



**Macedon
Ranges**
Shire Council

Macedon Ranges Shire Council Governance Rules



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Revision and review history

Version control	Approved, Amended, Rescinded	Date effective	Approved by	Document Reference	Summary of Changes
1	Approved	28/08/2020	Council	D22-91434	New. Required under section 60 of <i>Local Government Act 2020</i> .
2	Approved	24/08/2022	Council	D22-101343	Updated to allow for electronic meetings.
3	Approved	15/12/2022	Council	D22-93225	Re-structured and improved clarity around various provisions

Part 1: Preliminary

1. Context

- a) The purpose of these Governance Rules is to provide for:
- i) the conduct of Council meetings;
 - ii) the conduct of meetings of delegated committees;
 - iii) the form and availability of meeting records;
 - iv) the election of the Mayor and the Deputy Mayor;
 - v) the appointment of an Acting Mayor;
 - vi) an election period policy;
 - vii) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee at a meeting of Council or a delegated committee;
 - viii) 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 Council or a delegated committee;
 - ix) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
 - x) the consideration and making of decisions on any matter being considered by Council fairly and on the merits;
 - xi) the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered; and
 - xii) any other matters prescribed by the regulations made under the Act.
- b) These Governance Rules should be read in conjunction with:
- i) the overarching governance principles specified in section 9(2) and (3) of the Act; and
 - ii) related policies prepared under the Act that relate to Councillor and staff conduct at Council meetings and during decision-making, such as the Councillor Code of Conduct, Public Transparency Policy, and Councillor Gifts, Benefits and Hospitality Policy.

2. Definitions and key terms

In these Governance Rules:

Term	Definition
Absolute majority	As defined in the <i>Local Government Act 2020</i> this is the number of Councillors which is greater than half the number of the Councillors of Council. For Macedon Ranges Shire Council an absolute majority is five (5) Councillors.
Abstain	Means when a Councillor who is present at a meeting does not vote on a matter. Under section 61(5)(e) of the <i>Local Government Act 2020</i> , if a Councillor is present at the meeting and does not vote on a motion, this is taken to be a vote against the motion.
Act	Means the <i>Local Government Act 2020</i> .
Agenda	Means the notice of meeting setting out the business to be transacted at the meeting.
Alternative (motion)	Means a new or substantially different motion to the motion being considered by Council.
Amendment (motion)	Means proposed changes to a motion being considered by Council.
Broadcast	Means the visual or aural transmission of proceedings on any medium, including radio, television and the internet.
Carried	Means that the relevant motion or amendment is determined in the affirmative.
Chair	Means the person presiding over the meeting. In these Rules this is ordinarily the Mayor for Council meetings and Chair for delegated committee meetings.
Chief Executive Officer	<p>Means the Chief Executive Officer or Acting Chief Executive Officer appointed under section 94 of the <i>Local Government Act 1989</i> or section 44 of the <i>Local Government Act 2020</i>, whichever applies.</p> <p>If the Chief Executive Officer or Acting Chief Executive Officer is absent or unable to perform a function required under these Governance Rules, the Director of Corporate must perform that function.</p> <p>Note: The Chief Executive Officer, at the time of preparing these Governance Rules, was appointed under the <i>Local Government Act 1989</i>.</p>
Closed meeting	Means a meeting of Council at which confidential items as defined in section 3 of the Act are considered. The public is unable to attend closed meetings. There will be no livestream or recording of a closed Council meeting.

Term	Definition
Community Asset Committee	Means a Community Asset Committee established by Council under section 65 of the Act
Council	Means Macedon Ranges Shire Council.
Councillor	Means a Councillor of the Macedon Ranges Shire Council.
Council Meeting	Meetings defined in section 61 of the Act to conduct Council business, including scheduled and unscheduled meetings of Council.
Delegate	Means a Council staff member nominated by the Chief Executive Officer to assist with meeting functions and requirements.
Delegated Committee	Means a delegated committee established by Council under section 63 of the Act. Part 8 outlines how the Governance Rules apply to a delegated committee meeting.
Deputy Mayor	Means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.
Division	Means the counting and identifying the way Councillors have voted on a matter i.e for or against.
Electronic meeting	Means the attendance at Council meetings virtually via videoconferencing technology, where Councillors can be seen and heard by all other Councillors present at the meeting.
Foreshadowed motion	Means a motion, whether fully formed or an intention, identified by a Councillor, in a Council meeting, that they intend to raise at a later point in the meeting. It is not a motion considered by Council until it is moved and receives a seconder.
Hybrid	Means a combination of an in-person and electronic format (usually for a meeting) undertaken concurrently.
Lapses	Means a motion before Council has not been progressed that is it is on the agenda but has not been moved or moved but not seconded.
Lost	Means a motion before Council that has not been supported by a majority of Councillors present at a meeting.
Majority	Means a number of votes that is more than one-half of the number of Councillors in attendance in the meeting when the vote is taken.
Mayor	Means the Mayor of Council, any person appointed by Council to be the Acting Mayor and, in the context of a meeting, any Councillor who is a temporary Chair.
Member	Means a member of a delegated committee.

Term	Definition
Minutes	Means the official record of the proceedings and decisions of a Council meeting.
Motion	Means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted. In the <i>Local Government Act 2020</i> motions are referred to as a 'question' before Council for decision.
Notice of amendment	Means a notice to amend a decision of Council. The motion is consistent with the original motion but allows for details such as dates, figures and locations to be amended.
Notice of motion	<p>Means a notice setting out the text of a motion which a Councillor proposes to move at a Council meeting.</p> <p>A 'notice of motion' is a formal notice by a Councillor of their intention to propose a motion to be resolved upon at a meeting. The process is a direct method for a Councillor to ensure a particular matter is brought before the meeting.</p> <p>The 'Good Governance Guide' produced by the Municipal Association of Victoria, Victorian Local Governance Association and LGPro provides the following advice on the appropriate use of notices of motion:</p> <p><i>[A notice of motion] can be a useful way for a Councillor to raise an issue, which doesn't require advice or a lot of consideration on a Council agenda. For example, it might involve asking the Council to recognise a significant achievement of a local community member which is already generally well-known.</i></p>
Notice of rescission	Means a notice of motion to rescind (revoke, cancel, repeal) a decision of Council.
Overarching governance principles	<p>Means the overarching governance principles outlined in section 9(2) of the Act. The following are the overarching governance principles—</p> <ol style="list-style-type: none"> 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 risk, is to be promoted; d) the municipal community is to be engaged in strategic planning and strategic decision making; e) innovation and continuous improvement is to be pursued; f) collaboration with other Councils and Governments and statutory bodies is to be sought; g) the ongoing financial viability of the Council is to be ensured;

Term	Definition
	<p>h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;</p> <p>i) the transparency of Council decisions, actions and information is to be ensured.</p> <p>Note: The overarching governance principles stated in the Act override any omissions in these Governance Rules.</p>
Officer recommendation	<p>Means the recommendation provided to Councillors to consider moving in a Council meeting.</p> <p>An amended officer recommendation may be prepared to address errors or updates identified after publication of the agenda and provided to Councillors to move in the meeting.</p>
Point of order	<p>Means a query in the debate as to whether a correct procedure is being followed or factual information is being expressed.</p>
Procedural motion	<p>Means a motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.</p>
Quorum	<p>Means the minimum number of Councillors or members who must be present in order to constitute a valid meeting of the Council. For Macedon Ranges Shire Council a quorum for a Council meeting is five (5) Councillors.</p>
Recording	<p>Means a recording of proceedings made using any device that is capable of recording speech or actions, including a tape recorder, video camera, mobile phone and portable computer.</p>
Record of meeting	<p>Means a document, in a form approved by the Chief Executive Officer, providing a high level account of a meeting attended by five (5) or more Councillors and at least one (1) staff member.</p>
Regulations	<p>Means any regulations established for the <i>Local Government Act 2020</i>.</p>
Resolution	<p>Means a decision of Council made at a Council meeting.</p>
Scheduled Council meeting	<p>Means a Council meeting fixed by Council from time to time in accordance with Rule 13.</p>
Supporting Principles	<p>Means the overarching governance principles outlined in section 9(3) of the Act. In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—</p> <p>a) the community engagement principles;</p> <p>b) the public transparency principles;</p> <p>c) the strategic planning principles;</p>

Term	Definition
	<ul style="list-style-type: none"> d) the financial management principles; e) the service performance principles; <p>Note: The supporting principles stated in the Act override any omissions in these Governance Rules.</p>
Unscheduled Council meeting	Means a Council meeting called in accordance with Rule 14.

3. Role of Council

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

4. Purpose of Council meetings

- a) Council holds scheduled meetings and, when required, unscheduled meetings, to conduct the business of Council.

5. Principles of Council decision-making

- a) Council will, before making a decision that will directly affect the rights of a person, consider and make decisions on, any matter being considered by Council fairly and on its merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.
- b) Any person whose rights will be directly affected by a decision of Council is entitled to:
 - i) communicate their views; and
 - ii) have their interests considered.
- c) For the purposes of sub-rules (a) and (b), a decision of Council means a resolution made at a Council meeting.

6. Meeting roles

a) Mayor

- i) Subject to the Mayor's discretion, the Mayor takes precedence at all municipal proceedings within the municipal district, unless outlined in the terms of reference for a committee, and must chair all Council meetings at which they are present.
- ii) The Mayor will ensure good Council decision-making by endeavouring to ensure:
 - 1) decision making is transparent to Councillors and observers;
 - 2) Councillors have sufficient information to make good decisions;
 - 3) Councillors are supported to contribute to decisions;
 - 4) any person whose rights are affected have their interests considered;
 - 5) debate and discussion are focused on the issues at hand;
 - 6) meetings are conducted in an orderly and courteous manner; and
 - 7) decisions are made on the merits of the matter.

b) Chief Executive Officer

- i) The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Mayor and Councillors.
- ii) The Chief Executive Officer should:
 - 1) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
 - 2) advise if there are operational, legal, financial or other risks, including non-compliance with statutory obligations, arising from a proposed resolution;
 - 3) help clarify the intent of any unclear resolution to facilitate implementation; or
 - 4) on request, assist with procedural issues that may arise.

c) Deputy Mayor

- i) If the Mayor is not in attendance at a Council meeting, the Deputy Mayor (if one has been elected) will chair the meeting and assume the role of Mayor.
- ii) If a Deputy Mayor has been elected, the references in these Rules to the Mayor include references to the Deputy Mayor when performing the role of the Mayor.

d) Acting Mayor

- i) If the Mayor or Deputy Mayor is not in attendance at a Council meeting, the Acting Mayor will chair the meeting and assume the role of Mayor.
- ii) If an Acting Mayor has been appointed, the references in these Rules to the Mayor include references to the Acting Mayor when performing the role of the Mayor.

e) Councillors

- i) Councillors contribute to good governance and decision making by:

- 1) seeking views of community members and reading the agendas prior to the meeting;
- 2) preparing by reviewing materials provided and seeking information on matters from Council officers at briefing sessions;
- 3) demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers or during the meeting;
- 4) attending meetings and participating in debate and discussion;
- 5) demonstrating respect for the role of the Mayor and the rights of other Councillors to contribute to the decision-making; and
- 6) being courteous and orderly.

f) Community

- i) Community members may participate in Council meetings in accordance with Rules 34-37.
- ii) Community members are encouraged to participate in Council's engagement processes.
- iii) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Council meetings.
- iv) Community members may attend open Council meetings or view livestream Council meetings online.
 - 1) At times due to exceptional circumstances the public gallery may be closed.
 - 2) If the public gallery is closed, Council meetings will be livestreamed and recordings will be available online.

