



Hindmarsh
Shire Council

Governance Rules

Adopted 31 August 2022

Hindmarsh Shire Council Governance Rules

Part 1	PRELIMINARY	7
1	Title.....	7
2	Purpose	7
3	Objectives	7
4	Role of Council	8
5	Overarching governance principles and supporting principles.....	8
6	Council decision making	9
7	Authorising provision.....	9
8	Commencement	9
9	Definitions	9
Part 2	THE MAYOR, DEPUTY MAYOR AND ACTING MAYOR.....	11
10	When is a Mayor to be elected	11
11	Election of Mayor.....	11
12	Election of Deputy Mayor	13
13	Acting Mayor	13
Part 3	COUNCIL MEETINGS	13
Division 1	Notice and Agendas	13
14	Dates and times of Ordinary Meetings.....	13
15	Council may alter meeting dates	13
16	Special meetings	14
17	Notice of meeting	14
18	Leave of absence	14
19	Postponement of meeting for an emergency	14
Division 2	Meetings and the use of electronic means of communication	15
20	Determination of meeting format	15
21	Meetings conducted in person.....	15
22	Meetings conducted by electronic means of communication	16
23	Adjustments to meeting rules	16
Division 3	Open Meetings.....	17
24	Meetings open to the public.....	17
25	Councillor Code of Conduct.....	17
Division 4	Quorums	17
26	Council meetings.....	17
27	Meetings of Delegated Committees.....	17

Hindmarsh Shire Council Governance Rules

28	Inability to gain a quorum	18
29	Inability to maintain a quorum.....	18
30	Inability to achieve or maintain a quorum due to conflicts of interests of Councillors	18
31	Notice of adjourned meeting.....	18
Division 5	Disclosure of conflict of interest.....	19
32	Council meetings and Delegated Committee meetings.....	19
33	Other meetings conducted under auspices of Council	20
34	Council staff	20
Part 4	MINUTES	21
35	Keeping of minutes.....	21
36	Confirmation of minutes.....	21
37	No debate on confirmation of minutes	21
38	Objection to confirmation of minutes.....	22
39	Deferral of confirmation of minutes	22
40	Contents of minutes	22
41	Availability of minutes	23
42	Recording of meetings.....	23
Part 5	BUSINESS OF MEETINGS	23
43	The order of business.....	23
44	Change to order of business.....	24
45	Chief Executive Officer may include items on an agenda	24
46	Time limits for meetings.....	24
Part 6	VOTING AT MEETINGS	24
47	How a motion is determined	24
48	Method of voting.....	24
49	Deciding Vote.....	24
50	When a division is permitted.....	24
51	Procedure for a division	25
52	Change between original vote and division.....	25
53	No discussion once declared.....	25
54	Application to Delegated Committee meetings	25
Part 7	ADDRESSING THE MEETING	25
55	Addressing the meeting.....	25
56	Suspension of standing orders	26
57	Interruption for point of order	26

Hindmarsh Shire Council Governance Rules

Part 8	OTHER MEETING PROCEDURES	26
Division 1	Matters not provided for.....	26
58	Matters not provided for.....	26
Division 2	Motions	26
59	Chairperson's duty	26
60	Moving a motion.....	26
61	Agreement to alter a motion	27
62	Right of reply	27
63	No right of reply for amendments	27
64	Moving an amendment.....	27
65	Who may propose an amendment.....	28
66	Who may debate an amendment.....	28
67	How many amendments may be proposed.....	28
68	An amendment once carried.....	28
69	Foreshadowing motions	28
70	Withdrawal of motions	28
71	Separation of motions.....	28
72	Motions in writing.....	29
73	Debate must be relevant to the motion	29
Division 3	Speaking times.....	29
74	Speaking times.....	29
75	Extension of speaking times by resolution of Council	29
76	When an extension can be proposed	29
77	No extension after next speaker has commenced	29
Division 4	Points of order.....	30
78	Procedure for point of order.....	30
79	Chairperson to decide	30
80	Chairperson may adjourn to consider	30
81	Final ruling on a point of order.....	30
82	Valid points of order	30
83	Contradiction of opinion.....	30
84	Adjournment and resumption of meeting	31
85	The closure	31
86	Adjourning the debate	31
87	Procedural motions	31
Division 5	Notice of motion	32

Hindmarsh Shire Council Governance Rules

88	Notice of motion	32
89	If notice of motion is lost	32
Division 6	Notice of amendment or rescission	32
90	Procedure.....	32
91	Listing notice on agenda.....	33
92	Criteria to amend or rescind a motion.....	33
93	If notice to amend or rescind is lost	33
94	If notice of amendment or rescission is not moved	33
95	May be moved by any Councillor.....	33
96	When not required.....	33
97	Councillor questions or general business	33
Division 7	Public participation	34
98	Public question or submission time.....	34
99	Conduct during Council Meetings	35
100	Chairperson may remove	35
Division 8	Additional duties of the Chairperson	35
101	The Chairperson's duties and discretions.....	35
Part 9	COMMON SEAL	36
102	The Council's Common Seal	36
103	Authority for use of Common Seal.....	36
Part 10	DELEGATED COMMITTEE MEETINGS	36
104	Minutes	36
105	Business of the meeting	36
106	Addressing the meeting.....	37
107	Motions and amendments	37
108	Notice of motion	38
109	Other matters	38
Part 11	CONFIDENTIAL INFORMATION.....	39
110	Confidential Information.....	39
Part 12	ELECTION PERIOD POLICY	40
111	Purpose.....	40
112	Scope.....	40
113	Election period.....	40
114	Definitions	40
115	Role of the Chief Executive Officer	41
116	Decision making.....	41

Hindmarsh Shire Council Governance Rules

117	Election statement.....	42
118	Council publications during the Election Period	42
119	Misuse of position.....	44
120	Council resources.....	44
121	Access to Council information	45
122	Media and media services	45
123	Equity in assistance to candidates.....	46
124	Communication	46
125	References.....	46

PART 1 PRELIMINARY

1 Title

Hindmarsh Shire Council Governance Rules

2 Purpose

The purpose of the Governance Rules is to provide for:

- (1) the conduct of Council meetings;
- (2) the conduct of meetings of Delegated Committees;
- (3) the form and availability of meeting records;
- (4) the election of the Mayor and the Deputy Mayor;
- (5) the appointment of an Acting Mayor;
- (6) an election period policy;
- (7) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a Delegated Committee at a meeting of the Council or a Delegated Committee;
- (8) the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a Delegated Committee;
- (9) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
- (10) the consideration and making of decisions on any matter being considered by the Council fairly and on the merits;
- (11) the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered; and
- (12) any other matters prescribed by the regulations made under the Act.

3 Objectives

The objectives of this Procedure are to:

- (1) provide a mechanism to facilitate the good governance of the Council through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner that acknowledges the role of local government within the Australian system of Government;
- (2) to promote and encourage community participation in the system of local government by providing mechanisms for the Council to ascertain the community's views and expectations;
- (3) to regulate and control the election of Mayor, any Deputy Mayor and the chairperson of any Delegated Committees;
- (4) to regulate and control the procedures governing the conduct of meetings including:
 - a. the notice required for meetings; and
 - b. the keeping of minutes;
- (5) to regulate and control the use of the Council's common seal;
- (6) to provide for the administration of the Council's powers and functions; and
- (7) to provide generally for the peace, order and good governance of the municipal district.

