly elected to the position of Deputy Mayor 2023/2024 for a term of one/two years.

Background/Key Information:

Section 20A (1) of the *Local Government Act 2020* provides that a Council may establish an office of Deputy Mayor and provides provisions relating to the office of the Deputy Mayor.

The Governance Rules, separately circulated with this report, specifies the way in which the Election of the Mayor is to be conducted. The Election of the Deputy Mayor will follow the same procedure.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

The *Local Government Act 2020* section 20A (1), Council may establish an office of Deputy Mayor.

c. Consultation and/or communication processes implemented or proposed

Not Applicable.

d. Financial Implications and Collaboration

The cost of Council Meetings are included in the Glenelg Shire Councils budget.

e. Governance Principles

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

The transparency of Council decisions, actions and information is to be ensured.

Attachment List

Nil

6.5. ARRANGEMENTS FOR THE COUNCIL MEETINGS 2023/2024 FOR THE MAYORAL YEAR

Director: David Hol, Director Corporate Services

Executive Summary

In accordance with Glenelg Shire Council's Governance Rules section 2.2.1, Council must fix the date, time and place of all Council Meetings for a (12) twelve-month period at a meeting of Council which is to be held no earlier than the fourth Saturday in October and no later than 30 November in each year.

The date, time and place of all Council Meetings are to be made available to the public. 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.

Recommendation

That the Council Meetings for the 2023/2024 Mayoral Year be held on the following dates:

Tuesday 28 November 2023

Tuesday 12 December 2023

Tuesday 23 January 2024

Tuesday 27 February 2024

Tuesday 26 March 2024

Tuesday 23 April 2024

Tuesday 28 May 2024

Tuesday 25 June 2024

Tuesday 23 July 2024

Tuesday 27 August 2024

Tuesday 24 September 2024

Tuesday 22 October 2024 (to be held in Election Period)

- 2. That a Statutory Council Meeting be held on Wednesday 6 November 2024 commencing at 6.00pm in accordance with Section 25 (1) of the *Local Government Act 2020* for the purpose of electing a new Mayor.**
- 3. That the March and September Council Meeting be held at _____ and _____.**
- 4. That Council Meetings commence at 7.00pm on the dates specified in item 1 of this recommendation unless resolved otherwise.**
- 5. That the venue of Council Meetings be at the Portland Council Chamber unless resolved otherwise, as specified in Item 3 of this recommendation.**
- 6. That public notice of the dates, times and location for the Council Meetings be placed in the Portland Observer, Casterton News and on Council's website.**

Background/Key Information:

In accordance with previous Council decisions, Council Meetings have been held on the fourth Tuesday of each month except for December and subject to public holidays. Therefore, it is recommended that Council adopt the following dates for the monthly Council Meetings and Statutory Council Meeting for the 2023/2024 year.

In previous years Council meetings have been held in two locations around the Shire other than the Municipal Offices in Portland, as follows:

- 2013 (September) – Digby
- 2014 (February) Dartmoor - (September) Merino
- 2015 (March) Casterton - (September) Nelson
- 2016 (March) Digby - (September) Casterton
- 2017 (March) Narrawong - (August) Casterton
- 2018 (March) Heywood – (September) Casterton
- 2019 (March) Dartmoor – (September) Bridgewater
- 2020 – Due to COVID-19 Pandemic the meetings were held in Portland only
- 2021 – (March) - Dartmoor and due to COVID-19 Pandemic the Casterton meeting was held in Portland or via Microsoft Teams meeting.
- 2022 - (March) Casterton and (September) Heywood.
- 2023 – (March) Nelson and (September) Casterton

Council may consider continuing this practice in order to give easier access to residents of the Shire to attend the Council meetings in the Mayoral Year 2023/2024. Livestreaming began in January 2023 and has continued throughout the remainder of 2023.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

Not Applicable.

c. Consultation and/or communication processes implemented or proposed

Not Applicable.

d. Financial Implications and Collaboration

Council Meetings are included in the Glenelg Shire Councils adopted Budget each year.

e. Governance Principles

The transparency of Council decisions, actions and information is to be ensured.

Attachment List

Nil

7. CLOSURE OF COUNCIL MEETING