Part 2: Election of the Mayor

7. Scheduling the Mayoral election

- a) Following a local government election, the Chief Executive Officer will determine the date, time and venue for the election of the Mayor in compliance with section 26 of the Act.
- b) Council will resolve the date, time and venue for the election of the Mayor not covered by sub-rule (a) as part of the annual schedule of meetings.
- c) If the office of the Mayor becomes vacant, the Chief Executive Officer will determine the date, time and venue for the election of the Mayor.
- d) The election of the Mayor will be conducted in person only, unless exceptional circumstances require Council to resolve a different format.
- e) The date, time and venue for the election of the Mayor will be made publicly available on Council's website.
- f) The agenda for the meeting for the election of the Mayor will be made public five (5) days prior to the meeting.

8. Chairing the Mayoral election

- a) At any meeting to elect the Mayor the Chief Executive Officer must open the meeting and chair the election as required in section 25 of the Act.
- b) Prior to the election of the Mayor, Council will agree the term of the Mayor; which will be either one (1) or two (2) years as required in section 26 of the Act.

9. Nominations for Mayor

- a) The Chief Executive Officer must invite nominations for the office of Mayor.
- b) Councillors can self-nominate or be nominated by another Councillor for the office of Mayor.
- c) A nominee will be required to accept or refuse the nomination.
- d) Nominations must be seconded.
- e) The Chief Executive Officer may invite each candidate to make a speech.
- f) Candidates must speak in the order in which they were nominated.
- g) Candidates may speak for 3 minutes in support of their nomination.

10. Determining the election of the Mayor

- a) The election of the Mayor must be carried out by a show of hands.
- b) If there is only one (1) nomination, the nominated candidate must be declared to be elected.
- c) If there is more than one (1) nomination, the Chief Executive Officer must conduct an election in the following manner:
 - i) each Councillor present at the meeting must vote for one (1) of the candidates;
 - ii) if one (1) candidate receives an absolute majority of the votes, that candidate must be declared to be elected; or

- iii) if no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes must be declared to be a defeated candidate;
 - iv) each Councillor present at the meeting must then vote for one (1) of the remaining candidates;
 - v) if one (1) of the remaining candidates receives an absolute majority of the votes, that candidate must be declared to be elected; or
 - vi) if none of the remaining candidates receives an absolute majority of the votes, 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 (1) of the candidates receives an absolute majority of the votes. That candidate must then be declared to be elected; or
 - vii) if none of the remaining candidates receives an absolute majority and two (2) or more candidates have an equal number of fewest votes, each Councillor present at the meeting must vote for one (1) of the candidates with the equal fewest votes. The candidate who receives the fewest of those votes must be declared to be a defeated candidate.
 - viii) if after conducting a vote to declare a candidate defeated under sub-rule (vii), two (2) or more candidates receive the equal fewest votes, the determination of which of those candidates must be declared to be defeated must be determined by lot;
 - ix) following the elimination of the candidate with the fewest votes in either sub-rule (vii) or (d) a further vote must be taken on the remaining candidates, each Councillor present at the meeting must vote for one (1) of the remaining candidates.
- d) If a lot must be conducted under this rule, the Chief Executive Officer shall arrange for the conduct of the lot and the following provisions must apply:
- i) each candidate will draw one (1) lot;
 - ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes except that if two (2) or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names; and
 - iii) as many identical pieces of paper as there are candidates who received an equal number of votes must be placed in a receptacle.
 - iv) the word **Defeated** shall be written on one (1) of the pieces of paper, and the candidate who draws the paper with the word **Defeated** written on it must be declared the defeated candidate
- e) The process of voting in sub-rules (c) and (d) is to be repeated until two (2) candidates remain. If one (1) of the remaining candidates receives an absolute majority of the votes, that candidate must be declared to be elected.
- f) If there are only two candidates remaining and an absolute majority of the votes has not been attained by either candidate, the Chief Executive Officer will conduct a second ballot in an attempt to achieve an absolute majority.
- g) If no candidate receives an absolute majority of the votes, the Council may resolve to conduct a new election at a later specified time and date.
- i) The date and time must be no sooner than 24 hours later and no later than 7 days post the meeting at which the election was held.

- h) Once the Mayor has been elected, the Chief Executive Officer shall invite the elected Mayor to address Councillors and the community.
- i) The elected Mayor may speak for 3 minutes on their upcoming term as Mayor.
- j) After their speech, the Mayor will take the chair and oversee any election of the Deputy Mayor.

11. Determining a Deputy Mayor

- a) At the meeting to elect the Mayor, Council may resolve:
 - i) to establish the position of Deputy Mayor;
 - ii) the term of the Deputy Mayor, which shall be the same as the term of the Mayor; and
 - iii) elect a Councillor to the position of Deputy Mayor.
- b) Any election by Council of a Deputy Mayor will follow the same procedure as that for an election of the Mayor save that the Mayor will chair the election.
- c) At the conclusion of the election for Deputy Mayor the Mayor will continue to preside over the meeting.

12. Acting Mayor

- a) If Council has not established position of Deputy Mayor and it needs to appoint an Acting Mayor, it can do so by:
 - i) resolving that a specified Councillor be appointed for a specified period of time; or
 - ii) following the procedure set out in Rules 9 and 10.
 - 1) if an Acting Mayor is elected under Rule 12(a)(ii) Council will resolve the specified period for the appointment.

Part 3: Meeting Preparation

13. Scheduled Council meeting

- a) The dates, times and places of scheduled meetings will be fixed by a Council resolution from time to time.
- b) Subject to the requirements of sub-rule (a), the date, time or place of a scheduled Council meeting may be altered by resolution of Council.

14. Unscheduled Council meeting

- a) Council may by resolution call an unscheduled meeting of Council.
- b) The Mayor or three (3) Councillors may by a written notice delivered to the Chief Executive Officer call an unscheduled meeting of Council.
- c) A notice delivered under sub-rule (b) must specify the date and time of the meeting and the business to be transacted.
- d) The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting.

15. Notice of meetings

- a) A schedule of Council meetings, as resolved by Council at least once each year, must be published on Council's website.
- b) Any changes to the published schedule of Council meetings resolved by Council will be included on Council's website as soon as practicable after the resolution.
- c) Public notice will be given at least seven (7) days before a scheduled or unscheduled meeting of Council.
- d) If an extraordinary circumstance prevents the giving of seven (7) days' notice, the Chief Executive Officer will provide as much notice as is practicable and the nature of the extraordinary circumstance will be specified in the minutes.

16. Determine to hold an electronic meeting

- a) Council may determine by resolution, the proposed and preferred format style of meetings (in-person, electronic, or hybrid).
- b) If Council has determined a meeting to be a certain format, Council may by resolution change the format.
- c) If circumstances require the format of a meeting to be changed from that resolved by Council, the Chief Executive Officer, after consultation with the Mayor, may advise a change in format to all Councillors and include changes on the website and agenda for the meeting.
- d) The Chief Executive Officer must include in the minutes of the meeting with a changed format the nature of the circumstances for the change.
- e) Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings. Council must determine, by resolution, if a meeting is to be held solely in person, prior to public notice being given of the meeting (noting that Mayoral elections are in person only under Rule 7(d)).
- f) If Council determines that a meeting is to be conducted electronically, the Mayor may, with consent of the meeting (through a resolution), modify the application of any of these

Governance Rules to facilitate the most efficient and effective transaction of the business of the meeting.

- g) Hybrid Council meetings are dependent on the availability of appropriate technology within Council to enable broadcasting and livestreaming simultaneously.

17. Business at meetings

- a) The agenda for a Council meeting, including the order of business, is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.
- b) The Chief Executive Officer may include any matter on an agenda for consideration by the meeting following consultation with the Mayor.
- c) An agenda must include:
 - i) a description of the date, time and place of the meeting;
 - ii) the proposed meeting format;
 - iii) a description of the matters to be considered at the meeting;
 - iv) any validly lodged notice of motion (including a notice of amendment or rescission), noting the following:
 - 1) a notice of motion that has been lodged must be included on the agenda for the next available meeting.
 - 2) each notice of motion before any Council meeting shall be considered in the order in which they were received, unless there are similar motions that can be considered together, in the order they were received.
 - 3) if more than one notice of rescission or amendment is received in regard to a particular matter, the notices of motion must be listed on the agenda in the order they were received.
 - v) any leave of absence request (notice of motion) received from a Councillor:
 - 1) a leave of absence not included in a Council meeting agenda may still be considered by Council if a written request (notice of motion) has been received by the Mayor prior to the meeting.
 - vi) reports prepared for consideration at the meeting.
- d) At least five (5) days before a meeting is scheduled to occur, an agenda must be:
 - i) delivered electronically to each Councillor; and
 - ii) published on Council's website.
- e) If it is not possible to comply with sub-rule (d) for any reason, the Chief Executive Officer must ensure delivery and publication of the agenda as soon as is reasonably possible.
- f) Once an agenda has been sent to Councillors and published on Council's website, the order of business for that Council meeting may only be altered by resolution of Council.
- g) If a Councillor is on leave or absent, an agenda does not have to be delivered electronically to the Councillor unless they have requested delivery.

18. Urgent business

- a) At a scheduled Council meeting, business that is not included in the agenda must not be considered unless a majority of Councillors present at the meeting resolve to admit the business and only then if:
 - i) it relates to or arises out of a matter which has arisen since the distribution of the agenda; and
 - ii) deferring the item until the next Council meeting will have any effect on the matter; or
 - iii) it involves a matter of urgent community concern; or
 - iv) it cannot be safely or conveniently deferred until the next Council meeting; or
 - v) the item involves a matter of urgency as determined by the Chief Executive Officer; and
 - vi) it cannot be addressed through an operational service request process.
- b) Despite sub-rule (a), a matter that is not included in the agenda must not be considered at the meeting if it will:
 - i) directly and significantly affect the exercise of a person's rights; or
 - ii) alter the Council Plan or the Budget.
- c) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 3pm on the day of the Council meeting.
- d) The Chief Executive Officer will advise the Mayor of any matter they determine as appropriate for Council to consider admitting as urgent business.
- e) Prior to the consideration of the urgent business item, Council must resolve to accept the urgent business item and will require a mover and a seconder:
 - i) A Councillor shall explain why the item has been classified as urgent business without speaking to it and then move it without speaking to it.
- f) At an unscheduled Council meeting, business that has not been included on the agenda may only be considered if all the Councillors that are present unanimously resolve that the matter is urgent.
- g) The Chief Executive Officer may prepare a written supplementary report on any item of business that has arisen since the preparation of the agenda.
- h) Councillors must receive a copy of any supplementary report at least 24 hours before the time fixed for holding the meeting.