4 Role of Council

- (1) The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Hindmarsh municipal community.
- (2) Council will provide good governance through –
 - a. the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and
 - b. the Councillors of the Council performing their roles in accordance with the requirements of the Act;
- (3) In performing its role, Council may –
 - a. perform any duties or functions or exercise any powers conferred on Council by, or under, the Act or any other Act; and
 - b. perform any other functions that Council determines are necessary to enable Council to perform its role.
- (4) If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

5 Overarching governance principles and supporting principles

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

6 Council decision making

Council must consider, and make decisions on, any matter being considered by Council fairly and on the merits.

7 Authorising provision

The Council's power to make the Governance Rules is contained in section 60 of the Act.

8 Commencement

These Rules comes into operation on 19 August 2020.

9 Definitions

Unless contrary intention appears in these Governance Rules –

- (1) words defined in section 3 of the Act have the same meaning in these Governance Rules;
- (2) words have the following meaning in these Rules:

Act	means the <i>Local Government Act 2020</i>
Act 1989	means the <i>Local Government Act 1989</i>
Advisory Committee	means a committee established by Council, that provides advice to Council;
Agenda	means the notice of a meeting setting out the business to be transacted at the meeting;
Audit and Risk Committee	means the Audit and Risk Committee established under section 53 of the Act
Authorised Officer	means an Authorised Officer appointed under section 224(1) of the Act 1989.
Business Day	means a normal working day of the Council, usually Monday – Friday excluding declared Public Holidays
Chair	refers to the Chairperson.
Chairperson	means the person who chairs a meeting of the Council or Delegated Committee of the Council and includes an acting, temporary and substitute Chairperson;
Chief Executive Officer	means the person occupying the office of Chief Executive Officer of Council, and includes their delegate;
Council	means Hindmarsh Shire Council.

Hindmarsh Shire Council Governance Rules

Councillor	means a person who is an elected member of the Council.
Council meeting	means a meeting of the Council convened in accordance with these Governance Rules and includes Ordinary and Special meetings of the Council.
Delegated Committee	means a Delegated Committee established by Council under s63 of the Act;
Deputy Mayor	means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor;
Division	means a formal count of those for and those against a motion, generally called to remove any doubt as to whether the motion is supported or opposed.
Procedural Motion	means a motion dealing with the conduct of the meeting as referred in in clause 82.
Mayor	means the Mayor of Council and any person appointed by Council to be acting as Mayor;
Member	refers to a person who is entitled to vote at a meeting of the Council or a Delegated Committee of the Council.
Minister	means the Minister responsible for administering the Act.
Minutes	means the official record of the proceedings and decisions of a 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;
Quorum	means the minimum number of members of the Council or of a Delegated Committee of the Council required by this Procedure to be present in order to constitute a valid meeting of the Council or the Delegated Committee respectively.
Senior Officer	means— (a) the Chief Executive Officer; and (b) any other member of Council staff nominated as such in writing by the Chief Executive Officer.

Part 2 THE MAYOR, DEPUTY MAYOR AND ACTING MAYOR

10 When is a Mayor to be elected

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

11 Election of Mayor

- (1) The Chief Executive Officer must open the meeting at which the Mayor is to be elected and preside until a Mayor is elected,
- (2) The Chief Executive Officer will invite nominations for the office of Mayor.
- (3) Any nominations for the office of Mayor must be seconded by another Councillor.
- (4) Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor.

Single Nomination

- (5) If there is only one nomination, the candidate nominated must be declared to be duly elected.

Multiple Nominations and Candidate Elected On First Vote

- (6) If there is more than one nomination, the Councillors in attendance at the meeting must vote for one of the candidates.
- (7) In the event of a candidate receiving the votes of an absolute majority of Councillors, that candidate is declared to have been elected.

Three or More Nominations and No Candidate Obtaining Absolute Majority on First Vote

- (8) In the event that:
 - a. there are three or more candidates; and
 - b. no candidate receives the votes of an absolute majority of Councillors;

Hindmarsh Shire Council Governance Rules

the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates.

- (9) If one of the remaining candidates receives the votes of an absolute majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the votes of an absolute majority of Councillors. That candidate must then be declared to have been duly elected.
- (10) For the purposes of sub-Rules 11(8) and 11(9), if no candidate can be determined to have the fewest number of votes due to two or more candidates having an equality of votes then the candidate who is to be declared a defeated candidate will be determined by lot.
- (11) If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
 - a. each candidate who has an equal number of votes with another candidate or candidates will draw one lot;
 - b. the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - c. as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors).

Two Nominations or Two Remaining Candidates and No Candidate Obtaining an Absolute Majority on First Vote

- (12) In the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors in attendance at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- (13) If:
 - a. it is resolved to conduct a new election at a later date and time a new election will take place at on the date and at the time resolved upon. In that event the provisions of this Clause 11 will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be declared duly elected; and
 - b. it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be declared duly elected. If, after two or more further votes are taken neither candidate

receives the votes of an absolute majority of Councillors, the provisions of sub-clause 11(12) and 11(13) must again be followed.

12 Election of Deputy Mayor

- (1) The term for Deputy Mayor shall be the same as determined for the Mayor in 10(2).
- (2) Clause 10, other than subclause (2), applies to the election of a Deputy Mayor by the Councillors as if any reference in that clause to the Mayor was a reference to the Deputy Mayor.
- (3) Clause 11 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

13 Acting Mayor

- (1) Council must elect a Councillor to be the Acting Mayor when –
 - a. neither the Mayor or any elected Deputy Mayor is able for any reason to attend a Council meeting or part of a Council meeting; or
 - b. the Mayor and any elected Deputy Mayor are both incapable of performing the duties of the office of Mayor and Deputy Mayor respectively for any reason including illness; or
 - c. the office of Mayor and Deputy Mayor are vacant.
- (2) An appointment under subclause (1) must be for a period specified by Council.
- (3) If –
 - a. an appointment has not been made under subclause (1) or has expired; and
 - b. any of the circumstances specified in subclause (1)(a), (b) or (c) apply –Council must elect a Councillor to be the Acting Mayor for a period specified by Council.
- (4) An Acting Mayor –
 - a. must perform the role of the Mayor; and
 - b. may exercise any powers of the Mayor –until the circumstances specified in subclause (1) no longer apply or the period of the appointment expires, whichever first occurs.
- (5) If an Acting Mayor has been elected, unless inconsistent with the context or subject matter, a reference in the Act (except sections 20 and 23, Division 4 of Part 4 and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor.

PART 3 COUNCIL MEETINGS

Division 1 Notice and Agendas

14 Dates and times of Ordinary Meetings

The date, time and place of ordinary meetings of the Council are to be fixed by the Council from time to time and appropriate notice of such meetings must be provided to the public.

15 Council may alter meeting dates

The Council may change the date, time and place of any ordinary meeting of the Council which has been fixed and must provide reasonable notice of the change to the public.