19. Notice of motion

- a) A notice of motion given by a Councillor must be given in writing to the Chief Executive Officer no later than 5.00 pm on the seventh (7) day before the meeting at which it is to be proposed to be considered.
- b) A Councillor may give a notice of motion on any matter the Councillor wants to be considered at a scheduled Council meeting.
- c) A notice of motion must relate to the objectives, roles and functions of Council as outlined in the Act.

- d) If a Councillor proposes to use a notice of motion for a significant item, consideration should be given by the Councillor to a motion requesting that a report on the matter be presented to a subsequent meeting.
- e) A notice of motion must call for a Council report if the notice of motion proposes any action that:
 - i) impacts the levels of Council service;
 - ii) commits Council to either a loss of income or expenditure that is not included in the adopted Council Budget, to the value of \$25,000 or greater;
 - iii) proposes to establish, amend or extend Council policy;
 - iv) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - v) would commit Council to any contractual arrangement; or
 - vi) concerns any litigation in respect of which Council is a party.

20. Notice of motion may be rejected

- a) The Chief Executive Officer must reject a notice of motion if:
 - i) it is vague or unclear in its intention;
 - ii) it is outside the powers of Council;
 - iii) it is defamatory or otherwise objectionable in language or nature;
 - iv) it would result in the direct allocation of funds outside Council's adopted Budget or would otherwise have a material financial impact on Council;
 - v) its passage would result in Council otherwise acting invalidly;
 - vi) it can be addressed through the operational request process;
 - vii) it is not lodged in accordance with Rule 19; or
 - viii) it is similar in form or substance to a notice of motion which has been put to the vote and lost in the past three months.
- b) If the Chief Executive Officer rejects a notice of motion, they must:
 - i) notify the Councillor of the reason for the rejection; and
 - ii) if reasonably possible before the agenda is published, give the Councillor an opportunity to amend the notice of motion.
- c) A notice of motion must be moved as written and listed in the agenda and requires a seconder. If the proposer in the agenda is the mover, they may amend the motion verbally in the meeting when moving the motion.
- d) Where a notice of motion has been submitted but is not moved at the relevant Council meeting the notice of motion lapses.
- e) A notice of motion may be amended in accordance with Rules 49 and 53.

21. Notice of rescission

- a) A notice of rescission is a form of notice of motion.
- b) All provisions in the Governance Rules relating to a notice of motion apply to notices of rescission except as expressed in the sub-rules of this Rule 21.
- c) A Councillor may give notice of a motion to rescind a resolution of Council provided:
 - i) it is in writing and has been signed and dated by at least two Councillors, including the Councillor proposing the rescission.
 - 1) this condition is satisfied by receiving an email from the Councillor in support of the rescission.;
 - ii) the resolution proposed to be rescinded has not been acted on; and
 - iii) the notice of rescission is delivered to the Chief Executive Officer within 48 hours of the resolution being made, setting out –
 - 1) the resolution to be rescinded; and
 - 2) the meeting and date when the resolution was carried.
- d) The Councillor providing a notice of rescission motion is required to provide written justification, as part of the notice of rescission, why one or more of the following reasons apply:
 - i) the vote may not have accurately reflected the opinion held by Council due to misunderstanding of the motion or for some other reason;
 - ii) new information not previously available has come to hand that, if presented earlier, could reasonably have affected the outcome of the vote for or against the motion; or
 - iii) vital information that was missing, or had been overlooked that, if presented earlier, could reasonably have affected the outcome of the vote for or against the motion.
- e) The Chief Executive Officer must reject a notice of rescission that does not comply with sub-rules (c) and (d).
- f) The Chief Executive Officer or an appropriate member of Council staff is entitled to implement a resolution of Council at any time after the close of the meeting at which it was made. A resolution of Council will therefore be deemed to be acted on if:
 - i) its contents have or substance has been communicated in writing to any person whose interests are materially affected by it; or
 - ii) statutory processes have commenced so as to vest enforceable rights in or obligations on Council or any other person.
- g) Once a notice of rescission has been given in writing no further action is to be taken on the resolution, if sub-rules (f)(i) or (ii) do not apply. Further:
 - i) a Councillor considering submitting a notice of rescission should advise the Chief Executive Officer ahead of preparing the written notice of rescission (either verbally or in writing via an email or other means); and
 - ii) once notified, the Chief Executive Officer should ensure that no action is taken prior to the written notice of rescission being submitted within 48 hours of the resolution.

- h) The lodgement and acceptance by the Chief Executive Officer of a notice of rescission does not prevent the Chief Executive Officer or an appropriate member of Council staff from giving notice to any person that a notice to rescind has been lodged.

22. Notice of amendment

- a) A notice of amendment is a form of notice of motion.
- b) All provisions in the Governance Rules relating to a notice of motion apply to notices of amendment except as expressed in the sub-rules of this Rule 22.
- c) A Councillor may give notice of a motion to amend a resolution of Council provided:
- i) it is in writing, and has been signed and dated by at least two Councillors, including the Councillor proposing the amendment;
 - 1) this condition is satisfied by receiving an email from the Councillor in support of the amendment;
 - ii) the resolution proposed to be amended has not been acted on; and
 - iii) the notice of amendment is delivered to the Chief Executive Officer within 48 hours of the resolution being made, setting out –
 - 1) the resolution to be amended; and
 - 2) the meeting and date when the resolution was carried.
- d) The Councillor providing a notice of amendment motion is required to provide written justification, as part of the notice of amendment, why one or more of the following reasons apply:
- i) the motion is consistent with the intent of the resolution but clarifies the decision on matters such as dates, timing, figures and location; or
 - ii) the motion is consistent with the intent of the resolution but includes vital information that was not included or was overlooked when making the decision and should be included for the fullness of the decision.
- e) The Chief Executive Officer must reject a notice of amendment that does not comply with sub-rules (c) and (d).
- f) The Chief Executive Officer or an appropriate member of Council staff is entitled to implement a resolution of Council at any time after the close of the meeting at which it was made. A resolution of Council will therefore be deemed to be acted on if:
- i) its contents have or substance has been communicated in writing to any person whose interests are materially affected by it; or
 - ii) statutory processes have commenced so as to vest enforceable rights in or obligations on Council or any other person.
- g) Once a notice of amendment has been given in writing no further action is to be taken on the resolution, if sub rules (f)(i) or (ii) do not apply. Further:
- i) a Councillor considering submitting a notice of amendment should advise the Chief Executive Officer ahead of preparing the written notice of amendment (either verbally or in writing via an email or other means); and
 - ii) once notified, the Chief Executive Officer should ensure that no action is taken prior

to the written notice of amendment being submitted within 48 hours of the resolution.

- h) The lodgement and acceptance by the Chief Executive Officer of a notice of amendment does not prevent the Chief Executive Officer or an appropriate member of Council staff from giving notice to any person that a notice to amend has been lodged.

23. Attendance - electronically

- a) Councillors who wish to attend a meeting via electronic means must submit a written request to the Mayor and/or the Chief Executive Officer by 5pm on the day of the meeting except when attending electronic only meetings.
- b) The Mayor must grant any reasonable request from a Councillor to attend a meeting by electronic means, except for attendance at those meetings resolved to be in-person.
- c) At the commencement of each meeting, the Mayor will advise the meeting of any Councillors who have been granted approval to attend the meeting by electronic means.
- d) It will remain the responsibility of the Councillor attending electronically to ensure that they have the required access and environment suitable for electronic communications. This includes ensuring that they are in a private and secure place when attending a closed meeting.
- e) A Councillor who has applied to attend the meeting electronically can only be recorded as present where they can confirm that they can:
 - i) hear proceedings
 - ii) see other members in attendance and can be seen by other members; and
 - iii) be heard (to speak).
- f) If a Councillor is unable to meet the conditions in accordance with sub-rule (e)(i)-(iii) they will be recorded as absent.
- g) Where a Councillor loses connection when they are attending a meeting electronically they will be recorded as having left the meeting. If they rejoin the meeting their attendance will be noted.
- h) If the Councillor who loses connection is the Mayor, then the Deputy Mayor (or alternative Councillor) will become the temporary chair until the Mayor is able to reconnect, at which time they will resume the chair.
- i) The Mayor may adjourn the meeting at any time, in accordance with Rule 26, if a lost connection is preventing the meeting from conducting its business efficiently and effectively.

24. Apologies

- a) Councillors who are unable to attend a meeting may submit an apology:
 - i) in writing to the Mayor or Chief Executive Officer who will advise the meeting accordingly; or
 - ii) by seeking another Councillor to submit it at the meeting on their behalf.
- b) An apology submitted to a meeting will be recorded in the minutes.

25. Leave

- a) A Councillor intending to take a leave of absence should submit it in writing to the Mayor or

Chief Executive Officer:

- i) A notice of motion from the Councillor (requesting to take leave) should be lodged, outlining the period of leave requested and any other relevant matters.
- b) Council will not unreasonably withhold its approval for a leave of absence request.
- c) A Councillor who has not submitted an apology, in accordance with Rule 24, or had a leave of absence approved under sub-rule (a), and who is not in attendance at a Council meeting will be recorded as absent.

26. Adjourned meeting

- a) Council may adjourn any meeting.
- b) If a Council meeting is adjourned to another day for any reason:
 - i) Rules 13 and 14 apply to the adjourned meeting; and
 - ii) Rule 14 applies to the adjourned meeting to the extent that it is reasonably practicable.

27. Postponement or cancellation of Council meetings

- a) The Chief Executive Officer may postpone or cancel a Council meeting after consulting the Mayor if:
 - i) they have been informed by Councillors that a quorum will not be reached; or
 - ii) other circumstances exist which mean the Council meeting cannot be safely or effectively convened or if exceptional circumstances apply.
- b) If the Council meeting is postponed or cancelled under sub-rule (a) the Chief Executive Officer or their delegate must give notice of that postponement or cancellation as soon as reasonably practicable, provided that all Councillors must be notified.

Part 4: Meeting Procedures

28. Matters not provided for

- a) Where a situation has not been provided for under these Governance Rules, Council may determine the matter by resolution.
- b) If there is a typographical error or omission in a Council Report, a Council resolution or any document endorsed or adopted by Council, the Chief Executive Officer may, at any time, correct the error or omission without a resolution of Council.

29. Time limits for Meetings

- a) A scheduled or unscheduled Council meeting must not continue after 10.30 pm or for more than 3½ hours after commencement unless a majority of Councillors present votes in favour of its continuance:
 - i) by a motion stating the length of the continuance; and
 - ii) which motion must be seconded.
- b) In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Mayor.
- c) 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.

30. Addressing the meeting

- a) Councillors must conduct themselves in a courteous and respectful manner during meetings.
- b) Any person addressing the Mayor should refer to the Mayor as:
 - i) Mayor; or
 - ii) Mayor 'last name'
- c) All Councillors, other than the Mayor, should be addressed as Cr (last name).
- d) All members of Council staff should be addressed by title/position.

31. Quorum

- a) If, after 30 minutes from the scheduled starting time of any Council meeting, a quorum cannot be obtained:
 - i) those Councillors present; or
 - ii) if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, Director Corporate or other delegate,

may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

- b) A Councillor attending a meeting by electronic means with the approval of the Mayor is deemed present for the purposes of a quorum.

- c) If, during any Council meeting or any adjournment of such meeting, a quorum cannot be maintained:
 - i) those Councillors or members present; or
 - ii) if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, Director Corporate or other delegate,

may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- d) If Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in relation to a matter, Council must consider whether the decision can be made by dealing with the matter in an alternative manner.
- e) For the purposes of sub-rule (d), an alternative manner as outlined in section 67 of the Act may include—
 - i) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
 - ii) 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.
- f) Subject to complying with any requirements under any other Act, if Council is unable to use an alternative manner, Council must establish a delegated committee under section 63(2) of the Act to make the decision in regard to the matter consisting of—
 - i) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
 - ii) any other person or persons whom Council considers suitable.

32. Disclosure of a conflict of interest by a Councillor

- a) If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of Council, the Councillor must, if they are attending the meeting, disclose the conflict of interest in accordance with sub-rule (b), and if applicable, sub-rule (c).
- b) A Councillor who has a conflict of interest and is attending the meeting of Council must make a full disclosure of that interest by either advising:
 - i) Council at the meeting immediately before the matter is considered at the meeting; or
 - ii) the Chief Executive Officer in writing before the meeting

whether the interest is a general conflict of interest or a material conflict of interest, and the nature of the interest.
- c) If the Councillor advised the Chief Executive Officer of the details under paragraph (i) of sub-rule (b), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.
- d) A Councillor who makes a disclosure under sub-rule (b) must complete and submit a conflict of interest form.
- e) The Chief Executive Officer must—
 - i) keep written disclosures received under this sub-rule (d) in a secure place for 3

years after the date the Councillor who made the disclosure ceases to be a Councillor; and

- ii) destroy the written disclosure when the 3-year period referred to in paragraph (i) has expired.
- f) While the matter is being considered or any vote is taken in relation to the matter, the Councillor must—
- i) leave the meeting and notify the Mayor of their departure; and
 - ii) remain outside the room and any gallery or other area in view or hearing of the meeting.
- g) The Mayor must cause the Councillor to be notified that they may return to the meeting after—
- i) consideration of the matter; and
 - ii) all votes have been cast on the matter.

33. Broadcast and recording of meeting

- a) Council may resolve to record and/or broadcast its scheduled and unscheduled meetings in any form.
- b) Despite sub-rule (a), a meeting that is closed to the public under section 66 of the Act must not be broadcast or a recording made available to the public in any form.
- c) Without the authority of Council (as the case may be) a person must not:
 - i) make or distribute a recording of any Council meeting; or
 - ii) broadcast any Council meeting.

34. Public question time

- a) Any member of the public may submit up to two written questions to the Chief Executive Officer at each scheduled Council meeting (other than the meeting to elect the Mayor).
- b) No questions will be submitted to an unscheduled Council meeting, unless the purpose of the meeting is to hear from the municipal community;
- c) Questions from a member of the public:
 - i) must be in writing (e.g. legible handwriting, typed, email, or other approved form) and state the name and address of the person submitting the question; and
 - ii) may relate to a matter of business on the agenda or another matter that is generally accepted to be within the jurisdiction of Council, either directly or indirectly.
- d) Questions must be received by the Chief Executive Officer no later than 5.00pm on the business day prior to the meeting day.
- e) The Mayor or a member of Council staff nominated by the Mayor may read a question and response, if available, to those present.
- f) The Mayor or Chief Executive Officer or delegate may reject a question that does not comply with sub-rule (c), or if it:

- i) relates to a matter outside the duties, functions and powers of Council;
 - ii) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - iii) seeks to intentionally embarrass a Councillor or a member of Council staff;
 - iv) relates to personnel matters;
 - v) relates to the personal hardship of any identifiable resident or ratepayer/s;
 - vi) relates to industrial matters;
 - vii) relates to contractual matters;
 - viii) relates to proposed developments, including statutory and strategic planning matters subject to established consultation processes;
 - ix) relates to legal advice;
 - x) relates to matters affecting the security of Council property; or
 - xi) relates to any other matter which Council considers would prejudice Council or any person.
- g) Questions relating to statutory or strategic planning matters on the agenda for a Council meeting will not be accepted due to the established consultation processes for these matters.
- h) Notwithstanding the provisions of sub-rule (f) Council will endeavour to, and where appropriate shall, answer questions from the public that relate to these matters in a way that does not disclose confidential information and or compromise any of the other parties.
- i) If multiple questions related to a decision made by Council or a matter to be considered by the Council at the meeting are asked and it is appropriate to do so, the Mayor or nominated staff member may collectively summarise these questions and make reference to the decision or the impending consideration of the matter.
- j) If a question cannot be dealt with adequately or appropriately during public question time, the Mayor or a nominated staff member may advise that they will provide a written answer in response to the question.

35. Public forum

- a) Council may, from time to time, hold a public forum for up to 30 minutes, or for a length of time as determined by the Mayor, at the beginning of a scheduled Council meeting to allow public submissions to Council on:
 - i) matters listed on an agenda; or
 - ii) any other matter that is generally accepted to be within the jurisdiction of Council, either directly or indirectly.
- b) Public submissions under sub-rule (a) will not be allowed for any matter that has been heard or may be heard by the Planning Delegated Committee or a Submitters Delegated Committee.
- c) Public submissions relating to statutory or strategic planning matters on the agenda of a Council meeting will not be allowed due to the established consultation processes for these matters.

- d) Members of the public who wish to be heard at public forum are required to give prior notice to Council in writing to the Chief Executive Officer by 5pm on the business day prior to the meeting day.
- e) Any group or association that wishes to be heard at a public forum is required to nominate a spokesperson.
- f) Unless otherwise decided by the Mayor, the maximum speaking time for a member of the public addressing Council is three (3) minutes.
- g) There will be no discussion or debate with the member of the public, however the Councillors may ask questions of clarification.
- h) If a response is required, the Mayor will ask the Chief Executive Officer to prepare a response within 10 business days of the meeting, or via referral to another process.

36. Petitions (not electronic) and joint letters

- a) A member of the public may present a petition or a joint letter to a Councillor or the Chief Executive Officer.
- b) Where a petition has been signed by fewer than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- c) Petitions relating to planning issues or matters for which Council is engaging with the community shall be considered along with other submissions either supporting or objecting to the application/proposal.
- d) A petition must:
 - i) be signed by 10 or more people;
 - ii) be legible and in permanent writing (i.e. no pencil);
 - iii) be addressed to the Mayor and Councillors of the Macedon Ranges Shire Council;
 - iv) on the first page, contain the name and contact details of the person forwarding the petition plus the request for action being made of Council;
 - v) contain the date the petition commences as part of the request for action on each page;
 - vi) on each subsequent page of the petition contain the request for action being made of Council, so that any page not containing the request for action will not be considered part of the petition;
 - vii) contain the name, residential /property addresses and signature of each person signing the petition;
 - viii) contain signatures that are original signatures – they cannot be photocopies or scanned;
 - ix) include a page number on each page, and the total number of pages should be written on the front page of the petition when submitted;
 - x) not include any statement that is offensive, defamatory or disrespectful to Council or any Councillor or member of Council staff;
 - xi) not relate to matters outside the powers of Council;

- xii) not contain false or misleading information;
 - xiii) not contain alterations; and
 - xiv) be comprised of pages, including pages containing signatories of the petition that are original pieces of paper and not pasted, stapled or otherwise affixed to any other piece of paper.
- e) A petition that complies with the provisions of sub-rule (d) must be tabled at a scheduled Council meeting at the first reasonable opportunity by the Chief Executive Officer.
 - f) A petition may only be presented to a scheduled Council meeting.
 - g) A Councillor who tables a petition must acquaint themselves with the contents of the petition and to ascertain that it complies with sub-rule (d).
 - i) A Councillor presenting a petition to Council must write their name at the beginning of the petition.
 - h) A petition tabled at a Council meeting may be dealt with as follows:
 - i) a motion may be proposed to accept the petition, forward it to the relevant Director for investigation and reporting back to Council, and advising the head petitioner accordingly; or
 - ii) a motion may be proposed to receive and note the petition and refer it to another process, such as attending to the matter operationally.

37. Electronic and online petitions

- a) To be valid, an online or electronic petition must:
 - i) be addressed to the Mayor and Councillors of the Macedon Ranges Shire Council
 - ii) contain the request of Council on every page of the petition, including the date the petition was commenced;
 - iii) contain the name, residential property and email address of each petitioner;
 - iv) be signed by at least fifty (50) electronic signatures;
 - v) not relate to matters outside the powers of Council;
 - vi) not be derogatory, defamatory or objectionable in language or nature;
 - vii) not contain alterations; or
 - viii) not contain false or misleading signatures or content.
- b) Council prefers and gives greater consideration to electronic petitions that have a majority of residents and ratepayers, firstly of the Shire of Macedon Ranges, secondly, of Victoria and thirdly, of Australia, rather than residents of other jurisdictions outside these areas who may not have a relevant understanding of the issues.
- c) A petition that complies with the provisions of sub-rule (a) must be tabled at a scheduled Council meeting at the first reasonable opportunity by the Chief Executive Officer.
- d) Electronic petitions will be presented to Council and addressed in the same manner as written petitions under Rule 36(c), (f), (g) and (h).

38. Behaviour at meetings

- a) The Mayor may call to order any Councillor:
 - i) who is disruptive, discourteous or acting in an unruly manner during a meeting; or
 - ii) who makes a statement that is offensive, insulting or defamatory.
- b) Without detracting from sub-rule (a), the Mayor may call to order any Councillor who is acting contrary to the Councillor Code of Conduct in a Council meeting comprised solely of Councillors.
- c) If the Mayor calls a Councillor to order, the Mayor may direct the Councillor:
 - i) to cease the actions for which the Councillor has been called to order; or
 - ii) to retract a statement, or apologise for a statement, or action.
- d) If a Councillor fails to comply with a direction under sub-rule (c), the Mayor may direct the Councillor to leave the meeting for a specified time.
- e) The direction by the Mayor under sub-rule (d) may be overruled by a resolution of the meeting.
- f) Unless sub-rule (e) applies, a Councillor who is directed by the Mayor to leave the meeting for a specified time must comply with that direction.
- g) The Mayor may direct a member of the public to leave a meeting if, in the opinion of the Mayor, the person is disrupting the orderly conduct of the meeting.
- h) A person directed to leave a meeting under sub-rule (g) must not return to the meeting unless authorised by the Mayor.
- i) The Mayor may adjourn a meeting at any time if a disruption is preventing the meeting from conducting its business in an orderly manner.
- j) Unless otherwise resolved by Council, an adjournment under sub-rule (i) will be for a period of 15 minutes.
- k) A member of the public addressing Council must extend due courtesy and respect to the Councillors, the Council and Council staff and must take direction from the Mayor.