16 Special meetings

- (1) The Chief Executive Officer must call a special meeting of Council when requested to do so by the Mayor, or two (2) councillors provided sufficient time to enable reasonable notice can be given to Councillors.
- (2) In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.

17 Notice of meeting

- (1) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be delivered to every councillor:
 - a. For an ordinary meeting, at least 5 days before the meeting;
 - b. For a special meeting, within a reasonable time before the meeting; and
 - c. For a Delegated Committee meeting, within a reasonable time before the meeting.
- (2) The notice of agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by email, post or be otherwise delivered to each councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the councillor.
- (3) A notice may be handed personally to a councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant councillor is held by the Chief Executive Officer.
- (4) To enable the processes of governance to be efficiently managed, Councillors should keep the Chief Executive Officer informed of their point(s) of contact from time to time.

18 Leave of absence

It will be unnecessary for a notice of meeting or agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of their absence.

19 Postponement of meeting for an emergency

In the case of an emergency or unforeseen circumstances, the Chief Executive Officer, or in their absence, a Senior Officer, may, in consultation with the Mayor, postpone a meeting of the Council, without the necessity to comply with clauses 15 – 18 – (inclusive) provided reasonable attempts are made to notify every Councillor.

Division 2 Meetings and the use of electronic means of communication

20 Determination of meeting format

- (1) Council meetings shall be conducted in person except as provided for in this Division.
- (2) Despite this Division, Council may, by resolution, determine that a specific meeting or meetings will be conducted –
 - a. in person; or
 - b. by electronic means of communication.

21 Meetings conducted in person

- (1) At meetings conducted in person, Councillors attending the meeting shall do so physically unless a request to participate by electronic means of communication has been granted in accordance with this clause.
- (2) A request to participate by electronic means of communication must be in writing, signed by the Councillor, and be lodged or sent to the Chief Executive Officer at least 24 hours before the commencement of the meeting.
- (3) A request to participate in a meeting by electronic means of communication must provide an explanation as to why the Councillor cannot reasonably participate in the meeting in person. For the avoidance of doubt, a Councillor's personal preference to participate by electronic communication does not constitute sufficient grounds for making a request. The Chief Executive Officer shall, if requested by the Councillor, keep confidential the submitted reasons for the request.
- (4) If a request to participate in a meeting by electronic means of communication does not comply with subclause (3), the Chief Executive Officer may decline to accept it, and shall notify the Councillor and, if time permits, provide them an opportunity to submit a further request.
- (5) Subject to subclause (6), the Chief Executive Officer may grant requests to participate in the meeting by electronic means of communication, and shall notify all Councillors of the decision.
- (6) The Chief Executive Officer may not grant a request to participate in a meeting by electronic means of communication at the first meeting of Councillors after a general election, or if the meeting will consider:
 - a. the election of the Mayor under section 25 of the Act;
 - b. the election of the Deputy Mayor under section 27 of the Act;
 - c. the adoption of Governance Rules under section 60 of the Act;
 - d. the adoption of a Community Vision under section 88 of the Act;
 - e. the adoption of a Council Plan under section 90 of the Act;
 - f. the adoption of a Long Term Financial Plan under section 91 of the Act;
 - g. the adoption of an Annual Budget under section 94 of the Act;
 - h. the adoption of a Revised Budget under section 94 of the Act;
 - i. the presentation by the Mayor of an Annual Report under section 100 of the Act;or
 - j. the adoption of a Councillor Code of Conduct under section 139 of the Act,unless they are satisfied that extraordinary circumstances warrant it.

- (7) A Councillor who is not physically in attendance at a meeting but is present by electronic means of communication without approval shall be recorded as absent, and shall not be entitled to participate in the proceedings of the meeting, including moving or seconding motions, speaking during a debate or casting a vote on a motion before the meeting.

22 Meetings conducted by electronic means of communication

- (1) Should the Chief Executive Officer determine that extraordinary circumstances warrant it, they are authorised to determine that any meeting be conducted solely by electronic means of communication.
- (2) The Chief Executive Officer may take all relevant factors into account in making a determination that extraordinary circumstances warrant a meeting being conducted solely by electronic means of communication including, but not limited to:
- a. any risk to the health and safety of Councillors, staff and the community;
 - b. whether all or part of the meeting is planned to be closed to members of the public under section 66(2) of the Act;
 - c. the ability to provide public notice to members of the public who had registered to attend the meeting;
 - d. whether the orderly conduct of a meeting may be affected by the choice of meeting format; and
 - e. the availability of suitable meeting facilities.

23 Adjustments to meeting rules

- (1) If a meeting is conducted by electronic means of communication, the following modifications to the application of the Rules in this Chapter are to be made:
- a. references to a Councillor being present at a meeting shall be a reference to a Councillor being able to both hear and see other members in attendance and be heard and be seen by other members in attendance;
 - b. momentary absences (less than one minute) shall not be recorded as absences for the purposes of the meeting minutes, unless a vote or the Mayor's request for the declaration of conflicts of interest occurs during the absence;
 - c. casting a vote may occur by a Councillor either raising their hand in view of their camera such that it can be seen by other members in attendance or, at the Chair's request, verbally stating their vote;
 - d. in the event of the absence of a Councillor during a vote due to an apparent technical failure, a Councillor or member of Council staff may bring this to the attention of the meeting Chair, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Should the Councillor be unable to reconnect within five minutes, the meeting shall resume in the Councillor's absence; and
 - e. in the event of a Councillor being required to leave a meeting due following the disclosure of a conflict of interest, a Councillor may leave the meeting by:
 - i. deactivating their microphone and camera (for meetings that are open to the public); or
 - ii. disconnecting from the online meeting platform (for all meetings) or be placed in a waiting room.

- (2) The Chair may, with the consent of the meeting, modify the application of any other of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of a meeting which is conducted by electronic means of communication.

Division 3 Open Meetings

24 Meetings open to the public

- (1) A meeting of Council, including Delegated Committee meetings, must be kept open to the public unless Council considers it necessary to close the meeting to the public because a circumstance specified in paragraph (2) applies.
- (2) The circumstances are –
 - a. the meeting is to consider confidential information; or
 - b. security reasons; or
 - c. it is necessary to do so to enable the meeting to proceed in an orderly manner.
- (3) If the circumstance specified in paragraph (2)(b) or (2)(c) apply, the meeting can only be closed to the public if the Council or Delegated Committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.
- (4) For the purposes of subclause 24(3), the arrangements may include provision to view the proceedings on the Internet or on close circuit television.
- (5) If Council or a Delegated Committee determines that a meeting is to be closed to the public to consider confidential information, the Council or Delegated Committee must record in the minutes of the meeting that are available for public inspection –
 - a. the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in clause 3 of the Act; and
 - b. an explanation of why the specified ground or grounds applied.

25 Councillor Code of Conduct

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

Division 4 Quorums

26 Council meetings

The quorum required for every Council meeting will be a majority of the Councillors capable of being elected to the Council.

27 Meetings of Delegated Committees

The quorum for a meeting of a Delegated Committee will be not less than a majority of members.

28 Inability to gain a quorum

- (1) If a quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of any meeting the Chief Executive Officer, or in their absence, a Senior Officer, may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- (2) The Chief Executive Officer must give all Councillors notice of the meeting and every reasonable attempt shall be made to advise the public of the revised meeting date.