Part 5: Meeting Conduct

39. Speaking times

- a) Unless a motion for extension of time has been passed, a Councillor or member must not speak longer than the time set out below:
 - i) the mover of a motion or an amendment five (5) minutes, and any other Councillor or member three (3) minutes; and
 - ii) the mover of a motion exercising a right of reply two (2) minutes
- b) An extension of speaking time for any Councillor may be granted by resolution of the meeting.
- c) A motion to extend speaking time must not be permitted after another Councillor or member has commenced speaking.
- d) An extension of speaking time:
 - i) must not exceed three (3) minutes;
 - ii) may only be granted once for each speaker on a motion or amendment.

40. Voting process

- a) All members of Council present at the meeting are entitled to a single vote on each motion and each amendment.
- b) As provided in section 61(5)(d) of the Act, if exactly half the Councillors present in the meeting vote in favour of a motion or amendment the Mayor may cast a second vote to determine whether the matter is carried.
- c) When putting a motion or amendment to a vote, the Mayor will first call for those in favour of the motion and then those opposed to the motion.
- d) Unless the meeting resolves otherwise, all voting must be by a show of hands and must not be by secret ballot.
- e) If a majority of the Councillors in the meeting votes in favour of the motion or amendment, the Mayor must declare the motion or amendment carried.
- f) If the motion or amendment is not carried, the Mayor must declare the motion or amendment lost.
- g) Any Councillor may request that the way they voted on a motion or amendment be recorded in the minutes.
- h) A Councillor intending to abstain from the vote may decide to leave or stay in the meeting while the matter is being considered.
- i) If a Councillor who abstains from the vote stays in the meeting but does not vote, their vote will be considered to have been a vote in the negative, in accordance with section 61(5)(e) of the Act.

41. Division

- a) Any Councillor may request a division immediately after a vote is taken under Rule 39.
- b) A division cannot be requested after the next item of business has commenced.

- c) If a division is requested:
 - i) the Mayor must first ask each Councillor wishing to vote in the affirmative to raise a hand (or indicate their vote in the affirmative by such other means as the Mayor permits) and upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands (or show their support by such other means as the Mayor permits);
 - ii) the Mayor must then state, and the Chief Executive Officer or authorised person must record, the names of those Councillors voting in the affirmative;
 - iii) the Mayor must then ask each Councillor wishing to vote in the negative to raise a hand (or indicate their vote in the negative by such other means as the Mayor permits) and upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands (or show their opposition by such other means as the Mayor permits); and
 - iv) the Mayor must then state, and the Chief Executive Officer or authorised person must record, the names of those Councillors voting in the negative.
- d) If a prior vote has been taken on the motion or amendment, a Councillor is not prevented from changing their original vote at the division.
- e) Once a vote has been taken under a division, no further vote may be taken on the relevant motion or amendment in that meeting.

42. Introducing a Report

- a) Before a written report is considered by Council and any motion moved in relation to such report, a member of Council staff may, at the request of the Mayor, introduce the report by outlining in not more than two (2) minutes:
 - i) its background; and/or
 - ii) the reason for any officer recommendation which appears.
- b) Unless Council resolves otherwise, a member of Council staff need not read any written report to Council in full.

43. Debate from the Chair

- a) The Mayor may address a Council meeting from the chair on any matter under consideration including speaking in favour of or opposing a motion.
- b) If any point of order or procedural matter is raised while the Mayor is so addressing the Council meeting, the Mayor may remain in the chair but the Deputy Mayor (or, in the absence of a Deputy Mayor, a Councillor elected by Councillors for the purpose) must determine the point of order or procedural matter raised.
- c) The Mayor must, however, vacate the chair to move a motion or amendment and speak in support of that motion or amendment. In the event the Deputy Mayor (or, if the Deputy Mayor is absent or declines to act, a Councillor elected as temporary Chair) will chair the meeting until the Mayor has concluded their participation in the debate, at which time they will resume the chair.

44. Moving a motion

- a) The procedure for any motion is:
 - i) the Mayor calls for a motion to be put to Council;

- ii) the mover must state the motion without speaking to it;
 - iii) the motion must be seconded and the seconder must be a Councillor other than the mover; and
 - iv) if the motion is not seconded, the motion lapses;
 - v) if there is a seconder, then the Mayor must ask: "Is the motion opposed? Does any Councillor wish to speak on the motion?";
 - vi) if no Councillor indicates opposition or a desire to speak to it, the Mayor must declare the motion carried without discussion;
 - vii) a Councillor may seek leave from the Mayor to make a statement on the matter once the motion is carried in this manner;
 - viii) if a Councillor indicates opposition or a desire to speak to it, then the Mayor must call on the mover to address the meeting;
 - ix) after the mover has addressed the meeting, the seconder may address the meeting or reserve the right to speak later in the debate;
 - x) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder reserves their right to speak), the Mayor must invite debate by calling on any Councillor who wishes to speak for the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
 - xi) if after the mover has addressed the meeting, the Mayor has invited debate and no Councillor speaks to the motion, then the Mayor must put the motion to the vote.
- b) The Mayor may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.
 - c) The Mayor may adjourn the meeting while a motion is being written or request that the matter be deferred until later in the meeting.

45. Rejecting a motion

- a) The Mayor must reject any motion or amendment which:
 - i) is offensive or defamatory;
 - ii) is outside the powers of Council;
 - iii) is otherwise contrary to Council's legal obligations or is not relevant to the item of business on the agenda and has not been admitted as urgent business under Rule 18; or
 - iv) purports to be an amendment but would have the effect of negating the principal intent of the motion it seeks to amend.
- b) If it appears to the Chief Executive Officer that a proposed motion or amendment is contrary to Council's legal obligations, the Chief Executive Officer must advise the Mayor in a timely manner.

46. Lapsed motion or amendment

- a) A motion or amendment lapses under these Governance Rules if it is not moved or seconded.

- b) Lapsed motions or amendments are not required to be recorded in the minutes of the meeting.
- c) Nothing in these Governance Rules prohibits a lapsed motion from being considered at a later meeting of Council.

47. Right of reply

- a) The mover of a motion has a single right of reply to matters raised during the debate.
- b) No new material or comments may be raised during the right of reply.
- c) If a Councillor (other than the mover) has not spoken against the motion there is no right of reply.
- d) After the right of reply has been exercised, the motion must be immediately put to the vote without further discussion or debate.

48. Debating the motion

- a) Debate must always be relevant to the motion and the Mayor may:
 - i) request a speaker to confine debate to the subject motion; or
 - ii) direct a speaker to cease speaking if they continue to debate irrelevant matters. The speaker must then cease speaking.
- b) No Councillor or member may speak more than once in debating a motion, except where the mover of the motion has a right of reply
- c) A Councillor with leave of the Mayor may briefly make comment on a motion adopted by Council for the purposes of informing the public and or highlighting the significance of the decision.

49. Moving an Amendment

- a) A motion, which has been moved or seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the motion.
- b) An amendment to a motion cannot be negative, or substantially contrary, to the motion.
- c) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion.
- d) If a Councillor proposes an amendment and the original mover and seconder of the motion both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote, and the debate of the motion continues in accordance with Rules 44, 47 and 48.
- e) If a Councillor proposes an amendment to which either the original mover or seconder does not agree, the following will apply:
 - i) the amendment must be moved and seconded;
 - ii) debate will proceed in accordance with Rules 44, 47 and 48; and
 - iii) a Councillor may speak on any amendment once, whether or not they have spoken to the substantive motion, but debate must be confined to the terms of the amendment.

- f) Any number of amendments may be proposed to a motion, but only one amendment may be accepted by the Mayor at any one time. No second or subsequent amendment, whether to the motion or an amendment of it may be taken into consideration until the previous amendment has been dealt with and voted on.
- g) The mover of an amendment does not have a right of reply.
- h) If an amendment is carried, then the motion is altered accordingly and becomes the matter before the meeting (known as the substantive motion).
- i) Unless subject to further amendment and debate on the proposed amendment, the motion (as amended) must be put to the vote by the Mayor.
 - i) Prior to the vote in sub-rule (i) above, only Councillors who did not speak to the original motion, prior to the amendment debate and vote, may speak on the original or amended motion.
- j) The mover of the original motion retains the right of reply to the motion (either the original or the substantive motion following amendment).

50. Foreshadowing motions or amendments

- a) At any time during debate, a Councillor may foreshadow their intention to move a motion or amendment at a later stage in the meeting. This does not extend any special right to the foreshadowed motion.
- b) A foreshadowed motion is not required to be recorded in the minutes until or unless it is proposed as a motion and seconded.

51. Withdrawal of motion or amendment

- a) Before any motion or amendment is put to the vote it may be withdrawn by the mover.

52. Separation of motions

- a) Where a motion contains more than one part the Mayor may decide to put the motion to the vote in separate parts, achieved by:
 - i) proposing an alternate motion for each part, seeking a mover and seconder and voting; or
 - ii) the motion is moved and seconded but the Mayor seeks a vote on each part of the motion.
- b) If a motion is to be separated due to conflict of interest of one or more Councillors, in accordance with Rule 31, those Councillors with a conflict of interest cannot move or second the part of the motion in which they have a conflict of interest.
- c) Sub-rule 52(a)(ii) cannot be used to manage a conflict of interest situation.

53. Debate for notice of motion, rescission or amendment

- a) Debate on notices of motion and notices of rescission or amendment shall be conducted in accordance with the Rules outlined in Part 5.
- b) If a notice of motion or motion for rescission or amendment is lost a similar motion may not be put before Council for at least three (3) months from the date it was last lost.
- c) Council may resolve that a lost motion be re-listed at a future meeting.

- d) If a notice of motion or motion for rescission or amendment is not moved at the meeting for which it is listed, it lapses.
- e) A notice of motion or notice for rescission or amendment listed on an agenda may be moved by any Councillor present.
- f) Where the notice is moved by a Councillor other than the Councillor listed for the notice in the meeting agenda, that Councillor moving the notice cannot amend the notice.
 - i) Amendments to a notice of motion will be made in accordance with Rule 49.
 - ii) Notices of motion seeking leave may only be amended to correct errors in fact or omission.

54. Rescission motion not required

- a) A motion for rescission or amendment is not applicable where Council wishes to change policy.
- b) Notwithstanding sub-rule (a), the following standards should generally apply if Council wishes to change policy:
 - i) if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission should be presented to Council; and
 - ii) any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected (and this may include publication and consultation, either formally or informally).
- c) Council may determine the extent to which these standards should be followed, which will depend on the circumstances of each case.

55. Raising a point of order

- a) A Councillor may raise a point of order at any time if they consider that:
 - i) a procedural error has occurred, where the Act or these Governance Rules are not being complied with;
 - ii) there has been an error in fact, or misrepresentation of facts;
 - iii) the speaker lacks relevance to the motion before Council; or
 - iv) a Councillor should be called to order under Rule 38.
- b) A Councillor raising a point of order must:
 - i) state the point of order; and/or
 - ii) state the relevant rule or provision supporting the point of order.
- c) A Councillor raising a point of order is not deemed to be speaking to the motion or amendment before the meeting.
- d) All other matters before Council are suspended until the point of order is decided; it is not necessary to suspend standing orders.
- e) The Mayor must decide all points of order without entering into discussion or debate.