29 Inability to maintain a quorum

- (1) If, during any meeting, a quorum cannot be achieved and maintained, the Chief Executive Officer, or in their absence, a Senior Officer, may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- (2) If a Council meeting lapses, the unresolved business may be included in the agenda for the next Ordinary Council meeting.

30 Inability to achieve or maintain a quorum due to conflicts of interests of Councillors

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

31 Notice of adjourned meeting

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

Division 5 Disclosure of conflict of interest

32 Council meetings and Delegated Committee meetings

- (1) If a Councillor or member of a Delegated Committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the Delegated Committee, the Councillor or member must, if they are attending the meeting, disclose the conflict of interest in accordance with this clause.
- (2) At the time indicated in the Agenda, a Councillor or Delegated Committee member with a conflict of interest in an item on that 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. whether their conflict of interest is general or material; and
 - c. the circumstances that given rise to the conflict of interest.
- (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 or member of a Delegated Committee who is not present at the designated time in the agenda for disclosures of conflict of interest, must disclose their conflict of interest in the manner required for the declarations of conflicts of interest at clause 32(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 or Delegated Committee meeting must not communicate with any participants in the meeting while the decision is being made.
- (6) If disclosing a conflict of interest would mean disclosure of confidential or private information, the Councillor or Delegated Committee member can make a full disclosure to the Chief Executive Officer or delegate in writing before the meeting and then only disclose the class of interest in the meeting.
- (7) While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a Delegated Committee must—
 - a. leave the meeting and notify the Mayor or the Chairperson of the Delegated Committee of their departure; and
 - b. remain outside the room and any gallery or other area in view or hearing of the meeting.
- (8) The Mayor or the Chairperson of the Delegated Committee must cause the Councillor or member of a Delegated Committee to be notified that they may return to the meeting after—
 - a. consideration of the matter; and
 - b. all votes have been cast on the matter.
- (9) If a Councillor or member of a Delegated Committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting—
 - a. the declaration of the conflict of interest; and
 - b. the classification of the interest that has given rise to the conflict; and
 - c. if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- (10) The Chief Executive Officer must—

- a. keep written disclosures received under this clause in a secure place for 3 years after the date the Councillor or member of a Delegated Committee who made the disclosure ceases to be a Councillor or member of a committee; and
- b. destroy the written disclosure when the 3-year period referred to in paragraph (a) has expired.

33 Other meetings conducted under auspices of Council

- (1) Councillors must disclose conflicts of interest in other meetings that are conducted under the auspices of the council. This may mean a meeting organised by the council, resourced by the council or arranged with council support, such as:
 - a. regular councillor briefings or forums,
 - b. other briefing meetings,
 - c. committees other than a delegated or community asset committee (such as advisory committees),
 - d. public consultations, and
 - e. site meetings.It will also include meetings the council arranges jointly with other organisations.
- (2) 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.
- (3) 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 matter in which the conflict of interest arises.
- (4) If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- (5) 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.
- (6) The existence of a conflict of interest will be recorded in the minutes of the meeting.
- (7) If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Governance team for recording in the register of conflicts of interest.
- (8) The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- (9) Meeting records and reports will be presented to Council for noting and inclusion on the public record.
- (10) At a meeting under the auspices of Council that is not a meeting of the Council or Delegated Committee, the Chief Executive Officer must ensure that a written record is kept of –
 - a. the names of all Councillors and members of Council staff attending;
 - b. the matters considered;
 - c. any conflict of interest disclosures made by a Councillor attending;
 - d. whether a Councillor who disclosed a conflict of interest leaves the meeting.

34 Council staff

- (1) All council staff must act in accordance with the Employee Code of Conduct.

- (2) Council staff must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) Council staff may be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions in this clause and the Employee Code of Conduct.

Procedure

- (4) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- (5) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of conflicts of interest.
- (6) 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 manager 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.

PART 4 MINUTES

35 Keeping of minutes

The Chief Executive Officer is responsible for arranging the keeping of minutes for Council Meetings.

36 Confirmation of minutes

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

37 No debate on confirmation of minutes

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

38 Objection to confirmation of minutes

- (1) If a Councillor is dissatisfied with the accuracy of the minutes, then they must:
- a. state the item or items with which they are dissatisfied; and
 - b. propose a motion clearly outlining the alternative wording to amend the minutes.

39 Deferral of confirmation of minutes

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

40 Contents of minutes

- (1) In keeping the minutes of a meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
- a. the date, place, time, duration and nature of the meeting;
 - b. the names of Councillors and whether they were PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc;
 - c. the names of members of Council staff providing advice to Council with their organisational title;
 - d. the name of any other person asking questions or making submissions at the meeting and the organisation they represented or the capacity in which they attended;
 - e. the arrival and departure item number of Councillors and members of Council staff providing advice to Council during the course of the meeting (including any temporary departures or arrivals);
 - f. every motion and amendment moved, including the mover (and seconder) of any motion or amendment;
 - g. the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED etc. and identification of those motions voted on by secret ballot;
 - h. procedural motions (which might be highlighted);
 - i. where a valid division was called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
 - j. details of a failure to achieve or maintain a quorum and any adjournment;
 - k. details of any question directed or taken upon notice;
 - l. details of any deputations made to the Council;
 - m. the time and reason for any adjournment of the meeting or suspension of standing orders;
 - n. any relevant reports or a summary of relevant reports considered by Council;
 - o. any interests or conflicts of interest disclosed at the meeting, including the nature of any such interests or conflicts of interest which were disclosed; and
 - p. any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
- (1) In addition, the minutes should:
- a. bear the date and time the meeting was commenced, adjourned, resumed and concluded;

- b. be consecutively page numbered; and
- c. contain consecutive item numbers which are clearly headed with subject titles and, where appropriate, sub titles and file references.

41 Availability of minutes

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

42 Recording of meetings

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

PART 5 BUSINESS OF MEETINGS

43 The order of business

- (1) The order of business appearing on an agenda will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- (2) The order of business appearing on agendas should be consistent from meeting to meeting, however, the order of business can be altered according to the discretion of the Chief Executive Officer to enhance the fluent and open process of government of the Council, to meet identified needs of the Council or to take advantage of opportunities which may arise from time to time.
- (3) In determining the agenda, the Chief Executive Officer must consult with the Mayor.
- (4) As a guide, the Chief Executive Officer should list items, giving priority as follows:
 - a. Opening prayer;
 - b. Acknowledgement of Country;
 - c. Apologies;
 - d. Disclosure by Councillors of any interest or conflicts of interest in any item on the agenda;
 - e. Confirmation of minutes;
 - f. Public question and submission time;
 - g. Councillor activity reports;
 - h. Planning permit reports;
 - i. Reports requiring a decision;
 - j. Reports for noting;
 - k. Late reports;
 - l. Notices of Motion;
 - m. Councillor questions and general business; and

- n. Confidential reports.

44 Change to order of business

Once an agenda has been sent to Councillors, the order of business for that meeting may only be altered by resolution of Council or the submission of late reports by Chief Executive Officer.

45 Chief Executive Officer may include items on an agenda

The Chief Executive Officer may include any matter on an agenda that they think should be considered by the meeting.

46 Time limits for meetings

- (1) No Council meeting will continue longer than three (3) hours unless a majority of the Councillors present vote in favour of an extension of time.
- (2) An extension of time shall not exceed 30 minutes.
- (3) No more than two (2) extensions of time will be permitted at a Council meeting.
- (4) In the absence of such continuance, the Council meeting must stand adjourned to a time, date and place to be determined by the Chairperson.
- (5) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned, and of the business remaining to be considered, in accordance with clause 84.

PART 6 VOTING AT MEETINGS

47 How a motion is determined

- (1) Subject to clause 61, in determining a question before a meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will then declare the result to the meeting.

48 Method of voting

- (1) Voting on any matter will be by show of hands.

49 Deciding Vote

- (1) In the event of a tied vote, the Chair must, unless the Act provides otherwise, exercise a casting vote.

50 When a division is permitted

- (1) A division may be requested by any Councillor on any matter.

- (2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

51 Procedure for a division

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

52 Change between original vote and division

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

53 No discussion once declared

- (1) Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion involves:
 - a. a Councillor requesting that their opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
 - b. a subsequent notice of motion following a rescission motion; or
 - c. for a Councillor to call for a division.

54 Application to Delegated Committee meetings

- (1) The provisions of Part 6 apply to meetings of Delegated Committees to the extent that they are relevant to the proceedings of any Delegated Committee and any reference to Councillor in those clauses extends to any member of a Delegated Committee.

PART 7 ADDRESSING THE MEETING

55 Addressing the meeting

- (1) Except for the Chairperson, any Councillor or person who addresses the meeting must stand and direct all remarks through the Chair, however the Chairperson may permit at their discretion any Councillor or other person to remain seated while addressing the Chair.
- (2) Any person addressing the Chair should refer to the Chairperson as:
 - a. Mayor; or
 - b. Chair.

as the case may be.

- (3) All Councillors, other than the Mayor should be addressed as Cr [Surname].
- (4) All members of Council staff should be addressed as Ms or Mr [Surname] as appropriate, or by their official title.

56 Suspension of standing orders

- (1) These Rules may be suspended for a particular purpose by resolution of the Council.
- (2) The purpose of suspending standing orders is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- (3) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council.
- (4) No motion can be accepted by the Chairperson or lawfully dealt with during any suspension of standing orders, except a motion to resume standing orders.

57 Interruption for point of order

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

PART 8 OTHER MEETING PROCEDURES

Division 1 Matters not provided for

58 Matters not provided for

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

Division 2 Motions

59 Chairperson's duty

- (1) Any motion or amendment that:
 - a. is defamatory;
 - b. is objectionable in language or nature;
 - c. is outside the powers of the Council;
 - d. is not relevant to the item of business on the agenda and has not been admitted as general business; or
 - e. purports to be an amendment but is not -must not be accepted by the Chairperson.

60 Moving a motion

- (1) The procedure for moving any motion is
 - a. the mover must state the motion without speaking to it;
 - b. the motion must be seconded by a Councillor other than the mover;
 - c. if a motion is not seconded the motion will lapse for want of a seconder;
 - d. if the motion is seconded, the Chairperson must ask: "Is the motion opposed?";
 - e. if no Councillor indicates opposition, the Chairperson must ask:
 - i. the mover to address Council on the motion;
 - ii. the seconder to address Council on the motion if additional points are to be made.
 - f. if a Councillor indicates opposition, then the Chairperson must ask
 - i. the mover to address the Council on the motion;
 - ii. the seconder of the motion may speak or reserve the right to speak later in the debate;
 - iii. any Councillor opposed to debate the motion; and
 - iv. any other Councillors for and against the motion to debate, in turn.
 - g. Except for the purposes of a right of reply or for the purposes of raising a point of order no Councillor may speak more than once on any motion.
 - h. A Councillor may, with leave of the Chairperson, ask a question for the purpose of clarification. In asking such questions, Councillor's must not offer opinions on the issue to be considered. Asking a question for the purposes of clarification will not be deemed as speaking to the motion.
 - i. All addresses under (e) and (g) must be made in accordance with clause 79.

61 Agreement to alter a motion

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

62 Right of reply

- (1) The mover of an original motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.
- (2) After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

63 No right of reply for amendments

- (1) No right of reply is available when an amendment is before Council.

64 Moving an amendment

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

65 Who may propose an amendment

- (1) An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the original motion.

66 Who may debate an amendment

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

67 How many amendments may be proposed

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

68 An amendment once carried

- (1) If the amended motion is carried, it then becomes the question before the Chair.

69 Foreshadowing motions

- (1) At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- (4) The Chief Executive Officer is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved, but may do if it is thought appropriate.

70 Withdrawal of motions

- (1) Before any motion is put to the vote, it may be withdrawn with leave of the Council.

71 Separation of motions

- (1) Where a motion or amendment contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.

72 Motions in writing

- (1) The Chairperson may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.
- (2) The Chairperson may suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

73 Debate must be relevant to the motion

- (1) Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the speaker to confine debate to the subject motion.
- (2) If, after being requested to confine debate to the motion before the Chair, the Councillor continues to debate irrelevant matters, the Chairperson may require the Councillor to be seated and not speak further in respect of the matter then before the Chair. In that event, the speaker must comply with the Chairperson's requirement.

Division 3 Speaking times

74 Speaking times

- (1) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
 - a. the mover of a motion – three (3) minutes;
 - b. the mover of a motion when exercising their right of reply – three (3) minutes;
 - c. any other Councillor for or against the motion – three (3) minutes.

75 Extension of speaking times by resolution of Council

- (1) An extension of speaking time may be granted by resolution of the Council but only one (1) extension is permitted for each speaker on any question.
- (2) The length of extension must not exceed two (2) minutes.

76 When an extension can be proposed

- (1) A motion for an extension of speaking time must be proposed at the point the allocated time has elapsed.

77 No extension after next speaker has commenced

- (1) A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced his or her contribution to the debate.

Division 4 Points of order

78 Procedure for point of order

- (1) A Councillor raising a point of order must:
 - a. state the point of order; and
 - b. the clause, paragraph or provision upon which the point of order is based.

79 Chairperson to decide

- (1) The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

80 Chairperson may adjourn to consider

- (1) The Chairperson may seek advice from an Officer or adjourn the meeting to consider a point of order but must otherwise rule on it as soon as it is raised.
- (2) All other matters before the Council are to be suspended until the point of order is decided.

81 Final ruling on a point of order

- (1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless a motion of dissent is carried.
- (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 relation to a point of order is a motion of dissent in the ruling of the Chair and the Chairperson must at all times remain in the Chair and maintain their rights as the Chairperson.
- (4) A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling given by the Chairperson.

82 Valid points of order

- (1) A point of order may be raised in relation to:
 - a. a procedural matter;
 - b. a Councillor who is or appears to be out of order;
 - c. debate that is irrelevant to the matter under consideration;
 - d. a matter that is outside the powers of Council; or
 - e. any act of disorder.