- f) The Mayor may adjourn the meeting to consider a point of order or otherwise must rule on it as soon as it is raised.
- g) The decision of the Mayor in respect to a point of order is final and conclusive unless the meeting dissents.

56. Dissenting a decision

- a) A Councillor may move a motion of dissent in the Mayor's decision on a point of order.
- b) 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 Mayor.
- c) A motion of dissent in relation to a point of order is not a motion of dissent in the Mayor.
- d) The Mayor remains in the chair and may exercise a second vote if exactly half the Councillors vote in favour of the motion of dissent.

57. Points of clarification

- a) A Councillor may, when no other Councillor is speaking raise a point of clarification through the Mayor in order to clear up confusion, ask a question about a motion or report, or enquire as to the correct motion.
- b) A point of clarification should be limited to the facts and should not seek opinions of members of Council staff beyond what is expressed in a report.
- c) A point of clarification may relate to the facts on a notice of motion or item of urgent business.
- d) A point of clarification may be raised to understand the point in the process of debate on a motion or an amendment.
- e) Points of clarification may not be used to further debate of a motion, or air opinion beyond what is required to ask the question to provide clarification.
- f) Where a Councillor is determined by the Mayor to be:
 - i) intentionally mischievous and/or disruptive to the meeting by calling for frivolous or repetitive points of clarification;
 - ii) calling points of clarification as a means to further debate; or
 - iii) calling for points of clarification where the relevant information or response has already been provided,

the Councillor may be called to order and refused any further requests for clarification by the Mayor.

- g) The Mayor has the right to limit points of clarification and direct that debate be commenced or resumed.

58. Procedural motions

- a) Subject to sub-rule (b), a procedural motion may be moved at any time and must be dealt with immediately by the Mayor.
- b) A procedural motion must not be moved:
 - i) during the election of the Mayor, unless it is to adjourn a meeting; or

- ii) while any Councillor is speaking.
- c) A procedural motion cannot be moved:
 - i) by the Mayor; or
 - ii) by a Councillor or member who has moved, seconded or spoken on the motion or amendment to which the procedural motion relates.
- d) A procedural motion must be seconded.
- e) Unless otherwise provided, debate on a procedural motion is not permitted.
- f) Unless otherwise provided, a procedural motion cannot be amended.
- g) Table 1 (below) outlines common procedural motions and the methodology for each.

Table 1: Procedural Motions

Motion	Form	Mover/ Secunder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a Chair; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the motion now be put'	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a Chair.	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the agenda	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion. No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx is confidential as it relates to [insert reason]	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting continues to be open to the public	Yes
Reopen the meeting	'That the meeting be reopened to members of the public'	Any Councillor		The meeting is reopened to the public	The meeting remains closed to the public	No

59. Adjourning a matter

- a) A Councillor may move that the matter be adjourned.
- b) If a motion to adjourn a matter under this rule is passed the motion under consideration and any amendments proposed to that motion are adjourned.
- c) A motion under sub-rule (a) may specify that the matter be adjourned until a specific meeting or until a specific time or place.
- d) If a motion under sub-rule (a) does not state when debate will be resumed, it may be included on the agenda for another meeting:
 - i) if so resolved by Council; or
 - ii) at the discretion of the Chief Executive Officer.
- e) A motion under this rule may be debated but may only be amended in respect to the time and place when debate will be resumed.

60. Setting aside a motion

- a) A Councillor may move that the motion be NOT put.
- b) A motion under sub-rule (a) that relates to a motion:
 - i) if carried, prevents the motion from being dealt with and the meeting proceeds to the next matter; or
 - ii) if lost, allows debate on the motion to continue.
- c) A motion under sub-rule (a) that relates to an amendment:
 - i) if carried, prevents the amendment from being dealt with and the meeting proceeds with debate on the motion; or
 - ii) if lost, allows debate on the amendment to continue.
- d) A motion under this Rule 60 must not be debated.

61. Putting the motion

- a) A Councillor may move that the motion be now put.
- b) A motion under sub-rule (a):
 - i) if carried, requires the motion or amendment that is currently before the meeting to be voted upon immediately; or
 - ii) if lost, allows debate on the motion or amendment to continue.
- c) The Mayor may reject a motion to put the motion if the Mayor considers that the matter is contentious and has not been adequately debated.
- d) A motion under this Rule 61 must not be debated.

62. Adjourning a meeting

- a) A Councillor, including the Mayor, may move that the meeting be adjourned.

- b) A motion under sub-rule (a) may specify when the meeting will resume, which may be:
 - i) at a specific time, date and place;
 - ii) at the conclusion of another scheduled meeting; or
 - iii) at a time to be determined by the Chief Executive Officer.
- c) A motion to adjourn a meeting may be debated but may only be amended in respect to the time and place when a meeting will be resumed.

63. Suspension of standing orders

- a) Council may, by resolution, suspend standing orders for:
 - i) the purposes of enabling a full discussion of an issue; or
 - ii) any other reasonable purpose determined by the meeting.
- b) During a period when standing orders are suspended, no decision, motion or other formal proceeding may be allowed, other than:
 - i) the raising of a point of order; or
 - ii) a motion to resume standing orders.
- c) The minutes of a meeting do not have to include a detailed account of matters considered during a period when standing orders are suspended.
- d) The suspension of standing orders should not be used purely to dispense with the processes and protocol of Council. An appropriate motion is contained in Table 1.
- e) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion is contained in Table 1.

Part 6: Record Keeping

64. Keeping of minutes

- a) The Chief Executive Officer must ensure that minutes of Council meetings are kept.
- b) The minutes of a Council meeting must record:
 - i) the date, place, and time of a Council meeting;
 - ii) the names of Councillors and whether they are present, an apology, on leave of absence, or absent;
 - iii) the titles of the members of Council staff present who are not part of the gallery;
 - iv) the disclosures of conflicts of interest made by a Councillor and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed;
 - v) the arrivals and departures of Councillors during the course of the meeting, including at temporary departures or arrivals, including lost connections if attending electronically;
 - vi) every motion and amendment moved, including procedural motions;
 - vii) the outcome of any motion moved;
 - viii) where a division is called the names of every Councillor and the way their vote was cast – noting that under the Act abstaining is a vote against the motion;
 - ix) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any motion – noting that under the Act abstaining is a vote against the motion;
 - x) details of any failures to achieve or maintain a quorum;
 - xi) a summary of any question asked and the response provided as part of the public question time;
 - xii) details of any petitions made to Council but not the petition signatories;
 - xiii) details of any extraordinary circumstances regarding an unscheduled meeting;
 - xiv) the time the Council meeting was opened and closed, including any part of the Council meeting that was closed to members of the public; and
 - xv) any other matter, which the Chief Executive Officer or delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the minutes.
- c) The draft (unconfirmed) minutes of Council meetings, excluding those parts of meetings that are closed to the public, must be published on Council's website within five (5) business days after the relevant meeting.
- d) Minutes of any closed Council meetings should record the same information where appropriate, however these minutes remain confidential and are not made available on Council's website.

65. Confirmation of minutes

- a) The Chief Executive Officer must ensure that the draft (unconfirmed) minutes of Council

meetings, are submitted to the next scheduled Council meeting for confirmation.

- b) 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.
- c) If a Councillor is dissatisfied with the accuracy of the minutes, then the Councillor must propose a motion specifying the alternative wording to amend the minutes.
- d) Following confirmation, the confirmed minutes are to be displayed on Council's website.
- e) Council will confirm the minutes of any closed Council meeting at the next scheduled Council meeting, however these minutes will only be circulated to Councillors and not publicly available.

66. Other meeting records

- a) The Chief Executive Officer must ensure that a written record of the matters discussed at other specified meetings organised by Council, which involve Councillors and Council staff, will be kept.
- b) For the purposes of sub-rule (a) the specified meetings are as follows:
 - i) meetings of an advisory committee of Council, if at least one Councillor is present; or
 - ii) a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -
 - 1) the subject of a decision of Council; or
 - 2) subject to the exercise of a function, duty or power of Council that has been delegated to a person or committee

but does not include a meeting of Council, a delegated committee of Council, a meeting of the audit and risk committee, a club, association, peak body, political party or other organisation.

- c) For the purposes of sub-rule (a), the written record of meetings must include:
 - i) the names of attending Councillors, staff members and other persons;
 - ii) a short title of the matters discussed; and
 - iii) any conflicts of interest disclosed by Councillors or Council staff and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed.
- d) The Chief Executive Officer must ensure that the written record of meetings is, as soon as practicable, reported at a scheduled meeting of Council and incorporated in the minutes of that Council meeting.

67. Conflict of interest register

- a) Disclosures of conflicts of interest by Councillors in accordance with these Governance Rules will be captured in a conflict of interest register, a summary of which will be available on Council's website.
- b) Disclosures of conflicts of interest by Council staff in accordance with these Governance Rules will be captured in the Council staff conflict of interest register.

Part 7: Meetings under the auspice of a Council meeting

68. Disclosure of a conflict of interest at a meeting under the auspices of Council

- a) At a meeting under the auspices of Council that is not a meeting of Council, the Chief Executive Officer must ensure that a written record is kept of—
 - i) the names of all Councillors and members of Council staff attending;
 - ii) the matters considered;
 - iii) any conflict of interest disclosures made by a Councillor attending under sub-rule (c);
 - iv) whether a Councillor who has disclosed a conflict of interest as required by sub-rule (c) leaves the meeting.
- b) The Chief Executive Officer must ensure that the written record of a meeting held under this rule is, as soon as practicable—
 - i) reported at a meeting of Council; and
 - ii) incorporated in the minutes of that Council meeting.
- c) If a Councillor attending a meeting held under this Rule knows, or would reasonably be expected to know, that a matter being considered by the meeting is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest, the Councillor must, at the time set out in sub-rule (d), disclose to the meeting that they have a conflict of interest and leave the meeting whilst the matter is being considered by the meeting.
- d) A Councillor must disclose the conflict of interest either—
 - i) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
 - ii) if the Councillor realises that they have a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that they have a conflict of interest.
- e) A Councillor who makes a disclosure under sub-rule (c) or (d) must complete and submit a conflict of interest form.
- f) The Chief Executive Officer must—
 - i) keep written disclosures received under this Rule 68 in a secure place for 3 years after the date the Councillor who made the disclosure ceases to be a Councillor; and
 - ii) destroy the written disclosure when the 3-year period referred to in paragraph (i) has expired.