83 Contradiction of opinion

- (1) Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

84 Adjournment and resumption of meeting

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

85 The closure

- (1) A motion may be moved “that the motion be now put” –
- (2) The motion in sub-clause (1):
 - a. is a procedural motion which, if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without further debate discussion or amendment other than the original mover’s right of reply;
 - b. if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
 - c. if lost, allows debate to continue unaffected.
- (3) The Chairperson has discretion to reject such a motion if the original motion has not in their opinion been sufficiently debated.
- (4) Sufficient debate arises when those possessing different views have been given an opportunity to state them.

86 Adjourning the debate

- (1) A motion may be moved “That the motion and amendments now before the meeting be adjourned”
- (2) The motion in subclause (1):
 - a. is a procedural motion which cannot be moved while any person is speaking or during the election of a Chairperson;
 - b. may only be amended in relation to the time, date and place of the proposed adjournment;
 - c. should provide a date or time to which the adjournment is sought (but if no date or time is included, it may be relisted at the discretion of the Chief Executive Officer or upon a subsequent resolution of the Council); and
 - d. if lost, allows debate to continue unaffected.

87 Procedural motions

- (1) Notwithstanding anything else contained in this Procedure:
 - a. unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
 - b. the mover of a procedural motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
 - c. procedural motions may be seconded by a Councillor who has already spoken in the debate.

Hindmarsh Shire Council Governance Rules

- d. a procedural motion cannot be moved by the Chairperson.
- e. debate on a procedural motion is not permitted and the mover does not have a right of reply.
- f. a procedural motion cannot be amended.

Division 5 Notice of motion

88 Notice of motion

- (1) A Councillor may submit a Notice of Motion for inclusion in the Agenda of an Ordinary Meeting.
- (2) The Notice of Motion must include concise reference to a Council Plan objective and should demonstrate added value to Council.
- (3) A notice of motion must be in writing by the submitting Councillor, and one other Councillor, and lodged with the Chief Executive Officer no later than 10 days before the meeting to ensure it is listed on the Agenda of the Meeting.
- (4) Councillors are permitted to submit no more than one (1) Notice of Motion per Meeting.
- (5) The Chief Executive Officer may reject any Notice of Motion that is vague or unclear in intention or would be unlawful to implement, but must:
 - a. give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - b. notify the Councillor who lodged it of the rejection and the reasons for the rejection.

89 If notice of motion is lost

- (1) Unless the Council resolves to relist at a future meeting a notice of motion which has been lost, a similar motion must not be put before the Council for at least three (3) months from the date it was last lost.

Division 6 Notice of amendment or rescission

90 Procedure

- (1) A Councillor may propose a motion to amend or rescind a decision of the Council provided:
 - a. the previous motion has not been acted upon; and
 - b. a notice endorsed by two (2) Councillors is delivered to the Chief Executive Officer outlining;
 - i. the decision proposed to be amended or rescinded; and
 - ii. the meeting and date when the decision was made.
- (2) A decision will be acted upon once its details have been communicated to persons affected by or reliant on the resolution or where a statutory procedure has been carried out as a result of that decision.

91 Listing notice on agenda

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

92 Criteria to amend or rescind a motion

- (1) For a decision of the Council to be amended or rescinded, the motion for amendment or rescission must be carried by a majority of the votes cast.

93 If notice to amend or rescind is lost

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

94 If notice of amendment or rescission is not moved

- (1) If a notice of amendment or rescission is not moved and seconded at the meeting for which it is listed, it will lapse.

95 May be moved by any Councillor

- (1) A notice of amendment or rescission listed on an agenda may be moved by any Councillor present but cannot be amended.

96 When not required

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

97 Councillor questions or general business

- (1) The following matters are not capable of becoming items of general business:
 - a. the creation or abolition of any office;
 - b. the appointment of any person to any office or termination of that appointment;
 - c. employment issues;
 - d. the sale or lease of any asset;

- e. the declaration of any rate or charge;
- f. the creation, alteration or abolition of any strategy, policy or guideline;
- g. any request for an investigation which will, in the opinion of the Chief Executive Officer unreasonably or substantially divert staff resources; and
- h. any request for a report which will, in the opinion of the Chief Executive Officer unreasonably or substantially divert staff resources.

Division 7 Public participation

98 Public question or submission time

- (1) At an ordinary meeting, time may be allocated to enable any member of the community to provide the Council with a question or a general submission.
- (2) Sub-clause (1) does not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 of the Act.
- (3) Any questions or general submissions must be submitted in writing to the Chief Executive Officer (or other person authorised for this purpose by the Chief Executive Officer) 24 hours prior to the commencement of the meeting.
- (4) Questions (maximum 100 words including any pre-ambule) or general submissions (maximum 100 words) may be submitted by mail, email info@hindmarsh.vic.gov.au or delivered in person to a council customer service centre but are limited to two questions and one general submission per person per meeting.
- (5) At the discretion of the Chairperson, the person submitting the question or general submission must be present at the Council meeting for the question to be answered or the general submission read.
- (6) The question or general submission should only be read to the meeting if the Chairperson has determined that the question or general submission:
 - a. does not relate to a matter of the type described in section 66 of the Act;
 - b. does not relate to a matter in respect of which the Council has no power;
 - c. is not defamatory, indecent, abusive, or objectionable in language or substance;
 - d. is not repetitive of a question already answered (whether at the same meeting or an earlier meeting); and
 - e. is not asked to embarrass a Councillor or member of Council staff.
- (7) If the Chairperson has determined that the question or general submission shall not be read to the meeting:
 - a. the meeting must be advised accordingly; and
 - b. the question or submission shall be available to Councillors upon request.
- (8) The Chief Executive Officer or delegate must read to the meeting the name and locality of the person who has submitted a question or a general submission.
- (9) The Chief Executive Officer or delegate must read the general submission or the question and the Chairperson may then direct that the question be answered by a nominated Councillor or member of Council staff.
- (10) No debate or discussion of a question or submission or an answer is permitted other than for the purpose of clarification.
- (11) A Councillor or member of staff nominated to answer a question or submission may:
 - a. seek clarification of the question or submission from the person who submitted it;

- b. seek assistance of another person in answering the question or submission; and
 - c. defer answering the question or submission, so that the answer may be researched and a written response provided within 10 working days following the meeting.
- (12) If a person who asked a question or made a submission is not satisfied with the answer given, they may follow the question up with the relevant Council Officer by emailing info@hindmarsh.vic.gov.au.
- (13) Community consultation:
- a. Submissions may also be made where called for during community consultation.
 - b. Submissions made in response to a public consultation must be made in writing before the time specified in the consultation process.
 - c. A submission arising from public consultation is not limited in length but will not be read to the meeting as it will be included in the agenda (where practicable) and minutes.
 - d. A person making a submission arising from a public consultation may be, at the discretion of the Chair, permitted to speak to that submission for up to 3 minutes.

99 Conduct during Council Meetings

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

100 Chairperson may remove

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

Division 8 Additional duties of the Chairperson

101 The Chairperson's duties and discretions

- (1) In addition to other duties and discretions provided in these Governance Rules, the Chairperson's duties include but are not limited to:
- a. presiding over and controlling the Meeting to ensure, to the best of their ability, that it is conducted in accordance with these Governance Rules and the Act;
 - b. ascertaining that a quorum is present, and if a quorum is present formally declaring the meeting open;
 - c. welcoming Councillors, Members and visitors;
 - d. calling for disclosure by Councillors of any conflicts of interest in accordance with these Governance Rules and the Act;
 - e. presenting any reports for which they are responsible;
 - f. ensuring debates are conducted in the correct manner; and
 - g. in the case of competition for the right to speak, will decide the order in which the Members concerned will be heard.

- (2) The Chairperson
- a. must not accept any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any Councillor, member of Council staff, ratepayer, resident or other member of the public;
 - b. must call to order any person who is disruptive or unruly during any meeting;
 - c. must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
 - d. must call a person to order if their behaviour is disruptive and interferes with the conduct of the meeting; and
 - e. must decide on all points of order and other questions and other questions of procedure.

PART 9 COMMON SEAL

102 The Council's Common Seal

- (1) The Chief Executive Officer must ensure the security of the Council's Common Seal at all times.
- (2) The Council's Common Seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Chief Executive Officer, or other Senior Officer authorised by the Chief Executive Officer, and a councillor.

103 Authority for use of Common Seal

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

PART 10 DELEGATED COMMITTEE MEETINGS

104 Minutes

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

105 Business of the meeting

- (1) The Secretary is responsible for the keeping of minutes on behalf of the Delegated Committee.

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

106 Addressing the meeting

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

107 Motions and amendments

- (1) Any motion which is –
 - a. defamatory; or
 - b. objectionable in language or nature; or
 - c. outside the powers of the committee; or
 - d. stated to be an amendment but is notmust not be accepted by the Chairperson.
- (2) The procedure for any motion is –
 - a. the mover must state the motion without speaking to it;
 - b. it must be seconded by a committee member other than the mover;
 - c. if a motion is not seconded, the motion will lapse for want of a seconder; and
 - d. if the motion is seconded the Chair must ask if the mover wishes to address the committee on the motion and if the seconder wishes to address the committee on the motion or if they wish to reserve their address until later in the debate.
- (3) The Chair will then ask if any committee member is opposed to the motion and if they wish to speak. Other committee members for and against the motion can debate in turn.
- (4) The mover of a motion shall have a right of reply after the debate, after which the motion shall be immediately put to the vote. No right of reply is available where an amendment is before the committee.
- (5) An amendment may be proposed or seconded by a committee member, except the mover or seconder to the original motion. An amendment shall not be a direct negative of the motion.
- (6) A committee member may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- (7) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- (8) If the amendment motion is carried, it then becomes the final motion before the Chair.

- (9) At any time during debate a committee member may foreshadow a motion to inform the committee of his or her intention to move a motion at a later stage in the meeting.
- (10) Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- (11) The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- (12) Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- (13) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.
- (14) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
 - a. the mover of a motion – 3 minutes;
 - b. the mover of a motion when exercising their right of reply – 3 minutes
 - c. any other committee member – 3 minutes.

108 Notice of motion

- (1) Delegated Committee members may submit a Notice of Motion for inclusion in the Agenda of a meeting. The notice of Motion must include concise reference to a current project and should demonstrate added value to the Delegated Committee.
- (2) A notice of motion must be in writing signed by the submitting member, and one other member, and lodged with the Chairperson no later than 10 days before the meeting to ensure it is listed on the Agenda of the Meeting
- (3) Committee members are permitted to submit no more than one (1) Notice of Motion per Meeting.
- (4) The Chairperson may reject any Notice of Motion that is vague or unclear in intention but must:
 - a. give the Committee Member who lodged it an opportunity to amend it prior to rejection if practicable to do so; and
 - b. notify the Committee Member who lodged it of the rejection and the reasons for the rejection.
- (5) The Chairperson must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion Register in the order in which they were received.
- (6) Unless the Delegated Committee resolves to relist at a future meeting a notice of motion which has been lost, a similar motion must not be put before the Committee for at least three (3) months from the date it was last lost.

109 Other matters

- (1) If the committee is required to deal with:
 - a. divisions;
 - b. procedural motions;
 - c. separation of motions;
 - d. points of order;
 - e. adjournment of meetings;

- f. suspension of standing orders;
- g. a notice of rescission motion;
- h. maintenance of order;
- i. suspension; or
- j. removal from the meeting –

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

PART 11 CONFIDENTIAL INFORMATION

110 Confidential Information

- (1) If the Chief Executive Officer is of the opinion that information is confidential information within the meaning of the Act, they may designate the information as confidential and may advise Councillors and/or members of Council staff accordingly.
- (2) Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

PART 12 ELECTION PERIOD POLICY

111 Purpose

The purpose of this policy is to:

- ensure Council meets its obligations under Section 69 of the Local Government Act 2020 (**Act**) which requires that a Council must include an election period policy in its Governance Rules;
- ensure that the ordinary business of local government for Council continues throughout the election period in a reasonable, transparent and lawful manner;
- assure the community that Council elections are conducted in a manner that is ethical, fair and equitable and are publically perceived as such;
- avoid actions and decisions being made during the election period that may be interpreted as influencing voters or binding the incoming Council.

112 Scope

This policy applies to all employees and Councillors of Council, or a person or Delegated Committee acting under delegation given by Council.

113 Election period

The election period is defined in section 3 of the Act and means the period that starts at the time that nominations close on nomination day and ends at 6pm on election day.

114 Definitions

In this policy the following words and phrases have the following definitions:

Delegated Committee means a delegated committee established by Council under section 63 or 64 of the Act or a Committee exercising any power of Council under the Act.

Election period means the period that –

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

Electoral material means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.

Council decision means:

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

MGHS means Manager Governance and Human Services

DCCS means Director Corporate and Community Services

115 Role of the Chief Executive Officer

In addition to the CEO's statutory responsibilities, the CEO must ensure as far as possible that:

- all Councillors are informed of the requirements of this policy;
- guidelines are issued to staff on their role and responsibilities in the implementation of this policy; and
- matters of Council business requiring major or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

116 Decision making

(4) Prohibited decisions

Section 69 of the Act prohibits Council from making a decision:

- during the election period for a general election that:
 - relates to the appointment or remuneration of the CEO but not to the appointment or remuneration of an Acting CEO;
 - commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
 - the Council considers could be reasonably deferred until the next Council is in place; or
 - the Council considers should not be made during an election period; or
- during the election period for a general election or a by election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

(5) Significant decisions

Over and above the decisions specified in section 69 of the Act, Council will avoid making other decisions during the election period that are of a significant nature that would unnecessarily bind an incoming Council.

Significant decisions include:

- approval of contracts that require significant funding in future financial years or are regarded as politically sensitive matters;
- decisions that have significant impacts on Council's income or expenditure or that relate to expenditure on politically sensitive matters;
- decisions of a politically sensitive nature; and
- policy or strategy decisions.

(6) Scheduling of significant decisions

The CEO should as far as practicable avoid scheduling significant decisions during the election period and instead, ensure that significant decisions are either considered by the Council prior to the election period or scheduled for determination by the incoming Council.

117 Election statement

During the election period, the CEO will ensure that an election statement is included in every report submitted to Council or to a delegated committee of Council for a decision.