Part 8: Delegated Committees

69. Rules apply to Delegated Committees

- a) The Governance Rules will apply to delegated committee meetings:
 - i) with the exception of:
 - 1) Part 2: Election of the Mayor;
 - 2) Part 7 Meetings under the auspice of a Council meeting;
 - 3) Part 9: Community Asset Committee;
 - 4) Part 10: Joint Council Meetings;
 - 5) Part 12: Election Period Policy; and
 - ii) with any necessary modifications outlined in the terms of reference for the individual delegated committee
- b) For the purpose of sub-rule (a):
 - i) a Council meeting is to be read as a reference to a delegated committee meeting;
 - ii) a Councillor is to be read as a reference to a member of a delegated committee;
 - iii) a reference to the Mayor is to be read as a reference to the Chair of the delegated committee.
- c) Public notice will be given at least seven (7) days before a meeting of any delegated committee comprised entirely of Councillors.
- d) If a delegated committee is not comprised entirely of Councillors, the Chair must provide reasonable notice of a meeting of the delegated committee to the public.
- e) An agenda for a meeting of a delegated committee which is not comprised solely of Councillors must be prepared by or on behalf of the Chief Executive Officer and be provided to each member at least 48 hours before the meeting.
- f) A member of a delegated committee may give a notice of motion on any motion the member wants to be considered at a meeting of the delegated committee.
 - i) A notice of motion given by a member must be given in writing to the Chief Executive Officer in sufficient time for the Chief Executive Officer to include it in the agenda for the meeting at which it is proposed to be considered.
- g) At a delegated committee meeting, business that is not included in the agenda must not be considered unless the committee solely comprises all the elected Councillors, in which case sub-rules (a) and (b) apply.
- h) The approved minutes of a delegated committee that is not comprised of all Councillors must be submitted to the next practicable Council meeting.

Part 9: Community Asset Committees

70. Community Asset Committees

- a) A community asset committee established by Council under section 65 of the Act:
 - i) is not required to comply with these Governance Rules unless the committee is exercising delegated authority conferred by the Chief Executive Officer. In that event Rule 32 will apply concerning the disclosure of a conflict of interest, and a reference to a Councillor in Rule 32 is to be construed as a reference to a member of the community asset committee.
 - ii) is required to keep meeting minutes which must be submitted to the Chief Executive Officer following confirmation of the minutes at the next meeting; and
 - iii) must act in accordance with its Charter, any Instrument of Delegation and any Terms of Reference established by the Chief Executive Officer.

Part 10: Joint Council Meetings

71. Participate in Joint Council Meetings

- a) Council may resolve to participate in a Joint Council meeting to consider:
 - i) matters subject to discussion of any existing alliance;
 - ii) collaborative projects;
 - iii) collaborative procurement; or
 - iv) a collaborative response.
- b) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on Governance Rules with the participating Councils.
- c) Where the Macedon Ranges Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to chair the Joint Council meeting.
- d) A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- e) Consistent information will be provided to Councillors prior to any Joint Council meeting and every endeavor will be made by the Chief Executive Officer to facilitate a joint briefing.
- f) A joint briefing arranged in accordance with sub-rule (e) may be held electronically.

Part 11: Disclosure of Conflicts of Interest for Staff

72. Disclosure of a conflict of interest by a member of Council staff

- a) A member of Council staff who is providing information to:
- i) a meeting of Council, a delegated committee or a community asset committee; or
 - ii) another member of Council staff exercising a power of delegation or performing a statutory function –
- and who has a conflict of interest in a matter to which the information relates, must disclose the conflict of interest when providing the information and before the information is considered by the applicable meeting referred to in paragraph (i) or another member of staff referred to in paragraph (ii).
- b) A disclosure made by a person under sub-rule (a) must be recorded:
- i) in the minutes of the applicable meeting referred to in paragraph (a)(i);
 - ii) in a conflict of interest disclosure register maintained by the Chief Executive Officer; and
 - iii) if the information is provided to another member of Council staff, referred to in paragraph (a)(ii), in a conflict of interest disclosure register maintained by the Chief Executive Officer.
- c) A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must—
- i) not exercise the power or discharge the duty or function;
 - ii) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest to—
 - 1) the Mayor, in writing, as soon as they become aware of the conflict of interest in the matter; and
 - 2) Council by no later than the next meeting of the Council; and
 - iii) in the case of any other member of staff, disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as they become aware of the conflict of interest in the matter.
- d) The Chief Executive Officer does not have a conflict of interest in a matter if the matter only relates to—
- i) the adoption or amendment of a policy relating to Council staff generally;
 - ii) the adoption of a code of conduct for Council staff; or
 - iii) a decision to delegate a power, duty or function to a member of Council staff.

Part 12: Election Period (Caretaker) Policy

73. Election Period (Caretaker) Policy

- a) Council's Election Period (Caretaker) Policy adopted under section 69 of the Act is contained in Appendix 1.

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Revision and review history

Version control	Approved, Amended, Rescinded	Date effective	Approved by	Document Reference	Summary of Changes
		7/11/2019	Chief Executive Officer		Correct date of commencement of election period
		06/2020	Chief Executive Officer		Replace repealed provisions and terminology from the <i>Local Government Act 1989</i> and incorporate new provisions of <i>Local Government Act 2020</i>
	Approved	15/12/2022	Council	D22-122957	Minor updates as part of review of Governance Rules reflecting changes to the Local Government Act 2020 in force.

Introduction

The election period starts at the time that nominations close on nomination day; and ends at 6pm on election day.

1. Definitions

Term	Definition
Caretaker conventions	Arrangements implemented in the period prior to an election that aim to ensure Council actions do not interfere with the integrity of the election process and aim to protect the authority of the incoming Council.
Election day	Means the day of an election determined under section 257 or 260 of the <i>Local Government Act 2020</i> .
Election Manager	The Victorian Electoral Commission (VEC) or a person appointed in writing by the VEC.
Election period	The period that starts at the time that nominations close on nomination day and ends at 6pm on election day. This period is commonly referred to as the caretaker period.
Electoral material	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.
Electoral matter	<p>Matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition, electoral matter is to be taken to be matter intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on –</p> <ul style="list-style-type: none"> a) The election; or b) A candidate in the election; or c) An issue submitted to, or otherwise before, the voters in connection with the election.
Events and functions	Gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities and social occasions such as dinners, receptions and balls.
Prohibited decision	Any Council decision during the election period for a general election that— <ul style="list-style-type: none"> (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or (c) the Council considers could be reasonably deferred until the next Council is in place; or (d) the Council considers should not be made during an election period; and

	Any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
Publish	Includes publication on the internet.

2. Scope

This policy applies during an election period to cover:

- decisions that are made by Council, a committee having Council delegated power, or person acting under delegation by Council
- any material that is published by Council or on Council's behalf
- public consultation activities
- scheduling, attendance and participation in functions and events
- the use of Council resources
- access to Council information
- media services issues (including media advice, media releases / spokespersons) and publicity campaigns.

Any such decisions or actions, if allowed at all, must only be made or taken subject to the following principles.

3. Policy principles

This policy must be complied with during an election period, or such longer period as resolved by Council, if any of the following apply:

- a prohibited decision is being considered
- written material which has reference in it to a candidate (which includes sitting Councillors) or the election or an issue before the voters in connection with the election) is about to be published
- a Council publication is being created
- a public consultation process is being considered
- a sitting Councillor is planning to attend a function or event
- Council staff supply administrative or resource support to Councillors
- a Councillor requests access to Council information
- a sitting Councillor requests media advice or services.

4. Decisions during the election period

Council, a committee acting under delegation given by Council, or a person acting under delegation given by Council or the Chief Executive Officer, must not make a prohibited decision during the election period for a general election.

4.1 Prohibited decisions during election period

Section 69(2) of the Act requires that the election period policy prohibits Council making certain decisions during the election period for a general election. These are defined in clause 1 of this policy and are outlined further below in clauses 4.1.1 to 4.1.4.

Additionally, section 69(3) of the Act requires that the policy prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election. These matters are considered below in clauses 5-10 of this policy.

4.1.1 Decisions regarding appointment and remuneration of the Chief Executive Officer

Decisions that relate to the appointment or remuneration of the Chief Executive Officer will not be made during the election period for a general election.

4.1.2 Decisions regarding Council expenditure

Decisions that commit 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 will not be made during the election period for a general election.

4.1.3 Decisions that could be reasonably deferred until the next Council is in place

Decisions that could reasonably be deferred until the next Council is in place will be scheduled for determination by the incoming Council. In determining whether a decision could be reasonably deferred, consideration will be given to whether the matter under consideration is urgent and cannot be deferred without having a negative impact on Council, the municipality or the local community.

4.1.4 Decisions that should not be made during the election period

The following is a non-exhaustive list of decisions (whether made by Council, a delegated committee of Council or a staff member with delegated authority) that Council considers should not be made during the election period:

- allocation of community grants or other direct funding to community organisations
- allocation of discretionary funding
- major planning scheme amendments
- sale or discontinuance of roads
- sale or exchange of land
- leasing of land
- changes to strategic objectives and strategies in the Council Plan.

4.2 Scheduling of Decisions

Unless 'extraordinary circumstances' apply the CEO will ensure that the types of decisions outlined in 4.1.3 and 4.1.4 are either:

- considered by Council prior to the election period, or
- scheduled for determination by the incoming Council.

4.3 Planning decisions that can be made

During the election process, the normal processing of planning applications and planning scheme amendments may, subject to this policy, continue, so that Council can comply with statutory obligations in a timely manner.

4.4 Decisions by the CEO

In the case of a decision referred to the CEO for approval during the election period, in deciding whether to give approval, the CEO will have regard to a number of factors including:

- the urgency of the issue (that is, can it wait until after the election?)
- the possibility of financial repercussions if it is deferred
- whether the decision is likely to be controversial
- the best interests of Council
- Council's legislative responsibilities.

4.5 Announcement of decisions made prior to the election period

This policy applies only to the actual making of decisions, not the announcement of decisions which have been made prior to the election period. However, as far as practicable such announcements should be made before the election period begins.

4.6 Conduct of Council Meetings

The following adjustments will be made to the conduct of Council meetings during the election period:

- public question time will be suspended.
- Councillors will limit their discussion during debate to the topic under consideration and will avoid raising electoral matter where possible.
- Councillors will not raise items that contain or relate to electoral matter.
- no Officer Report shall be presented to Council during the election period unless it contains an express statement by the CEO that a decision on the matter would not constitute, in the CEO's opinion, a prohibited decision.

5. Council publications

5.1 Prohibition on publishing materials during the election period

Section 304(2) of the Act prohibits a Councillor or a member of Council staff using 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, 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.

Councillors are, however, able to publish campaign material on their own behalf and at their own cost, but must assume responsibility for compliance with the relevant sections of the Act and cannot purport for that material to be originating from, or authorised by Council (i.e. by use of Council logos).

The word 'publication' should be read broadly to include printed material, electronic information and web-based productions.

5.1.1 Publication approval process

The CEO will ensure that information is provided to Councillors, staff and contractors prior to the election period to preclude unauthorised publication of materials during an election period.

All advertisements, handbills, pamphlets or notices for printing, publication (including updates to Council's websites) or distribution during the election period will be approved by the CEO using the *Request for approval of publication* form (see sample form in Attachment 1) during the election period and the process for approval will be as follows:

- publication authors are to check that no electoral matter is included when preparing a publication and submit the completed publication to the Coordinator Governance for review
- the Coordinator Governance is to confirm that no electoral matter is included and return the publication to the author (if electoral matter is present) or submit it to the CEO for approval (if it complies with the requirements of the Act).
- the CEO is to approve or reject the publication and return it to the Coordinator Governance
- the Coordinator Governance is to maintain a register of all documents approved under this section.

5.2 Considerations of CEO 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 will not permit any materials to be published which include reference to the following:

- a candidate in the election

- a current Councillor
- the strengths or weaknesses of a candidate
- response to claims made by a candidate
- advocacy for, or criticism of, the policies of Council or of a candidate
- publicity for the achievements of the elected Council or Councillor
- an issue before the voters in connection with the election.

5.3 Council websites

During the election period Council websites will not contain material precluded by this policy under clause 5.2. Any references to the election will only relate to the election process. Information about Councillors will be restricted to names and contact details.

5.4 Social media

For the duration of the election period, administrator access to Council's social media channels will be restricted to the Communications Unit to ensure the risk of publishing material in breach of the policy is minimised. The CEO will determine any other processes and resourcing necessary to moderate social media in accordance with this policy.

5.5 Email usage

The CEO will ensure that information is provided to Councillors, staff and contractors prior to the election period to preclude unauthorised publication of materials via the Council email system during an election period. Such information will include support in recognition of material that may be defined as 'electoral material', such as described in clause 5.2, and instruction to ensure that material that may be considered pertinent to the election is not circulated more widely than normal without authorisation.

5.6 Annual Report

Should the publication date of the Annual Report occur during the election period, information about Councillors will be restricted to what is required by *the Local Government (Planning and Reporting) Regulations 2020* and membership of delegated committees and other bodies to which they have been appointed by Council.

5.7 Council publications

Any Council publication which is potentially affected by this policy will be reviewed by the Coordinator Governance, Manager Communications or the CEO to ensure that any circulated, displayed or otherwise publicly available material during the election period does not contain content that may be construed as electoral matter.

5.8 Council noticeboards and buildings

During the election period Council noticeboards and buildings will only be used for display of material that only contains information about the election process itself or information that would not reasonably be determined to be 'electoral material'.

6. Consultations

Public consultation of a limited kind normally associated with the routine administration of planning, building, traffic, or other matters will continue through the election period. However, significant community or ward-wide consultation on major strategy or policy issues will not occur, or if already commenced should be discontinued, during the election period.

Public consultations required by Section 223 of the *Local Government Act 1989* or by the *Planning and Environment Act 1987* may need to occur during the election period. If required, these processes will be conducted in accordance with the legislative requirements and Council's Community Engagement Policy.

7. Events and functions

Councillors are able to continue to attend meetings, events and functions during the election period which are relevant to Council and the community.

Council's annual program of events will continue during the election period but speeches will be limited to a short welcome, and should not contain any express or implied reference to the election. Any publicity will be mindful of the controls on electoral material outlined in these guidelines.

Councillors are able to attend events or functions conducted by external bodies during the election period, however when attending as a representative of Council Councillors must be mindful that they do not use that opportunity to promote their election campaigns.

8. Council resources

Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Council staff should avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes.

Staff, including support staff for the Mayor and Councillors, must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

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 Coordinator Governance or the CEO.

8.1 Council resources

Council resources, including Officer resources, support staff, hospitality services, equipment (including mobile telephones, computers and any other technology), email addresses, and stationery must be used exclusively for normal Council business during the election period, and must not be used in connection with an election.

8.2 Correspondence

Councillors will sign only the necessary minimum, if any, correspondence during the election period, (e.g. the Mayor cannot sign letters of congratulations during the election period). Consistent with current standard practice, correspondence addressed to Councillors that relates to operational matters will be referred to the relevant Director for response. Correspondence in respect to significant, sensitive or controversial matters, or to policy matters, should be signed by the CEO. Replies will be prepared in all cases to protect Council staff from any perception of electoral bias.

8.3 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 will only approve a partial reimbursement to cover Council activities.

8.4 Council branding and stationery

Council logos, letterheads, or other Council branding must not be used for, or linked in any way, to a candidate's election campaign.

8.5 Photographs and images

Photographs and images taken by or provided by Council are not to be used by Councillors for the purpose of electioneering or in support of their election campaign.

This applies equally to images on the Council website that may be able to be copied.

8.7 Forums

No local community forums, ward meetings or any other forums where matters affecting Council services, major projects, planning matters and issues with Shire-wide impacts will be held by Councillors during the election period.

9. Access to Council information

All candidates have equal rights to access public information relevant to their election campaign from the Council administration. Council information sought by candidates will be listed on Council's website. Candidates may seek, through the CEO, copies of the Council information listed on the website and provided to another candidate or candidates. 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.

9.1 Information and briefing material

Information and briefing material prepared or secured by staff for a Councillor during the election period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

9.2 Information requests from Councillors and candidates

The Coordinator Governance will maintain an Information Request Register during the election period. This Register is a public document and will record all requests for information by Councillors or candidates, and the response given to those requests. Staff will be required to provide details of requests and responses to the Coordinator Governance for inclusion in the register.

Any enquiries by staff regarding information requests or briefing material perceived to be of an electoral nature or related to election issues will be referred by staff in the first instance to the Coordinator Governance for a determination. The *Candidate Information request form* as approved by the CEO and available on Council's website (see sample form in Attachment 2), is to be completed for this purpose.

10. Media and media services

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.

10.1 Media advice

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

10.2 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 or the Manager Communications will determine the appropriate person.

10.3 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 or Manager Communications. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

10.4 Councillors

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

10.5 Council staff

During the election period no Council staff members may make any public statement that relates to an election issue unless statements have been approved by the CEO or Manager Communications.

11. Equity in assistance to candidates

All candidates for the Council election will be treated equally.

11.1 Candidate assistance and advice

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

11.2 Election process enquiries

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibilities of the Election Manager, to the Coordinator Governance.

11.3 Misuse of position

Using Council resources for campaigning may be a misuse of a Councillor's position under section 123 of the Act. Serious penalties are prescribed for any Councillor who intentionally or recklessly makes use of their position (or information obtained in the role of Councillor), to gain an advantage for themselves or for any other person.

12. Council staff member standing for election

In accordance with section 34(2)(d) of the Act, a person is not qualified to be a Councillor if they are a member of Council staff. However, staff members are not prevented from nominating as a candidate (s.256(8)).

In the event that a member of Council's staff stands for election as a Councillor, they are required to:

- take leave from their position to stand for election to the office of Councillor for the duration of the election period (with leave commencing, at the latest, from the time of nominating as a candidate);
- not perform any duties of their position for the duration of the election period; and
- if elected, resign from their position before taking the oath or affirmation of office.

13. Election signage

The content of election signage must meet the requirements for electoral material under section 291 of the Act. Council provides guidance in relation to the provisions which apply to signage that promotes candidates in an election or relates to election issues.

13.1 Election signs on private land

Election signs are allowed to be displayed on private land without a permit with permission from the owner of the land, subject to the following restrictions which are set out in clause 52.05-10 of the Macedon Ranges Planning Scheme:

- the advertisement area of the sign must not exceed 5 square metres
- only one sign may be displayed on the land
- the sign must not be animated or internally illuminated, and it must not be displayed longer than 14 days after the event is held or 3 months without a permit (whichever is sooner).

13.2 Election signs on public land and roads

The placement of election signs on land that is owned or managed by Council (including recreation reserves, halls, facilities, nature strips, median strips, and road reserves) is prohibited. The erection of such signs will be dealt with as a breach of Council's General Purposes and Amenity Local Law No.10.

In relation to roads and road infrastructure, penalties may also apply under section 66 of the *Road Management Act 2004*, which outlines the controls on advertising, signs and bills on roads and road infrastructure.

13.3 Election signs on vehicles and trailers

Portable or moveable election signs that are attached to a vehicle, trailer or similar may only be displayed if a permit is granted in accordance with Council's General Purposes and Amenity Law Local Law No. 10 and provided that:

- the sign does not unreasonably restrict the use of the road, or endanger the safety of members of the public; and
- the relevant parking restrictions and requirements are observed.

14. Notification and distribution of policy

A copy of this policy will:

- be given to each Councillor as soon as possible after it is adopted;
- be available for inspection by the public at the Council Customer Service Centres; and
- be published on Council's website.

Additionally, as soon as possible and no later than 30 days prior to the commencement of the election period, the CEO will ensure that all staff are informed of the requirements of this policy.

15. Suspension of matters during election period

In accordance with section 173 of the Act, any applications made, or proceedings before a Councillor Conduct Panel or the Victorian Civil and Administrative Tribunal regarding the misconduct or serious misconduct of a person who is a Councillor must be suspended during the election period.

If an application is made to a Councillor Conduct Panel for a finding of serious misconduct against a person who is a Councillor before a general election, and that person is not returned to the office of Councillor as a result of the general election, the application made against that person who was a Councillor before the election lapses.

If an application is made to a Councillor Conduct Panel for a finding of serious misconduct against a person who is a Councillor before a general election, and that person is returned to the office of Councillor as a result of the general election, the application made against the Councillor may resume, whether or not any applicant was returned to the office of Councillor as a result of the general election.

16. Monitoring, enforcement and amendment

The implementation of this policy shall be overseen by the Coordinator Governance.

Breaches of the policy shall be brought to the attention of the CEO without delay. Breaches of the policy sufficient to constitute a breach of the Act shall be referred to the Local Government Inspectorate.

The CEO has the discretion to introduce additional provisions to this policy where they believe the new provisions are necessary to support the achievement of its stated policy objectives.

Any changes made by the CEO will be reflected in an update to this policy and published on Council's website and a notification of this change will be sent to all Councillors and candidates.

Request for approval of publication during the election period

1 Author to complete

Document description (<i>attach document</i>):	
Intended distribution channel:	

I declare that this material contained in the attached document has been checked by me and to the best of my knowledge does not contain any electoral matter.

Name and title:	
Signature:	
Date:	

2 Coordinator Governance (or delegate) to complete

- I have reviewed the material contained in the attached document and have returned the document to the author as I am of the view it contains electoral matter.
- I have reviewed the material contained in the attached document and can advise that to the best of my knowledge it does not contain any electoral matter.

Name and title:	
Signature:	
Date:	

3 CEO to complete

- I have reviewed the material contained in the attached document and do not approve that it be printed, published or distributed during the election period on behalf of Macedon Ranges Shire Council.
- I approve that the attached advertisement, handbill, pamphlet or notice may be printed, published or distributed during the election period on behalf of Macedon Ranges Shire Council.

Name and title:	Chief Executive Officer
Signature:	
Date:	

Candidate information request form

1 Council officer to complete

Name of Councillor or candidate making the request:	
Date of request:	
Information requested (<i>attach documents if required</i>):	
Was information provided?	Yes <input type="checkbox"/> No (if no, go to 2) <input type="checkbox"/>
Date information provided:	
Information provided (<i>attach documents if required</i>):	

2 Submit to Coordinator Governance (or delegate) within 24 hours

3 Coordinator Governance (or delegate) to place on register