The election statement will state that:

The recommended decisions in all reports on this agenda are not prohibited decisions as defined in clause 111 of the Election Period Policy.

118 Council publications during the Election Period

Council publicity will not be used in any way which might influence the outcome of a Council election. Councillors and members of staff are required to comply with section 304(2) of the Act which states that:

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

Penalty: 60 penalty units.

(7) Prohibition on publishing materials during the election period

Council will refrain from printing, publishing or distributing any materials during the Election Period which relate to issues that are the subject of election campaigns, except if the printing, publishing or distribution of a document or other material is essential for the conduct of Council operations. Where that is the case, the document or material must first be approved in writing by the CEO. This obligation also applies to any publications appearing via Council's social media platforms, including Facebook and Instagram.

(8) Considerations of the Chief Executive Officer in granting publication approval

Except as described more specifically elsewhere in this Policy, in considering whether to grant approval for the publication of material during the election period the CEO:

(a) must not permit any material to be published which include reference to the following:

- (i) a candidate in the election;
- (ii) a current Councillor;
- (iii) the strengths or weaknesses of a candidate;
- (iv) response to claims made by a candidate;
- (v) advocacy for, or criticism of, the policies of the Council or of a candidate;
- (vi) publicity for the achievements of the elected Council;
- (vii) an issue before the voters in connection with the election.

(b) may approve the publication of material which only contains information about:

- (i) the election process itself; or
- (ii) Council information that does not include any reference to a current Councillor otherwise precluded by this Policy.

Hindmarsh Shire Council Governance Rules

(9) Council's website

During the election period the website will not contain material precluded by this Policy. Any references to the election will only relate to the election process. Information about Councillors will be restricted to names and contact details.

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

(10) Council's social media

The social media outlets will continue to operate; however the ability for members of the public to post comments on Council's social media will be removed for the duration of the election period. Any material posted by the authorised social media manager and operators will be first approved by the CEO under the Election Period Certification Procedure.

(11) Annual report

If the publication of the Annual Report occurs during the election period, it is affected by the legislative restrictions on publications and therefore information about Councillors will be restricted to what is required by the Local Government (Planning and Reporting) Regulations 2014 and membership of delegated committees and other bodies to which they have been appointed by Council.

The annual report does not require approval by the CEO; however any publications of an extract or summary of the Annual Report will require approval.

(12) Council publications

Any Council publication which is potentially affected by this policy will be reviewed by the DCCS or DIS and then approved in writing by the CEO in accordance with the Election Period Certification Procedure prior to publication. This is to ensure that any circulated displayed, or otherwise publically available material during the election period does not contain material that may be construed as electoral matter.

Council publicity during the Election Period will be restricted to promoting normal Council activities. Where a publicity campaign is deemed necessary for Council service or function (eg, vaccinations), it must be approved by the CEO. Council funded publicity will not feature Councillors except the Mayor when representing Council in an official capacity.

(13) Council notice boards and buildings

During the election period Council noticeboards and buildings will only be used for display of material that contains information about:

- (a) the election process itself; or
- (b) information that would not reasonably be determined to be electoral material.

119 Misuse of position

Councillors must not misuse, or inappropriately make use of their position to gain an advantage or cause detriment to another person at any time, including during the Election Period. Without limitation if a Councillor chooses to stand as a candidate for the election, the Councillor must:

- (a) continue to act in accordance with their obligations under the Act and relevant codes of conduct;
- (b) take care to maintain the distinction between their position as a current Councillor and their role as a candidate for the election;
- (c) avoid any conflicts of interest between their position as a current Councillor and their role as a candidate for the election; and
- (d) maintain appropriate relationships with Council Officers, including by observing all relevant communication protocols between Councillors and Council Officers.

120 Council resources

Section 304 of the Act provides that a Councillor or member of Council staff must not use Council resources in a way that is intended to or is likely to affect the result of an election. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the DCCS or the CEO.

(14) Council resources

Council resources including landlines and mobile telephones, computers and email accounts, offices, meeting rooms, secretarial support, equipment and stationary will be used exclusively for normal Council business and must not be used in connection with any candidate's election campaign.

Photographs or images taken by or on behalf of Council must not be used for the purposes of electioneering.

Where Councillors have Council funded services such as mobile phones, landlines, internet connections and where it is impractical to discontinue their use of these during the election, Councillors will reimburse Council for usage of those services during the election period that exceeds normal usage levels.

(15) Correspondence

Councillors will not sign any correspondence during the election period. Correspondence addressed to councillors that relates to operational matters will be referred to the relevant Director for response. The CEO should sign correspondence in respect to significant, sensitive or controversial matters, or to policy matters. All replies to letters must be free from the perception of political bias.

(16) Expenses Incurred by Councillors

Payment or reimbursement of costs relating to Councillors' 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— not campaigning, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign. In the case of Councillor claims that cover a combination of Council and electoral business, the CEO may

approve a partial reimbursement to cover Council activities. No reimbursement for personal internet services or personal mobiles will be made during election periods.

(17) Travel and Accommodation

Councillors shall not undertake any interstate or overseas travel in their capacity as a Councillor during the election period. In circumstances where it is imperative that the Mayor (or delegate) represent Council on a delegation or forum, Council may be resolution approve attendance. The CEO may determine if consideration by Council is impracticable.

(18) Council Branding and Stationery

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

(19) Support to the Mayor and Councillors

No staff, including support staff for the Mayor and Councillors may be asked to undertake any tasks connected directly or indirectly with an election campaign.

(20) Community Forums and Meetings

No local community forums, ward meetings or any other forums of the type identified in the Community Engagement Framework will be held by Councillors during the election period.

(21) Events

During the election period, current Councillors may continue to attend functions and events. Only events essential to the operation of Council will be scheduled and run during the election period. Council officers will be responsible for speeches during events.

121 Access to Council information

All candidates have equal rights to access public information relevant to their election campaigns from the Council administration. Neither Councillors nor candidates will be provided information or advice from Council staff that might be perceived to support and advise them during the election period.

Any enquiries by Councillors or candidates to staff regarding information requests or briefing material will be referred by staff in the first instance to the DCCS for a determination.

122 Media and media services

The Council's media services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate.

(22) Media Advice

Any requests for media advice or assistance from Councillors during the election period will be channelled through the CEO or the CEO's delegate. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

(23) Media Releases/Spokespersons

Media releases will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue, the CEO will determine the appropriate staff member to be the spokesperson.

Media releases will require approval by the CEO.

(24) Publicity Campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO. In any event, Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

(25) Councillors

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

(26) Council Employees

During the election period no Council employee may make any public statement that relates to an election issue unless statements relate to the electoral process and have been approved by the CEO.

123 Equity in assistance to candidates

All candidates for the Council election will be treated equally.

(27) Candidate Assistance and Advice

Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

(28) Election Process Enquiries

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the MGHS or DCCS.

124 Communication

A copy of this policy must be given to each Councillor as soon as practicable after it is adopted, be available for inspection by the public at the Council office and any district offices, and be published on Council's website.

125 References

Local Government Act 2020 (Vic)

Local Government Act 1989 (Vic)

Hindmarsh Shire Council Election Period Certification Procedure

Hindmarsh Shire Council Councillor Code of Conduct